EXPLANATORY MEMORANDUM TO

THE EUROPEAN FOREST INSTITUTE (IMMUNITIES AND PRIVILEGES) ORDER 2024

2024 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lord Benyon, Minister of State for Climate, Environment and Energy at the Foreign, Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Jeremy Pilmore-Bedford, Deputy Director Protocol at the Foreign, Commonwealth and Development Office can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Phoebe Thomas at the Foreign, Commonwealth and Development Office email: Protocol.DMIOUIntOrgs@fcdo.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Instrument will implement the Host Country Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Forest Institute into domestic law in the UK.

4.2 The Instrument grants privileges and immunities to the European Forest Institute and to certain staff members and affiliated persons. It does not confer legal capacity as this was conferred on the EFI in the European Forest Institute (Legal Capacities) Order 2005.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom of Great Britain and Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom of Great Britain and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The UK Government has entered into a treaty ("the Agreement") with the EFI in order to provide the EFI with the privileges and immunities necessary for it to function

effectively within the UK. This is the only possible approach to make the necessary changes and is standard treatment for international organisations under the International Organisations Act 1968.

5.2 The Agreement has been concluded between His Majesty's Government and EFI to grant those privileges and immunities. It will enter into force once this instrument has been approved and made. In particular, the Agreement obliges the UK to grant certain privileges and immunities to the EFI including immunity from jurisdiction within the scope of its official activities and inviolability of its premises and archives; and to grant certain privileges and immunities to EFI staff members and affiliated persons. The Agreement provides for exceptions to immunity in respect of road traffic offences and accidents.

5.3 The EFI is an international organisation set up to conduct research and provide policy advice on forest-related issues. It is headquartered in Finland, with other offices across Europe. It is important that the EFI has a solid presence within the United Kingdom, to enable greater UK collaboration with the EFI's 30 member states and member organisations from 39 countries to reinforce the UK's leadership on international forests and climate policy and deliver on UK programme objectives. The UK has been involved with the EFI for over 10 years, including through FCDO's flagship Forest Governance, Markets and Climate programme (FGMC).

5.4 The UK is a member of the EFI, and as with other international organisations of which the UK is a member, under the International Organisations Act 1968, secondary legislation is required to implement treaty provisions in domestic law. The EFI are looking to open an office within the UK and require certain privileges and immunities in order to function and operate effectively.

What was the previous policy, how is this different?

5.5 In order to enable increased collaboration with the organisation including establishing a UK office, it is necessary to grant the European Forest Institute a certain set of privileges and immunities covering their activities in the UK.

5.6 As with other international organisations of which the UK is a member, EFI will enjoy certain privileges and immunities in the UK. The instrument will implement the provisions of the Agreement into UK domestic law.

5.7 The European Forest Institute (Legal Capacities) Order 2005, whilst conferring legal capacity on the EFI did not provide the necessary privileges and immunities to the EFI to enable it to open an office in the UK.

6. Legislative and Legal Context

How has the law changed?

6.1 There was no secondary legislation in place to provide the necessary privileges and immunities to the EFI to enable the organisation to function and operate effectively and thus open an office in the UK. The European Forest Institute (Legal Capacities) Order 2005, whilst conferring legal capacity on the EFI did not provide the necessary privileges and immunities to the EFI to enable it to open an office in the UK.

Why was this approach taken to change the law?

6.2 Section 1 of the International Organisations Act 1968 (c. 48) allows His Majesty by Order in Council to specify an organisation of which the United Kingdom and other sovereign Powers are members, to confer on the organisation the legal capacities of a

body corporate, and to confer on the organisation and persons connected with it certain privileges and immunities.

7. Consultation

Summary of consultation outcome and methodology

7.1 No external consultation was undertaken in relation to the negotiation or conclusion of this international agreement. This is consistent with the general practice regarding privileges and immunities conferred on inter-governmental organisations covered under the International Organisations Act 1968. The Instrument implements provisions of the Agreement to which the United Kingdom is obliged to give effect as a matter of international law.

8. Applicable Guidance

8.1 No guidance will be published.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on the public sector, business, charities or voluntary bodies.

Impact on businesses, charities and voluntary bodies

9.1 There is no, or no significant, impact on business, charities or voluntary bodies.

9.2 The legislation does not impact small or micro businesses.

9.3 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument is not time limited and there is no requirement to monitor its implementation. Officials at the Foreign, Commonwealth and Development Office will monitor the implementation of the Agreement on an ongoing and informal basis.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The FCDO is of the view that there are no significant human rights implications. The treaty provides that it is the duty of EFI and all persons enjoying privileges and immunities under the Treaty to respect the laws and regulations in force in the UK. Furthermore, as set out in Article 12 of the Agreement, EFI shall co-operate at all times with the appropriate UK authorities in order to facilitate the proper administration of justice and to prevent any abuse of the privileges and immunities conferred by the Treaty.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").