£50 million and rising

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The scandalous amount owed to Londoners by its embassies

LONDONASSEMBLY
Liberal Democrat Group

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Introduction

London is now owed £50 million in unpaid Congestion Charge and Penalty Charge Notices by foreign embassies, with the unpaid bill rising by £1 million a month. The loss of revenue to Transport for London (TfL) and Londoners now equals more than £6 per person living in London[1].

The United States Embassy is one of the worst defaulters, owing £5 million to Londoners since their sudden decision to stop paying the Congestion Charge in 2005. They are followed by Russia, Japan and Germany in terms of money owed to TfL and Londoners. During 2009 alone the US and Russian embassies both racked up a bill of over £1million in unpaid Congestion Charge and Penalty Charge Notices. Along with other embassies the cumulative unpaid bill of Congestion Charge and Penalty Charge Notices grew by more than £11.6 million in 2009.

Only a small proportion of embassies based in London consistently refuse to pay the congestion charge. The latest figures show that 74% of Embassies (119 our of 162) pay the charge on a regular basis[2]. Many of the non-paying embassies are some of the richest nations in the world.

With the ever rising amounts owed to Londoners and the reasons for non-payment diminishing as the Western Extension Zone is abolished it seems timely for London's defaulting embassies to pay the Congestion Charge and begin paying their multi-million pound back log.

[1] £6.59 based on a London population of 7.6 million and a payment of £50 million

[2] http://www.london.gov.uk/mqt/public/question.do?id=29242

The Congestion Charge – A little history

Contained within the Greater London Authority Act 1999 was the right of the Authority and its Mayor to create a zone in which a congestion charge could be levied. The former Mayor of London used this authority and in February 2003 charging began.

The congestion zone was designed to cut congestion in the centre of London, a target that it has initially met. It is an undeniable fact that if the Congestion Charge had not been introduced the current levels of congestion within the zone would be significantly greater.

The Congestion Charge has also allowed extra investment in public transport and provided a number of other benefits for the local environment, including greater use of public transport, reductions in CO2 and other pollutants and improved road safety.
By refusing to pay the charge, which is used solely to administer the scheme and fund transport schemes in London, embassies are benefiting from the generosity of their host city.

A number of embassies refused to pay from the outset (particularly African Union nations[3]), and by 2004, already a million pounds was owed to London by various embassies. The Government was, however, able to convince a number of the embassies to begin paying the charge[4]. Controversy only really began in 2005, when, after paying the charge for two years, the United States Embassy suddenly announced that it would no longer pay the charge as they now considered it a tax.

Over the summer of 2005 a number of embassies from EU countries reportedly met to discuss how to sidestep the charge and some time afterwards the German Embassy announced it would no longer pay the charge[5]. The French Embassy had no problem with the charge until 2007 and then decided they agreed with the actions taken by the American Embassy and started to refuse to pay the charge[6].

These changes of opinion tied-in conveniently with the west-ward expansion of the Congestion Charge zone as the Western Extension Zone (WEZ), as the number of embassies included within the zone increased.

In 2006 the Embassy of the United Arab Emirates backed down and announced that it would start paying the charge having previously refused to pay from the very start. The Embassy cleared its debt and promised to begin to require its staff to pay the congestion charge[7].

[3] http://www.timesonline.co.uk/tol/news/uk/article1415468.ece

[4] http://www.thisislondon.co.uk/news/article-13105573-diplomats-owe-13m-in-parking.do

[5] http://www.timesonline.co.uk/tol/news/article579971.ece

[6] As of 2007 a total of 23 out of 27 EU Embassies refuse to pay the congestion charge. See appendix D

[7] http://news.bbc.co.uk/1/hi/england/london/4881442.stm

Tax and the Vienna Convention

> *"But no one has to pay the congestion charge. It's simply the price to be paid, much like paying for a swim in the local pool. No one has to drive their car into the zone.*
> *If you don't want to pay, don't make the journey. Or take public transport."*
>
> *Stephen Pollard, The US Taxing our Patience, The Times newspaper*[8]

Diplomats avoiding the Congestion Charge often cite the Vienna Convention on Diplomatic Relations as the international treaty that legitimises their position. The Convention, agreed in 1961, does release diplomats from paying tax to their host country. However Article 34 of the Convention which deals with this issue, specifically denies diplomats the right to avoid paying for specific services.

The key fact is that the Congestion Charge in London is not a tax[9] but a charge made for the use of certain types of private vehicles within specified hours, on some of London's most congested roads. Foreign diplomatic staff should pay for this in the same way that British diplomats pay to use toll roads where they are based. Indeed a Times newspaper editorial last year described the embassies and diplomatic missions that refuse to pay the charge as having an "intellectually unsustainable" position and that "the US view causes unnecessary offence"[10].

Britain's Office for National Statistics (ONS) and the Foreign & Commonwealth Office (FCO), rejected the argument that the charge was a tax because firstly, by law, all revenue must be spent on improving London's transport system, as such the ONS consider the charge as a "self financed market service". Secondly, the ONS considered the amount charged as reasonable to the costs involved.

In a startling lack of consistency, in Oslo and Singapore where a similar charge exists, both British and U.S embassy staff pay the charge[11] [12], and the US Federal Department for Transport itself does not count road tolls as a tax but as a user fee[13].

The British Government has made it clear to embassies that the Congestion Charge should not be considered as a tax. In 2005 Jack Straw, the then Foreign Secretary, told the House of Commons:

> *"We have informed missions of our view that the congestion charge does not constitute a form of direct taxation under the Vienna Convention, but is a charge analogous to a motorway toll, and that they are expected to pay."*[14]

The Organisation for Economic Cooperation and Development (OECD) has also published its own judgement on the issue. The OECD looked in particular at the organisational structure of

[8] http://www.timesonline.co.uk/tol/comment/thunderer/article714362.ece
[9] Foreign office memorandum FOI in response to US protests - See Appendix B for full text
[10] http://www.timesonline.co.uk/tol/comment/leading_article/article6799631.ece
[11] http://www.guardian.co.uk/uk/2006/apr/06/london.transport
[12] http://news.bbc.co.uk/1/hi/england/london/4770293.stm
[13] http://www.barder.com/401
[14] http://www.timesonline.co.uk/tol/comment/letters/article718126.ece

Transport for London as a "quasi corporation". The report referred to the fact that there is a legal requirement that the revenue from the charge must be spent on transport in London. "The congestion charge is therefore a service charge not a tax because of the ring fenced accounting inherent in the scheme".

The report recognised that there was a cross subsidy (money from the Congestion Charge might go to trains for example) but pointed out that this was common in the private sector[15].

