



Department  
for Environment  
Food & Rural Affairs

T: 08459 33 55 77  
helpline@defra.gsi.gov.uk  
[www.gov.uk/defra](http://www.gov.uk/defra)

**Your ref:**

**Our ref:** RFI 5558

**Date:** 1 August 2013

**By email only to**

Dear

**REQUEST FOR INFORMATION: COMMUNICATIONS BETWEEN DEFRA AND SPECIFIED NON-GOVERNMENT ORGANISATIONS (NGO's) RELATING TO THE EUROPEAN COMMISSION'S DECISION TO RESTRICT USES OF NEONICOTINOID PESTICIDE PRODUCTS**

Thank you for your request for information regarding communications between Defra and a number of NGO's relating to the recent decision of the European Commission to restrict uses of neonicotinoid pesticide products.

I received your initial request for information on 6 June 2013, made under the Freedom of Information Act 2005, for 'copies of all applicable communications between Defra and the following organisations relating to the recent decision of the European Commission to restrict uses of neonicotinoid pesticide products':

- Avaaz
- Buglife
- Friends of the Earth
- Greenpeace
- Pesticide Action Network UK
- RSPB
- Soil Association

You subsequently clarified in your email of 12 June 2013 that your request included communications between 1<sup>st</sup> June 2012 and 12<sup>th</sup> June 2013. You also explained that 'applicable communications' included letters, emails and meeting details, 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 would like to confirm that we are handling your request under the Environmental Information Regulations 2004 (EIRs). The EIRs apply to requests for environmental



information, which is a broad category of information defined in Regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Secondly, 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 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 the scope of your request but would add nothing to your understanding of the matter, e.g. housekeeping emails, such as meeting requests and acknowledgements.

On this basis, we can confirm that Defra hold 19 documents that fall within the scope of your request. Following careful consideration, we have decided to disclose most of this information to you. 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. I enclose copies of the information which we can disclose. A summary of the information that Defra holds that falls within the scope of your requests is at Annex C.

You should note that some of the information that you have requested has previously been copied to \_\_\_\_\_, or is already in the public domain. I have provided further details on these within Annex C. As the information you have requested is already publicly available and easily accessible to you in another form or format, regulation 6(1) (b) of the EIRs exempts Defra from providing a copy in response to your request.

We can also confirm that there were four meetings (summarised at Annex D) between Ministers and/or senior Defra officials with organisations listed within your request.

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](http://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

Pesticides Policy  
Chemicals and Emerging Technologies  
Department for Environment, Food and Rural Affairs  
Room 301, Foss House  
1-2 Peasholme Green, Kings Pool  
York, YO1 7PX

## 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.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

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 section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, 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](mailto: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

Doc Ref	Date	Document	Comments
Defra 1	18/06/12	Letter from Defra's former Chief Scientific Advisor (CSA - Professor Sir Bob Watson) to Buglife regarding neonicotinoid insecticides.	This is a draft version (the final version was not retained by Defra but no alterations were made). Partial disclosure – 3 <sup>rd</sup> party details redacted.
Defra 2	09/10/12	Briefing (drafted by Defra Pesticide Policy officials) for the new CSA, Professor Ian Boyd's meeting with PAN UK regarding neonicotinoid insecticides.	Partial disclosure – sub-paragraph B (background information on PAN UK redacted - out of scope).
Defra 3a	12/11/12	Email from PAN UK to the CSA (addressed to the CSA's Personal Secretary) entitled 'Bee-toxic pesticides and pollinator declines'. PAN UK's email contains three attachments;	Partial disclosure – Names of junior Civil Servants redacted (exempt as personal data).
Defra 3b		PAN UK comments on the Defra Statement of 13 <sup>th</sup> September 2012 'Neonicotinoid insecticides and bees'.	Disclosed in full.
Defra 3c		PAN UK response to the Defra public consultation on the UK National Action Plan.	Document withheld (already in the public domain within the Defra Library <sup>1</sup> ).
Defra 3d		PAN UK written submission to the Environment Audit Committee.	Document withheld (already in the public domain on the UK Parliament website <sup>2</sup> ).
Defra 4	03/12/12	Letter from Treasury Solicitors (TSol - acting on Defra's behalf) to Buglife regarding their pre-action protocol letter and claim regarding neonicotinoid insecticides and bees.	Document withheld (TSol copied this letter to – ).
Defra 5	30/01/13	Letter from Avaaz.org to David Heath (Minister of State for Agriculture and Food) and their petition to support a European ban on neonicotinoids.	Disclosed in Full.
Defra 6	07/02/13	Letter from PAN UK and another NGO to Owen Patterson (Secretary of State) requesting UK support to the proposed EU ban on neonicotinoids.	Partial disclosure – (the other contributor is not in scope; 3 <sup>rd</sup> party details redacted).

