Friends of the Earth

Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland

Legal adviser: William Rundle
Direct Line: -
Fax: -
Email: will.rundle@foe.co.uk

BY POST & EMAIL aarhus.compliance@unece.org

Our ref: WR

31 October 2017

Dear Secretariat

Re: Communication to the Aarhus Convention Compliance Committee – public participation during UK's withdrawal from the EU

Please find enclosed a communication to the Aarhus Convention Compliance Committee on behalf of Friends of the Earth Ltd as Communicant, to formally raise a complaint against the United Kingdom for its failure to comply with Articles 8 and 3 of the Aarhus Convention when legislating for its withdrawal from the European Union.

Please confirm safe receipt by return, and confirm any key dates and next steps.

Further correspondence in relation to this matter should be directed to the main contact, William Rundle, by email at: will.rundle@foe.co.uk

Thank you for your assistance.

Yours sincerely

William Rundle
Lawyer
Friends of the Earth Ltd

Community Legal Service

Friends of the Earth
England, Wales and Northern Ireland
The Printworks, 139 Clapham Rd
London SW9 OHP
Telephone 020 7490 1555
Email info@foe.co.uk Website www.foe.co.uk

Friends of the Earth Ltd's communication to the Aarhus Convention Compliance Committee

UK's noncompliance with Articles 8 and 3 when legislating to withdraw from the EU

1. Information on correspondent submitting the communication

The Communicant in this case is **Friends of the Earth Ltd**, of:

1st Floor,
The Printworks,
139 Clapham Road,
London,
SW9 0HP
https://www.foe.co.uk/

The primary contact for this communication is:

Mr William Rundle
Title: Lawyer
Email: will.rundle@foe.co.uk
Telephone: 020 7566 1687

2. Party concerned

The Party Concerned by this communication is the United Kingdom ("UK").

3. Facts of the communication and relevant background

Introduction

The Aarhus Convention was signed by the UK on 25 June 1998, and ratified on 23 February 2005. At no point since then has the UK fully incorporated the Convention into UK national law. In particular with regards to this communication, it has never introduced a statutory legal requirement that mandated Article 8 ("A8") compliant public participation when preparing new laws that can have a significant effect on the environment.

From a historical point of view compliance with A8 and ensuring, for example, effective public consultation when options are still open (and then taking the results into account), will have been inconsistent. There are undoubtedly examples of good practice, and it used to be established practice (although not legally required) that prior to a new draft bill being introduced to Parliament a 'green paper', and then a 'white paper', was published, both in order to explain the Government's thinking on a particular issue and to facilitate public consultation whilst options were open[1].

[1] for example, see this written ministerial statement on reforms to the planning system highlighting the use of a green paper prior to the publication of a white paper
https://publications.parliament.uk/pa/cm200304/cmhansrd/vo040617/wmstext/40617m01.htm

A code of practice (i.e. guidance) introduced in 2004 had a clear set of criteria for consultation[2] and was intended to be followed in policy development, but it was not legally binding. It changed in 2011 and new consultation 'principles'[3] were introduced in July 2012 (and, incidentally, were further revised without consultation). The principles address what should happen when consultation takes place but create no legal requirement for A8 compliant consultation. They refer to the possibility of consulting on legislation, but there is no guidance on the circumstances when consultation will be appropriate or must occur. Indeed, one of the principles could be interpreted as actively discouraging consultation. For example:

> *"**B. Consultations should have a purpose***
> *Do not consult for the sake of it. Ask departmental lawyers whether you have a legal duty to consult. Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view."*

This communication relates to the failure of the UK to provide for A8 compliant public participation in relation to the UK's withdrawal from the European Union ("EU"), and so highlights the underlying systemic problem of there being no clear legal framework mandating A8 compliant consultation at a critical time. Withdrawal from the EU will lead to an extraordinary period of legislative activity in order to transfer a large amount of EU derived environmental law onto a solely UK legal basis.

Background and further factual context

The United Kingdom European Union membership referendum, also known as the EU referendum and the 'Brexit' referendum, took place on 23 June 2016 in the UK and Gibraltar, to gauge public support for the country leaving the EU. Following a highly contentious political campaign the referendum resulted in 51.9% of voters voting to leave the EU. The Electoral Commission reports a turnout of 72.2% of the UK electorate[4].

