

# Brexit Monitoring Report: Environment

July 2018



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the National Assembly website: [www.assembly.wales/research](http://www.assembly.wales/research)

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

**Research Service**  
**National Assembly for Wales**  
**Tŷ Hywel**  
**Cardiff Bay**  
**CF99 1NA**

Tel: **0300 200 6317**

Email: [Elfyn.Henderson@assembly.wales](mailto:Elfyn.Henderson@assembly.wales)

Twitter: [@SeneddResearch](https://twitter.com/SeneddResearch)

Blog: [SeneddResearch.blog](http://SeneddResearch.blog)

© **National Assembly for Wales Commission Copyright 2018**

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

# Brexit Monitoring Report: Environment

19 May - 12 July 2018

---

**Authors:**

Elfyn Henderson, Katy Orford, Jessica Laimann, Andrew Minnis, Lorna Scurlock, Francesca Howorth And Siân Davies.

**Paper Overview:**

Brexit will bring significant changes in the environmental policy area. The Research Service has prepared this monitoring report for the Assembly's Climate Change, Environment and Rural Affairs Committee. It provides an update on Brexit developments during the time period 19 May to 12 July 2018 that are of importance to environmental policy in Wales.



## Contents

<b>Introduction.....</b>	<b>1</b>
<b>UK EU negotiations .....</b>	<b>1</b>
<b>Other UK Government action .....</b>	<b>4</b>
<b>Welsh Government action.....</b>	<b>9</b>
<b>Scottish Government action .....</b>	<b>14</b>
<b>CCERA Committee action .....</b>	<b>15</b>
<b>Other National Assembly action.....</b>	<b>16</b>
<b>UK Parliament action.....</b>	<b>21</b>
<b>Scottish Parliament action.....</b>	<b>30</b>
<b>Other key sources.....</b>	<b>33</b>

---

## Introduction

This report provides an update on recent developments relating to Brexit in the environmental policy area. It has been prepared by the Research Service for the Assembly's **Climate Change, Environment and Rural Affairs (CCERA) Committee** and covers the time period running from 19 May to 12 July 2018. The **previous report** covers the time period leading up to and including 18 May.

This document provides an overview of UK-EU negotiations and developments within the UK that impact on the environmental policy area. It focuses on the activities of:

- the EU institutions;
- the governments and legislatures within the UK; and
- provides other key sources of information.

Developments in Northern Ireland are not covered as the devolved institutions there are currently suspended.

For a full overview on the negotiations relating the UK's withdrawal from the EU, see the Research Service's general **Brexit Monitoring Reports and Brexit Updates** that are prepared for the Assembly's **External Affairs and Additional Legislation (EAAL) Committee**.

## UK EU negotiations

### UK negotiating position

On 6 July the UK Government Cabinet met at Chequers to agree a revised Brexit negotiating position. A **statement published following the meeting** sets out the high-level position which includes proposing a “free trade area for goods” and “common rulebook for all goods including agri-food”.

The main elements of the Chequers agreement are:

- The UK and the EU would maintain a “**common rulebook for all goods including agri-food**”. The UK Parliament would be able to make a decision on incorporating new rules in this area should it wish, recognising that there would be consequences for market access and/or the frictionless border. A different arrangement would be made for services, “recognising that the UK and the EU

will not have current levels of access to each other's markets".

- The UK and EU would also agree to maintain high regulatory standards for the environment and climate change amongst other areas and would commit to not letting standards fall below their current levels.
- The UK and the EU would include "strong **reciprocal commitments related to open and fair trade**" in the legal text underpinning their future relationship. This would include common state aid rules and cooperation between competition regulators.
- The UK and the EU would "establish a joint institutional framework to provide for the **consistent interpretation and application of UK-EU agreements**". The UK and the EU would "work together on the phased introduction of a new **Facilitated Customs Arrangement** that would remove the need for customs checks and controls between the UK and the EU as if a combined customs territory." The UK would apply UK tariffs and trade policy for goods intended for the UK, and EU tariffs and trade policy for goods intended for the EU.
- The future relationship will include a mobility framework so that the UK and EU citizens can continue to travel to each other's territories, and apply for study and work.

The proposals are set out in detail in the UK Government's **White Paper on the future relationship between the UK and the EU**. The White Paper was published on 12 July as this report was finalised. A summary will be included in the next edition.

The EU's Chief Negotiator, Michel Barnier, **welcomed the Chequers discussion** and said the proposals would be assessed "to see if they are workable and realistic in view of EU Council guidelines".

On 5 July, a day earlier, the Cabinet Secretary for Finance, Mark Drakeford, **issued a statement** saying that the full draft of the White Paper had not been shared with the Welsh or Scottish Governments and that this goes against previous assurances from the UK Government that the devolved administrations would have a meaningful opportunity to shape negotiating positions as they develop.

On 8 July, two days after the Chequers meeting, the then Secretary of State for Exiting the European Union, David Davis, **resigned from the Cabinet** stating that he did not agree with the content of the Chequers agreement or the UK Government's negotiating approach. The Prime Minister, Theresa May, accepted his resignation. **Her letter to him** includes a bullet point list of how she believes the Chequers agreement would deliver on the result of the Brexit referendum. On

9 July Dominic Raab was appointed as the new Secretary of State.

On 9 July the then Secretary of State for Foreign and Commonwealth Affairs, Boris Johnson, **also resigned**, to be replaced by Jeremy Hunt.

## Agriculture, food and fisheries

On 8 June Michel Barnier **summarised the UK-EU negotiations** at that point. In that statement he highlighted that progress had been made in a number of areas but that further work was needed on, among other things, the protection of geographical indications (also known as protected food names), noting that there does not seem to be “any UK position” on the matter.

On 18 June EU agriculture and fisheries ministers met at the **Agriculture and Fisheries Council** to discuss the **post 2020 Common Agricultural Policy (CAP) reform package** and the agricultural market situation. They also discussed the European Maritime and Fisheries Fund (EMFF), fisheries controls and the fishing opportunities for 2019. The Minister for Agriculture, Fisheries and Food, George Eustice represented the UK and made a **statement** following the Council on 3 July in which he said:

Member states expressed a range of views, with some of them concerned about planned budgetary cuts. Member states agreed on the importance of achieving real simplification. The Commission signalled further discussion on this topic and welcomed further constructive recommendations from member states.

He also said that the main focus of the meeting was fisheries:

The most substantive of these was a presentation by the European Commission on the implementation of the Common Fisheries Policy (CFP) ... The Commission also gave a presentation on a regulation on the European Maritime and Fisheries Fund (EMFF), covering the period 2021-2027, outlining its intention to give member states more flexibility in managing the fund. Member states welcomed the offer of greater flexibility but requested further discussion about the Fund's budget and administration.

## Energy and climate change

On 19 June the European Commission (EC) and UK Government published a **Joint Statement** updating and recording progress made since the 19 March draft agreement on UK withdrawal from the EU and the European Atomic Energy Community (Euratom).

The statement highlights progress on Title IX of the draft agreement which relates to **Euratom**. It indicates that agreement has been reached on Article 79 (ownership and rights of use and consumption of special fissile materials in the UK).

## Other UK Government action

### Air quality

An **Explanatory Memorandum (PDF 39KB)** on the **National Emission Ceilings Regulations 2018 (PDF 90KB)** was laid before the UK Parliament by the Secretary of State for Environment, Food and Rural Affairs, Michael Gove on 17 May. The Regulations transpose EU Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants. The Directive requires overall anthropogenic emissions in the UK for five air pollutants to be reduced below a specified percentage of overall emissions of those which were emitted in the base year (2005). These commitments need to be met in two phases, from 2020 to 2029, with more stringent levels to be met from 2030 onwards. The Regulations came into force on 1 July.

