Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 - GESTDEM 2019/2229

Dear [name],

I refer to your letter of 17 June 2019, registered on 18 June 2019, in which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter ‘Regulation (EC) No 1049/2001’).

I apologise for the delay in the handling of your request.

1. **Scope of Your Request**

In your initial application of 9 April 2019, addressed to the Directorate-General for Health and Food Safety, you requested access to the following documents in relation to the designation of the first and second European reference centres for animal welfare:

1) The list of the ‘National Competent Authorities’ invited by the European Commission to proceed to a preselection and submit applications, including their and their respective Member States’ names (namely, ‘parts 1 and 4’ of your request);

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2) The list of the ‘National Competent Authorities’ which have submitted an application, including their and their respective Member States’ names (namely, ‘parts 2 and 5’ of your request);

3) The relevant work programmes adopted by the European Commission in accordance with Article 36 of Regulation (EU) No 652/2014, including the objectives and priorities with which the annual or multiannual work programmes of the Centres must comply (namely, ‘parts 3 and 6’ of your request); and

4) The annual or multiannual work programme established by the Consortium led by Wageningen Livestock Research and also composed of Aarhus University and Friedrich-Loeffler-Institut, in accordance with the above-mentioned provision [in respect to the first centre] (namely, ‘part 7’ of your request).

In its initial reply of 11 June 2019, the Directorate-General for Health and Food Safety identified five relevant documents. More specifically, the Directorate-General for Health and Food Safety:

− granted full access to the already public Work Programme for the First European Centre of Animal Welfare, focusing on pigs for 2019-2020, of 14 December 2018 (the so-called ‘Work Programme for EURCAW-Pigs’) in respect to part 7 of your request;

− granted access the requested documents in respect to parts 1, 4 and 5 of your request subject to the sole redaction of personal data pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001; and

− explained that there was no relevant document, at the time of your request, in respect to part 2 of your application.

In your confirmatory application, you request a review of this position. You clarify that ‘none of the information that [you request] concerns natural persons’ and rather ‘concerns only legal persons’, as you are interested in the following information.

Accordingly, you reformulate your request regarding the designation of the first and second European reference centre for animal welfare, to circumscribe it to the following requested information:

− ‘number of received applications with indication from which Member State they come from’ (hereafter ‘point 1’ of your application);

− ‘name[s] of the National Competent Authorities who transmitted an application as well as the name of the Member State to which they belong’ (hereafter ‘point 2’ of your application); and

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4 Consisting respectively of the two lists of the National Competent Authorities to whom the European Commission sent an invitation to proceed to a preselection and the Report of opening of applications.
– ‘names of the applicants who submitted an application’ (hereafter ‘point 3’ of your application).

Moreover, you argue that as the time limit for applications regarding the second European reference centre was 23 April 2019, the requested information existed already at the time of the initial reply of Directorate-General for Health and Food Safety, namely 11 June 2019 and should have therefore been provided.

I note that in the meantime, the Directorate-General for Health and Food Safety issued a complementary reply on 8 July 2019, whereby it sent you the requested Report of opening of applications, which was not included in its initial reply of 11 June 2019 due to a clerical error.

2. **Assessment and Conclusions under Regulation (EC) No 1049/2001**

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Following this review undertaken as per the clarifications contained in your confirmatory application, I would like to confirm that, as far as the first European reference centre for animal welfare is concerned, all points of your application were fully covered by the Directorate-General for Health and Food Safety’s initial and complementary replies of 11 June 2019 and 8 July 2019.

Moreover, I would like to inform you that the second reference centre was recently designated. Regulation (EU) No 2019/1685, which contains the related information, is publicly available under the following Internet link: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1685&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1685&from=EN)

Furthermore, regarding more specifically points 1, 2 and 3 of your confirmatory application in respect to that centre, please find attached the underlying Report of Opening of Applications. This document is disclosed subject to the sole redaction of personal data, which you have, besides, expressly excluded from the scope of your confirmatory application.

As you will see, in this instance, the consortia leaders come from France and Sweden. Their respective applications were submitted by the ‘national competent authorities’ as

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8 Namely the names, surnames and handwritten signature of individuals.
9 Représentation permanente de la France auprès de l’Union Européenne / French Permanent Representation to the EU, 1000 Bruxelles.
10 Jordbruksverket, Jönköping, Sweden.
per the Call of the letter of [Redacted] addressed to the Permanent Representatives of and Chief Veterinary Officers of all EU Member States.\textsuperscript{11}

3. **Means of Redress**

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions provided respectively under Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

\begin{center}
CERTIFIED COPY
For the Secretary-General,
\end{center}

\begin{center}
EUROPEAN COMMISSION
\end{center}

For the Commission

Enclosure: (1)