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Our ref.
DEIZ / 15184211

Your ref.

Encl.
1

Date 7 Januari 2016
Re Government Information (Public Access) Act Request

Dear Ms. Klein,

In your email of 12 November 2015, received on the same date, you requested information on Sugar Related Policy Measures, invoking the Government Information (Public Access) Act (Wet openbaarheid van bestuur; Wob). The documents you requested concerned a list of meetings with detailed minutes or any other reports of such meetings between members of the Dutch Permanent Representation and the third parties as listed¹ 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. The timeline of your request was between 1 November 2014 and 12 November 2015.

Receipt of your application was acknowledged in writing by email of 23 November 2015. By letter of 9 December 2015 the time limit for taking a decision on the application was extended by four weeks until 7 January 2016. By letter of 21 December 2015 you were notified that the time limit for deciding on your application was being suspended to allow the views of third parties to be requested. The interested third party or parties submitted no objections to disclosure. Their views were submitted before the deadline and as a result the final date for the decision is now 8 January 2016.

Your application falls within the scope of the Government Information (Public Access) Act. In response to your application, a total of two documents have been found.

Under Article 10, par. 2 (e), Wob, information cannot be disclosed as far as the importance of protecting the privacy outweighs the interest in disclosure of the information. The documents contain personal data.

In this case, the importance of protecting the privacy outweighs the interest in disclosure of the information. For this reason, I removed the personal data from the documents.

¹ AmCham EU, WHO, ILSI, FoodDrinkEurope (incl. members/sectors/companies), WSRO, IFBA, CIUS, UNESDA, EUFIC, EUROGLACES, CAOBISSCO, PROFEL, FEDIMA, ESRA, CIBE, EFFAT, ASSUC, Suedzucker AG, Coca-Cola Company, Coca-Cola Enterprises Europe Ltd, PepsiCo Europe, Kellogg Company, Nestlé S.A., T&L Sugars Limited, Mondelez Europe GmbH and Cargill.

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Decision:

I have decided to disclose the documents, excluding the personal data they contain.

You can find the anonymised documents attached to this letter.
I am sending a copy of this decision to the interested parties.

Yours sincerely,

On behalf of the Minister of Economic Affairs,


Gerbert Kunst.
Director European & International Affairs

Within six weeks after this decision is sent, a notice of objection may be lodged. The notice of objection must be signed and dated and include the name and address of the person submitting it, a description of the decision against which the objection is being lodged and the grounds on which it is based. The notice of objection should be addressed to the Minister of Economic Affairs, Department of Legislation and Legal Affairs (Directie Wetgeving en Juridische Zaken), Postbus 20401, 2500 EK 's-Gravenhage.

Enclosure 1:

Document 1.1

From: [redacted] [mailto:[redacted]@humbrophy.com]
Sent: vrijdag 17 april 2015 08:51
To: [redacted]
Cc: [redacted]
Subject: RE: Meeting Request

Dear [redacted],

Many thanks for the quick reply. Can I suggest 23rd April at 11.15? We can come to your offices.

Let me know if this suits you.

Thanks in advance.

Regards,

[redacted]

From: [redacted] [mailto:[redacted]@minbuza.nl]
Sent: 16 April 2015 08:06
To: [redacted]
Cc: [redacted]
Subject: RE: Meeting Request

Dear [redacted],

Thank you very much for your e-mail. I would be available in the afternoon of the 23rd of April or at the end of the morning of the same date (after 11 am).

22nd is difficult because there will be a delegation from the Netherlands over.

Kind regards,

[redacted]

From: [redacted] [mailto:[redacted]@humbrophy.com]
Sent: woensdag 15 april 2015 17:19
To: [redacted]
Subject: Meeting Request

Dear [redacted],

I am writing to you to a request a meeting with [redacted] and [redacted] from Tate & Lyle Sugars. In particular, we would be grateful for the opportunity to discuss the perspective of the EU sugar sector in the run-up to the abolition of sugar production quotas in 2017.