[15] http://www.oecd.org/dataoecd/10/38/24330376.doc

Boris Johnson puts his foot in his mouth and ensures Londoners lose out

On this issue Boris Johnson has tried to have his cake and eat it. While he claims he tells the embassies that they need to pay the charge he also tries to appeal to the motoring lobby, and elements within the Conservative Party, by on a number of occasions, publicly calling it a tax[16]. On 27th November 2008, when announcing the scrapping of the Western Zone Boris Johnson declared, "we can lift this tax"[17]. A spokesman for the Mayor was later forced to retract this statement[18].

Unfortunately Boris Johnson has not learnt his lesson. A year later he managed to repeat the mistake, this time speaking to the London Assembly when he described the Congestion Charge as a tax (Question 0223/2009)[19]. These clumsy high profile comments from the Mayor of London immediately legitimise the arguments of those avoiding the charge and totally undermine the campaign to persuade embassies and diplomatic missions to pay the Congestion Charge. During his election campaign Boris Johnson could play down his habit of putting his foot in his mouth, but now this habit is costing London tens of millions of pounds.

Regrettably the actions of Boris Johnson have also been followed by many Conservative London Assembly Members, who have on a number of occasions provided an excuse to non-paying embassies by frequently referring to the Congestion Charge as a tax[20] [21]. Incredibly some have even stated that they agree with the actions of the US and other non-paying embassies[22].

[16] Boris Johnston axes London congestion charge, Guardian, Nov 27 2008 (http://www.guardian.co.uk/politics/2008/nov/27/congestioncharging-london)

[17] http://www.guardian.co.uk/politics/2008/nov/27/congestioncharging-london

[18] http://torytroll.blogspot.com/2008/11/boriss-diplomatic-stand-off-lasts-only.html

[19] http://www.london.gov.uk/mqt/public/question.do?id=28979

[20] http://www.independent.co.uk/news/uk/politics/embassies-refuse-to-pay-capitals-congestion-charge-511556.html

[21] http://www.london.gov.uk/mqt/public/question.do?id=27370

[22] http://www.independent.co.uk/news/uk/politics/embassies-refuse-to-pay-capitals-congestion-charge-511556.html

Liberal Democrat action

Liberal Democrats in City Hall have taken a strong lead in consistently demanding that the embassies pay the money owed to London. The Liberal Democrat London Assembly Transport Spokesperson Caroline Pidgeon has regularly used Mayor's Question Time as well as other opportunities to ensure that the Mayor continues to pursue this issue. She has publicly described the embassy behaviour as an insult to Londoners and the city.

Caroline also proposed, and won the backing of the London Assembly for a motion, which called on Boris to write to the Heads of State demanding that they instruct their embassies to pay up. The Mayor has refused to do this and flatly rejected the majority view of the London Assembly. While the Liberal Democrats provide leadership on this issue Boris Johnson has refused to take action and through his ill-judged comments legitimised the actions of the non paying embassies.

> *"All the international evidence and legal opinion clearly states that the Congestion Charge is exactly that - it is a charge not a tax and embassies cannot leave bills unpaid. Indeed let us never forget that for the first two years of its existence the US Embassy did actually pay the Congestion Charge. The US Embassy position is indefensible and an appalling example to other embassies who follow the lead of the US."*[23]
>
> *Caroline Pidgeon, Leader of the Liberal Democrat London Assembly Group and Vice-chair of the London Assembly Transport Committee*

[23] http://www.gla.libdems.org.uk/news/000732/us_embassy_letting_down_londoners_and_setting_an_appalling_example_on_congestion_charge__pidgeon.html

Questions and Answers on the Congestion Charge

Question: What is the Mayor of London doing to pursue the money we are owed?

Answer: Boris Johnson wants to have his cake and eat it when asked about his views on the embassies that avoid paying. He tells Londoners that he wants them to pay, but when he wants to undermine the Congestion Charge he attacks it as a tax[24], supporting the argument that the embassies use to escape the charge. Boris Johnson has even refused to take the modest step of writing to heads of states of the embassies and diplomatic missions of countries that refuse to pay the Congestion Charge, despite being urged to do so by the London Assembly.

Question: Isn't the charge a tax?

Answer: No, it's a charge. Transport for London is a corporation, and has the same legal status as the Post Office. The Congestion Charge is a payment for services, and not paying the congestion charge is like not paying for a stamp. The US Federal Department for Transport also classifies road tolls as user fees and not taxes[25]. Indeed it is worth remembering that the US Embassy was happy to pay the congestion fee until mid 2005, but then suddenly changed its mind. Furthermore the US has not objected to contributing to similar schemes in other cities where it has embassies.

Question: Why doesn't the Mayor or Transport for London take them to court?

Answer: The Vienna Convention on Diplomatic Relations protects diplomats from prosecution in the countries to which they are posted, so while they are breaking the law by not paying they cannot be taken to court.

Question: What has the reaction been in America to their embassy's stance?

Answer: The extremely influential New York Times published an editorial condemning its Embassy's behaviour and calling on them to pay up. It agreed with the British stance that the charge is not a tax, "The British make a good case that the charge is not a tax, but a toll for the use of selected streets. Their diplomats, they note, regularly pay tolls on American roads and bridges."
The article concludes "We don't buy the idea that diplomats are immune to the surcharge" and that "Mr Livingstone is certainly within his rights to demand payment, which may now amount to hundreds of thousands of dollars, including fines" [26]

[24] Boris Johnston axes London congestion charge, Guardian, Nov 27 2008 (http://www.guardian.co.uk/politics/2008/nov/27/congestioncharging-london)
[25] http://www.barder.com/401
[26] http://www.nytimes.com/2006/03/31/opinion/31iht-edrevolt.html?_r=1&scp=16&sq=congestion%20charge%20london%20embassy&st=cse

Question: What effect has the abolition of the Western Extension Zone had?

Answer: On the 4th January 2011 the Western Extension (WEZ) to the Congestion Charge was scrapped by Mayor Boris Johnson thus removing a large number of embassies from the Zone including the French, Greek and Ukrainian Embassies and missions all of which have racked up charges and penalties of over £1 million. Since the extension of the zone appeared to be a catalyst for embassies to begin refusing payments there seems little reason for these embassies to not resume payment of the Congestion Charge now that the WEZ has been abolished.

Question: Aren't British Diplomats exempt from the congestion scheme in Stockholm?

Answer: Yes but we have a Congestion Charge and they have a congestion tax. Central Government in Sweden made a specific decision that the scheme was a tax. The international norm remains that congestion charging is a charge for a service. Secondly, unlike London's scheme where the charge is collected and goes to a corporation (Transport for London), Stockholm's scheme is administered and run by the central Government. Unlike Stockholm's scheme the revenue collected by the Congestion Charge in London is ring-fenced to be spent in London only. This is not true of the Stockholm scheme where the revenue can be spent over a broader and unspecified area[27]. In summary comparing the Stockholm and London's schemes is not comparing like with like. The two schemes operate in two completely different ways.

Question: What are the Penalty Charge Notices that embassies owe in addition to unpaid Congestion Charge payments?