On 22 May Michael Gove launched a **consultation on a draft clean air strategy for England**. On devolution it says:

We are consulting here on a draft strategy developed by the UK government, setting out how we will work towards meeting these ambitious reductions in England (and where relevant across the UK). However, air quality is a devolved matter with responsibility also resting with the Scottish Government, Welsh Government and the Northern Ireland Executive. Since air pollution does not respect national boundaries, securing the necessary improvements will require action in all parts of society and across the UK.

The strategy, therefore, highlights the importance of effective co-operation with the devolved administrations and Chapter 9 briefly sets out actions already underway in Scotland, Wales and Northern Ireland to cut air pollution right across the UK.

The draft strategy is a key element of the UK Government's **25 Year Environment Plan**. It outlines policies to reduce air pollution across the UK and how the UK Government will work towards the 2020 and 2030 EU emission reduction commitments for five air pollutants that were transposed into UK law by the National Emission Ceilings Directive.



Goals in the strategy include halving the number of people living in locations that exceed WHO limits of particulate matter, introducing new primary legislation to allow local governments to improve air quality, improving domestic fuels, tackling ammonia from farming, and developing new standard for tyres and brakes to reduce micro plastic emission. Launching the consultation, the Secretary of State said:

Through the introduction of new primary legislation, we will introduce a stronger and more coherent legislative framework for action to tackle air pollution, giving local government new powers to take decisive action in areas with an air pollution problem.

On 22 May the **UK Government also published its response** to the **joint report** produced by the House of Commons Environment, Food and Rural Affairs (EFRA), Environmental Audit, Health and Social Care, and Transport Committees on improving air quality following their joint enquiry. The UK Government responded to the recommendations made by the Committees including the recommendation that:

... the Government should establish in primary legislation a requirement that UK air pollution standards are at least as high as equivalent standards in the EU.

## Energy and climate change

On 7 June the UK Government Department for Exiting the EU (DExEU) and Department for Business, Energy and Industrial Strategy (BEIS) **announced** the signing of “2 new safeguards agreements” with the International Atomic Energy Agency (IAEA) which would “provide certainty to the civil nuclear industry and international partners as the UK prepares for Euratom exit”. The press release accompanying the announcement said:

The new agreements ensure that the IAEA retains its right to inspect all civil nuclear facilities, and continues to receive current safeguards reporting, thereby ensuring that international verification of our safeguards activity continues to be robust.

On 28 June BEIS also published its second **Quarterly Update to Parliament on the Government’s Progress on the UK’s Exit from the Euratom Treaty**, which the Secretary of State for Business, Energy and Industrial Strategy, Greg Clark, committed to in a **written statement on 11 January**. The Quarterly Update provides a summary of:

- EU negotiations on Euratom exit;
- International agreements;

- The setting up of a domestic nuclear safeguards regime;
- Implementation;
- Research and training;
- Stakeholder engagement; and
- Wider issues in the period leading up to March 2019.

BEIS has published a series of **Euratom exit factsheets** which provide further information on key topics related to Euratom exit.

On 9 July the UK Government launched a **consultation on proposals for a new UK nuclear safeguards regime** to replace the current regime provided by Euratom

On 11 July the UK Government **published its response** to the Environment Audit Committee's report on **UK Progress on reducing F-gas Emissions**. The Committee's work included consideration of the impact of Brexit on the UK's F-gas Regime.

## Fisheries

On 4 July the UK Government published its **Sustainable Fisheries for Future Generations White Paper**. The White Paper says the following on devolution:

This White Paper is a UK Government policy document that discusses a range of fisheries policy matters, subject to the continuing discussions between Defra and the Devolved Administrations. The extent of the different provisions proposed for the new Fisheries Bill will vary depending on what powers already exist in different areas and what is agreed between the Administrations: some will have UK-wide extent; others will apply to England only, others to England and the Devolved Administrations that wish to adopt them. The powers concerning international relations, on access to waters and setting quota, will be exercised at UK level as they relate to reserved matters.

The White Paper sets out the UK Government proposed approach to:

- Promoting sustainable fisheries;
- Access agreements and quota allocation;
- Common Fisheries Policy (CFP) technical Regulations;
- A new UK framework; and
- Reforming fisheries management.

The UK Government is inviting views on the proposals outlined in the White Paper through a 10 weeks consultation, closing on 12 September. The [press release](#) states:

We do not yet know the outcome of the UK's negotiations to withdraw from the EU or on a future economic partnership, and the white paper is clear that market access for fisheries products is separate to the question of fishing opportunities and access to waters

## Nature conservation

On 26 June the [European Union \(Withdrawal\) Act 2018](#) received Royal Assent. Following an amendment to the Bill during its passage through the UK Parliament, the Act now includes a section on [maintaining environmental principles \(section 16\)](#). The UK Government stated during the passage of the Bill that this section of the Act would relate to England and reserved matters only.

The [amendment agreed](#) requires the Secretary of State, within a period of six months of the EU Withdrawal Bill being passed, to publish a draft Bill that would include a set of environmental principles and place a duty on the Secretary of State to publish a statement of policy relating to the application and interpretation of a series of environmental principles. The draft Bill must also include provisions for establishing a public authority which could take proportionate enforcement action (including legal proceedings if necessary) if it considers a UK Minister is not complying with environmental law.

The set of environmental principles included in the draft Bill must consist of the following:

1. The precautionary principle so far as relating to the environment;
2. The principle of preventative action to avert environmental damage;
3. The principle that environmental damage should as a priority be rectified at source;
4. The polluter pays principle;
5. The principle of sustainable development;
6. The principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities;
7. Public access to environmental information;
8. Public participation in environmental decision-making; and
9. Access to justice in relation to environmental matters.

During the passage of the Bill, the issue was raised whether the amendment agreed required a supplementary Legislative Consent Motion on the Bill on the grounds that it related to matters within devolved competence. The Legislative Consent Motion approved by the Assembly on the EU Withdrawal Bill was passed before these changes were made (see section 7 on Other National Assembly action – UK frameworks for further detail).

During the **short debate on the amendment** on 18 June Lord Callanan, on behalf of the UK Government, stated that both the amendment and subsequent draft Bill would only apply to England and to reserved matters. Lord Callanan also said that the UK Government would “work closely with the devolved administrations on the new body, including on whether they wish to take a similar or, indeed, different approach themselves”.

## Waste

On 22 May **EU Member States agreed** new rules relating to the circular economy based on the EC’s **December 2015 Circular Economy Package**. The rules aim to prevent waste and increase recycling. On 29 March the UK Government’s Department of Environment, Food and Rural Affairs (Defra) **confirmed it would support the package**. The Parliamentary Under Secretary of State for the Environment, Thérèse Coffey, said:

I want the UK to lead the way in driving global resource efficiency and that’s why as well as backing the EU’s Circular Economy Package we have committed to publishing a new Resources and Waste Strategy in 2018.

Many of its aims will be consistent with the EU package and as we leave the EU we’ll be able to explore how we go even further to help achieve our aim of leaving our environment in a better state than we inherited it.

## Statutory instruments

The UK Government has begun to **publish its proposed negative statutory instruments (SIs)** under the *European Union (Withdrawal) Act 2018*. Before the SIs are formally laid in the UK Parliament, they are subject to a sifting process. A new committee in the House of Commons and the Secondary Legislation Scrutiny Committee in the House of Lords will consider the suitability of the ‘**negative procedure**’. A similar process is to be established in the Assembly for negative SIs proposed by the Welsh Government under the Act (see section 7 Other National Assembly action - Scrutiny of Regulations made under the *European Union (Withdrawal) Act 2018*)

## Defra Single Departmental Plan

On 23 May Defra updated its **Single Departmental Plan**. Defra's four main objectives are to:

- Deliver a smooth transition to new regulatory and delivery frameworks after we leave the EU;
- Pass on to the next generation a natural environment protected and enhanced for the future;
- Lead the world in food and farming, with a thriving rural economy; and
- Become the most effective and efficient department in government.

