



Department
for Environment
Food & Rural Affairs

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Your ref:

Our ref: RFI 5715

Date: 9 October 2013

By email only to

Dear

REQUEST FOR INFORMATION: COMMUNICATIONS BETWEEN DEFRA AND SPECIFIED ORGANISATIONS RELATING TO NEONICOTINOIDS

Thank you for your request for information regarding communications between Defra and a number of organisations relating to the recent decision of the European Commission to restrict uses of neonicotinoid pesticide products. I received your request on 14 August 2013. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

You requested 'copies of all applicable communications between Defra and the following organisations (listed in alphabetical order) relating to the recent decision of the European Commission to restrict uses of neonicotinoid pesticide products':

- Bayer
- British Beekeepers Association
- Crop Protection Association
- National Farmers Union
- Syngenta

You explained that communications in this instance would include letters, emails and meeting details between the 1st June 2012 and the 13th August 2013, to and from Ministers, Special Advisors, Senior Civil Servants and Defra's (pesticide) policy officials, and the named organisations listed above in regard to the EU assessment and decision on neonicotinoids.

Firstly, I'd like to explain at the outset how we have interpreted your request for information. We have included:

- Communications that refer to the European Food Safety Authority's (EFSA) review (in the spring of 2012), and their subsequent conclusions on the risk assessment concerning the authorisation of the three main neonicotinoid insecticides, which led to the European Commission's consideration and subsequent decision;



- Handling briefing drafted by Defra's pesticide policy officials on behalf of Ministers or Defra's Senior Civil Servants prior to meetings with the said organisations.

We have excluded information that falls within scope of your request but would add nothing to your understanding of the matter, e.g. housekeeping emails such as meeting requests (where there are no details of issues to be discussed) and acknowledgements. We have also excluded some information within various documents that are out of scope of your request, i.e. they do not relate to the subject matter (neonicotinoids).

On this basis, we can confirm that Defra hold 37 documents that fall within the scope of your request. Following careful consideration, we have decided to disclose most of this information. We have withheld some information consisting of personal data relating to third parties, and references to junior Civil Servants, under regulations 12(3) and 13(1) (third party personal data) of the EIRs, which provide that personal data relating to third parties/junior Civil Servants is exempt information if disclosure would breach the Data Protection Act (DPA) 1998. In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosure. In this case, we consider that disclosure of this information would likely breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data, in two ways. First, disclosure would not constitute 'fair' processing of the personal data and, second, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 to the DPA. Therefore, we have concluded that this information is exempt from disclosure under regulation 12(3) and 13(1) of the EIRs.

I enclose copies of the information which we can disclose. A summary of the information that Defra holds (N.B. there are no communications between Defra and the Crop Protection Association) that falls within the scope of your request is at Annex C.

In addition, we can also confirm that there were 2 meetings between Ministers and/or senior Defra officials with organisations listed:

- On 19 March 2013, a meeting was convened between a Defra Special Advisor (Guy Robinson) and a representative of Syngenta which included 'discussions of bees or other pollinators or neonicotinoid insecticides'. No minutes or notes of the meeting were taken. We have withheld the name of the Syngenta representative as this consists of personal data (see the exceptions above).
- On 21 May 2013, the Parliamentary under Secretary, Lord de Mauley met the BBKA to discuss neonicotinoids and bee health research (see Annex C - Defra 5 & 6).

There were also two other communications between a Defra Special Advisor (Guy Robinson) and Syngenta officials. I have summarised the details of the communications below:

- 11 April 2013 – Phone call with a representative of Syngenta;
- 26 April 2013 – Phone call with a representative of Syngenta.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless

exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you. I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

Tel:

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under regulation 18 of the EIRs, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ANNEX C

BAYER CROPSCIENCE LTD

Doc Ref	Date	Document	Comments
Defra 1	25/06/13	Letter from Bayer to the Parliamentary under Secretary (PuS – Lord de Mauley) regarding the EU's decision to restrict neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 2	25/07/13	Letter from Defra's Neil Thornton (Director Food and Environmental Risk) to Bayer regarding a meeting to discuss neonicotinoid research.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 3	30/07/30	Letter Before Claim (LBC) from Sidley Austin LLP (acting on behalf of Bayer) to the Health and Safety Executive.	Disclosed in full. N.B. This correspondence is addressed to HSE, but as the LBC is regarding Defra Policy, it was subsequently forwarded to Treasury Solicitors (who act on Defra's behalf), therefore it is considered to be in scope of the request.
Defra 4	03/08/13*	Response from the PuS to Defra 1. * This letter is incorrectly dated 3 July 2013.	Partial disclosure - information consisting of personal data relating to third parties redacted.