Most of the UK's environmental laws derive from or interact with EU law, including the majority of the laws that implement the Aarhus Convention. The House of Lords European Union Committee, in its report *Brexit: environment and climate change* (14 February 2017), stated that:

> *"The exact proportion of UK environmental law that stems from EU legislation is hard to quantify, but it is substantial. Professor Richard Macrory, Professor of Environmental Law at University College London, noted Kramer's EU Environmental Law (2011) lists 111 Regulations, 256 Directives and 136 Decisions that were in place by 2010. Defra told us that "over 1,100 core pieces of directly applicable EU legislation and national implementing legislation have been identified as Defra-owned", that is to say they relate to policy areas that fall within the remit of the Department [of the environment, food and rural affairs]."*[5]

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[2] see here: http://webarchive.nationalarchives.gov.uk/20051020170806/http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf

[3] found here: https://www.gov.uk/government/publications/consultation-principles-guidance

[4] https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/electorate-and-count-information

[5] House of Lords European Union Committee, *Brexit: environment and climate change*, 12th Report of Session 2016–17, 14 February 2017, paragraph 17.

A more recent House of Lords report[6], also states at paragraph 5 that *"This [EU withdrawal] Bill is expected to generate another 800 to 1,000 statutory instruments in the near future... ".*

Accordingly, it is a major concern that the legislative framework on which this communication is focused could significantly affect EU derived environmental law in the UK, and therefore could have a significant effect on the environment. This is addressed further below.

The so called "Great Repeal Bill"

The European Union (Notification of Withdrawal) Act 2017 was passed into law on 16 March 2017 and notification to start the withdrawal process was given to Donald Tusk, on 29 March 2017. This put the UK on course to complete the withdrawal process by 30 March 2019 (subject to any further agreements and transitional arrangements that may be negotiated). On 30 March 2017 the UK Government produced a "White Paper"[7], which set out its main objectives and approach in legislating to withdraw:

"...the Great Repeal Bill will do three main things:

> *a. First, it will repeal the [European Communities Act 1972] and return power to UK institutions.*
>
> *b. Second, subject to the detail of the proposals set out in this White Paper, the Bill will convert EU law as it stands at the moment of exit into UK law before we leave the EU. This allows businesses to continue operating knowing the rules have not changed significantly overnight, and provides fairness to individuals, whose rights and obligations will not be subject to sudden change. It also ensures that it will be up to the UK Parliament (and, where appropriate, the devolved legislatures) to amend, repeal or improve any piece of EU law (once it has been brought into UK law) at the appropriate time once we have left the EU.*
>
> *c. Finally, the Bill will create powers to make secondary legislation. This will enable corrections to be made to the laws that would otherwise no longer operate appropriately once we have left the EU, so that our legal system continues to function correctly outside the EU, and will also enable domestic law once we have left the EU to reflect the content of any withdrawal agreement under Article 50."*

However, the White Paper was not a consultation process with the public, even though the very effect of repealing the European Communities Act 1972 and withdrawal from the EU plainly could have a significant effect on the environment (for example, by removing treaty obligations, functions and requirements at a stroke[8]). There were no questions asked of the public and there has been no published response from the Government in reply to feedback it may have nevertheless received[9]. There has simply been no formal consultation at a time when options are open on *how* to effect withdrawal.

The Government then called a general election between the publication of the White Paper and the presentation of the "Great Repeal Bill" as draft legislation before Parliament. [10]

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[6] https://publications.parliament.uk/pa/ld201719/ldselect/lddelreg/22/2202.htm **28 September 2017**

[7] https://www.gov.uk/government/publications/the-repeal-bill-white-paper

[8] A specific example would be the undermining of general principles of EU environmental law, such as the pre-cautionary, preventative and 'polluter pays' principle contained in Article 191(2) TFEU : see the effect of Clause 1 and Schedule 1, paragraphs 2 and 3, of the Bill.

[9] The White paper did provide an email address for feedback, but did not request public responses as part of an express consultation.

[10] After voting for a snap election on the 19th of April, Parliamentary business was formally ended on the 27th of April 2017, campaigning ensued with the general election being held on the 8th of June. Parliament reopened again after the

The "Great Repeal Bill" itself, formally called the "European Union (Withdrawal) Bill" (hereafter also called the "Bill"), was given its first reading in Parliament on 13 July 2017. [11] In accordance with the decision not to consult, the Impact Assessment and Explanatory Note (enclosed) published with or alongside the Bill make no reference to public consultation at all.

