



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels,
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*By registered letter with
acknowledgment of receipt*

Lindsay Duncan
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United Kingdom

Advance copy by email:
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Dear Ms Duncan,

Subject: Your application for access to documents – Ref GestDem No 2019/4644

We refer to your email dated 9 August 2019 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 email dated 19 August 2019 (registered as Ares(2019)5459660) in which we invited you to clarify your application and to your reply, dated 3 September 2019 (registered as Ares(2019)5545983), which enabled us to handle your request.

We further refer to our email dated 24 September 2019 extending the time limit for responding to your request pursuant to Article 7(3) of Regulation (EC) No 1049/2001 (or “the Regulation”)¹.

1. Scope of your request

On the basis of Regulation (EC) No 1049/2001, you request access to:

‘The number of live non-domesticated animals imported to the UK from EU and non-EU states for the exotic pet trade in each of the past 5 years (2014, 2015, 2016, 2017, 2018), by country of origin and species (or lowest available taxonomic category), held on the Trade Control and Expert System (TRACES) database.’

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. Identification and assessment of the relevant documents

Based on the data you provided to us in your application, by means of a normal search function, we were able to extract a table from the TRACES database. You can find it in the enclosure to this letter.

Since the data extracted originate from Member States' authorities, the originators of the documents have been consulted, in accordance with Article 4(5) of Regulation (EC) No 1049/2001, to assess whether an exception under Article 4 of this Regulation is applicable to the documents resulting from the data extraction.

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

The above-mentioned extraction concerns the following Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden and United Kingdom. Data relating to Greece and Luxembourg have been removed from the concerned document as further explained in paragraph 3. Other Member States are not included because there was no data to retrieve in the TRACES database.

Please note that documents originating from third parties cannot be reused without the agreement of the originators, who hold a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such.

3. Reason for refusal

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

Your application concerns an extraction of certain data from the TRACES database, which contains data originating from Member States authorities regarding the number of live non-domesticated animals imported to the UK from EU and non-EU states for the exotic pet trade.

Please note that the authorities of the countries, of which the data have been removed did not respond to the consultation despite reminders, therefore our assessment regarding the disclosure of data coming from these countries could not take into account their opinions.

Having examined these documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinions of the Member States, our overall assessment is that the full disclosure of the data extracted from the TRACES database is prevented by the commercial interest exception laid down in Article 4(2), first indent, of Regulation (EC) No 1049/2001.

Disclosure of commercially sensitive business data would undermine the protection of commercial interests of the concerned companies, as the improper use of such information could adversely affect the commercial interests of operators and affect seriously the trade flows.

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 document. 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
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 sincerely,



Anne BUCHER

Enclosure: redacted data 2 GestDem 2019_4644.pdf