



Rural Payments Agency

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16 October 2017
Ref: RFI 4612

Dear [REDACTED]

Re: Freedom of Information Act 2000 – Information Request

Thank you for your request for information dated 18 September 2017, which we have dealt with under the Freedom of Information Act 2000 (FOI).

You have asked for information relating to the RPA's olive oil testing programme carried out in 2015 and 2016.

The RPA can confirm that it holds some of the information you requested. Please find our response set out below which includes those points listed in your request.

▪ The types of each oil tested and their country of origin

The types of oil tested were:

- extra virgin/virgin olive oil
- olive oil composed of refined olive oils and virgin olive oils
- olive pomace oil

Details of the countries of origin of virgin and extra virgin olive oils that were sampled can be found in the Annex to a published response to a previous request for information about olive oil testing via the link below:

<https://www.gov.uk/government/publications/request-for-information-under-freedom-of-information-foi-concerning-the-rpas-olive-oil-testing-programme-21-august-2017>

Article 4 of Commission Implementing Regulation 29/2012 requires the labelling of extra virgin and virgin olive oils to show a designation of origin (reference to a geographical area). But it also asserts that the labelling of 'olive oil composed of refined olive oils and virgin olive oils' and 'olive-pomace oil' must not show a designation of origin. Therefore the origin of the latter two types of oils when these are sampled at retailers are not held.

▪ The parameters of the test(s) and the reasons for each failure

The parameters of the tests can be found in the test report templates attached.

Note that the failure rate should not be considered representative of the UK market as a whole because the sample selection was based on assessment of risk. (Factors considered in making the selection are the turnover of operations in terms of volume; the position and geographical location of operators in the marketing chain; previous non-compliance by any particular trader; and intelligence or previous history indicating an increased risk against a particular source such as a producer, region or country).

Calendar year	Number of samples			
	Not compliant with one or more chemical and organoleptic parameters	Not compliant with one or more chemical parameters only	Not compliant with one or more organoleptic parameters only	Total (not compliant with one or more chemical or organoleptic parameters)
2015	6	5	7	18
2016	7	9	9	25
Total	13	14	16	43

- **The name of the organisation(s) that carried out the testing**

Primary analysis was conducted through the RPA's contract with Campden BRI. Some chemical testing was sub-contracted to Chemi-Service in Bari, Italy. Requests for chemical counter-analysis were handled via the RPA's contract with Eurofins. All organoleptic testing was sub-contracted to panels recognised by the International Olive Council.

- **The dates of each test**

RPA holds data on the following:

- date each sample was taken
- the date of receipt at the laboratory
- the date by which all tests were completed
- the date of receipt of each laboratory report.

Each sample undergoes a suite of tests between the date of receipt at the laboratory and the date by which all tests were completed. We do not have ready access to the precise date of each individual test. Therefore this information is not held.

- **The names of each product that passed the testing – and the name of its supplier**
- **The name of each product that failed the testing – and the name of its supplier**
- **The name of each retailer found to have been providing sub-quality olive oil**

Any traders that do not meet the requirements of the regulations in terms of quality, labelling or record-keeping are issued with a Compliance Notice. Failure to comply with a Compliance

Notice is an offence under the Olive Oil (Marketing Standards) Regulations 2014 (Statutory Instrument 2014 No. 195).

To avoid impeding the control process or placing traders at an unfair disadvantage it would not be appropriate to disclose details of products or brands that may be subject to further investigation or where remedial action is ongoing or has taken place.

Therefore the RPA can advise that we are unable to provide details of brands as stated above, as this information is considered commercial in confidence and we are satisfied that the disclosure of this information would damage the commercial interests of the persons concerned. Section 43(2) of the FOI provides an exemption to the right to know if the release of the information is likely to prejudice the commercial interests of any person (a person may be an individual, a company, the public authority itself or any other legal entity).

When considering refusal of a request under section 43(2) FOI we are required to carry out a Public Interest Test. This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information. We must also take into account that under FOI there is a presumption towards disclosure of the information.

We recognise that there is a public interest in information about the activities of regulatory bodies as it is in the public interest to facilitate the accountability and transparency of public authorities for decisions taken by them, and for their spending of public money. Such transparency assists individuals in understanding decisions made by public authorities affecting their lives and, in some cases, in challenging those decisions.

Conversely, there is a strong public interest in refusing disclosure of such information that could allow potential competitors to gain access to a company's commercial information, or the potential to cause a prejudicial impact on the commercial interests of a company, and/or the potential to disadvantage the company's profits. Disclosure also has the potential to infringe the RPA's ability to manage the program effectively and maintain a private thinking space within which officials can discuss and ensures a safe space for officials to debate and reach decisions.

Therefore, we believe there is no valid justification for release and the RPA would not want to place commercially sensitive information in the public domain which would cause harm to the legitimate economic interests of a company.

In this instance, it is our view that the public interest in disclosing the information is outweighed by the public interest in withholding it.

If you are not happy with the way we have handled your request, you can ask for an internal review. These requests should be submitted in writing within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights Team at the Rural Payments Agency, North Gate House, 21-23 Valpy Street, Reading, RG1 1AF or alternatively email your request for a review to irt@rpa.gsi.gov.uk.

If you are not content with the outcome of the internal review, you have 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 RPA's own complaints

procedure. The Information Commissioner can be contacted at: [Information Commissioner's Office](#), Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

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