In addition to the lack of public consultation in the preparation of the Bill itself, the Bill as drafted gives unique and wide-ranging powers for ministers to make important legislative and policy changes by secondary legislation, again, without advance public consultation where changes could impact on the environment in a significant way.

The Bill, therefore, presents both an immediate breach of A8 (because there was no public consultation before the Bill was presented to Parliament), as well as a new legal framework for the UK's withdrawal from the EU that provides for repeated future breaches of A8 (this is addressed further below).

The powers to legislate without consultation

The Bill provides for ministers to transfer intact, amend, or delete major aspects of UK environmental law as currently derived from EU law. Clauses 7-9 and 17 of the Bill provide the executive with the ability to do this by secondary legislation.

For example, clause 7 of the Bill, gives minsters wide powers which they can use to amend or delete EU derived environmental law if they considers it "appropriate" in relation to a perceived "deficiency" arising from withdrawal. What qualifies as a "deficiency" and what action is "appropriate" to deal with that alleged deficiency are both matters left to the judgment of ministers. And there is no requirement for changes to environmental laws to be subject to public consultation. This is – in effect – rule by decree; and with "*...nothing to suggest that the judgment of appropriateness is confined to technical matters or purely mechanistic changes. There is scope for Ministers to make regulations arising from EU withdrawal with an extensive policy content across the whole of retained EU law.*" [12]

The main example we focus on in this communication is clause 7, but we reserve the right to make further comment on the wider aspects of the Bill in due course if necessary.

Clause 7 of the Bill – "Dealing with deficiencies arising from withdrawal"

Clause 7 (1) provides:

> *"A Minister of the Crown may by regulations make such provision as the Minister considers appropriate to prevent, remedy or mitigate—*
> *(a) any failure of retained EU law to operate effectively, or*
> *(b) any other deficiency in retained EU law,*
> *arising from the withdrawal of the United Kingdom from the EU."* (our emphasis)

The focus here is on the impact of withdrawal on the law(s) in question, and if that process creates a

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swearing in of new MPs on the 23rd of June. This represents considerable disruption to any informal public engagement with the approach set out in the White Paper during that time; that is notwithstanding that such informal engagement would not satisfy Article 8.

[11] http://services.parliament.uk/bills/2017-19/europeanunionwithdrawal.html ; https://www.publications.parliament.uk/pa/bills/cbill/2017-2019/0005/18005.pdf

[12] House of Lords Delegated Powers and Regulatory Reform Committee report published here: https://publications.parliament.uk/pa/ld201719/ldselect/lddelreg/22/2202.htm; at 21.

perceived or potential problem in the subjective view of a minister. However, a consequent lack of efficacy or 'any other deficiency' is broadly and inclusively defined, to include (but not be limited by) a specific list of items at clause 7 (2), leaving wide open the potential discretion to do what is considered "appropriate". It provides (our emphasis):

> *(2) Deficiencies in retained EU law include (<u>but are not limited to</u>) where the Minister considers that retained EU law—*
>
> *(a) contains anything which has no practical application in relation to the United Kingdom or any part of it or is otherwise redundant or substantially redundant,*
>
> *(b) confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it,*
>
> *(c) makes provision for, or in connection with, reciprocal arrangements between—*
>
> *(i) the United Kingdom or any part of it or a public authority in the United Kingdom, and*
>
> *(ii) the EU, an EU entity, a member State or a public authority in a member State,*
>
> *which no longer exist or are no longer appropriate,*
>
> *(d) makes provision for, or in connection with, other arrangements which—*
>
> *(i) involve the EU, an EU entity, a member State or a public authority in a member State, or*
>
> *(ii) are otherwise dependent upon the United Kingdom's membership of the EU,*
>
> *and which no longer exist or are no longer appropriate,*
>
> *(e) makes provision for, or in connection with, any reciprocal or other arrangements not falling within paragraph (c) or (d) which no longer exist, or are no longer appropriate, as a result of the United Kingdom ceasing to be a party to any of the EU Treaties,*
>
> *(f) does not contain any functions or restrictions which—*
>
> *(i) were in an EU directive and in force immediately before exit day (including any power to make EU tertiary legislation), and*
>
> *(ii) it is appropriate to retain, or*
>
> *(g) contains EU references which are no longer appropriate.*

In addition, by Clause 7 (8) a deficiency would also include any conflict with the Bill itself.

