



Environment Information Regulations

What will replace Article 10 when EU Regulation 338/97
is no longer relevant after Brexit?

For a Link to the FOI/EIR page visit: <http://jncc.defra.gov.uk/default.aspx?page=6077>
For further information about the Joint Nature Conservation Committee visit:
<http://jncc.defra.gov.uk/>

Number of EIR 201823

Request

Hi, I would like to make an FoI request for any information relating to communications between JNCC and Defra about what will replace Article 10, if anything, when EU Regulation 338/97 is no longer relevant after Brexit.

Reply

Thank you for your request for information, received by JNCC on Monday 2 July 2018, which we have dealt with under the Environmental Information Regulations 2004.

You requested any information relating to communications between JNCC and Defra about what will replace Article 10, if anything, when EU Regulation 338/97 is no longer relevant after Brexit.

After careful consideration, and consultation with Defra, our view is that your request '*relates to material which is still in the course of completion, to unfinished documents or to incomplete data*' under **regulation 12(4)(d)** and disclosure of the information would also adversely affect the confidentiality of proceedings of both Defra and the JNCC in accordance with **regulation 12(5)(d)**.

Both JNCC and Defra consider that the information requested is confidential at this time as it relates to the ongoing development of EU Exit policy. Release of correspondence between JNCC and Defra, at this time, would prove detrimental to the development of any necessary policy. The public interest is therefore in favour of non-disclosure.

With regard to what may replace Article 10 when the UK has left the EU, we would note that the UK is a party to CITES in its own right and will continue to be bound by the Convention after EU Exit. The UK will use the powers under the Withdrawal Act to bring the current EU Wildlife Trade Regulations (338/97 and related Regulations) into UK law.

Please acknowledge receipt of this email. If you require any further detail please do not hesitate to contact us.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint please contact Kirsty Meadows (kirsty.meadows@jncc.gov.uk).

If you are still not satisfied following this, you can make an appeal to the Information Commissioner who is the statutory regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 08456 30 60 60
01625 54 57 45
www.ico.gov.uk

Yours sincerely,

John Henson Webb

Communications and Corporate Governance Officer

BSc (Hons)
JNCC, Monkstone House, City Road, Peterborough, PE1 1JY
Tel: 01733 866801, Direct Dial: 0773 866844
Email: john.hensonwebb@jncc.gov.uk



<http://jncc.defra.gov.uk>



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