Answer: Any driver who has not paid the Congestion Charge by midnight on the following day is issued a Penalty Charge Notice (PCN) of £120 to the registered keeper of the vehicle.
If the PCN is paid with 14 days of the date of service the driver receives a 50% discount, with the amount payable being £60, rather than £120.

[27] http://www.stockholm.se/PageFiles/70349/Sammanfattning%20eng%20090918_.pdf

Appendix A

Outstanding diplomatic Congestion Charge penalty notices for contraventions since Scheme start up until and including 6th January 2011

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Freedom of information request

#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
1	AMERICAN EMBASSY	44496	£4,915,920.00
2	EMBASSY OF THE RUSSIAN FEDERATION	38243	£4,286,340.00
3	EMBASSY OF JAPAN	30724	£3,413,100.00
4	EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY	30379	£3,399,310.00

5	HIGH COMMISSION FOR THE FEDERAL REPUBLIC OF NIGERIA	23052	£2,514,510.00
6	OFFICE OF THE HIGH COMMISSIONER FOR INDIA	15077	£1,710,400.00
7	THE EMBASSY OF THE REPUBLIC OF THE SUDAN	14201	£1,522,920.00
8	OFFICE OF THE HIGH COMMISSIONER FOR GHANA	12666	£1,422,980.00
9	EMBASSY OF THE REPUBLIC OF POLAND	12151	£1,369,920.00
10	SPANISH EMBASSY	10498	£1,185,920.00
11	FRENCH EMBASSY	10299	£1,148,920.00
12	EMBASSY OF GREECE	9761	£1,100,220.00
13	KENYA HIGH COMMISSION	9890	£1,064,910.00
14	EMBASSY OF UKRAINE	9297	£1,045,080.00
15	EMBASSY OF ROMANIA	8748	£981,460.00
16	EMBASSY OF THE REPUBLIC OF KAZAKHSTAN	8138	£919,700.00
17	HIGH COMMISSION FOR THE UNITED REPUBLIC OF TANZANIA	8243	£881,440.00
18	EMBASSY OF ALGERIA	6976	£758,960.00
19	HIGH COMMISSION FOR THE REPUBLIC OF SOUTH AFRICA	6582	£713,800.00
20	EMBASSY OF THE REPUBLIC OF KOREA	5849	£668,880.00
21	SIERRA LEONE HIGH COMMISSION	5915	£628,000.00
22	EMBASSY OF THE REPUBLIC OF BULGARIA	5395	£598,360.00
23	EMBASSY OF THE REPUBLIC OF HUNGARY	5122	£572,860.00
24	EMBASSY OF THE REPUBLIC OF YEMEN	4770	£535,020.00
25	EMBASSY OF THE SLOVAK REPUBLIC	4747	£533,820.00
26	HIGH COMMISSION FOR THE ISLAMIC REPUBLIC OF PAKISTAN	4638	£528,170.00
#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
27	EMBASSY OF THE REPUBLIC OF BELARUS	4583	£513,300.00
28	CYPRUS HIGH COMMISSION	4455	£505,720.00
29	HIGH COMMISSION FOR THE REPUBLIC OF ZAMBIA	4270	£469,700.00
30	EMBASSY OF THE REPUBLIC OF CUBA	3893	£430,780.00

31	HIGH COMMISSION FOR THE REPUBLIC OF CAMEROON	3812	£416,720.00
32	HIGH COMMISSION FOR THE REPUBLIC OF ZIMBABWE	3391	£356,780.00
33	EMBASSY OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA	3271	£356,700.00
34	EMBASSY OF THE CZECH REPUBLIC	3037	£338,480.00
35	AUSTRIAN EMBASSY	2669	£302,060.00
36	HIGH COMMISSION FOR THE REPUBLIC OF NAMIBIA	2700	£287,740.00
37	MAURITIUS HIGH COMMISSION	2597	£283,740.00
38	KINGDOM OF SWAZILAND HIGH COMMISSION	2659	£282,200.00
39	EMBASSY OF THE REPUBLIC OF EQUATORIAL GUINEA	2494	£273,720.00
40	HIGH COMMISSION OF THE REPUBLIC OF MOZAMBIQUE	2404	£260,940.00
41	BELGIAN EMBASSY	2202	£248,900.00
42	BOTSWANA HIGH COMMISSION	2217	£248,700.00
43	HIGH COMMISSION OF THE KINGDOM OF LESOTHO	2275	£246,680.00
44	ROYAL DANISH EMBASSY	2110	£241,400.00
45	EMBASSY OF THE SOCIALIST REPUBLIC OF VIETNAM	2128	£234,440.00
46	EMBASSY OF THE ISLAMIC STATE OF AFGHANISTAN	2007	£229,180.00
47	MALTA HIGH COMMISSION	1895	£213,180.00
48	HIGH COMMISSION FOR THE REPUBLIC OF MALAWI	1939	£206,900.00
49	UGANDA HIGH COMMISSION	1722	£189,980.00
50	EMBASSY OF THE REPUBLIC OF CÔTE D'IVOIRE	1742	£183,880.00
51	EMBASSY OF THE ARAB REPUBLIC OF EGYPT	1755	£172,760.00
52	JAMAICAN HIGH COMMISSION	1564	£172,760.00

#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
53	EMBASSY OF THE REPUBLIC OF LIBERIA	1501	£168,820.00
54	ROYAL EMBASSY OF SAUDI ARABIA	1547	£155,410.00
55	EMBASSY OF LUXEMBOURG	1306	£148,040.00
56	EMBASSY OF THE REPUBLIC OF GUINEA	1392	£144,220.00

57	EMBASSY OF THE REPUBLIC OF LITHUANIA	1214	£137,560.00
58	EMBASSY OF THE DEMOCRATIC PEOPLES REPUBLIC OF KOREA	1265	£134,280.00
59	PORTUGUESE EMBASSY	1124	£130,800.00
60	EMBASSY OF FINLAND	986	£111,020.00
61	TURKISH EMBASSY	1086	£109,230.00
62	HIGH COMMISSION FOR ANTIGUA AND BARBUDA	904	£100,200.00
63	EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA	894	£98,860.00
64	EMBASSY OF THE REPUBLIC OF LATVIA	829	£91,220.00
65	EMBASSY OF THE REPUBLIC OF SLOVENIA	678	£79,200.00
66	HIGH COMMISSION FOR GUYANA	693	£77,000.00
67	EMBASSY OF THE ISLAMIC REPUBLIC OF MAURITANIA	766	£75,940.00
68	EMBASSY OF THE DOMINICAN REPUBLIC	648	£72,880.00
69	EMBASSY OF THE STATE OF ERITREA	610	£66,720.00
70	EMBASSY OF THE REPUBLIC OF ESTONIA	587	£66,660.00
71	THE GAMBIA HIGH COMMISSION	496	£50,040.00
72	THE EMBASSY OF MOLDOVA	439	£49,440.00
73	EMBASSY OF THE STATE OF QATAR	381	£38,270.00
74	EMBASSY OF THE REPUBLIC OF MADAGASCAR	295	£31,300.00
75	EMBASSY OF EL SALVADOR	277	£31,060.00
76	HIGH COMMISSION FOR THE PEOPLE'S REPUBLIC OF BANGLADESH	254	£27,660.00
77	HIGH COMMISSION FOR GRENADA	242	£27,020.00
78	EMBASSY OF THE REPUBLIC OF ALBANIA	217	£24,120.00