The UK Government is likely to argue (see for example the White Paper enclosed) that the only changes that will be made will be minor and technical, yet the Bill as currently drafted provides no such limits on ministerial discretion. It is entirely possible (and we say likely) that the changes made when using these new powers would be significant for the environment, and where they are used in that way A8 and Article 3 require that there should be a binding, clear and consistent legal commitment to consult with the public. There is no such commitment.

Clause 7 (4) provides that: "*Regulations under this section may make any provision that could be made by an Act of Parliament.*". This clause gives ministers equivalent powers to those that can be exercised by a full Act of Parliament, which would have been subject to full parliamentary scrutiny. In this way the Bill increases the discretional legislative ability significantly. The Government clearly contemplates significant changes, and not just minor or technical corrections.

Clauses 7 (5) also contemplates that secondary legislation will be used to replace, abolish or otherwise modify functions currently undertaken by EU entities. It is of particular note that the Bill creates no obligation on ministers to replace functions currently undertaken at EU level. Instead clause 7(5) expressly contemplates the abolition of such functions.

Clauses 7 (5) provides:

> *"(5) Regulations under this section may (among other things)—*
> *(a) provide for functions of EU entities or public authorities in member States (including making an instrument of a legislative character or providing funding) to be—*
> *(i) exercisable instead by a public authority (whether or not newly established or established for the purpose) in the United Kingdom, or*
> *(ii) replaced, abolished or otherwise modified, or*
> *(b) provide for the establishment of public authorities in the United Kingdom to carry out functions provided for by regulations under this Section"*

One example of a mechanism currently available to UK citizens that will be abolished as a result of the UK's withdrawal from the EU, under the terms of the Bill, is the ability for UK citizens to complain to the European Commission about breaches of EU derived environmental law, including Convention rights and obligations. This facility is available to all citizens and no fee is payable[13]. No similar mechanism exists at UK level[14]. As currently drafted, the Bill would allow ministers to fail to replace the complaint-handling function currently carried out in relation to environmental complaints. There has been no consultation on this very significant change and ministers can simply omit to replace it under the terms of the Bill. Alternatively, they could positively legislate to abolish or change that mechanism and implement something different, but neither is there an obligation to consult in those circumstances either. We submit that both instances are clear breaches of A8 and substantially impede the ability of UK citizens to effectively intervene in relation to breaches of EU derived environmental law[15].

Clause 7 (6) provides the constraints and safe-guards applicable to the ministerial discretion set out in clause 7. It provides:

> *"(6) But regulations under this section may not—*
> *(a) impose or increase taxation,*
> *(b) make retrospective provision,*
> *(c) create a relevant criminal offence,*
> *(d) be made to implement the withdrawal agreement,*

[13] http://ec.europa.eu/environment/legal/law/complaints.htm

[14] Judicial review in the court system is not considered comparable, for example, because it is expensive, has more restrictive procedural requirements and applies different standards of review

[15] E.g. any domestic judicial review would not provide the same standing to complain or standard of substantive review

(e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
(f) amend or repeal the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 13(b) of Schedule 7 to this Act or are amending or repealing paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 or any provision of that Act which modifies another enactment)."

Notably, those constraints do not include reference to the maintenance of current environmental standards, or environmental safeguards, or Convention rights. Neither is there a general requirement for prior public consultation when changes could significantly affect the environment.

Clauses 8 (complying with international obligations) & 9 (implementing the withdrawal agreement)

Clauses 8 and 9 make similar provisions in respect of compliance with international obligations and for implementation of the negotiated withdrawal deal, when it is struck.

Clause 8 provides another open discretion for ministers "*to prevent or remedy any breach, arising from the withdrawal of the United Kingdom from the EU, of the international obligations of the United Kingdom.*", but that is only if they "*consider it appropriate*". (see 8(1)). Again, there is no commitment to public participation where changes could be of significance for the environment.

