

Our Ref: FOI/2010/13A

12th May 2010

Mr John Burns
Associate Editor
The Sunday Times
4th Floor
Bishop's Square Redmond's Hill
Dublin 2

Dear Mr Burns

I refer to the request which you made under the Freedom of Information Acts 1997 - 2003 for copies of all representations made to the Department by professional or lobbying groups and motor industry representatives regarding electric cars.

I have made a final decision to refuse your request of 19 April 2010. This decision is made under Section 20(1), Section 26(1)(a) and (b) and Section 27(1)(a), (b) and (c) of the FOI Acts on the basis that the records you request form part of the deliberative process in relation to the report being prepared by the inter-departmental Taskforce on the options and timeframe for creating the necessary infrastructure for the national roll-out of electric vehicles in Ireland. The information you requested has been given to the Department in confidence and is deemed to be commercially sensitive. The purpose of this letter is to clarify that decision. This clarification has the following parts:

1. a schedule of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule of the relevant records is attached to this letter. It shows the documents that this Department considers relevant to your request. It describes the documents and refers to the section of the FOI Act which applies to prevent release.

The schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 2 below.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions. The inter-departmental Taskforce is at the deliberative stage in relation to how best to progress the framework for deployment of electric vehicles in Ireland. In view of this it is considered that in accordance with Section 20(1) of the FOI Act all of the documentation relating to the agreement forms part of the deliberative process and it should not be released as it contains opinions, legal advice and recommendations on the Electric Vehicle deployment issue. In addition to this all of the information was given to the Department in confidence and on the basis that it would not be released to third parties and contains commercially sensitive information and therefore Sections 26(1)(a) and (b) and Section 27(1)(a), (b) and (c) also apply.

3. Rights of appeal

The Freedom of Information Act provides the right to appeal a decision taken under the Act within 4 weeks of the initial decision. Should you wish to make such an appeal, you can do so by writing to Mr Frank O'Brien, Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan. Please note that there is a charge for all appeals of FOI requests which is currently €75 or €25 for medical card holders. The appeal will involve a complete reconsideration of the matter by a more senior member of staff of this Department.