## Welsh Government action

### Air quality

The Welsh Government's **consultation on tackling roadside nitrogen dioxide concentrations** closed on 19 June. The proposals will form part of the Welsh Government's supplemental plan to the **UK plan for tackling roadside nitrogen dioxide concentrations 2017** and set out how the Welsh Government intends to reduce concentrations of NO<sub>2</sub> around roads where levels are above EU legal limits.

The Welsh Government's **consultation on a clean air zone framework** also closed on 19 June. This consultation sets out how clean air zones may be established in parts of Wales to address the need to reduce emissions to within EU legal limits.

### Agriculture and food

On 6 June the Welsh and UK Governments **hosted a key Brexit meeting** with farmers, the fishing industry and business. The meeting was hosted jointly by the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths and Secretary of State for Wales, Alun Cairns.

On 12 June Lesley Griffiths issued a **written statement on her visit to Catalonia and the Basque Country**. The purpose of the visit was to share experiences, learn from food clustering initiatives and explore future collaborative opportunities.

On 14 June the First Minister, Carwyn Jones, made a **Brexit speech hosted by UK in a Changing Europe**. He warned of the “very real possibility of a catastrophic no-deal Brexit”, and said UK Ministers should “argue for a dynamic and positive relationship with the [EU] Single Market”. Whilst acknowledging the Norway model was “not perfect” he said it allowed for a degree of freedom of movement that “most people could accept”. He said:

... it may be possible, despite the EU’s rhetoric about cherry picking, to agree that single market alignment will not extend fully to some service sectors, provided we pay a price for that in terms of market access – just as the EFTA countries chose to exclude agriculture and fisheries from the EEA, so they could protect and subsidise them.

But for goods – both manufacturing and indeed for our agriculture and fisheries – it is probably a price worth paying to both safeguard our economy, while respecting the result of the referendum.

On 18 June the Welsh Government announced that £2.15 million of its £50 million EU Transition Fund will be **provided to support the red meat sector**. This includes:

- Funding to support farmers to identify improvements to their businesses to help them become more competitive and in a better position to trade profitably following Brexit; and
- Funding for an import substitution project to help identify and secure supply chains within the UK and encourage companies based in the EU to set up operations in Wales.

Speaking ahead of his address to the Farmers Union of Wales AGM in Aberystwyth, Carwyn Jones stated:

Brexit presents a series of challenges and opportunities for our agriculture and fisheries industries. The funding I am announcing today from our EU Transition Fund will provide vitally needed support. As a Government we will do all we can to help these important industries prepare for a post-Brexit world.

On 22 June Carwyn Jones and the Scottish First Minister, Nicola Sturgeon, issued a **joint statement** ahead of the British Irish Council meeting on Guernsey calling on the UK Government to commit to staying inside the Single Market and Customs Union in its **White Paper on the future relationship between the UK and the EU** (which was published on 12 July):

We call on the UK Government in its forthcoming White Paper to commit to staying inside the Single Market and Customs Union recognising that this will require continued alignment with the EU

regulatory environment.

The aim should be a 'Norway Plus' model on the basis that the red lines set out by the Prime Minister in her Lancaster House speech in January 2017 are not consistent with the national interest.

On 10 July the Welsh Government published its Green Paper, **Brexid and our land**. The consultation is open until 30 October. The proposals are for a new land management programme, including farming and forestry, to replace the CAP in Wales in its entirety. The proposals build on the Cabinet Secretary's **five principles** (detailed further on page 20 of the Green Paper):

- We must **keep land managers on the land**;
- **Food production** remains vital for our nation;
- Future support will centre on the **provision of public goods** that deliver for all the people of Wales;
- **All land managers** should have the opportunity to benefit from new schemes; and
- We need a **prosperous and resilient agricultural sector** in Wales, whatever the nature of Brexit.

In a **written statement** on 10 July, the Cabinet Secretary announced that there will be a further detailed consultation in the spring and that her "ambition is to publish a Bill before the end of this Assembly term in 2021." The Welsh Government is planning for complete reform by 2025.

The Green Paper proposes for the new land management programme to have two elements of support:

- **Economic Resilience Scheme** (Chapter 5) – investment for economic activities, in particular food and timber production. The Welsh Government proposes that the Economic Resilience scheme will provide targeted investment to both land managers and their supply chains. The scheme will provide support to: 1) increase market potential; 2) drive improvements in productivity; 3) diversify; 4) improve risk management; and 5) enhance knowledge exchange and skills.
- **Public Goods Scheme** (Chapter 6) – direct support for public goods delivery, in particular for the environment. The Welsh Government proposes it will provide a new income stream for land managers and make a "significant contribution" to addressing climate change, biodiversity decline, adverse air quality and poor water quality.

The Green Paper highlights that there are strong links between the two schemes and they will need to be designed and implemented in parallel. Farmers will have access to both funding streams.

The Welsh Government emphasises the value of Farming Connect in the transition to the new scheme especially its business change advice. Alongside changes to the payments schemes, the Welsh Government says it will deliver improved advisory services.

## Nature Conservation

On 19 June the Minister for Environment, Hannah Blythyn, published a written statement: **Summary of the responses received to the Sustainable Management of Natural Resources consultation**. The **consultation**, which was open last year, received 17,391 responses. The consultation sought views on 56 proposals covering a range of policy areas including forestry, designated landscapes, access to the outdoors including the coast and inland waters, marine and fisheries, water, waste, land management, agriculture and control of snares (as summarised in a **Research Service blog post**).

The consultation was expected to help inform whether new Welsh legislation is required. In her statement, the Minister announced that the next stage of the process will be “setting out the appropriate timescales for policy development over the short and long term, in the context of the Welsh Government’s wider objectives and the UK’s exit from the EU”. A further priorities statement is expected to follow.

## Forestry and woodland

On 26 June Hannah Blythyn made a **statement in the Assembly on woodland strategy**. During her statement, the Minister launched a refreshed version of the Welsh Government’s **Woodlands for Wales strategy**. She said one of the reasons the strategy had been refreshed is to “make sure the forestry sector has clear and up to date policies to help them work collectively to meet this challenge [of Brexit]”. She also said Lesley Griffiths would bring forward proposals in July for “post-Brexit reform that seeks to break down barriers between agriculture and forestry” (see section 4 Welsh Government action - Agriculture and food above).



## Animal welfare

On 19 June Lesley Griffiths made a **statement in the Assembly on companion animal welfare**. She discussed her work with the UK Government and other devolved administrations to ensure animals are legally recognised as sentient after the UK leaves the EU. She stated “Our position is clear: we fully agree animals are sentient beings and the possibility of that not being reflected in legislation is a concern”. This work is being carried out via the **Draft Animal Welfare (Sentencing and Recognition of Sentience) Bill 2017** and the Cabinet Secretary emphasised the importance of joint working in this area:

I think it’s really important that we do maintain a comparative sentencing regime across England and Wales. I think that’s important so that the enforcement agencies have clarity, the courts have clarity and also the public have that clarity. So, I think it’s very important that we do work together with the UK Government in relation to that.

The Cabinet Secretary also confirmed that she will bring forward a Legislative Consent Motion for those aspects of the Bill that will apply to Wales.

## Energy and climate change

The Welsh Government has issued a number of statements relevant to EU energy and climate change policy.

On 28 June the Cabinet Secretary **issued a written statement** setting the Welsh Government’s interim emissions reduction targets and first two carbon budgets as required by the *Environment (Wales) Act 2016*.