#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
79	LIBYAN EMBASSY	213	£23,040.00
80	BELIZE HIGH COMMISSION	203	£23,040.00
81	EMBASSY OF THE ARGENTINE REPUBLIC	195	£21,560.00
82	HIGH COMMISSION OF THE REPUBLIC OF MALDIVES	175	£19,920.00

83	HIGH COMMISSION FOR SAINT CHRISTOPHER AND NEVIS	170	£19,620.00
84	ROYAL THAI EMBASSY	229	£19,210.00
85	TUNISIAN EMBASSY	165	£17,160.00
86	EMBASSY OF THE DEMOCRATIC REPUBLIC OF CONGO	169	£17,120.00
87	EMBASSY OF HONDURAS	164	£16,520.00
88	EMBASSY OF THE ISLAMIC REPUBLIC OF IRAN	156	£15,000.00
89	EMBASSY OF GEORGIA	160	£14,920.00
90	EMBASSY OF THE HASHEMITE KINGDOM OF JORDAN	139	£14,340.00
91	EMBASSY OF THE UNITED ARAB EMIRATES	122	£13,440.00
92	ITALIAN EMBASSY	125	£13,050.00
93	HIGH COMMISSION FOR SEYCHELLES	93	£10,720.00
94	BENIN CONSULATE	86	£9,900.00
95	IRAQI INTERESTS SECTION	83	£8,500.00
96	EMBASSY OF THE REPUBLIC OF GABON	57	£5,740.00
97	BRUNEI DARUSSALAM HIGH COMMISSION	60	£5,460.00
98	HIGH COMMISSION FOR SAINT LUCIA	52	£5,220.00
99	EMBASSY OF THE SYRIAN ARAB REPUBLIC	50	£4,660.00
100	EMBASSY OF THE REPUBLIC OF UZBEKISTAN	43	£4,600.00
101	EMBASSY OF MEXICO	41	£3,760.00
102	EMBASSY OF THE REPUBLIC OF SENEGAL	44	£3,420.00
103	EMBASSY OF THE STATE OF KUWAIT	32	£3,060.00
104	EMBASSY OF THE SULTANATE OF OMAN	36	£3,060.00

#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
105	EMBASSY OF MONGOLIA	29	£2,880.00
106	HIGH COMMISSION FOR THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA	32	£2,640.00
107	BARBADOS HIGH COMMISSION	21	£2,400.00
108	EMBASSY OF THE KYRGYZ REPUBLIC	21	£2,180.00

109	MALAYSIAN HIGH COMMISSION	25	£1,980.00
110	EMBASSY OF THE AZERBAIJAN REPUBLIC	15	£1,800.00
111	EMBASSY OF THE REPUBLIC OF ANGOLA	15	£1,680.00
112	HIGH COMMISSION FOR THE REPUBLIC OF SINGAPORE	14	£1,500.00
113	EMBASSY OF THE REPUBLIC OF INDONESIA	12	£1,380.00
114	HIGH COMMISSION OF THE REPUBLIC OF FIJI	11	£1,320.00
115	ROYAL NETHERLANDS EMBASSY	18	£1,320.00
116	EMBASSY OF ICELAND	11	£1,320.00
117	EMBASSY OF THE REPUBLIC OF THE PHILIPPINES	15	£1,280.00
118	EMBASSY OF THE REPUBLIC OF CONGO	11	£1,260.00
122	EMBASSY OF THE KINGDOM OF MOROCCO	10	£1,140.00
119	EMBASSY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA/EMBASSY OF SERBIA AND MONTENEGRO	10	£1,020.00
120	HIGH COMMISSION FOR SAINT VINCENT AND THE GRENADINES	9	£980.00
121	OFFICE OF THE HIGH COMMISSIONER FOR THE REPUBLIC OF TRINIDAD AND TOBAGO	8	£900.00
123	EMBASSY OF THE STATE OF BAHRAIN	13	£900.00
124	EMBASSY OF NIGARAGUA	10	£880.00
125	BRAZILIAN EMBASSY	8	£840.00
126	TONGA HIGH COMMISSION	6	£720.00
127	AUSTRALIAN HIGH COMMISSION	7	£540.00
128	HIGH COMMISSION FOR THE COMMONWEALTH OF THE BAHAMAS	9	£540.00
129	EMBASSY OF CHILE	9	£540.00
130	EMBASSY OF THE REPUBLIC OF RWANDA	7	£480.00

#	Mission Name	Unpaid Charges Volume	Value of Outstanding PCNs
131	EMBASSY OF GUATEMALA	4	£420.00
132	EMBASSY OF THE REPUBLIC OF MACEDONIA	3	£360.00
133	AMBASSADE DE LA REPUBLIQUE DU BURUNDI	3	£360.00
134	THE ROYAL EMBASSY OF CAMBODIA	3	£360.00

135	EMBASSY OF IRELAND	5	£360.00
136	CANADIAN HIGH COMMISSION	6	£360.00
137	EMBASSY OF BOSNIA AND HERZEGOVINA	2	£240.00
138	EMBASSY OF THE REPUBLIC OF TOGO	2	£200.00
139	EMBASSY OF PERU	3	£184.00
140	EMBASSY OF TURKMENISTAN	3	£180.00
141	ROYAL NORWEGIAN EMBASSY	2	£180.00
142	EMBASSY OF THE REPUBLIC OF CROATIA	1	£120.00
143	COLOMBIAN EMBASSY	2	£120.00
144	EMBASSY OF SWEDEN	1	£120.00
145	EMBASSY OF THE ORIENTAL REPUBLIC OF URUGUAY	1	£60.00
	Grand Total:	*439738*	*£48,689,314.00*

Appendix B

Outstanding Diplomatic Congestion Charge penalty notices for contraventions since Scheme start up until and including 30 Nov 2010

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Source: TfL answer to Mayoral Question No: 3915 / 2010

"Please publish a table showing the cumulative amount in unpaid Congestion Charge and Penalty Charge Notices that is now owed for each embassy or diplomatic mission in London."

