



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Director General

Brussels,
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***By registered letter with
acknowledgement of receipt***

Mr Rodrigo Sanchez
c/o 86 Stirling Road
London, W3 8DJ
UNITED KINGDOM

Advance copy by email: ask+request-6100-376c637c@asktheeu.org

Dear Mr Sanchez,

Subject: Your application for access to documents – Ref GestDem No 2018/5903

We refer to your email dated 7 November 2018 in which you make a request for access to documents, registered on 9 November 2018 under the above-mentioned reference number.

1. Scope of your request

In your request, you asked on the basis of Regulation (EC) 1049/2001¹ access to:

"[1] For each of the following consignments of poultry meat sent to the EU from Brazil in 2018 (these reference numbers are lifted from the RASFF portal database for poultry meat and poultry meat products) and found to be contaminated with salmonella or other pathogens, the name of the company and / or meat plant that produced/supplied the poultry product: 2018.0050; 2018.0065; 2018.0081; 2018.0091; 2018.0093; 2018.0112; 2018.0113; 2018.0119; 2018.0121; 2018.0127; 2018.0156; 2018.0158; 2018.0160; 2018.0165; 2018.0184; 2018.0209; 2018.0249; 2018.0250; 2018.0251; 2018.0271; 2018.0274; 2018.0293; 2018.0313; 2018.0356; 2018.0360; 2018.0362; 2018.0366; 2018.0375; 2018.0460; 2018.0489; 2018.0490; 2018.0496; 2018.0501; 2018.0505; 2018.0519; 2018.0555; 2018.0567; 2018.0588; 2018.0656; 2018.0680; 2018.0842; 2018.0951; 2018.1112; 2018.1134; 2018.1304; 2018.1345; 2018.1422; 2018.1490; 2018.1555; 2018.1556; 2018.1834; 2018.2437; 2018.2834; 2018.2965; 2018.3024.

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

[2] *If this request exceeds permitted time, then please supply a summary response that just lists the different companies / meat plants found to have supplied poultry products contaminated with salmonella to the EU in 2018.*"

2. Identification and assessment of the documents

The Rapid Alert System for Food and Feed (RASFF) is a system for reporting food safety issues within the European Union. It enables information to be shared efficiently between its members (EU-28 national food safety authorities, Commission, EFSA, ESA, Norway, Liechtenstein, Iceland and Switzerland) and provides a round-the-clock service to ensure that urgent notifications are sent, received and responded to collectively and efficiently.

The RASFF features an interactive searchable online database that has also a public part, which gives public access to summary information about the most recently transmitted RASFF notifications as well as the ability to search for information on any notification issued in the past. The European Commission created the RASFF database to keep its information as transparent as possible to the consumers, business operators and authorities around the world. In doing so, however, it needs to strike a balance between openness and protection of information that could lead to disproportionate economic damage.

On the basis of the data you provided to us in your application, by means of a normal search function, we were able to extract two documents from the RASFF database.

Having examined these documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that they may only be partially disclosed as its full disclosure is prevented by the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

You will find in annex to this letter the above-listed documents redacted of the parts that cannot be disclosed as a result of the assessment carried out on their content on the basis of that Regulation.

You may reuse the documents requested free of charge 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 document.

Please note that the Commission does not assume liability stemming from the reuse.

3. Reasons for refusal

Protection of the commercial interests of a legal person – Article 4(2), first indent, of Regulation (EC) No 1049/2001.

The documents you request contain the names of economic operators, as well as sensitive commercial data including prices and trade flows for specific economic operators. Disclosure of the names of the operators is prevented by the exception to the right of access laid down in Article 4(2), first indent, of Regulation (EC) No 1049/2001. Disclosure of commercially sensitive business data, such as the names of the companies, the brand of the products and the information on distribution would undermine the protection of commercial interests of the concerned companies.

Purpose of inspections, investigations and audits – Article 4(2), third indent, of Regulation (EC) No 1049/2001

Moreover, the names of the companies and/or meat plant cannot be disclosed because its disclosure would undermine the purpose of the ongoing investigations and inspections between the involved members of the RASFF network.

4. Overriding public interest

The exceptions to the right of access provided for in Article 4(2) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested documents. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

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
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 5/282
B-1049 Brussels

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

Yours sincerely,



Anne Bucher