



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 6824
24 October 2014

Dear

REQUEST FOR INFORMATION: EC Habitats Directive and Atlantic salmon

Thank you for your request for information about EC Habitats Directive and Atlantic salmon which we received on Friday 15 August 2014. I apologise for the delay in replying to your request. It is not our usual practice to take longer than the time allowed for response in the relevant legislation and I am sorry that on this occasion we have not been able to meet our usual standards. It has taken some time to gather the relevant information together and ensure you have a full and accurate response to your request.

We have handled 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).

I enclose a copy of the information which can be disclosed:

Originator	Documents for Release
EU Commission	EU Pilot case 2094 of 16 June 2011
Scottish Government	Scottish Government response to pilot case 2094 of 24 August 2011
Defra	Agreed 'lines to take' for 2012 Package Meeting -pilot case 2094/11/ENVI- Draft
Defra	Agreed 'lines to take' for 2012 Package Meeting -pilot case 2094/11/ENVI
EU Commission	Commission further information request regarding pilot case 2094/11/ENVI
EU Commission	Commission 'full complaint' document for pilot case 2094/11/ENVI
Defra	Package Meeting briefing of 24 January 2012 for EU pilot 2094/11/ENVI
EU Commission	Commission package meeting minute



INVESTORS
IN PEOPLE

Scottish Government	Scottish Government response to FOI – 2013
Defra and other Government Departments	Email correspondence ranging from 19 December 2011 to 13 January 2012

Following careful consideration we have decided to withhold one draft document as it falls under Regulation 12(4)(d) – Unfinished Documents or Incomplete Data. We have withheld this document as it was a 'work in progress' report. However, we have attached the final version of this document as '*Package Meeting briefing of 24 January 2012 for EU pilot 2094/11/ENVI*'.

In applying this exception we have had to balance the public interest in maintaining the exception against the public interest in disclosure.

We recognise that there is a strong public interest in disclosure of information concerning the EC Habitats Directive and Atlantic salmon. It is a high profile issue, which involves both the health of wild salmon which could have an implication for the food chain, as well as the impact any decisions may have on the natural habitat and conservation of the overall eco-system. It is therefore of great importance that the Department is open and transparent in the way that this policy is handled so that the public can have confidence that decisions are being taken within statutory and policy boundaries. It is also important that the public are kept informed of the development and implementation of this policy, so that they can be aware of the way that Defra works and so that members of the public can form part of the wider debate (a key purpose of the EIRs). Releasing draft documents in relation to the EC Habitats Directive and Atlantic salmon may also assist public understanding of the workings of government and could facilitate the accountability and transparency of Government decisions.

On the other hand, there is a strong public interest in maintaining the exception, to maintain a 'safe space' in which officials may communicate confidentially. Defra officials need to be able to consider a full range of options when addressing issues raised by the European Commission. Disclosing such draft responses could inhibit the ability of officials to exchange views, sensitive information and advice in future which could have a detrimental effect on the conduct of Government business. There is a strong public interest in withholding this information because disclosure of the incomplete and potentially incorrect information would likely mislead readers. In this case, disclosure of this draft document could lead to the policy intentions being misunderstood, which could cause confusion or misrepresent Government policy. Therefore, disclosure would not be in the public interest.

Therefore, taking into account the presumption in favour of disclosure under regulation 12(2) of the EIRs, we have concluded that, in all the circumstances of the case, the information should be withheld.

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 the address below.

Yours sincerely,

Defra FOIA and EIRs Team
InformationRequests@defra.gsi.gov.uk

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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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) 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