#	Mission Name	Unpaid Charges Volume	Value of Unpaid Charges	Value of Outstanding PCNs
1	AMERICAN EMBASSY	43714	£349,712.00	£4,821,360.00
2	EMBASSY OF THE RUSSIAN FEDERATION	37424	£299,392.00	£4,181,820.00
3	EMBASSY OF JAPAN	30266	£242,128.00	£3,352,080.00
4	EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY	29850	£238,800.00	£3,332,710.00
5	HIGH COMMISSION FOR THE FEDERAL REPUBLIC OF NIGERIA	22693	£181,544.00	£2,466,930.00
6	OFFICE OF THE HIGH COMMISSIONER FOR INDIA	14740	£117,920.00	£1,667,080.00
7	THE EMBASSY OF THE REPUBLIC OF THE SUDAN	14034	£112,272.00	£1,503,060.00
8	OFFICE OF THE HIGH COMMISSIONER FOR GHANA	12365	£98,920.00	£1,384,760.00
9	EMBASSY OF THE REPUBLIC OF POLAND	11941	£95,528.00	£1,342,920.00
10	SPANISH EMBASSY	10249	£81,992.00	£1,153,880.00
11	FRENCH EMBASSY	10099	£80,792.00	£1,124,260.00
12	KENYA HIGH COMMISSION	9735	£77,880.00	£1,044,810.00
13	EMBASSY OF GREECE	9566	£76,528.00	£1,075,380.00
14	EMBASSY OF UKRAINE	9091	£72,728.00	£1,018,320.00
15	EMBASSY OF ROMANIA	8601	£68,808.00	£962,860.00
16	HIGH COMMISSION FOR THE UNITED REPUBLIC OF TANZANIA	8153	£65,224.00	£869,800.00
17	EMBASSY OF THE REPUBLIC OF KAZAKHSTAN	7896	£63,168.00	£890,180.00
18	EMBASSY OF ALGERIA	6884	£55,072.00	£747,080.00
19	HIGH COMMISSION FOR THE REPUBLIC OF SOUTH AFRICA	6501	£52,008.00	£702,580.00
20	SIERRA LEONE HIGH COMMISSION	5840	£46,720.00	£618,580.00
21	EMBASSY OF THE REPUBLIC OF KOREA	5711	£45,688.00	£651,360.00
22	EMBASSY OF THE REPUBLIC OF BULGARIA	5291	£42,328.00	£586,180.00
23	EMBASSY OF THE REPUBLIC OF HUNGARY	5015	£40,120.00	£558,820.00
24	EMBASSY OF THE REPUBLIC OF YEMEN	4686	£37,488.00	£525,540.00
25	EMBASSY OF THE SLOVAK REPUBLIC	4649	£37,192.00	£520,680.00
26	EMBASSY OF THE REPUBLIC OF BELARUS	4486	£35,888.00	£501,180.00
27	HIGH COMMISSION FOR THE ISLAMIC REPUBLIC OF PAKISTAN	4478	£35,824.00	£509,330.00
28	CYPRUS HIGH COMMISSION	4390	£35,120.00	£497,380.00
29	HIGH COMMISSION FOR THE REPUBLIC OF ZAMBIA	4198	£33,584.00	£459,920.00
30	EMBASSY OF THE REPUBLIC OF CUBA	3754	£30,032.00	£411,880.00
31	HIGH COMMISSION FOR THE REPUBLIC OF CAMEROON	3747	£29,976.00	£408,920.00

32	HIGH COMMISSION FOR THE REPUBLIC OF ZIMBABWE	3376	£27,008.00	£354,200.00
#	Mission Name	Unpaid Charges Volume	Value of Unpaid Charges	Value of Outstanding PCNs
33	EMBASSY OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA	3223	£25,784.00	£348,540.00
34	EMBASSY OF THE CZECH REPUBLIC	2982	£23,856.00	£331,700.00
35	HIGH COMMISSION FOR THE REPUBLIC OF NAMIBIA	2667	£21,336.00	£284,200.00
36	KINGDOM OF SWAZILAND HIGH COMMISSION	2620	£20,960.00	£277,280.00
37	AUSTRIAN EMBASSY	2620	£20,960.00	£294,740.00
38	MAURITIUS HIGH COMMISSION	2549	£20,392.00	£277,920.00
39	EMBASSY OF THE REPUBLIC OF EQUATORIAL GUINEA	2478	£19,824.00	£271,440.00
40	HIGH COMMISSION OF THE REPUBLIC OF MOZAMBIQUE	2365	£18,920.00	£256,440.00
41	HIGH COMMISSION OF THE KINGDOM OF LESOTHO	2240	£17,920.00	£242,720.00
42	BOTSWANA HIGH COMMISSION	2177	£17,416.00	£242,580.00
43	BELGIAN EMBASSY	2168	£17,344.00	£245,180.00
44	ROYAL DANISH EMBASSY	2090	£16,720.00	£237,140.00
45	EMBASSY OF THE SOCIALIST REPUBLIC OF VIETNAM	2063	£16,504.00	£227,060.00
46	EMBASSY OF THE ISLAMIC STATE OF AFGHANISTAN	1945	£15,560.00	£221,200.00
47	HIGH COMMISSION FOR THE REPUBLIC OF MALAWI	1903	£15,224.00	£200,960.00
48	MALTA HIGH COMMISSION	1878	£15,024.00	£211,020.00
49	EMBASSY OF THE ARAB REPUBLIC OF EGYPT	1745	£13,960.00	£171,740.00
50	EMBASSY OF THE REPUBLIC OF CÔTE D'IVOIRE	1725	£13,800.00	£182,200.00
51	UGANDA HIGH COMMISSION	1700	£13,600.00	£186,860.00
52	JAMAICAN HIGH COMMISSION	1529	£12,232.00	£168,860.00
53	EMBASSY OF THE REPUBLIC OF LIBERIA	1484	£11,872.00	£165,760.00
54	ROYAL EMBASSY OF SAUDI ARABIA	1484	£11,872.00	£149,290.00
55	EMBASSY OF THE REPUBLIC OF GUINEA	1378	£11,024.00	£142,480.00
56	EMBASSY OF LUXEMBOURG	1275	£10,200.00	£144,080.00
57	EMBASSY OF THE DEMOCRATIC PEOPLES REPUBLIC OF KOREA	1257	£10,056.00	£132,840.00
58	EMBASSY OF THE REPUBLIC OF LITHUANIA	1179	£9,432.00	£132,220.00
59	PORTUGUESE EMBASSY	1097	£8,776.00	£127,500.00
60	TURKISH EMBASSY	1025	£8,200.00	£103,050.00
61	EMBASSY OF FINLAND	968	£7,744.00	£109,220.00
62	HIGH COMMISSION FOR ANTIGUA AND BARBUDA	895	£7,160.00	£99,000.00
63	EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA	836	£6,688.00	£93,040.00
64	EMBASSY OF THE REPUBLIC OF LATVIA	811	£6,488.00	£89,180.00

