



Att.: Mrs María Isabel

By e-mail only

Email: ask+request-1789-a3732ef2@asktheeu.org

Copenhagen,

HB 43539

29 APR. 2015

Subject: Access to information request: Call for action to Spain regarding Wildlife traffic

Dear Mrs Magaña,

I refer to your messages of 27 February and 23 March 2015 (registered at the EEA under reference No HB 42654 and HB 43096 respectively) requesting access to the following information/documents in pursuance with the provisions of Regulation (EC) 1049/2001¹:

- (1) the different calls for action to Spain regarding the enforcement of laws on wildlife traffic since 2000;
- (2) documents analysing Spain's achievement of the CITES agreement and actions to stop wildlife traffic.

After examination of your request, I regret to inform you that no access can be granted. The reasons for this decision are set out below.

As you may know, the EEA produces reports on the state and trends of the environment in Europe in its attempt to improve the environment and move towards sustainability in Europe.

Please be aware that European environmental legislation is beyond the Agency's working remit. The EEA neither sets nor enforces environmental policies, and has no legal mandate for providing legal or technical assistance for legal complaints and no powers of investigation related to the allegations in your email.

The European Environment Agency (EEA) was not involved in any ways in any calls for action to Spain on the enforcement of laws on wildlife traffic and in any assessment of Spain's achievement of the CITES agreement and actions to stop wildlife traffic.

Therefore,

- (1) the EEA does not hold any information written, visual, aural or electronic on the topic of calls for action to Spain regarding the enforcement of laws on wildlife traffic since 2000;
- (2) the EEA didn't make any studies or assessment on Spain's achievement of the CITES agreement and actions to stop wildlife traffic;
- (3) the EEA does not hold any written comments on any call for actions to Spain regarding the enforcement of laws on wildlife traffic since 2000;

¹ Regulation of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145/43 of 31.5.2001).

- (4) the EEA does not hold any written comments on any documents analysing Spain's achievement of the CITES agreement and actions to stop wildlife traffic made by officials, technical experts or other consulted or engaged, by private companies or by any other person;
- (5) there has been no communication between the EEA and the services of the European Commission or between the EEA and private companies with interest in the CITES agreement and wildlife traffic or any other person, in which Spain's achievements and actions to stop wildlife traffic are discussed, since 2000.

I invite you to apply to the services of the European Commission from which you may obtain information relevant to your request. Relevant contact details can be viewed at:

http://ec.europa.eu/contact/members_en.htm

http://europa.eu/europedirect/index_en.htm

Under the Treaty on European Union, the European Commission is responsible for ensuring that Union law is correctly applied. Anyone may lodge a complaint with the Commission against a Member State about any measure, which is considered to be incompatible with Union law. However, to be admissible, a complaint has to relate to an infringement of Union law by a Member State.

Anyone who considers a measure (law, regulation or administrative action) or administrative practice to be incompatible with Union law is invited, before or at the same time as lodging a complaint with the Commission, to seek redress from the national administrative or judicial authorities (including the national or regional ombudsman and/or arbitration and conciliation procedures available). The Commission advises the prior use of such national means of redress, whether administrative, judicial or other, before lodging a complaint with the Commission, because of the advantages they may offer for complainants. Relevant contact links to European national authorities can be obtained at:

http://www.asser.nl/Default.aspx?site_id=7&level1=12222

At the following links, you can read more about European Commission infringement proceedings for non-compliance with Union law Principles.

Making a complaint:

http://ec.europa.eu/atwork/applying-eu-law/make_a_complaint_en.htm

The Directorate General for Environment is the branch of the European Commission responsible for European environmental policy and legislation. The homepage of the DG Environment is located at: <http://ec.europa.eu/environment>. You may also contact the DG Environment directly. Relevant contact details can be viewed at: http://ec.europa.eu/environment/contact/contact_en.htm.

Please be aware that you may avail yourself of the means of redress available against this decision. You may either bring proceedings before the General Court of file a

complaint to the European Ombudsman under the conditions specified in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

I hope you may find this information helpful and take the opportunity to thank you for your interest in the work of the EEA.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Bruyninckx', with a stylized, cursive flourish at the end.

Dr Hans Bruyninckx
Executive Director