Similarly clause 9 provides ministers with exceptionally broad powers to amend all existing/retained EU law in order to implement the eventual bargain with the EU, without consultation with the public even if it could significantly affect the environment:

"*(1) A Minister of the Crown may by regulations make such provision as the Minister considers appropriate for the purposes of implementing the withdrawal agreement if the Minister considers that such provision should be in force on or before exit day.*"

This power also includes amending the withdrawal Bill itself.

"Sunset Clauses"

Clause 7 (7) of the Bill provides: "*No regulations may be made under this section after the end of the period of two years beginning with exit day.*". Therefore, law-making under clause 7 can be exercised for two years after 'exit day'. Currently, that is presumed to be two years from 30 March 2019 (so 30 March 2021), although the Bill gives ministers the power to decide when 'exit day' will be. This means that, whilst not entirely open-ended, the time period in which this can happen is long, and could get longer. Furthermore, and as recognised by the Delegated Powers and Regulatory Reform Committee report[16], a Minister could exercise its powers to bring in further powers to make more subordinate legislation beyond this date, so long as that new law was passed before the two years ended.

As with clause 7, clause 8(4) limits the regulation-making powers under clause 8 to two years from 'exit day'. By contrast the Bill currently provides that no regulations may be made under clause 9 (to implement the negotiated agreement) after 'exit day'.

[16] See report at footnote 6; e.g. paragraphs 29 and 39

Public participation implications

As explained above, there has been no consultation with the public on the preparation of the Bill and what it should or should not include. The strength of public support for its contents has not been tested and there has been no exchange of ideas through a transparent and published consultation process. However, it is plainly the case that the Bill could have a significant effect on the environment.

The Bill sets out an advance framework of broad and far-reaching executive powers for ministers to legislate on EU derived environmental law and convention rights, again with no commitment to consult the public where such changes might impact the environment in a significant way. The broad scope of these powers makes it entirely possible (and we consider likely) that this will be significant for the environment. There is currently no separate statutory legal requirement in the UK for public consultation in these circumstances.

Overall, there is a chronic lack of reliable information about the BREXIT process. The lack of consultation on the Bill does nothing to help this situation, and further undermines both transparency and democratic participation.

4. Provisions of the Convention alleged to be in non-compliance

We submit that the Bill does not comply with Articles 8 and 3 of the Convention.

Article 8 requires as follows (our emphasis):

> *"Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To this end, the following steps should be taken:*
>
> > *(a) Time-frames sufficient for effective participation should be fixed;*
> > *(b) Draft rules should be published or otherwise made publicly available; and*
> > *(c) The public should be given the opportunity to comment, directly or through representative consultative bodies. The result of the public participation shall be taken into account as far as possible."*

First Issue: the preparation of the Bill is in breach of Article 8:

1. There has been no formal public consultation in the preparation of the Bill before it was presented to Parliament for making into law. None of the minimum requirements in A8 (a) – (c) have been met.
2. As a result the UK government has not taken into account the general public's views, nor can it demonstrate that it has done so.

Second Issue: the preparation of subsequent legislation will breach Article 8.

3. The draft Bill does not provide a legal framework mandating effective public participation in the preparation of subsequent legislation that can have a significant effect on the environment
    a. There is no legal requirement to consult the public on changes that can significantly affect the environment; and
    b. public participation will consequently not be taken into account, because it will not

occur.

Third Issue: no clear, transparent and consistent framework to implement Article 8:

Article 3 (1) of the Convention also says:

> *"Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention." (emphasis added)*

4. The failure to implement Article 8 in the UK, and with no provision for consultation in the Bill, along with the wide ministerial discretion in using new legislative powers, breaches Article 3 (1) of the Convention. This is because there is plainly no 'clear, transparent and consistent framework' that achieves compliance with A8, in the circumstances set out above.

5. Nature of alleged non-compliance

This is addressed above in sections 3 and 4. It is a systemic failure of the UK with regards to A8.