65	EMBASSY OF THE ISLAMIC REPUBLIC OF MAURITANIA	766	£6,128.00	£75,940.00
#	Mission Name	Unpaid Charges Volume	Value of Unpaid Charges	Value of Outstanding PCNs
66	HIGH COMMISSION FOR GUYANA	679	£5,432.00	£75,380.00
67	EMBASSY OF THE REPUBLIC OF SLOVENIA	667	£5,336.00	£77,940.00
68	EMBASSY OF THE DOMINICAN REPUBLIC	634	£5,072.00	£70,480.00
69	EMBASSY OF THE STATE OF ERITREA	601	£4,808.00	£65,640.00
70	EMBASSY OF THE REPUBLIC OF ESTONIA	563	£4,504.00	£63,120.00
71	THE GAMBIA HIGH COMMISSION	490	£3,920.00	£49,680.00
72	THE EMBASSY OF MOLDOVA	431	£3,448.00	£48,540.00
73	EMBASSY OF THE STATE OF QATAR	380	£3,040.00	£37,490.00
74	EMBASSY OF THE REPUBLIC OF MADAGASCAR	279	£2,232.00	£28,720.00
75	EMBASSY OF EL SALVADOR	268	£2,144.00	£29,740.00
76	HIGH COMMISSION FOR THE PEOPLE'S REPUBLIC OF BANGLADESH	241	£1,928.00	£26,590.00
77	HIGH COMMISSION FOR GRENADA	230	£1,840.00	£25,400.00
78	ROYAL THAI EMBASSY	229	£1,832.00	£19,210.00
79	EMBASSY OF THE REPUBLIC OF ALBANIA	214	£1,712.00	£23,460.00
80	LIBYAN EMBASSY	211	£1,688.00	£22,860.00
81	BELIZE HIGH COMMISSION	203	£1,624.00	£23,040.00
82	EMBASSY OF THE ARGENTINE REPUBLIC	189	£1,512.00	£21,020.00
83	TUNISIAN EMBASSY	165	£1,320.00	£17,160.00
84	EMBASSY OF HONDURAS	164	£1,312.00	£16,520.00
85	HIGH COMMISSION OF THE REPUBLIC OF MALDIVES	163	£1,304.00	£18,600.00
86	HIGH COMMISSION FOR SAINT CHRISTOPHER AND NEVIS	162	£1,296.00	£18,600.00
87	EMBASSY OF GEORGIA	160	£1,280.00	£14,920.00
88	EMBASSY OF THE ISLAMIC REPUBLIC OF IRAN	152	£1,216.00	£14,760.00
89	EMBASSY OF THE HASHEMITE KINGDOM OF JORDAN	139	£1,112.00	£14,340.00
90	EMBASSY OF THE DEMOCRATIC REPUBLIC OF CONGO	138	£1,104.00	£12,560.00
91	ITALIAN EMBASSY	125	£1,000.00	£12,930.00
92	EMBASSY OF THE UNITED ARAB EMIRATES	122	£976.00	£13,440.00
93	HIGH COMMISSION FOR SEYCHELLES	91	£728.00	£5,620.00
94	BENIN CONSULATE	86	£688.00	£9,900.00
95	IRAQI INTERESTS SECTION	80	£640.00	£8,200.00
96	BRUNEI DARUSSALAM HIGH COMMISSION	61	£488.00	£5,520.00
97	EMBASSY OF THE REPUBLIC OF GABON	57	£456.00	£5,680.00

98	HIGH COMMISSION FOR SAINT LUCIA	52	£416.00	£5,220.00
#	Mission Name	Unpaid Charges Volume	Value of Unpaid Charges	Value of Outstanding PCNs
99	EMBASSY OF THE SYRIAN ARAB REPUBLIC	49	£392.00	£4,480.00
100	EMBASSY OF THE REPUBLIC OF SENEGAL	44	£352.00	£3,420.00
101	EMBASSY OF THE REPUBLIC OF UZBEKISTAN	43	£344.00	£4,600.00
102	EMBASSY OF MEXICO	41	£328.00	£3,760.00
103	HIGH COMMISSION FOR THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA	32	£256.00	£2,640.00
104	EMBASSY OF THE STATE OF KUWAIT	32	£256.00	£2,820.00
105	EMBASSY OF THE SULTANATE OF OMAN	31	£248.00	£2,760.00
106	EMBASSY OF MONGOLIA	29	£232.00	£2,880.00
107	MALAYSIAN HIGH COMMISSION	21	£168.00	£1,740.00
108	BARBADOS HIGH COMMISSION	20	£160.00	£2,340.00
109	EMBASSY OF THE KYRGYZ REPUBLIC	19	£152.00	£2,060.00
110	ROYAL NETHERLANDS EMBASSY	18	£144.00	£1,320.00
111	EMBASSY OF THE STATE OF BAHRAIN	15	£120.00	£1,020.00
112	EMBASSY OF THE AZERBAIJAN REPUBLIC	15	£120.00	£1,800.00
113	EMBASSY OF THE REPUBLIC OF INDONESIA	14	£112.00	£1,440.00
114	EMBASSY OF THE REPUBLIC OF THE PHILIPPINES	14	£112.00	£1,220.00
115	EMBASSY OF THE REPUBLIC OF ANGOLA	14	£112.00	£1,620.00
116	HIGH COMMISSION FOR THE REPUBLIC OF SINGAPORE	14	£112.00	£1,500.00
117	EMBASSY OF ICELAND	11	£88.00	£1,320.00
118	HIGH COMMISSION OF THE REPUBLIC OF FIJI	11	£88.00	£1,320.00
122	EMBASSY OF THE REPUBLIC OF CONGO	10	£80.00	£1,140.00
119	EMBASSY OF THE KINGDOM OF MOROCCO	10	£80.00	£1,020.00
120	EMBASSY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA/EMBASSY OF SERBIA AND MONTENEGRO	10	£80.00	£1,020.00
121	EMBASSY OF NICARAGUA	10	£80.00	£880.00
123	HIGH COMMISSION FOR SAINT VINCENT AND THE GRENADINES	9	£72.00	£980.00
124	EMBASSY OF THE REPUBLIC OF RWANDA	9	£72.00	£600.00
125	HIGH COMMISSION FOR THE COMMONWEALTH OF THE BAHAMAS	9	£72.00	£540.00
126	EMBASSY OF CHILE	9	£72.00	£540.00
127	AUSTRALIAN HIGH COMMISSION	8	£64.00	£600.00
128	OFFICE OF THE HIGH COMMISSIONER FOR THE REPUBLIC OF TRINIDAD AND TOBAGO	8	£64.00	£900.00
129	BRAZILIAN EMBASSY	7	£56.00	£780.00
130	TONGA HIGH COMMISSION	6	£48.00	£720.00

