



Our ref: FOI/Req/21/033

22 February 2021

Dear Deputy Pringle,

I refer to the request you have made under the Freedom of Information Act 2014 (the “Act”) on 22 January to this Department, as follows:

“All records of correspondence and meetings between the Minister and/or officials in his department with Michel Barnier and/or his EU negotiating team in connection with the EU-UK Trade and Cooperation Agreement negotiations, and specifically related to:

- 1. The Common Fisheries Policy*
- 2. The Irish Fishing Industry*

I am aware there is likely to be an amount of overlap in the requested, and therefore there is no need to duplicate records under each of the points 1 and 2. I would prefer to receive this information electronically, preferably in its original formatting.”

I have identified 6 records that fall within the scope of your request, which are listed in the schedule attached. I have made a decision to refuse access to these 6 records. I have set out my reasoning for this decision below.

Records 1 – 4, 6: Section 33 of the Act (Security, defence and international relations)

In considering the abovementioned records, I have had regard to Section 33 of the Act, where Section 33(3)(c)(ii) of the Act states that “*a head shall refuse to grant an FOI request if the record concerned— (c) contains information communicated in confidence—(ii) from, to, or within an international organisation of states or a subsidiary organ of such an organisation or an institution or body of the European Union, or relates to negotiations between the State and such an organisation, organ, institution or within or in relation to such an organisation, organ, institution or body, or is a record of such a body containing information the disclosure of which is prohibited by the organisation, organ, institution or body...*”

As this is a mandatory exemption, I am obliged to refuse to disclose records exempted under this Section.



Record 5: Section 30 of the Act (functions and negotiations of FOI bodies)

In considering the abovementioned record, I have had regard to section 30 of the Act, where it states “(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

(2) Subsection (1) shall not apply in relation to a case in which in the opinion of the head concerned, the public interest would, on balance, be better served by granting than by refusing to grant the FOI request concerned.

In considering this request, I have given consideration to the negotiations between the European Union and the United Kingdom following UK’s withdrawal from the European Union on 31 January 2020. These negotiations were conducted by the European Union on behalf of its Member States, including Ireland. It is my opinion that the release of the record would disclose positions taken by the Government in respect of those negotiations. Having considered whether the public interest would be better served by granting or refusing access to the record, I am satisfied on balance that the public interest would be best served by not releasing the record.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt St., Dublin 2 or by email to foi@dfa.ie. A fee applies for an appeal to access non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely,

Aoife Nannery