

Mary Rabitte,
Elm House,
Earlsvale Road,
Cavan.
Co. Cavan

Dear Mary,

Under the FOI act we wish to make the following request of the Department of Communications Energy and Natural Resources:

"What is the percentage of biofuel produced or imported relative to the quantity of biofuel on which excise relief was allocated for each company granted excise relief under Biofuel Scheme 1 and Biofuel scheme 2 from the date both schemes commenced."

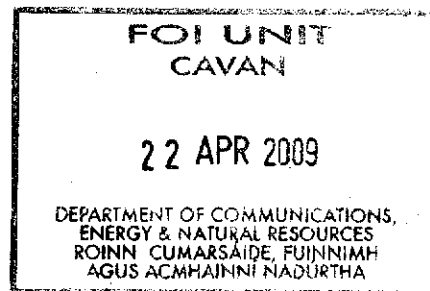
This data is requested based on the 6 month reviews administered by the Dept to date on both schemes. **It is not necessary to release the identity of any of the companys involved, merely an anonymous list alongside the requested percentages. For example in the case of MOT biofuel scheme 1 the list might be :**

1st 6 month review:

Company A 3%
Company B 25%
Company C 100%

2nd 6 month review:

Company A 2%
Company B 35%
Company C 100%



This request protects the identity, reputation and any data that may be commercially sensitive of the companies involved yet allows for an indication of individual progress made on both schemes.

Please find the FOI fee of 15 euro attached.

Yours sincerely,



23/04/2009

FOI Request Reference: FOI/2009/11

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 22/04/2009 requesting records regarding Biofuel Scheme 1 and Biofuel Scheme 2. The application was received along with the associated fee.

The officer handling your request will be Ms Geraldine Luddy, Renewable & Sustainable Energy Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Geraldine can be contacted on 016783215

You can expect to receive your decision by the 20/05/2009.

If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Cosgrove

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782902



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Our Ref: FOI/2009/11

18th May 2009

I wish to refer to the request which you made under the Freedom of Information Acts 1997 - 2003 for information relating to the Biofuels Mineral Oil Tax Relief Schemes.

With regard to data on biofuels produced under the Mineral Oil Tax Relief Schemes, this Department transposes information on production volumes from the six monthly reports to a microsoft excel spreadsheet relating to both Schemes. In the six monthly reports made to this Department by the project promoters, they advise us of the amount of biofuel on which excise relief was claimed for a particular period and we use these figures as our basis for how much biofuel is placed on the market at a given time under the schemes.

Any information we release in relation to production figures under the schemes is given out on the basis of either a general overall production figure or an overall production figure per category. We do not release production figures for specific projects as this information is considered to be commercially sensitive and is used by individuals to claim excise relief from the Revenue Commissioners. It is considered that as there are only 18 successful applicants overall in the Biofuels MOTR Schemes it would not be appropriate to release information on individual companies on an anonymised basis because of the limited number of companies involved.

The specific information you requested has been compiled in table format from extracting information from the overall spreadsheet of production figures which we have. This table shows the percentage of biofuels produced relative to the quantity of biofuel on which excise relief was allocated per overall category under Schemes I and II for the respective six month reporting periods for these schemes.

With regard to Scheme I the reporting periods are six monthly from August 2005 to January 2006, February 2006 to July 2006, August 2006 to January 2007 and February 2007 to July 2007.

With regard to Scheme II the reporting periods covered are six monthly from end November 2006 to May 2007, June 2007 to November 2007, December 2007 to May 2008 and June 2008 to November 2008.

I have made a final decision to part grant your request of 21 April 2009 on the grounds that some of the information is held to be commercially sensitive and was provided to this Department in confidence. 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.

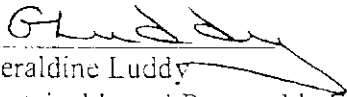
Information relating to production figures which is provided in the six monthly progress reports by project promoters is transposed by this Department to an excel spreadsheet. We do not release details of the amount of biofuel produced by any individual project promoter under the schemes, even on an anonymous basis. All information we release relating to production figures is given either on an overall production basis or on a cumulative basis under each category.

Record numbers 1 and 2 relate to your FOI request. We do not release details of the production figures for specific projects submitted by any of the successful companies involved in either the MOT Relief Scheme I or II as this information is considered to be commercially sensitive as it is used by individuals to claim excise relief from the Revenue Commissioners on the biofuels being produced. It is also considered that disclosure of such information could prejudice the conduct or outcome of contractual or other negotiations of the successful project promoters. The information was provided to this Department in confidence on the basis that it would not be revealed to other parties.

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
Sustainable and Renewable Energy Division

Schedule of Records

FOI/2009/11

Record Number	Brief Description and Date of Record	File Ref.	Relevant Facts	Findings/conclusions	Grant/refuse/part-grant	Basis of Refusal: Section of Act	Record edited/Identify deletions
1	Microsoft excel spreadsheet which contains details of production figures for each of the successful companies under Scheme I.	Electronic Format	Production volume information transposed from six monthly reports submitted by successful project promoters.	Data relating to individual companies is not being released. However information has been compiled on an overall category basis into a separate table for release to requestors.	Part-Grant	Section 26(1)(a) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	Part of the relevant information sought by the requestors has been compiled into a separate document and forwarded to them.
2	Microsoft excel spreadsheet which contains details of production figures for each of the successful companies under Scheme II.	Electronic Format	Production volume information transposed from six monthly reports submitted by successful project promoters.	Data relating to individual companies is not being released. However information has been compiled on an overall category basis into a separate table for release to requestors.	Part-Grant	Section 26(1)(a) Section 27(1)(a) Section 27(1)(b) Section 27(1)(c)	Part of the relevant information sought by the requestors has been compiled into a separate document and forwarded to them.

Scheme I							
Category	Allocation	% of allocation produced in Period 1 only	% of allocation produced in Period 2 only	% of allocation produced in Period 3 only	% of allocation produced in Period 4 only	% of allocation produced up to end July 07	
Total PPO	1200000	5%	9%	14%	9%	37%	
Total Biodiesel	2350000	37%	2%	3%	3%	45%	
Total Bioethanol	2000000	1%	24%	43%	0%	69%	
	16350000	9%	10%	16%	7%	42%	

Scheme II

	Allocation Not inc c/over	% of allocation produced in Period 1	% of allocation produced in Period 2	% of allocation produced in Period 3	% of allocation produced in Period 4	Overall total produced to end Nov 08	% of production of allocation to end Nov 08
Bioethanol	306,000,000	0%	1%	5%	6%	34,763,322.00	11%
EN590	290,000,000	0%	5%	6%	8%	58,112,434.00	20%
Captive Fleets	47,610,230	0%	1%	3%	4%	3,525,435.00	7%
PPO	21,000,000	0%	3%	8%	10%	4,271,431.18	20%
TOTAL	664,610,230	0%	3%	5%	7%	100,672,622.18	15%