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From: PROTOCOL - All Staff  
Subject: FW: LEAD: RR FCOLN/ABIDJ 372: CONGESTION CHARGING SCHEME FOR CENTRAL LONDON  
Sent: 19 June 2002 05:10:10 GMT

From: [REDACTED]  
Sent: Wednesday, June 19, 2002 6:10:10 AM  
To: [REDACTED]  
Cc: PROTOCOL - All Staff  
Subject: FW: LEAD: RR FCOLN/ABIDJ 372: CONGESTION CHARGING SCHEME FOR CENTRAL LONDON  
Importance: Low  
Auto forwarded by a Rule

-----Original Message-----

From: [REDACTED]  
Sent: 18 June 2002 19:17  
To: PROTOCOL D  
Subject: LEAD: RR FCOLN/ABIDJ 372: CONGESTION CHARGING SCHEME FOR CENTRAL LONDON  
Importance: Low

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[REDACTED]  
RR ABIDJ  
RR ALLPO  
FM FCOLN TO ABIDJ  
181415Z JUN  
GRS 997

[REDACTED]  
FM FCO  
TO ROUTINE ABIDJAN  
TELNO 372  
OF 181415Z JUNE 02  
AND TO ROUTINE ALL DIPLOMATIC POSTS

FROM PROTOCOL DIVISION

SUBJECT: CONGESTION CHARGING SCHEME FOR CENTRAL LONDON

SUMMARY

1. Congestion Charging Scheme for Central London approved by the Mayor of London and set to come into operation in February 2003. Diplomatic missions and international organisations based in the UK will not (repeat not) be exempt. FCO approaches to Mayor requesting

limited concession for diplomatic community unsuccessful. However, legal challenge to scheme by Westminster City Council could delay its introduction. Lines to take should this issue be raised locally.

#### DETAIL

2. On 26 February 2002 the Mayor of London formally approved a Congestion Charging Scheme for Central London. In brief, the scheme, which is due to come into operation in February 2003, will introduce a charge of 5 pounds per day for all vehicles entering the central London area between the hours of 7 am to 6.30 pm, Monday to Friday. The central area includes the City, Westminster, Mayfair, Bloomsbury, Marylebone, Lambeth and Southwark, but not Belgravia and Knightsbridge where many foreign missions are located. Residents of the zone will benefit from a 90% discount, but there is no concession for businesses or offices. The only vehicles to be exempted from the scheme are those belonging to the emergency services, the disabled and some NHS employees, buses, London licensed taxis, motorcycles and operational vehicles of the borough councils in the area. The penalty for failing to pay the charge will be the same as for parking violations (80 pounds reduced to 40 pounds for prompt payment). The money earned from the scheme will be invested in projects aimed at improving public transport in the capital.

3. We carefully examined the scheme in the light of the UK's obligations under the Vienna Convention on Diplomatic Relations (VCDR) and agreements conferring privileges and immunities on International Organisations, and concluded that charges under the scheme fall into the same category as parking fees or toll charges which we expect diplomatic missions and international organisations to pay.

[REDACTED]

Approaches were therefore made to the Mayor of London at Ministerial level about possible concessions for the diplomatic community. Diplomatic missions and international organisations were informed of this by Note Verbale on 18 March.

4. The Mayor has now informed us that he is unable to exempt or discount any diplomatic vehicles (official or private), although diplomats resident within the zone will of course be entitled to the 90% discount available to other residents. A further development is that Westminster City Council is attempting to mount a legal challenge to the scheme, based on the Mayor's decision not to order an environmental assessment of its impact or to hold a public enquiry. The Council should learn within the next few weeks whether or not permission for a judicial review has been granted. A judicial review could force the Mayor to hold a public enquiry which would considerably delay implementation of the scheme.

5. We are in the process of issuing a further Note to missions and organisations to inform them of the Mayor's decision on diplomatic vehicles. We know from our contacts with the diplomatic community that many are unhappy about the scheme and the probability that they will not be exempt from it. This unhappiness is likely to take more tangible form when they learn that this is the case. The Dean has already raised the issue publicly at the Lord Mayor's Easter Banquet. Should your host government approach you on this issue, you may wish to draw on the following:

Why were missions and organisations not consulted about the scheme?

- This was not a central government initiative. Transport in the capital comes under the authority of the Mayor of London. There was a period of public consultation in 2001 when missions could have made their views known. Although unsuccessful, the FCO made representations to the Mayor on behalf of missions and organisations.

What is the timing?

- The scheme is due to come into operation in February 2003. However, Westminster City Council is mounting a legal challenge. If allowed, this could result in the scheme being subjected to a public enquiry which would considerably delay its implementation and, possibly, its withdrawal.

Under the terms of the VCDR, this is a tax from which diplomats should be exempt

- Charges under the scheme do not constitute taxes, but are in a separate category of charges such as parking fees or tolls. As such, there are no provisions in the VCDR or the agreements setting out privileges and immunities of various international organisations which would entitle diplomats or staff members of international organisations to exemption from the charges.

The charges are an unreasonable obstacle to the conduct of the legitimate business of missions and organisations

- We do not believe this is the case. However, we recognise the financial impact the charges will have on missions and for this reason approached the Mayor of London about possible concessions for the diplomatic community.

What will happen if our mission does not pay?

- We cannot enforce payment but missions and organisations are under an obligation to respect the laws and regulations of the receiving State. As with parking fees, we will take a serious view of non-compliance.

6. Part of our strategy to contain the ire of the Diplomatic Corps will be to take up the Mayor's suggestion to involve Transport for London directly in a dialogue with diplomats.

7. Please let us know if you are approached on this issue as has already happened in Cairo.

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