



Department
for Environment
Food & Rural Affairs

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Our ref: RFI 7660

21 September 2015

Dear [REDACTED]

REQUEST FOR INFORMATION: NEONICOTINOID INSECTICIDES

Thank you for your request for information, which we received on 24 July 2015, requesting:

- (i) the NFU's second application to use neonicotinoid pesticides;
- (ii) the minutes from the Advisory Committee on Pesticides regarding this application; and
- (iii) the minutes from the Advisory Committee on Releases to the Environment regarding this application.

As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs).

Following careful consideration, we have decided to disclose some of this information. Relating to (i) the NFU's second application to use neonicotinoid pesticides we enclose a copy of the information which can be disclosed:

- Application Form 'CRD3' for an extension of authorisation for a minor use of a plant protection product (for 'Cruiser OSR');
- Application Form 'CRD3' for an extension of authorisation for a minor use of a plant protection product (for 'Modesto');
- Covering letter from the NFU for the application forms submitted to the Chemicals Regulation Directorate of the Health and Safety Executive; and
- Further information on the case for emergency approval of neonicotinoid-based seed treatments.

Please note however we have withheld all personal details under regulation 12(3) read in conjunction with regulations 13(1) and 13(2)(a)(i) of the EIRs, as the information constitutes personal data relating to persons other than you. These regulations provide



that personal data relating to other persons is exempt information if disclosure would breach any of the data protection principles in the Data Protection Act 1998 (DPA). We consider that disclosure of this information is likely to breach the first data protection principle in Schedule 1 to the DPA, which relates to the fair and lawful processing of personal data.

Please also note that we have been asked to point out by the Agriculture and Horticulture Development Board (who provided some of the information in support of the NFU's application), that within Appendix 5 (page 14) of the further information and evidence document, the NFU have referred to 'HGCA Crop Monitor'. Crop Monitor is in fact run by Fera; Home Grown Cereals Authority (HGCA) used to contribute funding into it but this ended in Dec 2013. It was never called "HGCA Crop Monitor" though and it is referred to correctly in the table on page 11.

With regard to part (ii) of your request for the minutes from the Advisory Committee on Pesticides (ACP) regarding this application (please note that the ACP was abolished and replaced by the independent UK Expert Committee on Pesticides (ECP) in March); the information that you have requested is available from the Health and Safety Executive (HSE) website in the form of the [summary minutes](#) (held on 7 July 2015). Under our duty to advise and assist applicants in pursuance of Regulation 9 of the EIRs, you may also be interested to see the ECP's [Advice to Ministers](#). Please also note that in accordance with ECP standard procedures, the detailed record of the July meeting will be published shortly after the next meeting (scheduled to convene on 22 September 2015), so you may wish to view these details on HSE's website at that point.

As the information that 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.

Finally, with regard to part (iii) of your request for the minutes from the Advisory Committee on Releases to the Environment (ACRE) concerning this application, ACRE gives statutory advice to Ministers on the risks to human health and the environment from the release of genetically modified organisms (GMOs). ACRE does not provide advice on pesticides; therefore this information is not held and is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received.

Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. Although the Information Commissioner, who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](#), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

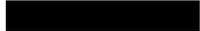
I attach Annex A, which explains the copyright that applies to the information being released to you.

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,

A large black rectangular redaction box covering the signature area.


Defra FOIA and EIRs Team
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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 regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [REDACTED] Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: InformationRequests@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