



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION

The Director-General

Brussels,
TAXUD/GT/Svdv –
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(via e-mail and registered mail)

Dear Sir,

Subject: Your application for access to documents – Ref GestDem No 2021/4507

We refer to your e-mail dated 13 July 2021 in which you make a request for access to documents, registered under the above-mentioned reference number.

You ask for access to: *“All Customs Declaration Forms for goods/products identified by TARIC codes "20029091", "20029031", "20029011" where the country of dispatch/export is Italy and the country of destination is Canada, submitted between 01/01/2021 and the most recent data available at the time of your response. If for any reason, Customs Declaration Forms cannot be provided in their original format, I am open to receiving the information requested above in an alternative format as long as the following details are also included:*

- *Consignor/Exporter*
- *Consignee*
- *Commodity Code”*.

Having examined the requested documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by an exception to the right of access laid down in Article 4 of this Regulation.

You have mentioned that you seek for the details of consigner/exporter, consignee, commodity code mentioned in the Customs Declaration Forms. We cannot grant you access

to the requested data as it concerns personal data in accordance with article 4(1)(b) of Regulation (EC) No 1049/2001 .

Therefore, any data revealing the identity of the consignor and/or the consignee cannot be disclosed.

Disclosure of the documents cannot be granted on the basis of Article 4(1)(b) of Regulation (EC) No 1049/2001 which states that: "*Access to a document shall be refused if disclosure of the document would undermine the privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data*".

Furthermore, be informed that Article 55(3) of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 (laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code) is restricting the disclosure of data contained in customs declarations to aggregated form and only to authorised users¹.

We have considered whether partial access could be granted to the requested documents. However, partial access is not possible given the fact that this document is entirely covered by the exception under Regulation (EC) No 1049/2001 mentioned above.

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 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-signed)

Gerassimos THOMAS

¹ Article 55(3): The Commission shall only disclose the data referred in paragraph 1 provided by the customs authorities in aggregated form and only to users authorised in accordance with Article 56(2) of this Regulation.