



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels  
SANTE.DDG2.F.7/AOC/MN

***By registered letter with  
acknowledgment of receipt***<sup>1</sup>

Kunal Solanky  
42 Wykeham Crescent  
OX4 3SB

***Advance copy by email:***  
Ask+request-8497-  
09e9d4ac@asktheeu.org

Dear Mr Solanky,

**Subject: Your application for access to documents – Ref GestDem No 2020/5163**

We refer to your email dated 1 September 2020 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number.

We also refer to our letter of 21 September 2020 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

### **1. Scope of your request**

On the basis of Regulation (EC) No 1049/2001<sup>2</sup>, you requested access to the following:

*In 2015, the FVO released an overview report of animal welfare at slaughter (Ref. Ares(2015)4056423 - 01/10/2015). In it the FVO outlined that, "Eight out of thirteen Member States audited received a recommendation to address failures to apply electric stunning parameters for poultry."*

*For these 8 member states what follow up action has been taken? Could you kindly provide me with any reports relating to this and any supporting evidence that indicates member state compliance?*

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<sup>1</sup> According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice. We would therefore appreciate if you could confirm receipt of the present e-mail.

<sup>2</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

## **2. Standard arrangements for the follow-up of audit recommendations**

Member States are requested to present action plans on how they intend to address any recommendations resulting from Commission audits. Verification of the completion of corrective actions is an integral part of the audit cycle. The results of these verification actions are published on the Commission's website.

The Commission's Annual Audit programme is prepared on a risk basis and is published on the Commission's website<sup>3</sup>.

The overview report "*to evaluate the official controls of animal welfare at slaughter, carried out in Member States in 2013-2015*" was published in October 2015<sup>4</sup>. Since the publication of the overview report, the audit programme has not included audits focusing on the verification of the compliance of Member States with EU rules in the area of electric stunning parameters for poultry.

## **3. Identification and assessment of the relevant documents**

We have identified 40 documents falling under the scope of your request, out of which:

- documents No 8, 10 to 12, 14, 15, 17 to 19, 21 to 23, 25, 26, 28, 29, 31 and 32 are publicly available on the Commissions' website,
- access is granted to documents No 1 to 7, 9, 13, 16, 20, 24, 27, 30 and 33 to 39, having expunged those elements not covered by your request ('out-of-scope'), and
- partial access is granted to document No 40, as its full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

The 2015 overview report indicates that "Eight out of thirteen Member States audited received a recommendation to address failures to apply electric stunning parameters for poultry." In fact, the reference in the report to eight Member States was incorrect. This should have read seven Member States. The Member States in question were Belgium, Czech Republic, Estonia, Spain, France, Italy and the UK.

In line with the follow-up arrangements set out above, the Commission services carried out verification actions to confirm that the seven Member States had taken corrective actions in response to the audit recommendations. As indicated above, the results of these verifications were published on the Commission's website.

The seven reports of the verifications of corrective actions may be disclosed in full.

In addition the individual audit reports, used as basis for the overview report, were published on the Commission's website and the respective links and the respective relevant recommendation are provided further down. The table also lists a further seven

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<sup>3</sup> [https://ec.europa.eu/food/audits\\_analysis/audit\\_programmes\\_en](https://ec.europa.eu/food/audits_analysis/audit_programmes_en)

<sup>4</sup> [https://ec.europa.eu/food/audits-analysis/overview\\_reports/details.cfm?rep\\_id=85](https://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=85)

documents (one per related member state) with the initial proposals of actions to address the relevant recommendations and the Commission's evaluation of the proposed actions.

Each of these documents was redacted to provide only the sections that were relevant to the scope of your request.

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf based on the [Commission Decision on the reuse of Commission documents](#). You may reuse the documents disclosed free of charge and for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

### **Belgium**

The recommendation of relevance for this request for information is Recommendation 4 of the report 2014-7059 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3432](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3432). The Belgian authorities' response, with proposed actions to address that recommendation, is also available online at the same address as above.

### **Czech Republic**

The recommendation of relevance for this request for information is Recommendation 7 in the audit report 2014-7060 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3380](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3380). The Czech authorities' initial and updated responses, with proposed actions to address that recommendation, are also available online at the same address.

### **Estonia**

The recommendation of relevance for this request for information is Recommendation 3 in the audit report 2013-6825 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3196](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3196). The Estonian authorities' initial and updated responses, with proposed actions to address that recommendation, are also available online at the same address.

### **France**

The recommendation of relevance for this request for information is Recommendation 7 in the audit report 2015-7427 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3490](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3490). The French authorities' initial and updated responses, with proposed actions to address that recommendation, are also available online at the same address.

### **Italy**

The recommendation of relevance for this request for information is Recommendation 8 in the audit report 2014-7075 which is available online at

[https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3347](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3347). The Italian authorities' initial and updated response, with proposed actions to address that recommendation, are also available online at the same address.

### **Spain**

The recommendation of relevance for this request for information is Recommendation 3 in the audit report 2014-7079 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3385](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3385). The Spanish authorities' response, with proposed actions to address that recommendation, is also available online at the same address.

### **UK**

The recommendation of relevance for this request for information is Recommendation 1 in the audit report 2014-7080 which is available online at [https://ec.europa.eu/food/audits-analysis/audit\\_reports/details.cfm?rep\\_id=3354](https://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3354). The UK authorities' response, with proposed actions to address that recommendation, is also available online at the same address.

## **4. Reasons for partial refusal**

### *Protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001*

With regard to the document No 40, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001, because it contains the following personal data:

- the names and contact details of other natural persons;
- other personal information relating to natural persons, such as job titles and functions.

In accordance with the above mentioned, partial access is granted to the documents, expunged of personal data.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

## 5. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Sandra Gallina

Enclosure:           Annex with the list of documents falling within the scope of the request