On 3 July Lesley Griffiths issued a **written statement** announcing a **consultation on petroleum extraction policy in Wales**. The consultation document says:

This consultation seeks stakeholder feedback on our proposals to put into effect a policy to not allow any new petroleum licensing in Wales or support fracking as we committed to in Taking Wales Forward (2016-2021).

The Cabinet Secretary for Economy and Transport, Ken Skates, has also issued statements on the **UK Government visit to Trawsfynydd (SMR) and Launch of Nuclear Sector Deal (28 June)** and **Wylfa Newydd (5 June)**, in the light of the **UK Government’s announcement** that it has begun negotiations on the project.

## Fisheries

On 18 June the Welsh Government announcement it would use some of its £50 million EU Transition Fund, over the next two years, to **support the fishing and aquaculture industries** to find new markets and prepare for future trading outside the EU. No figure was specified in the announcement. This is the same announcement that committed £2.15 million to the red meat sector (discussed above in section 4 Welsh Government action - Agriculture and food).

On 3 July the Welsh Government announced a new £1 million **Seafood Market Development Project**. The project is partly funded through the EMFF and aims to develop the market for locally caught and processed seafood and assist the sector's capacity to understand the market.

## Scottish Government action

### Agriculture and food

On 23 May the Minister for UK Negotiations on Scotland's Place in Europe, Michael Russell, hosted a **stakeholder roundtable discussion** on the impact of Brexit on the food and drink industry.

On 20 June Cabinet Secretary for Rural Economy and Connectivity, Fergus Ewing, announced proposals for a three-five year transition period for farming and rural support in Scotland. The consultation, entitled **stability, certainty and simplicity in rural support** sets out the proposals:

Our proposals seek to generate discussion within Scotland's farming and crofting communities. They aim to create a transition period of up to five years as we move from the current funding and support approaches in the existing Direct Payments and Scottish Rural Development Programme (SRDP) to developing and implementing a new rural policy framework for Scotland. Should resources allow, that period might also usefully enable the testing and piloting of new approaches.

### Fisheries

On 5 June the Scottish Government published a **report on the impact of Brexit on the Scottish and UK seafood industries**. The report examines hypothetical changes in three drivers of international seafood trade: tariff, non-tariff measures and fishing quotas. It suggests that continued free trade would be beneficial to the Scottish and UK industries, and that potential benefits of increased quotas

would reduce with increasing tariff and non-tariff measures.

## Nature conservation

On 1 June the Scottish Government's Roundtable on Environment and Climate Change published a **report on environmental governance in Scotland after Brexit**. The Cabinet Secretary for the Environment, Climate Change and Land Reform, Roseanna Cunningham, **said in response to the report**:

I have not yet concluded what the best approach in Scotland would be, but have not ruled out the creation of a new function for an existing body or a new statutory body to deliver the required level of independent scrutiny.

On 29 June the Scottish Government launched a **consultation on a new environment strategy**. The consultation asks for responses on a high level draft vision, which sets out the work currently being carried out through Scotland's environment and climate change policies and the work required in the future. The strategy is expected to be published in late 2018.

## CCERA Committee action

### Agriculture and Food

On 4 June the Committee published its **report on public sector food procurement (PDF 661KB)** as part of its **rethinking food inquiry**. The Committee concluded that there is a need for a new post-Brexit food strategy that reflects a whole-system approach, and that the extent to which EU Regulations have constrained procurement practice has been exaggerated.

### Energy and climate change

- On 4 July the Committee scrutinised Lesley Griffiths and the Minister for Housing and Regeneration, Rebecca Evans, completing evidence gathering for its **inquiry into low carbon housing**.
- The **Committee discussed** future funding for the Welsh Government's **Arbed** and **Nest** energy efficiency programmes post Brexit, the availability of skilled labour in the construction industry and the need to ensure Wales keeps pace with good practice and technical standards developed in the EU.

## Fisheries

The Committee is carrying out an **inquiry into the impact of Brexit on fisheries**. This has included a written consultation, an expert panel session and a stakeholder workshop with representatives from the fishing sector held in Milford Haven. The Committee's work on this inquiry will inform its response to the **Defra Fisheries White Paper consultation**.

## Nature conservation

The Committee carried out an **inquiry into environmental governance and principles post Brexit**. This included an expert panel and stakeholder workshop. Its report, which includes nine recommendations, was **published on 27 June**. The report was sent to both the Welsh Government and UK Government (in response to **Defra's environmental principles and governance consultation**).

## UK frameworks

The Committee carried out a short **inquiry into UK common frameworks for agriculture and the environment post Brexit**. This included the consideration of **research by Dr Victoria Jenkins** Associate Professor at Hillary Rodham Clinton School of Law, Swansea University, which was completed as part of the **Research Service's fellowship scheme**. The Committee also heard from two **expert panels**. The report is due to be published soon.

## Other National Assembly action

### Agriculture and food

On 13 June Lesley Griffiths **answered questions in Plenary** on a number of issues, including the Welsh Government's plans for revising its food and drink action plan in light of Brexit. Other questions raised included how the Welsh Government intends to encourage agri-environment schemes and whether its post-Brexit agricultural policy will involve headage payments for upland farms. The Cabinet Secretary reiterated her commitment to making sure that Wales "does not lose a penny [...] in relation to funding post-Brexit". She replied that issues such as headage payments for upland farms, diversification into horticulture and the shelf life of Welsh meat will be explored in a Green Paper on the future of agriculture "early in July" (the Green Paper was published on 10 July, see section 4 Welsh Government action - Agriculture and food).

On 27 June, Lesley Griffiths **provided oral evidence** to the Finance Committee as part of its **inquiry into preparations for replacing EU funding**. The Cabinet Secretary **submitted a paper (PDF 1.04MB)** detailing the EU funding streams falling within her portfolio and how these could potentially be replaced in the future. The paper states that **nearly half of the £680 million** yearly EU funding to Wales relates to areas that fall within her portfolio. The Cabinet Secretary reiterated the Welsh Government's opposition to using the Barnett Formula in future funding allocation in this area. She emphasised that the Welsh Government had little clarity on funding arrangements from the UK Government and that the discussions were still **in "early stages"**.

## Fisheries

During the Finance Committee's session with Lesley Griffiths on 27 June, discussed above, the Cabinet Secretary confirmed that Welsh Government officials are also working towards a **future fisheries policy programme**, she said:

...we need to look at the functions that are currently carried out within a very limited budget. We need to look at upgrading technical systems to be able to manage fishing effort post EU exit. We have to have it in a much more coordinated fashion, I think. I know additional resources are going to be required to do a great deal of the work that we need to do: scientific research, for instance

On 3 July the Assembly debated **Brexid and the fishing Industry**. The Cabinet Secretary announced five key themes that had been developed by the Welsh Government's **Seas and Coasts Sub-Group**, which will "guide further policy development and contribute to achieving our shared vision of productive, healthy and biologically diverse seas". They are:

Planning to make the best use of our seas, which includes delivering the marine plan;

Providing effective stewardship of our marine environment and natural resources, including our contribution to a network of marine protected areas;

Continuing to be responsible partners in the UK, including working closely with our partners across the UK in terms of science and enforcement, and we will work with those with whom we share a sea area;

Securing a fairer deal for the fishing industry, including rebalancing the UK share of fish quota and grow opportunities in domestic and overseas markets; and

Standing on our own two feet by enhancing our marine science and data collection capability, and reviewing our fisheries legislation to embed sustainable management of natural resources principles, and make sure it's fit for purpose.

The motion for the debate proposed that the Assembly support these key themes, and that the Assembly "reiterates its support for full and unfettered access to the Single Market, including for food and fisheries". The Assembly agreed amendments emphasising strong representation of Wales in trade discussions, the importance of the fishing sector to coastal communities, and the need for further Welsh Government support for fisheries and the marine environment.

