

**EXPLANATORY MEMORANDUM TO THE EUROPEAN FOREST
INSTITUTE (LEGAL CAPACITIES) ORDER 2005**

2005 No.3426

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
 - 2.1 Article 12 of the Convention on the European Forest Institute (“the Convention”) requires the United Kingdom to confer on the European Forest Institute (“EFI”) legal personality, including the capacity to contract, to acquire and dispose of property and to institute legal proceedings. The present Order will confer legal capacity on the EFI and thus enable the United Kingdom to give effect to Article 12 of the Convention and deposit its instrument of ratification of the Convention with the Government of Finland.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 It is proposed that the above Order should be made under section 1 of the International Organisations Act 1968 (“the 1968 Act”). Section 10 of the 1968 Act provides that no recommendation shall be made to Her Majesty to make an Order in Council under any provision (other than section 6) of the 1968 Act, unless a draft has been laid before Parliament and approved by a resolution of each House.
 - 4.2 Section 1(2)(a) of the 1968 Act is the power under which article 3 of the draft Order is made.
 - 4.3 Article 1 of the draft Order provides that it will come into force on the date on which the Convention enters into force in respect of the United Kingdom, which date shall be notified in the London, Edinburgh and Belfast Gazettes.
5. **Extent**
 - 5.1 This instrument applies to all of the United Kingdom.
6. **European Convention of Human Rights (ECHR)**
 - 6.1 Lord Triesman has made the following statement regarding Human Rights:

In my view the provisions of the European Forest Institute (Legal Capacities) Order 2005 are compatible with the Convention rights.

7. Policy Background

7.1. The EFI was established in 1993 to provide a forest research and information resource to meet the needs of a rapidly changing Europe. As part of a wider strategy to improve its contribution to international forest research, the EFI is to be established as an international organisation under the Convention signed at Joensuu, Finland on 28 August 2003. This change in status will bring benefits both to the EFI and the wider forestry community in Europe by broadening the EFI's perspective, primarily by attracting a wider range of nationals to work at the EFI.

7.2. The EFI undertakes research at the pan-European level on forest policy, including its environmental aspects such as the ecology, multiple use, resources and health of forests and also on the supply and demand for timber and other forest products and services. This contributes towards promoting the conservation and sustainable management of forests in Europe.

7.3. The Forestry Commission and the Forest Research Agency supported the change in the EFI's status when the issue of granting the EFI international and domestic legal personality was first raised in 1999. They recognised the potential benefits to the EFI and to the wider forestry community in Europe.

7.4. Eight countries have now ratified the Convention. The entered into force, in relation to those countries which have ratified it, on 4 September 2005.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. Financial resources are provided through membership fees, voluntary contributions and other sources that may present themselves. Although there is no financial commitment other than membership fees, there is still scope for the UK to contribute should there be a specific piece of research that the UK feels is worth supporting.

8.3. The annual cost of membership is currently 1250 EUR. The cost of any voluntary contributions would depend upon any specific needs of the UK from year to year.

9. Contact

9.1. Peter Baldwin at the Foreign and Commonwealth Office [Tel: 020 7008 0997 or e-mail: Peter.Baldwin@fco.gov.uk] can answer any queries regarding the instrument.

