



Department
for Environment
Food & Rural Affairs

Area 4A, Nobel House
17 Smith Square
London
SW1P 3JR

T: 03459 33 55 77
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Margherita Tolotto
European Environmental Bureau
Boulevard de Waterloo 34, B-1000
Brussels, Belgium

Our ref: RFI 9781
21 March 2018

By email: margherita.tolotto@eeb.org

Dear Ms Tolotto

REQUEST FOR INFORMATION: Information submitted to the European Commission following Ministerial meeting on air quality in Brussels on 30 January 2018

Thank you for your request for information, which we received on 22 February 2018, about information submitted by the UK to the European Commission following the Ministerial meeting on air quality in Brussels on 30 January 2018. 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).

The information you requested is being withheld as it falls under the exception in regulation 12(5)(a) of the EIRs, which relates to international relations. In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information concerning communication between the European Commission and the Government on the subject of air quality as this could further public understanding of the case being considered.

On the other hand, there is a strong public interest in withholding the information because its disclosure would undermine the UK Government's position in discussions with the European Commission and has the potential to prejudice possible legal proceedings between the UK and the European Commission. As the UK is still in the informal stage of infraction proceedings in this matter, there is a clear need for both parties to have the safe and private space to consider options and frankly discuss and debate the options between themselves. Disclosure of the requested information would impact upon the UK's ability to carry out this function and bring this matter to an end. Reliance on this exception has



previously been upheld by the Information Commissioner in respect of a similar request (case reference: [FER0557144](#)).

Although Defra recognises that there is a strong public interest in transparency, accountability and action to improve air quality, we consider that there are stronger public interest arguments in all the circumstances of this case in maintaining the exception. Therefore, we have concluded that in all the circumstances of the case, the information should be withheld because its disclosure would adversely affect international relations.

We attach an annex 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,

Guy Mawhinney

Information Rights Team

InformationRequests@defra.gsi.gov.uk

Annex

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 Nick Teall, Head of Information Rights, Area 4A, 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's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure. The ICO can be contacted at:

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