The debate was informed by a recent report, **implications of Brexit for fishing opportunities in Wales**, by the **Wales Centre for Public Policy**, which had been commissioned by Lesley Griffiths. The report emphasised the unique structure of the Welsh fishing industry within the UK, and the risk of it being "left behind" in UK-EU negotiations due to the demands of larger UK fishing interests.

## UK frameworks

On 14 June the Llywydd, Elin Jones, **wrote to** Carwyn Jones regarding the amendment to the UK EU Withdrawal Bill to preserve EU environmental principles (see section 3 Other UK Government action - Nature conservation). The letter asked the Welsh Government to confirm as soon as possible whether or not it intended to lay a Legislative Consent Memorandum in respect of the amendment. The Legislative Consent Motion approved by the Assembly on the EU Withdrawal Bill was passed before the amendment as made.

On 19 June the Chair of the Constitutional and Legislative Affairs (CLA) Committee, Mick Antoniw, **wrote to (PDF 158KB)** Mark Drakeford on the amendment. The letter asked the Cabinet Secretary to clarify whether the Welsh Government had been involved in discussions with the UK Government on the implications of the amendment and whether they thought it had the potential to breach the **Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks (PDF 125KB)**.

The Committee received a **response to their letter (PDF 42KB)** on the same day. The letter states:

The UK Government is very clear that the draft Bill which the Secretary of State will be required to produce will apply only in England, or to reserved matters. In addition, the amendment requires the Bill to set out a series of cross-cutting environmental principles; it does not

oblige the UK Government to produce a Bill which sets out a legislative framework in relation to one of the specific policy areas set out in the Annex to the Intergovernmental Agreement.

As such, on this basis I do not believe that the amendment has the potential to breach the Intergovernmental Agreement, but the Welsh Government officials will continue to engage closely with UK Government colleagues as they develop the draft Bill, and will be reminding them of the need to ensure that they are compliant with the Agreement.

On 21 June Mick Antoniw [\*\*wrote back to \(PDF 153KB\)\*\*](#) Mark Drakeford seeking further clarification as to why the fact that the draft Bill will apply only in England is a reason why there would be no potential breach of the Intergovernmental Agreement, given that the agreement states that the restriction on legislating in policy areas that will be subject to legislative frameworks will also apply in England.

On 5 July Mark Drakeford [\*\*responded \(PDF 198KB\)\*\*](#) to Mick Antoniw stating that the Intergovernmental Agreement and section 12 Regulations relating to the freezing of powers only apply to policy areas identified as requiring legislative common frameworks within the agreed 24 policy areas. Mark Drakeford argues that the relevant policy area “environmental quality” is not likely to be “caught” by any potential section 12 Regulations.

When Lesley Griffiths [\*\*appeared before the Finance Committee\*\*](#) on 27 June, she discussed UK frameworks for agriculture and animal welfare. A Welsh Government official said that detailed conversations were taking place around Defra’s UK Agriculture Bill at official level as this is expected to give effect to some of the legislative aspects of the frameworks. He went on to say that framework discussions have centered on how governments can “work collectively to come to either a common position or a different position that is understood and recognised and that any of the implications for other parts of the UK are understood”. He said that animal welfare and fisheries are areas where joint working is well established and these mechanisms are being formalised and used as a model.

## Scrutiny of Regulations made under the European Union (Withdrawal) Act 2018

On 10 July CLA Committee published its report [\*\*Scrutiny of regulations made under the European Union \(Withdrawal\) Act 2018: operational matters \(PDF 910KB\)\*\*](#). The report makes recommendations around the sifting process for certain Regulations made under the Act by Welsh Ministers and the scrutiny of Regulations made by UK Ministers in devolved areas.

## Trade

Following the announcement that the UK Government has established a working party on a post-Brexit trade deal with Australia, the EAAL Committee [wrote to \(PDF 222KB\)](#) Ken Skates to ask whether the Welsh Government was involved in these discussions. In his [response to the Committee \(PDF 208KB\)](#) on 15 May, the Cabinet Secretary stated:

In the meantime the UK Government has set up a number of Trade Working Groups with a range of third countries, Australia being one of these countries. The Department for International Trade (DIT) has not, so far, invited Welsh Government officials to take part in its Australia-UK Trade Working Group, consulted us on its work or shared the outputs from its work with myself or his officials.

The EAAL Committee [wrote to \(PDF 153KB\)](#) the then UK Minister for Trade Policy, Greg Hands, to ask him about the work of the trade working groups and asking for clarity on how the views of devolved administrations would be fed into these groups. The Minister [replied \(PDF 98KB\)](#) on 11 June. In his letter he stated:

We have established 14 Trade Working Groups across 21 countries, to explore the best ways of progressing our trade and investment relationships across the world. These working groups include engagement with the United States, the Andean Community (covers Peru, Colombia and Ecuador), Australia, Canada, China, the Gulf Cooperation Council (GCC - comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE), Israel, India, Japan, Mexico, New Zealand, Norway, Turkey and South Korea. In addition to seeking continuity for our existing EU trade agreements (where these are in place), these working groups also provide a forum to prepare for the negotiation of wholly new Free Trade Agreements (FTAs) with key partners as we leave the EU.

International relations is of course a reserved matter. That is why these working groups are delivered by the UK Government on behalf of the whole of the UK. Having said that, we are keen that the Devolved Administrations have a role supporting preparations for the negotiation of future trade agreements. It is precisely for this reason that my Department has established a programme of work with the Devolved Administrations to facilitate how your Government and the other Devolved Administrations can inform the development of an independent UK trade policy over the course of 2018, particularly where trade interacts with areas of devolved competence.



## UK Parliament action

### Air Quality

On 13 June the House of Lords EU Energy and Environment Sub-Committee **launched a one-off inquiry** into the UK Government's implementation of the **EU air quality Directive**. The inquiry follows the **EC's decision** to refer the UK Government to the European Court of Justice over persistent breaches of EU limits for nitrogen dioxide. The Committee **took evidence** from Client Earth and a panel of local authority representatives. The session explored barriers to the Directive's implementation, the potential outcome of the court action in light of Brexit, and ways to hold the UK Government accountable post-Brexit. The **Committee wrote (PDF 97KB)** to Michael Gove following the session.

The question of how to maintain and enforce EU air quality standards after Brexit has been addressed earlier this year in a **joint report on air quality** by the House of Commons EFRA, Environmental Audit, Health and Social Care, and Transport Committees. Recommendations include developing a national air quality support scheme, enshrining the right to clean air in UK law, launching a national health campaign that highlights the dangers of air pollution, and introducing a cut-off date for the sale of conventional petrol and diesel cars. The UK Government's response to the report can be seen in section 3 Other UK Government action – Air Quality.

On 28 June the House of Commons held a **backbench debate** on the joint report on air quality. Members resolved to call on the UK Government to adopt the report's recommendations in its clean air strategy.

### Agriculture and food

On 22 May the House of Lords debated **the impact of Brexit on sheep farmers**. Members scrutinised the UK Government's preparations regarding the effects of Brexit on the sector. Topics included contingency plans for a 50% increase in tariffs, recognition of the special challenges and limited diversification opportunities of upland farms in future payments schemes, the use of the Barnett formula, and the export of live animals. The Whip, Baroness Vere of Norbiton, suggested that the importance of uplands in improving biodiversity, managing flood risks and carbon sequestration could mean that upland farmers in England may benefit from the concept of 'public money for public goods'. She also emphasised that Defra's **Health and Harmony consultation** addresses additional support requirements

of upland farmers in England. A report on the findings of the consultation, which received over 44,000 responses, will be published “in due course”.