Aarhus Convention Compliance Committee jurisprudence

We would also like to draw attention to the Committee's previous finding in case ACCC/A/2014/1, regarding a request for advice from Belarus that included A8. Belarus sought clarification on the scope of the obligation in A8. In making its findings the Committee considered the Secretariat's response, the Aarhus Implementation Guide, the Maastricht Recommendations, as well as its own jurisprudence. The overall conclusion reached in respect of A8 was at paragraph 58:

> *"(h) The final version of a normative instrument be in practice accompanied by an explanation of the public participation process and how the results of the public participation were taken into account, bearing in mind that article 8, paragraphs (a) – (c), of the Convention sets forth a minimum of three elements that should be implemented in order to meet the obligation to promote effective public participation, and also that the final sentence of article 8 requires Parties to ensure that the outcomes of public participation is taken into account as far as possible;..."*

The Explanatory Notes for the draft Bill (enclosed), do not refer to any public consultation at all, and as set out above, the UK has not complied with what is necessary for A8 participation.

Timing of communication

The Communicant would like to address the issue of timing as it relates to the nature of the complaint raised. There are two main issues:

1. The speed of the compliance process and the need for a resolution at a time when it can still be beneficial and practically relevant; and,
2. That the second part of this complaint will not fully crystallise until the Bill is finally made law. This is expected to occur in early 2018.

On point 1: we are now within an intensive period in which the UK will establish the legal framework for its withdrawal from the EU in March 2019. We respectfully submit that the compliance process needs to consider this communication soonest for it to have greatest practical effect.

- We respectfully request that consideration of this communication is expedited.

On point 2: the Bill is currently being debated in Parliament and it is not yet law. It is expected that the Bill will become law in due course. It is impossible, at this stage, to predict what amendments (if any) may be made to the Bill before it becomes law.

Should the Bill not be made, or belatedly include a requirement for public consultation on all subsequent regulations that may affect the environment then the Communicant accepts that its complaint in this regard may fall away (depending on the precise form of amendment).

However, the Communicant does not consider it practical or helpful to wait for the Bill to finish its parliamentary process before raising the Second Issue, given the breach already in existence as set out in the First Issue. To do so would render this compliance process less effective and likely out of time to provide findings and recommendations with practical effect. The two issues are plainly to be taken together. They embody the same complaint in closely related contexts regarding the same legislative measure, and the breach of A8 is already current in respect of the First Issue.

The Third Issue, over non-compliance with Article 3 (1), stands whether or not the Bill is enacted. There is no clear and consistent legal requirement for compliance with Article 8.

6. Use of domestic remedies

The UK has not directly implemented Article 8 of the Convention. There is therefore, no ability for UK citizens to raise this matter before a court or tribunal in the UK and assert their A8 rights.

The only practical outcome that would remove the First Issue is for the Bill not to be made by Parliament (although notwithstanding the non-compliant lack of consultation in the first place), but that is highly unlikely at this stage. It could then be possible for a fully compliant consultation to take place on a variety of legislative options for the UK's withdrawal from the EU.

On the Second Issue, another practical outcome would be for a new legal requirement in the Bill, or enacted separately, obligating public consultation in full accordance with A8. This could also deal with the Third Issue at the same time, depending on how it was done.

The Bill is currently before Parliament for debate by politicians, but the Communicant does not have any control of that process, or any particular standing within it. In any event, that process is being conducted in the context of a total failure of A8 public consultation.

The only effective process left is the Aarhus Convention Compliance Committee process. We ask that this communication be admitted, and for positive recommendations that the UK can then implement.

7. Use of other international procedures

No other international procedures are available.

We raised this issue for the attention of the 6th Meeting of the Parties at Budva on 12 September 2017. A copy of the speaking note is enclosed. We have received no response from the UK.

8. Confidentiality

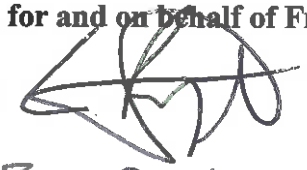
The Communicant does not request that confidentiality be maintained in this matter.

9. Supporting documentation (copies, not originals)

The following supporting documentation is included:

1) The White Paper
2) The Bill and Explanatory Note
3) Impact Assessment
4) FoE Article 8 and public participation speaking note, the 6th Meeting of the Parties at Budva on 12 September 2017
5) Case ACCC/A/2014/1
6) European Communities Act 1972, section 2 (also see here: https://www.legislation.gov.uk/ukpga/1972/68/section/2)

Signed, for and on behalf of Friends of the Earth Ltd, by William Rundle

Signed: 

Dated: 31 October 2017