THE BRITISH BEEKEEPING ASSOCIATION

Doc Ref	Date	Document	Comments
Defra 5	02/05/13	Email from BBKA to the PuS's Private Office regarding a meeting and topics to discuss on the proposed restrictions on neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted. Some other (non-neonicotinoid) information out of scope.
Defra 6	17/05/13	Briefing supplied (by Defra's Pesticide Policy team) for the PuS's meeting with the BBKA.	Partial disclosure - information consisting of personal data relating to third parties redacted. Some other (non-neonicotinoid) information out of scope.
Defra 7	12/06/13	Email from BBKA to the Minister of State for Agriculture and Food (David Heath) regarding BBKA's Winter Loss Survey in relation to neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 8	13/06/13	Letter from BBKA to the PuS regarding the neonicotinoid restrictions.	Partial disclosure - information consisting of personal data relating to third parties redacted. Some other (non-neonicotinoid) information out of scope.

Defra 9	15/07/13	Email response from Defra's Customer Contact Unit to Defra 7.	Partial disclosure - information consisting of personal data relating to third parties and Junior Civil Servants redacted.
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NATIONAL FARMERS UNION (NFU)

Doc Ref	Date	Document	Comments
Defra 10	15/06/12	Letter from the NFU to the Commission regarding the French Government's proposals to restrict use of neonicotinoid seed treatment.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 11	27/06/12	Response from the Minister of Natural Environment and Fisheries (MoNEF - Richard Benyon) to Defra 7.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 12	25/10/12	Letter from the NFU to the PuS regarding regulatory assessments relating to neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 13	27/11/12	Email exchange between the NFU and Defra's Pesticide Policy team regarding Defra's response to calls to examine the consequences of restricting neonicotinoids	Partial disclosure - information consisting of personal data relating to third parties and Junior Civil Servants redacted.
Defra 14	27/11/12	Response from the PuS to Defra 12.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 15	20/02/13	Letter from the NFU to the Secretary of State (SoS – Owen Paterson) regarding the Commission's proposals to ban the three main neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 16	25/02/13	Briefing supplied (by Defra's Pesticide Policy team) for the SoS's attendance at NFU conference.	Partial disclosure - name of Junior Civil Servant redacted.
Defra 17	17/04/13	Response from the SoS to Defra 15.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 18	25/04/13	Letter from the NFU to the SoS regarding neonicotinoid issues.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 19	03/06/13	Response from the SoS to Defra 18.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 20	06/06/13	Letter from the NFU to the SoS regarding the restrictions on neonicotinoids, and the Chemicals Regulation Directorate.	Partial disclosure - information consisting of personal data relating to third parties redacted.

Defra 21	21/06/13	Brief supplied (by Defra's Pesticide Policy team) for the Prime Minister's meeting with local NFU officials on neonicotinoids.	Full disclosure.
Defra 22	02/08/13	Response from the SoS to Defra 20.	Partial disclosure - information consisting of personal data relating to third parties redacted.

SYNGENTA CROP PROTECTION UK LTD

Doc Ref	Date	Document	Comments
Defra 23	14/06/12	Letter and Email from Syngenta to the former Minister of State (MoS James Paice) regarding the French decision to restrict the use of 'Cruiser OSR'.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 24	22/06/12	Response from Defra's Customer Contact Unit to Defra 23.	Partial disclosure - information consisting of personal data relating to third parties and Junior Civil Servants redacted.
Defra 25	10/07/12	Email and Letters from Syngenta to the former MoS regarding the French decision to restrict the use of 'Cruiser OSR'.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 26	25/07/12	Response from the MoNEF to Defra 25.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 27	20/12/12	Letter from Syngenta to the SoS regarding EFSA's review of neonicotinoid seed treatments	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 28	24/01/13	Email and Letter from Syngenta to the SoS on EFSA's review.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 29	18/02/13	Email and letter from Syngenta regarding EFSA's conclusions on pesticide risk to bees.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 30	22/03/13	Response from the PuS to Defra 28.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 31	28/03/13	Brief supplied (by Defra's Pesticide Policy team) for the Minister State for Universities and Science (David Willets) meeting with Syngenta on neonicotinoids.	Full disclosure.

Defra 32	12/04/13	Letter from Syngenta to the SoS regarding EFSA's Review prior to consideration by the Appeals Committee	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 33	13/04/13	Email and letter from Syngenta to Guy Robinson (Defra Special Advisor) regarding the EU decision on neonicotinoids.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 34	23/04/13	Response from the SoS to Defra 32.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 35	25/04/13	Email from Syngenta to Guy Robinson regarding neonicotinoids and the Appeals Committee.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 36	25/07/13	Letter from Defra's Neil Thornton (Director Food and Environmental Risk) to Syngenta regarding a meeting to discuss neonicotinoid research.	Partial disclosure - information consisting of personal data relating to third parties redacted.
Defra 37	02/08/13	Response from Syngenta to Defra 36.	Partial disclosure - information consisting of personal data relating to third parties redacted.