On 23 May the House of Commons International Trade Committee held the first evidence session of its **inquiry into trade and the commonwealth: Australia and New Zealand**. The Committee **heard from representatives of the dairy and meat sector**. New Zealand has **appointed a “red meat ambassador” to the UK** to promote the interests of its red meat industry during Brexit negotiations.

On 6 June the EFRA Committee published its report on the **UK Government’s proposals on farming after Brexit (PDF 503KB)** as set out in Defra’s **Health and Harmony consultation**. The report calls for the UK Government to produce a sector-by-sector assessment of the withdrawal of direct payments and a farm productivity plan, to ring-fence agricultural funding post-Brexit, to provide more details on future support mechanisms for farmers, to recognise the production of healthy food as a public good, and to ensure products entering the UK respect existing environmental and animal welfare standards.

On 6 June the EFRA Committee also questioned Greg Hands **on the impact of EU tariff quotas and trade deals on the sugar industry**. The session was part of the Committee’s **inquiry on post-Brexit trade in sugar**.

Also on 6 June the Northern Ireland Affairs Committee heard from Ulster Farmers’ Union and an expert academic panel **on key issues facing the Northern Ireland agricultural sector**. The session explored which aspects of the CAP should be replicated by a future farming policy and which aspects it should diverge from.

On 7 June Lesley Griffiths **gave evidence** to the Welsh Affairs Committee as part of its inquiry into **Brexit: Agriculture, Trade and the repatriation of powers**. She discussed the need for a new structure to look at disputes, specifically regarding calls for the establishment of a Council of Ministers and a Joint Ministerial Committee (JMC) for trade. In terms of the **Welsh Agriculture Green Paper**, which was later published on 10 July (see section 4 Welsh Government action – Agriculture and food), the Cabinet Secretary said that the consultation window had been extended to 16 weeks to close in October. She said there are “big differences” between the Welsh Green Paper and Defra’s **Health and Harmony consultation**, noting that the Welsh proposals are more focused on landscape, culture and communities.

She emphasised that the Welsh Government had little clarity on funding arrangements from the UK Government and reiterated fears about Barnettisation of agricultural funding. She also discussed the red meat levy which is collected in England for livestock reared in Wales but slaughtered in England. She said that discussions were ongoing around whether changes should be introduced through the UK Agriculture Bill to ensure this levy is returned to Hybu Cig Cymru.

On 8 June the House of Lords European Union Committee **published its report (PDF 679KB)** on UK-EU relations. The report emphasises the need to move Brexit negotiations into a direction that focuses on establishing new UK-EU relationships and sets out five key principles for evaluating the UK Government's **White Paper on the future relationship between the UK and the EU**. The Committee reiterated its belief that Brexit presents opportunities for the agriculture and fisheries sectors, but emphasised that some of them crucially depend on the terms of the new UK-EU relationship. In the agriculture sector, this is because the UK Government's **commitment to uphold animal welfare standards** post-Brexit is likely to be more conducive to free trade in food with the EU than with the rest of the world. See the Committee's previous reports on **food** and **agriculture** for further detail.

On 13 June the EFRA Committee held a **one-off evidence session** with Michael Gove. The Committee questioned the Secretary of State on the work of Defra and preparations for Brexit, such as the development and scrutiny of the UK Agriculture and Fisheries Bills, the monitoring of the **Health and Harmony consultation**, and a sectoral analysis of future agricultural funding arrangements. Michael Gove **stated that** it is his "hope" that the UK Government's Agricultural Bill will be published before the summer recess.

On 14 June the House of Commons debated the EFRA Committee's **Brexit: Trade in Food report** and the **UK Government's response**. Topics covered in the discussion include trade control IT systems, geographical indicators for food (also known as protected food names), Northern Ireland cross-border supply chains, Scottish food and drink exports, trade arrangements, the veterinary workforce and custom relationships. When asked when Defra will publish a sector-by-sector analysis on the impact of Brexit on agriculture George Eustice suggested that the UK Government had done such work but is unable to publish it. He referred to a **most favoured nation scenario analysis commissioned by the NFU in 2016 (PDF 932KB)**, saying that the analysis was "broadly correct".

On 20 June the Northern Ireland Affairs Committee **heard evidence from representatives of the livestock and dairy farming sector**. The session examined how future agricultural policy can continue to support the sector, which makes up the vast majority of Northern Ireland's agricultural output but is heavily reliant on direct payments and cross-border supply chains.

On 26 June the House of Commons debated **Leaving the EU: Upland Farming**. Issues debated included the repatriation of the red meat levy, management of UK common frameworks, the future of agricultural support, access to EU export markets, and the importance of upland farms for rural communities and environmental protection.

On 4 July the House of Lords EU Energy and Environment Sub-Committee held a stakeholder roundtable discussion on **food safety and risk management after Brexit**. The discussion explored the extent to which the UK could remain part of the EU's food safety risk management process and what gaps would be created domestically if the UK left that process.

On 9 July the Welsh Affairs Committee published its **report on Brexit: priorities for Welsh agriculture**. The report includes findings on: priorities for UK-EU negotiations; responsibility for agricultural policy; agricultural policy post-Brexit; and productivity, promotion and procurement.

## Animal welfare

On 4 June the House of Commons **debated banning fur trade in the UK**. The debate was **based on a petition** that had received over 109,000 signatures. Although fur farming was banned in all of the UK by 2002, fur can still be legally imported under current EU Regulations. Members widely supported the proposal for a UK ban, and asked the UK Government to use Brexit as an opportunity to introduce stricter Regulations on fur imports. George Eustice responded that the UK market share was too small to justify a trade ban as an efficient means to improve animal welfare.

On 13 June the House of Commons debated **foie gras imports**. Similar to fur, production of foie gras is prohibited in the UK, but it can be legally imported and trade restrictions would require consent from the EC. Members suggested that Brexit offers an opportunity to explore restrictions under World Trade Organization (WTO) law. George Eustice added that after Brexit, the UK could use its regained independent seat in the **World Organisation for Animal Health (OIE)** as an opportunity to internationally promote the production of foie gras without forced

feeding.

The **Ivory Bill** left the House of Commons with several amendments on 4 July and is currently being considered in the House of Lords. The Bill is based on a **Defra consultation on banning UK sales of ivory**. The purpose of the Ivory Bill is to prohibit commercial activities concerning ivory in the UK and the import and re-export of ivory for commercial purposes to and from the UK, including intra-EU trade to and from the UK.

## Energy and climate change

The House of Lords EU Energy and Environment Sub-Committee's **Brexit energy security report (PDF 2.25MB)** was published in January and debated in the **House of Lords** on 6 June. It identifies a number of potential challenges Brexit poses to UK energy security and sets out 43 recommendations. Challenges identified include the UK's potential leaving of the **EU's internal energy market (IEM)**, the fact that UK will leave **Euratom** which currently facilitates trade in nuclear material, and a potential shortage of qualified inspectors at the Office for Nuclear Regulation (**ONR**) should it lose access to specialist EU workers. The UK Government published its response on 29 March. The Committee **questioned representatives of the ONR** on its preparedness for Brexit on 11 July.

On 29 May the House of Commons Business, Energy, and Industrial Strategy Committee launched an **inquiry into carbon capture, usage and storage (CCUS)**. CCUS is a set of technologies that capture carbon dioxide from waste gases for long-term storage or industrial use. The inquiry scrutinises the UK Government's commitment to use CCUS technology and its contingency plans should CCUS not be a financially feasible option for reducing emissions.

The CCUS inquiry builds on earlier Committee work on the UK Government's **Clean Growth Strategy**. In this strategy, **the UK Government announced** that Brexit "will not affect [the UK's] statutory commitments under [its] own domestic Climate Change Act" whose reduction targets are "more ambitious than those set by EU legislation". The Clean Growth strategy aims to use CCUS in the 2030s as a means to meet domestic binding emission targets, should the technology become sufficiently cost-effective. The UK Government has set up a **CCUS Cost Challenge Taskforce** to explore how costs can be reduced. The taskforce is due to report back in summer 2018.