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Furthermore, we would like to update you on current discussions on market access for sugar in Free Trade Agreements (FTAs) currently being negotiated between the EU and various third countries.

Would you be available for a brief meeting on 22nd or 23rd April?

Thanking you in advance.

Kind Regards,

[REDACTED]

[REDACTED]

Hume Brophy

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Document 1.2

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@minez.nl]
Sent: vrijdag 24 april 2015 16:52
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Meeting 23 April 2015

Dear [REDACTED],

In article 126 the possibility is created for the commission to collect price information. And I can imagine that the Commission will use possibility. I have to admit it doesn't give the opportunity to stock data.

With kind regards,

[REDACTED]

Verstuurd vanaf mijn iPad

Op 24 apr. 2015 om 16:24 heeft [REDACTED]
<[REDACTED]@tateandlylesugars.com<mailto:[REDACTED]@tateandlylesugars.com>> het volgende geschreven:

That's interesting. [REDACTED] - it would be great if you are correct.

I think my concern is that it is Article 137(2) that sets out the requirement for operators to send production / stock / price data to member states / the Commission. It looks to me like because of Article 124 that Article 137 is only applicable until end-September 2017.

I've been embarrassingly wrong with these things before so I'd be grateful of your view [REDACTED]!

All the best and have a good weekend all.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@minbuza.nl]
Sent: 24 April 2015 15:09
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
([REDACTED]@minez.nl<mailto:[REDACTED]@minez.nl>)'
Subject: RE: Meeting 23 April 2015

Dear [REDACTED] and [REDACTED],

Thank you very much for your information. In reaction our expert [REDACTED] whom I mentioned in our conversation has come back to me saying that an obligation to provide market information after 2017 is laid down in Regulation 1308/2013. Maybe a point for you to check.

Enjoy your weekend,

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@tateandlylesugars.com]
Sent: vrijdag 24 april 2015 11:06
To: [REDACTED]
Cc: [REDACTED]
Subject: Meeting 23 April 2015

Dear [REDACTED]

It was great to see you again yesterday. We promised to drop you a summary of the pre-2017 sugar issues we discussed. Here we go.

Point 1 - Imports are in our view not to blame for the current low prices. We discussed the fact that a small number of member states had mentioned that current low prices were caused by a high level of imports. Our view is that imports

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are not the specific problem. The graph attached shows that imports have in fact fallen as prices have fallen. This is a natural response to low prices as it is the market telling us and our suppliers that our supply is not needed. A key part of that fall in imports has been the CXL sugar. This attracts a €98 import duty which means that the current low EU sugar prices are making that approximately 700,000 tonnes of imports economically unviable.

Point 2 – Stocks are falling and we believe the correct solution is a market based one whereby prices are allowed to rise to secure new supplies for the EU. Although sugar prices are low, sugar stocks are falling. We support the Commission view that the right way for stocks to be stabilized / grow is for the EU sugar price to rise modestly and this will secure new supplies, such as the CXL sugar. We do not believe the Commission should take temporary market management measures under Article 131 of the Single CMO.

Point 3 – A good output from the Sugar Experts Group would be a set of delegates acts which would allow the Commission to continue to collect and public sugar price and supply and demand data. The current legal provisions to collect and disseminate sugar market information run out when quotas expire. We support the Commission view that this data is important to the proper functioning of the EU sugar market, particularly over the period of transition. We believe that a positive outcome from the Experts Group would be new legislation that would keep this data in place. We believe that there would be strong support for this from the sugar industry, Member States and the European Parliament.

Hope this is helpful.

Thanks again for your time yesterday. It was good to see you again and be able to introduce [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED] Tate & Lyle Sugars

10 Bedford Street | London | WC2E 9HE

London: [REDACTED] | Brussels [REDACTED] | Mobile: [REDACTED]

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EU Transparency Register ID Number 50465929991-70