



Foreign &
Commonwealth
Office

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04 March 2016

Dear Ms Klein

Your Freedom Of Information Request: 1111-15

I am writing in response to your request for information of 11 November 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Under UK freedom of information rules, I request a list of meetings with detailed minutes or any other reports of such meetings between members of the UK Permanent Representation and the third parties listed below in which the health impacts of sugar intake, the reformulation and/ or labelling of sugar-sweetened products and/ or the drop of the sugar quotas in the EU was discussed.

- American Chamber of Commerce to the European Union (AmCham EU)
- the World Health Organisation (WHO)
- ILSI - International Life Sciences Institute
- FoodDrinkEurope (incl. members/ sectors/ companies)
- WSRO - World Sugar Research Organisation
- IFBA - International Food & Beverage Alliance
- CIUS - Committee of the European Sugar Users
- UNESDA - Union of European Beverages Associations
- EUFIC European Food Information Council
- EUROGLACES - European Ice Cream Association
- CAOBISCO - Association of the Chocolate, Biscuit & Confectionery Industries of Europe
- PROFEL - European Association of Fruit and Vegetable Processors
- FEDIMA - European Federation of manufacturers and suppliers of ingredients to the Bakery, Confectionery and Patisserie Industries
- ESRA - European Sugar Refineries Association
- CIBE - International Confederation of European Beet Growers
- EFFAT - European Federation of Food, Agriculture and Tourism Trade Unions
- ASSUC - European Association of Sugar Traders

- Suedzucker AG
- Coca-Cola Company
- Coca-Cola Enterprises Europe Ltd
- PepsiCo Europe
- Kellogg Company
- Nestlé S.A.
- T&L Sugars Limited
- Mondalez Europe GmbH
- Cargill

The timeframe of my request is between 01 November 2014 and today.

As previously confirmed, the Foreign and Commonwealth Office (FCO) does hold some information relevant to your request. However, we consider that this is exempt under Section 36(2) (b) (i) and (ii) of the FOIA (prejudice to the effective conduct of public affairs). We also consider some of the information is exempt from release under Section 40 of the FOIA.

Section 36

Section 36 is a qualified exemption subject the public interest test. Whilst we recognise that there is a general public interest in transparency, it is the opinion of an FCO Minister that disclosing this information would be likely to inhibit the free and frank provision of advice and a candid exchange of views for the purposes of deliberation. This is because it risks constraining future activity by the UK Permanent Representation (UKRep).

The EU is a complex organisation and one of the most lobbied in the world; UKRep needs to be able to understand the perspective of those stakeholders, and indeed influence their views and activities, in order to inform and deliver UK objectives in Europe. Many of the meetings that UKREP have are on sensitive subjects and with organizations - including civil society groups - that have sensitive relationships with some third countries. If such organisations see that we are releasing information about who we are meeting, we believe this could dissuade them from approaching UKREP in future. This would narrow the evidence base that UKREP officials use to provide to colleagues to London and Ministers on policy formation. And it might mean we would get a disproportionate input from certain organisations that are less concerned about their engagement becoming public. For these reasons, we consider that the public interest in maintaining this exemption outweighs the arguments in favour of disclosure.

Section 40

Some of the information you have requested includes personal data relating to third parties, the disclosure of which would contravene one of the data protection principles. This would include names and/or contact details of the representatives of the organisations involved. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, s.40

confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

I hope you are satisfied with this reply. However, if you wish to make a complaint or if you would like a review of our decision, please write to the FOI and DPA Team, Foreign and Commonwealth Office, Room K4.14, King Charles Street, London, SW1A 2AH. Email: foi-dpa.imd@dco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Cheshire SK9 5AF.

Yours sincerely,

Regions, Agriculture and Fisheries Section, UKRep



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.