The ***Nuclear Safeguards Act 2018*** received Royal Assent on 26 June. The Act makes provision for nuclear safeguards after the UK leaves Euratom by enabling the UK Government to make Regulations for, and implement international agreements in relation to, nuclear safeguarding. In making Regulations, UK Ministers must consult the UK's ONR and the Regulations must be subject to the affirmative procedure in both Houses of the UK Parliament. If any of the future international agreements on nuclear safeguards to be implemented by the UK Government by Regulations are treaties requiring UK ratification, they must be laid before the UK Parliament as required by the ratification processes of the *Constitutional Reform and Governance Act 2010*.

Nuclear safeguards are reserved and the provisions of the Bill apply to the UK as a whole. During Committee Stage of the Bill in the House of Commons, following the SNP's unsuccessful attempt to add a clause requiring the Secretary of State to consult with the devolved Ministers before concluding new international agreements relating to nuclear safeguarding, ***the Minister for Business and Industry, Richard Harrington, responded:***

As I have said, nuclear safeguards are not a devolved matter. Despite the responsibility legally being the UK Government's, I hope that our general approach of having an open and transparent process, which is evolving, would be described as reassuring. The Government are acutely aware of the value of consultation in developing this new regulatory regime—obviously with the ONR, but also with the industry generally and formally and informally with parliamentary colleagues. As I have explained before, the nuclear safeguards regime regulations will be subject to detailed consultations with the regulator and industry. Industry stakeholders across the UK, which of course includes Scotland, Wales and Northern Ireland, will be widely encouraged to take part in that consultation. The outcome of the consultation will then be made public, in line with the Government's general policy on consultations.

The public consultation on the draft regulations will not be the first or only opportunity for stakeholders to be made aware of our intentions, and it will not be their only opportunity to provide the Government with their views. We have had detailed discussions with the nuclear industry since the referendum, and we will continue to work closely with it and other stakeholders when taking the development of the new regime forward, including the development of regulations. My officials have already been in discussions with colleagues from across the devolved Administrations and the relevant environment agencies, such as the Scottish Environment Protection Agency, Natural Resources Wales and so on, to ensure effective collaborations on key Euratom-related policy areas—including the domestic nuclear safeguards

regime—and will continue to do so.

## Fisheries

On 7 June during **her appearance before the Welsh Affairs Committee** as part of its inquiry into **Brexit: Agriculture, Trade and the repatriation of powers**, Lesley Griffiths said:

We are not as forward on our fisheries policy as our agricultural and land management policies, but we will be going out to consultation in due course.

On 8 June the House of Lords European Union Committee **published its report (PDF 679KB)** on UK-EU relations (see section 8 UK Parliament action – Agriculture and food). With respect to fisheries, the Committee identified geographical proximity to the EU, fish stock mobility, international law and the significance of EU export markets as factors that necessitate an “immediate and effective” cooperative relationship with the EU and other neighbouring countries. See the Committee’s previous report on **fisheries** for further detail.

On 14 June the Committee held a **public evidence session in County Down** to explore the current state of the Northern Ireland fisheries sector and examine the **impact of the CFP**. The Committee heard from local fishermen and the **Loughs Agency**.

On 4 July the House of Commons debated Michael Gove’s **statement on sustainable fisheries**. The statement accompanied the publication of a **Fisheries White Paper** (see section 3 Other UK Government action – Fisheries). Members **questioned the Secretary of State** on a number of issues, including future fishing arrangements with EU countries, the replacement of the EMFF and the UK framework for fisheries management.

On 11 July the House of Commons debated the **Fishing Industry: Visas for Non-EEA Citizens**.

## Nature conservation

On 18 May the House of Commons Environmental Audit Committee launched a new **inquiry into the UK Government’s proposals** for a new environmental watchdog and its proposals to bring environmental principles into UK law after Brexit.

On 12 June the Committee **heard from** environmental NGOs, business alliances and academics from legal and governance perspectives. On 19 June the Committee **took evidence** from the Chair of the House of Lords Climate Change Committee, Lord Deben, and Baroness Brown, Chair of the Committee's Adaptation Sub-Committee, and also the Committee on Climate Change and the National Audit Office. The **terms of reference** for the inquiry build on the evidence taken during the Committee's **inquiry on the UK Government's 25 Year Environment Plan**.

On 20 June the Committee published **correspondence from Michael Gove (PDF 1.98MB)**. In his letter, the Secretary of State announced the publication of an environmental principles and governance draft Bill in the autumn, and the publication of an approach to indicators and metrics for measuring progress in line with the 25 Year Environment Plan in early 2019. The letter states that the proposal will involve a comparative analysis relating it to existing domestic and international commitments, including EU targets. The Secretary of State also committed to report back to the UK Parliament annually on progress against the plan.

On 11 July the Committee **heard from** Michael Gove as part of its inquiry. He said that the EU may insist on a non-regression clause for environmental standards in a trade agreement with the UK. He indicated that Defra has been working well with the devolved administrations on the UK's future environmental governance system saying "as well as there being harmony within the UK government, there's harmony broadly across governments on these issues." He said the proposed green watchdog would not have climate change included in its scope. He argued it was sufficient for government to "have regard to" an environmental principles policy statement, rather than "act in accordance with" it, as some Members have advocated.

## Water

In addition, the Secretary of State's letter also outlines the UK Government's plan for implementing the **EU Water Framework Directive** and the expenditures of **Defra's Brexit readiness projects (PDF 176KB)**.

On 20 June the EFRA Committee **heard from a panel of stakeholders** on its **inquiry on the regulation of the water industry**. The **terms of reference** for the inquiry include exploring whether diverging from EU Regulations post-Brexit may provide environmental benefits.



## Chemicals

On 27 June, in a **roundtable discussion**, the House of Lords EU Energy and Environment Sub-Committee explored how Brexit will impact the regulation of chemicals in the UK. Chemicals in the UK are currently regulated by the **European Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**. The roundtable discussed pros and cons of continued participation in REACH, how the UK Government and businesses can prepare for exiting REACH, and how non-EU countries interact with the regulation. The session is part of the Committee's **inquiry** on the future of REACH Regulations. The chemical sector exports over half its output to EU countries.

## UK frameworks

On 6 June the EFRA Committee **published its latest report on the future for food, farming and the environment (PDF 503KB)**. On the subject of frameworks, the report states that:

Defra proposes that common frameworks will be established “where a common approach is required across the UK” and these will respect the devolution settlements and democratic accountability of the devolved legislatures. On this basis, four different agricultural policies could be adopted within the UK. This is not inherently a problem. Witnesses told us agricultural policy should continue to be a devolved matter, however they cautioned that there must be an element of regulatory alignment to retain the functioning of the UK single market.

On 20 June the House of Commons debated **UK constitutional machinery and its frameworks for intergovernmental cooperation**.

On 21 June the Interparliamentary Forum on Brexit **held its fourth meeting**. The meeting was hosted by the House of Commons and chaired by the Chair of the House of Commons Public Administration and Constitutional Affairs Committee, Sir Bernard Jenkin. A **joint statement** agreed by attendees reads:

We previously recognised that the current system of inter-governmental relations is not fit for purpose and is in urgent need of substantial reform. Today we discussed the need for intergovernmental mechanisms for UK common frameworks and the importance of effective

scrutiny of these processes and considered in detail the concerns about existing intergovernmental relations that have been identified by a range of our respective Committees [...]

