

From: Peter Jones

Date: 06 December 2015 15:43

Subject: Re: IPSO - Our Reference 04989-15

To: IPSO

Dear Sirs,

Many thanks for putting forward my proposed resolution, and for conveying the newspaper's further thoughts. I am delighted to hear that they have offered to withdraw the section that misreports Mr Miliband's contribution to the food waste debate, but am puzzled by the response in respect of the Waste Framework Directive.

Surely, if Mr Littlejohn "does not intend to suggest that any actual 'gold-plating' took place", then to say that the Directives policies were gold-plated is a very misleading way to convey this!

I would also point out that gold-plating is not a matter of opinion. A directive is gold plated if national legislation includes requirements that exceed those of the directive. I have explained that this is not the case in respect of the waste framework directive. The 1975 Directive did not require the UK to do anything more than ensure it had sufficient waste management capacity available, and therefore did not necessitate changes.

Subsequently, we had the 2008 Directive - here, the UK has transposed some of its requirements word for word, in some cases after attempting to water them down below what was in fact required by the EC. Some requirements have not been transposed into UK law at all (e.g. Article 10 of the 2008 Directive). Those that have been transposed (e.g. Article 4, Article 11) have not been subject to any enforcement - no breach of them has been identified or acted upon by the Environment Agency, and no budgetary provision has been made for the Agency to do so. A colleague and I set out the case, for example, that the requirements of Article 4 are being widely ignored, despite being part of UK law in a blog post:

<http://www.isonomia.co.uk/?p=4149>

Mr Littlejohn may be of the opinion that "since 1990 there has been too much bureaucracy and too many developments in waste management policy for his liking". I am happy to for him to make that viewpoint plain. He is also at liberty to say he blames the EU for the changes, as it is true that EU legislation has driven many recent developments in the UK - though it should be noted that UK elected representatives and civil servants have been involved with and supported many of the proposals.

However, he is wholly mistaken to believe that the cause of the problems he perceives is the UK exceeding EU requirements. This is simply untrue, and therefore misleading - and a matter over which care should be taken in the run up to a referendum on EU membership. Throughout this correspondence no evidence of UK gold-plating of legislation has been provided. I contend that this is because no such gold-plating has taken place.

I would be delighted to accept the changes that the Mail has offered thus far, but would urge them to reconsider whether Mr Littlejohn's views on UK implementation of EU waste

law could be more aptly expressed, since it appears that the words that currently appear in the article reflect neither reality nor his opinions.

Regards

Peter