131	CANADIAN HIGH COMMISSION	6	£48.00	£360.00
#	Mission Name	Unpaid Charges Volume	Value of Unpaid Charges	Value of Outstanding PCNs
132	COLOMBIAN EMBASSY	5	£40.00	£300.00
133	EMBASSY OF IRELAND	5	£40.00	£360.00
134	EMBASSY OF GUATEMALA	4	£32.00	£420.00
135	AMBASSADE DE LA REPUBLIQUE DU BURUNDI	3	£24.00	£360.00
136	EMBASSY OF THE REPUBLIC OF MACEDONIA	3	£24.00	£360.00
137	EMBASSY OF TURKMENISTAN	3	£24.00	£180.00
138	THE ROYAL EMBASSY OF CAMBODIA	3	£24.00	£300.00
139	EMBASSY OF PERU	3	£24.00	£184.00
140	EMBASSY OF BOSNIA AND HERZEGOVINA	2	£16.00	£240.00
141	ROYAL NORWEGIAN EMBASSY	2	£16.00	£180.00
142	EMBASSY OF THE REPUBLIC OF TOGO	2	£16.00	£200.00
143	EMBASSY OF SWITZERLAND	1	£8.00	£60.00
144	EMBASSY OF THE ORIENTAL REPUBLIC OF URUGUAY	1	£8.00	£60.00
145	NEW ZEALAND HIGH COMMISSION	1	£8.00	£60.00
146	EMBASSY OF ISRAEL	1	£8.00	£60.00
147	EMBASSY OF SWEDEN	1	£8.00	£120.00
148	EMBASSY OF THE REPUBLIC OF CROATIA	1	£8.00	£120.00
	Grand Total:	*431610*	*£3,452,880.00*	*£47,651,204.00*

Appendix C

Diplomatic memorandum between the United States Embassy and the Protocol Office of the UK Foreign & Commonwealth Office

August - September 2002

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Source: Freedom of information request

FAX HELEN MULVEIN, LEGAL ADVISER
BOB DEBS, PROTOCOL
1/8/02.

EMBASSY OF THE UNITED STATES OF AMERICA
LONDON

Note No. 042

The Embassy of the United States of America presents its compliments to the Protocol Division of the Foreign and Commonwealth Office, with reference to its Diplomatic Note A/102/02, dated March 18, 2002, and wishes to inform the Foreign and Commonwealth Office of the United States Government's opposition to the imposition of the Mayor of London's Congestion Charging Scheme on the U.S. Embassy and its personnel. If this fee is imposed, it will have a direct and costly effect on the U.S. Embassy and its personnel.

Under Articles 23 and 34 of the Vienna Convention on Diplomatic Relations ("VCDR"), Diplomatic Missions and their members are "exempt from all dues and taxes" imposed in their host state, including by municipal authorities, subject to specified exceptions. The proposed traffic congestion fee does not fall within any exception to the presumptive exemption from tax, including in particular the exception under Article 34(e), which permits "charges for specific services rendered." Under Article 34(e), charges are permitted for the supply of commodities or services (such as electricity or garbage collection) which are of direct benefit to the diplomat or the mission. Moreover, to qualify as a charge for the service provided, and not as an impermissible assessment in the nature of a tax, the amount of the fee must reliably correlate to the value or the cost of the service.

In the present case, it is clear that the City of London's proposed fee does not

reflect the actual cost or value of a service. Instead, it is evident that the fee is intended as a fiscal disincentive to driving in the downtown city core, in the same manner that tax measures are often used to discourage unwanted forms of activity. While such measures may be designed with broader policy goals in mind, this fact cannot change their inherent character as a tax, nor the fact that the funds derived therefrom constitute tax revenue. Unlike road tolls or fees for parking in a municipal garage, where charges cover the cost of attendants, maintenance and recovery of capital costs, the congestion fee is openly designed to discourage use, with the amount of the fee set accordingly.

In view of the foregoing, the United States Government opposes this fee and hopes to negotiate instead a reciprocally balanced agreement for the exemption of the U.S. Diplomatic Mission in London from its imposition. However, should the City of London adopt the congestion fee as presently announced, thereby subjecting the Embassy and its members to the substantial costs involved, the Department of State is prepared to consider appropriate reciprocal action with respect to vehicles of the Embassy of the United Kingdom in Washington, DC. The Embassy, therefore, requests that the Foreign and Commonwealth Office take the necessary steps to obtain an appropriate waiver.

The Embassy of the United States of America avails itself of this opportunity to renew to the Protocol Division of the Foreign and Commonwealth Office the assurances of its highest consideration.

Embassy of the United States of America

London, July 24, 2002

TOTAL P.02

PSE PASS URGENTLY

HAO. Graham Maciver
Fax: 1584.

[redacted]

Note No: A519/02

Protocol Division of the Foreign and Commonwealth Office presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 042 of 24 July 2002 concerning the Congestion Charging Scheme for Central London.

As the Embassy is aware, the Scheme is not an initiative of Her Majesty's Government, but that of the elected Greater London Authority which is responsible for transport in the capital. Government departments, Parliament and other institutions located in the central zone will not be exempt from charges under the Scheme. However, while Her Majesty's Government is of the view (please see below) that there are no legal grounds for exempting Diplomatic Missions from the Scheme, the Foreign and Commonwealth Office recognises the financial impact charges under the Scheme will have on Missions. As explained in the Division's Note No A330/02 of 18 June 2002, Ministers at the Foreign and Commonwealth Office twice approached the Mayor of London to determine whether any concessions might be made to Missions. Unfortunately, the Mayor was unable to accept the proposals put forward by the Foreign and Commonwealth Office.

In its Note under reference, the Embassy refers to Articles 23 of the Vienna Convention on Diplomatic Relations 1961 ("VCDR"). It is the view of Her Majesty's Government that Article 23 has no relevance to the Congestion Charging Scheme, since it concerns exemption of the sending State and the head of the mission from dues and taxes in respect of the premises of the mission. The Congestion Charging Scheme does not relate to premises but to vehicles.

The Embassy also refers to Article 34 of the VCDR, which provides that diplomatic agents shall be exempt from all national, regional and municipal dues and taxes, save for dues and taxes which fall into certain categories including (in paragraph (e)), "charges levied for specific services rendered".

It is the view of Her Majesty's Government that the fees to be levied under the Congestion Charging Scheme do not constitute a "due or tax" within the meaning of Article 34 of the VCDR. Fees under the scheme are charged for use of road space in a designated area and are analogous to car parking charges. Payment of the fee buys the right to enter the designated area in a vehicle, in the same way that purchase of a car parking ticket buys the right to park a car in a designated area.