We note that the UK Government is yet to outline its proposals for reform of intergovernmental mechanisms or how UK common frameworks will operate. We urge the Government to publish these proposals as soon as possible to allow time for consideration and consultation.

The Assembly was represented at the meeting by Chair of the EAAL Committee, David Rees, and Chair of the CLA Committee, Mick Antoniw.

## Scottish Parliament action

### Air quality

On 23 May the **Climate Change (Emissions Reduction Targets) (Scotland) Bill** was introduced to the Scottish Parliament and on 29 May was **referred to the Environment, Climate Change and Land Reform Committee**.

On 27 June the Environment, Climate Change and Land Reform Committee took oral **evidence from Michael Gove on the environmental implications of Brexit for Scotland (PDF 425KB)**. The Committee questioned the Secretary of State on the current **Defra consultation on environmental principles and governance after Brexit**. The Committee asked about the proposals to establish an independent statutory environmental body and questioned how the body may hold governments to account. The Secretary of State used air quality as an example of what power the body may hold, stating:

... it will have the capacity to enforce compliance with the law if, for example, a Government is found to be operating with respect to air quality in a way that is in breach of the law. The body will have the power to issue advisory notices initially, but it will ultimately have the power to take the Government to court, if it is in error, to ensure that it is brought into line with the law.

The Committee questioned the Secretary of State further, using the example of the UK Government's decision to support a third runway at Heathrow. The Committee asked about the role the independent body would play if individual decisions would lead to air quality breaches. The Secretary of State responded saying that:

The power should extend to a Government's policy decisions but not to individual planning decisions. That is an important distinction, because there are already—as there should be—protections in planning law and procedures to ensure that environmental considerations, of which air quality considerations are a subset, are met.

## Agriculture and food

On 5 June the Scottish Parliament **discussed a report on the future of Scottish agriculture**. The Scottish Government had published **the report** on 31 May. The report sets out 18 key recommendations and was developed by four industry experts who have been appointed by the Scottish Government to support the implementation of its **2015 Future of Scottish Agriculture vision**. Members questioned Fergus Ewing on a range of issues, including a perceived lack of clarity and certainty in the Scottish Government's plans, a perceived lack of stakeholder engagement and food security.

On 6 June the Rural Economy and Connectivity Committee received an update from Fergus Ewing and Michael Russell on the **impact of Brexit on agriculture and fisheries**. The session addressed Scottish Government action on adverse weather conditions, the costs and flexibility of the CAP IT system, progress on the **CAP stabilisation plan** and outstanding payments, animal live exports and tenant farming.

On 20 June the Scottish Parliament discussed **post-Brexit transitional arrangements for agricultural support**. Fergus Ewing announced a **consultation on proposals** for a five year post-Brexit transition period for rural funding. The consultation follows up a key recommendation of the **future strategy for Scottish agriculture** report. The proposals in the consultation set out a two-year stability period in which EU rules will apply, followed by a three-year period to simplify and restructure the current payment scheme.

On 27 June Michael Gove gave evidence to the Rural Economy and Connectivity Committee **on the implications of Brexit for Scotland's agriculture and fisheries (PDF 439KB)**. Topics addressed include the future of agricultural funding, the Agriculture and Fisheries Bills, labour supply in the farming and fisheries sectors, protected food names, the post-Brexit fisheries policy, and woodland expansion. The Secretary of State confirmed that Scotland will continue to receive extant levels of agricultural funding and said it was "his belief" that these funds will be ring-fenced for the rural economy. He announced that he is hoping to introduce the UK Agriculture Bill either before or right after the summer recess.

On protected food names, the Secretary of State said:

We want to make sure that geographical indications [aka protected food names] are recognised as we leave the European Union, and so does the EU. ... The EU, too, has many protected geographical indications that it would like to see protected and preserved as we leave. That is part of the on-going negotiations between ourselves and the EU, to make sure that our respective interests are protected.

And:

At the moment, there is a debate about whether geographical indications should be part of the withdrawal agreement ... or whether they should be part of the future economic partnership. ... my judgment is that, because EU nations have many more geographical indications than the UK, the EU will want to have those guarantees and safeguards. That is in the EU's interests, much as it is in its interests to guarantee tariff-free access for agri-food products across the UK-EU border.

## Fisheries

On forthcoming fisheries legislation, Michael Gove also told the Rural Economy and Connectivity Committee that:

We also hope to publish the fisheries white paper before the house rises for its recess, and the fisheries bill would be introduced towards the end of this year or maybe just at the beginning of 2019.

On the same date Michael Gove also appeared before the Environment, Climate Change and Land Reform Committee as part of its **inquiry into the implications of Brexit for the environment**. He said:

It is the case that the environment is fully devolved, ditto agriculture and fisheries. We will of course need to have UK frameworks on agriculture and fisheries to make sure that Scotland's producers have the opportunity to have the same unfettered access to consumers in England that they do at the moment

## Nature conservation

On 5 June the Environment, Climate Change and Land Reform Committee **took evidence from a panel of stakeholders, academics and consultants** on a **report on environmental governance in Scotland after Brexit**. The report had been published by the Scottish Government EU Roundtable on Environment and Climate Change on 1 June and explores potential post-Brexit gaps in environmental governance as well as options for addressing them. Key areas identified include access to expertise in professional policy and practice networks,

access to skills and the value of the EC and European Court of Justice oversight mechanisms.

## UK frameworks

Michael Gove was questioned on the engagement between the UK Government and the Scottish Government and on the progress on legislative and non-legislative UK common frameworks **during his appearance** before the Environment, Climate Change and Land Reform Committee on 27 June. The Secretary of State said that there was “not a single power that the Scottish Government exercises that we want to remove from it”.

On 18 June the Finance and Constitution Committee launched a **call for evidence on UK common frameworks**. The closing date is 31 August.

## Other key sources

### Air quality

House of Commons Library Briefing paper, **Brexit and air quality**, June 2018

### Agriculture, food and forestry

Agriculture and Horticulture Development Board and Hybu Cig Cymru, **Exploring the implications of Brexit for agriculture and horticulture in Wales**, June 2018

Brexit and Environment academic network, **Post-Brexit agricultural support and the WTO: Using both the amber and green boxes?**, June 2018

Cardiff University Blog, **Post-Brexit farming model**, July 2018

NFU et al, **UK Food Supply Chain Manifesto for a successful Brexit**, May 2018

NFU Cymru, **Brexit Update**, June 2018

UK in a Changing Europe, **It is not just about hanging baskets, Brexit could have a crucial impact on horticulture**, July 2018

## Fisheries

Marine Scotland, **[Economic Impacts of Scenarios for Scottish and UK Seafood Industries Post EU Exit](#)**, June 2018

National Federation of Fishermen's Organisations, **[Chairman's report 2018](#)**, June 2018

Scottish Parliament Information Centre (SPICe), **[Will fishing be discarded in the Brexit negotiations?](#)**, June 2018

UK in a Changing Europe, **[Governing UK fisheries after Brexit – lessons from Iceland, Norway and the Faroe Islands](#)**, May 2018

## Nature conservation

Brexit and Environment academic network, **[A new post-Brexit environmental watchdog: The importance of context](#)**, July 2018

Client Earth, **[A new Nature and Environment Commission](#)**, May 2018

Client Earth, **[Environmental principles in UK law after Brexit](#)**, June 2018

## UK frameworks

House of Commons Library Debate Pack, **[UK constitutional machinery and the frameworks for intergovernmental cooperation](#)**, June 2018

## Other

National Infrastructure Commission, **[National Infrastructure Assessment \(PDF 4.35MB\)](#)**, July 2018

UK Environmental Law Association (UKELA), **[Brexit Task Force year one report \(PDF 269KB\)](#)**, June 2018

UK in a Changing Europe, **[Amending the way to a Green Brexit?](#)**, June 2018