<sup>1</sup> Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London, SW1P 3JR (Email: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)).

<sup>2</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvaud/668/668.pdf>.

Defra 7	15/02/13	Buglife letter to TSol regarding proposed judicial review claim.	Partial disclosure – Name of junior Civil Servant redacted (exempt as personal data).
Defra 8	20/02/13	Letter from Buglife (on behalf of a number of other NGO's) to Owen Paterson urging the Government to support the Commission's proposed restrictions on neonicotinoids at the Standing Committee.	Partial disclosure – (some NGO's are not in scope; 3 <sup>rd</sup> party details redacted).
Defra 9	04/03/13 & 20/03/13	Email exchange between Friends of the Earth (FoE) and Defra's Pesticide Policy team regarding the use of neonicotinoids on the Government estate.	Partial disclosure – Names of junior Civil Servants redacted (exempt as personal data). House-keeping emails redacted.
Defra 10	11/03/13 & 15/11/13	Email exchange between Avaaz and Defra Special Advisors (SpAds) regarding the Avaaz campaign.	Partial disclosure - house keeping emails out of scope. Some 3 <sup>rd</sup> party names redacted.
Defra 11	19/03/13	Lord de Mauley's meeting with FoE regarding bees and pollinator health. Although not specifically arranged to discuss neonicotinoids, the Q&A prepared for the meeting is within scope.	Disclosed in full.
Defra 12	26/03/13	Lord de Mauley's response to PAN UK's letter (see Defra 6) concerning the UK's support to the proposed EU ban on neonicotinoids.	Partial disclosure – (one of the contributors not in scope; 3 <sup>rd</sup> party details redacted).
Defra 13	27/03/13	Owen Paterson's reply to Buglife letter (Defra 8) on the Government's response to the Commission's proposals to restrict neonicotinoids at the Standing Committee.	Disclosed in full.
Defra 14	02/04/13 to 26/04/13	Email exchange between the Soil Association and the CSA entitled 'Neonicotinoids, field and lab studies and peer review'. One of the messages from the Soil Association contained an attachment:	Partial disclosure – Names of junior Civil Servants redacted (exempt as personal data).
Defra 14a		Financial Times Article.	Disclosed in full.
Defra 15	04/04/13	Email exchange between the CSA and FoE regarding the bees and Neonicotinoids meeting (of 3 <sup>rd</sup> April).	Partial disclosure – (one of the copy recipients not in scope; 3 <sup>rd</sup> party details redacted). Names of junior Civil Servants redacted.
Defra 16	14/04/13	Lord de Mauley response to Avaaz letter (Defra 5) regarding the European ban on neonicotinoids.	Disclosed in full.
Defra 17	19/04/13	Letter from the RSPB to Lord de Mauley on Neonicotinoid Insecticides. N.B. Defra's reply is out of scope as it does not refer to neonicotinoids.	Disclosed in full.

Defra 18	25/04/13	Email from Avaaz to Defra SpAds regarding a march of beekeepers and a number of NGO's.	Partial disclosure – Names of junior Civil Servants redacted (exempt as personal data). Some NGO's are out of scope (3 <sup>rd</sup> party data)
Defra 19	10/05/13	Letter from FoE to Lord de Mauley regarding the National Bee Action Plan and Neonicotinoid insecticides. N.B. Defra's reply is out of scope as it does not refer to neonicotinoids.	Although some information is out of scope, we've agreed to full disclosure.

## ANNEX D

Meeting No'	Date	Attendees	Summary/Comments
1	10/10/12	Defra's Chief Scientific Advisor, Professor Ian Boyd/PAN UK	See 'Defra 2'.
2	18/01/13	Richard Benyon (the Parliamentary Under-Secretary for Natural Environment, Water and Rural Affairs), and Buglife	The meeting discussed neonicotinoids and EFSA's report that three of the main neonicotinoids posed an unacceptable risk to pollinators. N.B. the meeting notes are not in scope (they were drafted for internal use only and were not copied to Buglife).
3	17/03/13	Lord de Mauley (Parliamentary Under-Secretary for Resource Management) and Friends of the Earth.	The meeting discussed the FoE's 'Bee Cause' campaign calling for a Bee Action Plan, and pollinators in general. The meeting did not discuss the Commission's proposals, but the Q&A brief is in scope (see Defra 11).
4	03/04/13	Lord de Mauley and the CSA meeting with FoE, Buglife, PAN UK, Avaaz and another NGO.	See Defra 15.