



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Crisis preparedness in food, animals and plants
Official controls

Brussels,
sante.ddg2.g.3/FA/nv(2021)1964493

Kunal Solanky
42 Wykeham Crescent
OX4 3SB

By email only:
[ask+request-8595-
e330d141@asktheeu.org](mailto:ask+request-8595-e330d141@asktheeu.org)

Dear Mr Solanky,

Subject: Your application for access to documents – Ref GestDem No 2020/5856

We refer to your email dated 30 September 2021 in which you make a request for access to documents, registered on 5 October 2021 under the above-mentioned reference number.

We further refer to our email dated 26 October 2021 extending the time limit for responding to your request pursuant to Article 7(3) of Regulation (EC) No 1049/2001¹.

1. Scope of your request

In your application, you request on the basis of Regulation (EC) No 1049/2001 access to:

“Art 139 of Regulation 2017/625 stipulates, "Member States shall lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 14 December 2019, notify those provisions to the Commission and shall notify it without delay of any subsequent amendment affecting them."

2. Identification and assessment of the documents

We have identified 73 documents falling under the scope of your request.

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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

Since documents 1 to 73 originate from third party, in accordance with Art. 4(4) of Regulation (EC) 1049/2001, the originators of the documents have been consulted in order to assess whether an exception established in Article 4 applies to these documents.

Having examined these documents under the provisions of Article 4 of Regulation (EC) No 1049/2001 and considered the opinion of the third party, we have come to the following conclusion:

- 13 documents, numbered 1, 2, 11 and 54 to 63 in the attached table can be partially disclosed as their 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.
- 60 documents, numbered 3 to 10 and 12 to 53 and 64 to 73 can be fully disclosed.

We enclose a copy of the documents.

Please note that documents no 1 to 73 originate from third parties. These documents 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

3. Reasons for partial disclosure

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001

With regard to the documents No 1, 2, 11 and 54 to 63 a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person, such as job titles or functions.

Article 9(1)(b) of the Data Protection Regulation² does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

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.

Consequently, we 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.

Therefore the documents listed above are disclosed redacted of the parts containing personal data and out of the scope of your request.

4. Means of redress

In case you would disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission

Secretariat-General

Unit C.1. 'Transparency, Document Management and Access to Documents'

BERL 7/076

B-1049 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)
Peter Bokor

Enclosure: List of documents and disclosed documents