It is furthermore the view of Her Majesty's Government that the congestion charge will be levied for specific services rendered, as the proceeds from the fee are to be spent solely on improving London's transport system, including the roads, in order to reduce traffic congestion in the central London area. Short-term measures paid for by the fee will include accelerating road and bridge maintenance programmes and improvements for car users, as well as measures directed at improving public transport which should reduce the amount of traffic on the roads. In the medium to long term, it is envisaged that the fee could be used to help bring forward other projects such as selected improvements to the road system and new river crossings. In addition, those paying the charge should immediately benefit from improved circulation of traffic within the central London area, as specified in Transport for London's publications circulated by them to Diplomatic Missions.

Protocol Division of the Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

FOREIGN AND COMMONWEALTH OFFICE
LONDON SW1

6 September 2002

FSE PASS URGENTLY FAO. Graham Maciver.

Note No: A028/03 Fax: 1584

Protocol Division of the Foreign and Commonwealth Office presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 075/2002 of 3 December 2002 about the possible exemption, based on the provisions of the 1951 Consular Convention between the United Kingdom and the United States of America (the "Consular Convention"), of US diplomatic and consular vehicles from the Greater London Authority's Congestion Charging Scheme for Central London.

The Foreign and Commonwealth Office has carefully considered the Embassy's argument that the Consular Convention may serve as a basis for the exemption of the Embassy's vehicles on a bilateral basis. Particular attention has been given to Article 12(2) of the Consular Convention and the words "no tax or other similar charge of any kind (national, state, provincial, municipal, or other) shall .... be collected from the sending State .... in respect of the ownership, possession, or use of movable property ...." owned or used exclusively for purposes arising out of the operation of the consular establishment, as quoted by the Embassy.

Her Majesty's Government does of course accept that where the Consular Convention and the Vienna Convention on Consular Relations (VCCR) differ in any respect, US consular officials in the UK (and British consular officials in the US) are entitled to claim the higher of the two standards.

As the Embassy is aware, Her Majesty's Government takes the view that fees levied under the Congestion Charging Scheme are analogous to parking fees and toll charges. As such, they do not constitute a "due or tax" within the meaning of Article 34 of the Vienna Convention on Diplomatic Relations or Article 49 of the VCCR.

Moreover, they do not constitute a charge "similar" to a tax for the purposes of Article 12(2) of the Consular Convention. The Foreign and Commonwealth Office notes

that both the Embassy and US consular posts in the United Kingdom have long accepted, as have their British counterparts in the US, the need to pay parking fees and toll charges, thereby demonstrating that they do not consider such fees to be "similar" to a tax under the terms of Article 12(2) or 13(4) of the Consular Convention.

It is also the view of Her Majesty's Government that the fees levied under the Congestion Charging Scheme constitute a charge levied for specific services rendered. As explained in detail in the Foreign and Commonwealth Office's Note No. A519/02 of 6 September 2002, the proceeds from the fee are to be spent solely on improving London's transport system, including roads, in order further to reduce traffic congestion in the central London area. It is the view of Her Majesty's Government that charges levied for specific services rendered do not constitute a "tax or other similar charge of any kind" for the purposes of Articles 12(2) or 13(4) of the Consular Convention. The US Government appears to have the same view, as it has accepted that its Embassy and consular posts in the UK (like their British counterparts in the US) are liable to pay other such charges, such as the proportion of UK National Non-Domestic Rates charged in respect of services from which diplomatic and consular missions directly benefit.

The Foreign and Commonwealth Office regrets, therefore, that it is unable to agree that the Consular Convention provides a basis in law for exempting the Embassy from the Congestion Charge. The Embassy will recall that the Foreign and Commonwealth Office has recognised the financial implications payment of the charge will have for diplomatic missions. As a consequence, approaches were made to the Mayor of London asking him to consider a concession for diplomatic missions. Unfortunately, he was unable to agree these proposals. Transport for London have made clear that diplomatic missions could only be exempted from the scheme if the Greater London Authority was under a clear legal obligation to grant such exemption.

The Foreign and Commonwealth Office is also aware that schemes similar to the Congestion Charging Scheme for Central London have been in operation in the capitals of some other countries for a number of years, and believes that the US

Missions to those countries have accepted that they are liable to charges under these schemes. It is understood that two such countries are Norway and Singapore.

The Foreign and Commonwealth Office notes that, should it not be possible to reach agreement on an exemption of US consular and diplomatic vehicles from the Congestion Charging Scheme, the Government of the United States reserves the right to implement reciprocal measures in Washington. It is not aware that a congestion charging scheme is in operation in Washington nor that there are plans to introduce one. If such a scheme were introduced, the British Embassy would of course meet its obligations to pay any charges for which it was liable on the same basis as members of the public. The Foreign and Commonwealth Office would deeply regret any discriminatory reciprocal measures. Her Majesty's Government would not expect the British Embassy in Washington to be discriminated against.

Protocol Division of the Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

FOREIGN AND COMMONWEALTH OFFICE
LONDON, SW1

16 January 2003

Appendix D

Abridged Wikileaks diplomatic cable from United States Ambassador Robert Tuttle describing UK political issues

Dated 24th May 2007

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Source: Guardian Media Group/Wikileaks

The following is an abridged copy of one of the diplomatic cables released during the recent Wikileaks releases. The header has been retained for indexing and research purposes and the cuts have been to remove unrelated areas.

The full text can be found here: http://www.guardian.co.uk/world/us-embassy-cables-documents/132869

Wednesday, 05 December 2007, 11:58
C O N F I D E N T I A L LONDON 004472
SIPDIS
NOFORN
SIPDIS
BERLIN AND PARIS PLEASE PASS TO SECRETARY PETERS AND
DELEGATION
EO 12958 DECL: 12/05/2007
TAGS EAIR, ICAO, ECON, SENV, ELTN, UK
SUBJECT: SCENESETTER FOR SECRETARY PETERS' DECEMBER 7 VISIT
TO LONDON
Classified By: AMBASSADOR ROBERT H. TUTTLE FOR REASONS 1.4 B, D

Surface Transportation Programs

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4. (SBU) In 2003, the Mayor of London introduced a congestion charge of BPS 5 (USD 10) per day to drive into the central portion of London (50 pence per day for those living inside the zone). The city considers this a fee for service (improved transportation infrastructure, decreased pollution and congestion), and did not grant a diplomatic exemption. After determining that the fee was actually a tax, and therefore not payable under the Vienna Conventions of Diplomatic and Consular Affairs, the Department of State engaged in lengthy negotiations with the Foreign and Commonwealth Office and the City of London. In July 2005, after negotiations concluded unsuccessfully, the Department instructed the Mission and its members to stop paying the tax. The U.S. Embassy was not the first to refuse to pay, and following the expansion of the congestion zone and increase in the fee to BPS 8 (USD 16) in 2007, a large number of missions, including 23 of the 27 European Union missions in London, now refuse to pay the tax. London Mayor Ken Livingstone has focused his ire publicly against the U.S. Embassy and the Ambassador personally. His position, however, should be seen in the wider context of his anti-American positions on many issues and his coziness to the likes of Hugo Chavez and Fidel Castro.

...]