Yours sincerely

Geraldine Luddy
Renewable and Sustainable Energy Division

Schedule of Records

FOI/2010/13A John Burns - The Sunday Times

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
1	Copy of the Memorandum of Understanding dated 3 April 2009	EV 21/1	7	Copy of the Memorandum of Understanding between Minister and Renault-Nissan.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
2	Emails dated 7 July 2009 and 19 February 2010 between ESB and DCENR relating to Workshop and MoU.	EV 21/4	4	Relates to Invitation to Nissan Zero Emission Mobility Workshop and MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
3	Draft of Electric Vehicle Definitive Agreement	EV 21/4	21	Draft dated 25/01/10 for discussion purposes only.	Document is considered confidential and forms part of the deliberative	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refusal e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
4	Draft of Electric Vehicle Definitive Agreement between Minister, Renault-Nissan and ESB.	EV 21/4	26 Doc and 2 email	Draft dated 22/02/10 for discussion purposes only with covering email.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
5	Emails dated 4 March between Nissan and others and 8 March between ESB and DCENR.	EV 21/4	2	Emails relating to drafting MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
6	Emails dated 22 March	EV 21/4	3	Emails relating to drafting MoU.	Document is considered	Refuse	Section 20(1) Section 26(1)(a)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
7	Internal DCENR Emails dated 29 March 2010	EV 21/4	1	Emails relating to drafting MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
8	Emails dated 24 March and 30 March between ESB and DCENR	EV 21/4	2	Emails relating to drafting MoU legal advice.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
9	Internal DCENR Emails dated	EV 21/4	6	Emails relating to letter and submission regarding support	Document is considered confidential and	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
10	Submission made to Minister by Senior Management in DCENR relating to Electric Vehicle Support Demonstration and deployment programme in March 2010.	EV 21/4	7	Submission and covering page.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
11	Letter and attachment from Minister Ryan to Minister Lenihan relating to Electric Vehicle	EV 21/4	7	Letter and attachment issued.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
12	Internal DCENR Email dated 1 April 2010. Support Demonstration and deployment programme.	EV 21/4	1	Email relating to legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
13	Email dated 1 April 2010 between DCENR and Nissan.	EV 21/4	2	Email relating to legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
14	Emails dated 1 and 2 April between ESB, Nissan and DCENR.	EV 21/4	5	Email relating to legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
15	Emails dated 1 and 5 April between Nissan and DCENR and others.	EV 21/4	2	Email relating to MoU.	the Inter-departmental Taskforce on Electric Vehicles. Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
16	Internal DCENR Emails dated 6 April 2010.	EV 21/4	1	Emails relating to advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
17	Internal DCENR Emails dated 6 April 2010.	EV 21/4	3	Relates to conference call with Renault-Nissan concerning proposed MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
18	Internal DCENR Emails dated 6 April 2010.	EV 21/4	2	Legal advice on MoU.	departmental Taskforce on Electric Vehicles. Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
19	Internal DCENR Emails dated 6 April 2010.	EV 21/4	1	Correspondence relating to Support Scheme.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
20	Internal DCENR Emails dated 7 and 8 April 2010.	EV 21/4	2	Correspondence relating to Legal Advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
21	Email dated 7 April between Nissan and DCENR and others.	EV 21/4	2	Email relating to MoU.	Taskforce on Electric Vehicles. Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
22	Internal DCENR Email dated 7 April 2010.	EV 21/4	1	Email relating to MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
23	Internal DCENR Emails dated 7 April 2010.	EV 21/4	2	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
24	Internal DCENR Emails dated 7 April 2010.	EV 21/4	3	Legal advice on MoU.	Electric Vehicles. Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
25	Internal DCENR Emails dated 7 April 2010.	EV 21/4	3	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
26	Internal DCENR Emails dated 7 April 2010.	EV 21/4	5	Legal advice on Support Scheme.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
27	Email dated 7 April 2010 between DCENR Legal Advisor and Nissan	EV 21/4	1	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
28	Email dated 7 April between DCENR and AG's Office.	EV 21/4	3	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
29	Emails dated 7 April 2010 between DCENR and D/Finance and attached draft MoU.	EV 21/4	36	Deliberations relating to MoU and draft MoU dated 01/04/2010.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
30	Internal	EV 21/4	1	Deliberations relating	Document is	Refuse	Section 20(1)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
31	Emails dated 7 April 2010 between DCENR Legal Advisor and Nissan	EV 21/4	2	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
32	Email regarding Note of Meeting between Minister for Finance and Minister for CENR	EV 21/4	2	Deliberations relating to MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
33	Emails dated 8 April 2010	EV 21/4	7	Deliberations relating to MoU.	Document is considered	Refuse	Section 20(1) Section 26(1)(a)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
34	DCENR Internal emails dated 8 April 2010 and attachment.	EV 21/4	34	Deliberations relating to MoU and draft MoU dated 08/04/2010.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
35	DCENR Internal email dated 8 April 2010	EV 21/4	2	Deliberations relating to Support Scheme.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
36	DCENR Internal emails and	EV 21/4	8	Legal advice on MoU.	Document is considered confidential and	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
	attachment dated 8 April 2010				forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.		Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
37	DCENR Internal email and attachment dated 8 April 2010	EV 21/4	5	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
38	Emails dated 8 April 2010 between DCENR Legal Advisor and Nissan	EV 21/4	3	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
39	DCENR Internal emails dated 8 April 2010.	EV 21/4	3	Deliberations relating to MoU.	Document is considered confidential and forms part of the	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
40	Emails dated 8 April 2010 between DCENR Legal Advisor and Nissan and others	EV 21/4	2	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
41	Emails dated 9 April 2010 between DCENR Legal Advisor and Nissan and others	EV 21/4	2	Legal advice on MoU.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
42	Emails dated 9 April 2010 between DCENR and Dept. Finance.	EV 21/4	16	Deliberations relating to Incentive Scheme.	Document is considered confidential and forms part of the deliberative	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
43	DCENR Internal emails dated 9 April 2010.	EV 21/4	4	Deliberations relating to MoU.	process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
44	Emails dated 9 and 11 April 2010 between DCENR and Nissan and others	EV 21/4	7	Deliberations relating to press release.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
45	Internal DCENR Emails dated 12 April 2010	EV 21/4	8	Deliberations relating to press release.	Document is considered confidential and forms part of the deliberative process relating to	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
46	Draft Copy of the Memorandum of Understanding dated 12 April 2010	EV 21/4	30	Draft Copy of the Memorandum of Understanding between Minister, Renault-Nissan and ESB.	the Inter-departmental Taskforce on Electric Vehicles. Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
47	Final signed Copy of the Memorandum of Understanding dated 12 April 2010	EV 21/4	31	Copy of the Memorandum of Understanding between Minister, Renault-Nissan and ESB.	Document is considered confidential and forms part of the deliberative process relating to the Inter-departmental Taskforce on Electric Vehicles.	Refuse	Section 20(1) Section 26(1)(a) Section 26(1)(b) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	
48	Letter to Minister Ryan dated 10 April 2010	EV 21/4	2	Letter to Minister Ryan from an individual requesting a meeting regarding EV's.	Document forms part of the deliberative process relating to the Inter-departmental Taskforce on	Refuse	Section 20(1)	

Record Number	Brief Description and Date of Record	File Ref.	No of Pages	Relevant Facts	Findings/ conclusions	Grant/Refus e/ part-grant	Basis of Refusal: Section of Act	Record edited/ Identify deletions
					Electric Vehicles.			