

Agenda – Climate Change, Environment and Rural Affairs Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Marc Wyn Jones

Meeting date: 9 July 2020

Committee Clerk

Meeting time: 08.45

0300 200 6565

SeneddCCERA@senedd.wales

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on www.senedd.tv.

Informal pre-meeting– PRIVATE (08.45 – 09.15)

PUBLIC MEETING

1 Introductions, apologies, substitutions and declarations of interest

(09.15)

2 Evidence session with Natural Resources Wales: impact of the Welsh Government supplementary budget

(09.15–10.00)

(Pages 1 – 8)

Sir David Henshaw, Chair – Natural Resources Wales (NRW)

Clare Pillman, Chief Executive – Natural Resources Wales (NRW)

Attached Documents:

Research brief



BREAK (10.00 – 10.05)

3 COVID-19: Scrutiny session with the Welsh Government

(10.05-10.50)

(Pages 9 – 19)

Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs

Gian Marco Currado, Director, Environment and Marine

Christianne Glossop, Chief Veterinary Officer

John Howells, Director Climate Change, Energy and Planning

Dean Medcraft, Director Finance and Operations

Tim Render, Director, Land, Nature and Food

Attached Documents:

Research brief

BREAK (10.50 – 10.55)

4 COVID-19: Continuation of scrutiny session with the Welsh Government

(10.55-11.40)

Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs

Gian Marco Currado, Director, Environment and Marine

Christianne Glossop, Chief Veterinary Officer

John Howells, Director Climate Change, Energy and Planning

Dean Medcraft, Director Finance and Operations

Tim Render, Director, Land, Nature and Food

BREAK (11.40 – 11.45)

5 COVID-19: Evidence session with the Royal Welsh Agricultural Society

(11.45 – 12.15)

(Pages 20 – 21)

Steve Hughson, Chief Executive – Royal Welsh Agricultural Society (RWAS)

Nicola Davies, Vice-chair of Council – Royal Welsh Agricultural Society (RWAS)

Attached Documents:

Paper

6 Paper(s) to note

6.1 Welsh Government response to the Committee's report on the Legislative Consent Memorandum in relation to the UK Agriculture Bill 2019-21

(Pages 22 – 34)

Attached Documents:

Response

6.2 Welsh Government response to the Committee's report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill 2019-21

(Pages 35 – 45)

Attached Documents:

Response

6.3 Correspondence from the Minister for Environment, Energy and Rural Affairs – Climate Change (Wales) Regulations 2018

(Pages 46 – 47)

Attached Documents:

Letter

6.4 Correspondence from the Chair, Petitions Committee – Rethinking Food in Wales

(Page 48)

Attached Documents:

Letter

7 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of the meeting

PRIVATE (12.15 – 12.45)

8 Consideration of evidence received under items 2, 3, 4 and 5

9 Discussion on the Committee's Forward Work Programme

Document is Restricted

Document is Restricted

Agenda Item 5

Climate Change, Environment and Rural Affairs Committee.

Royal Welsh Agricultural Society submission

- the immediate problems caused by the pandemic on the RWAS

The COVID 19 restrictions on large events, mass gatherings and social distancing resulted in the early cancellation of the Royal Welsh Smallholding and Countryside Festival, shortly followed by the cancellation of the main Royal Welsh Show, Royal Welsh Grassland Event and all other events hosted on the showground, (organised by outside organisations). Together with a reduction in Membership fees which would have been paid during Show week, this has resulted in a £4.6 million reduction in income.

The impact is not confined to the Society, as we contribute over £40 million to the economy of Wales, which will simply not happen this year. This impact is most keenly felt within the tourism, leisure and hospitality sectors who benefit greatly from events, particularly in rural Mid Wales.

There is also a significant human impact as the Royal Welsh Show and other events provide the opportunity for the rural community to come together, benefiting mental health and the wellness agenda.

- any medium and long term implications of the pandemic

The ban on mass gatherings and lack of any clear thought as to when events such as the Royal Welsh can re-start is causing concern. For the event sector this crisis could extend well into 2021. This puts the Royal Welsh Winter Fair at risk which would create an additional £500k loss of income to the Society and further losses to the wider community and agricultural sector.

There is a need for the current package of support including the Job Retention Scheme to be extended to support sectors such as the Arts, Culture and Events until income re-starts. The impending funding gap will present significant challenges and undoubtedly lead to redundancies and possibly the failure of some organisations and events.

The wider impact on behaviour and finance is yet to be fully understood, but we are alive to the potential for visitors to lack confidence in coming together in large numbers and that companies may decide to re-purpose their funds away from sponsorship and entertainment, further compounding the shorter term impact. There is a need for clear guidance, supported by a marketing strategy to deal with these issues.

- any ways you have identified to address some of the issues / problems

The Society has taken advantage of the Government support where available and 80% of the staff is currently furloughed.

Despite the cancellation of the show, we have created a virtual event which will take place over the four days in July. The platform on the Society's website and Social Media will educate the general public about food and farming, share knowledge within the industry, entertain and share nostalgic memories of the show. We are delighted that the Virtual Show will be opened by HRH The Prince of Wales.

Whilst this event will fill a virtual gap, it will never replace the Show and will not create any significant income replacement.

Like many organisations we have embraced the new virtual way of working, which is something which will continue for some post the pandemic.

We continue to support the work of Visit Wales and Events Wales to assist in the shaping of government thinking and formulation of guidance.

Agenda Item 6.1

Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LG/2051

Mike Hedges MS
Climate Change, Environment and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Mike.Hedges@senedd.wales

29 June 2020

Dear Mike

Climate Change, Environment and Rural Affairs Committee's report on the Legislative Consent Memorandum on the Agriculture Bill 2019-21

Thank you and members of the Climate Change, Environment and Rural Affairs Committee for your consideration of the Legislative Consent Memorandum (LCM) on the Agriculture Bill which I laid before the Senedd on 12 February. I have reflected on the Committee's Report, and my response to each of the 28 recommendations raised is provided in the annex to this letter.

I would like to take this opportunity to provide the Committee with an update on the progress of the Bill. On 13 May, the Bill completed its passage in the House of Commons, where amendments were made to a number of provisions relating to Wales to ensure their operability. Details of these amendments are provided in the Supplementary LCM laid before the Senedd on 11 June. The Bill had its First Reading in the House of Lords on 18 May, the Second Reading on 10 June, and the first two dates for Committee Stage have now been confirmed as 7 and 9 July.

During the Bill's Second Reading in the House of Lords, a significant number of Peers raised concerns regarding the absence of legislative protection for UK's agricultural standards in future trade agreements. We have always been clear with the UK Government no future trade agreement should undermine our domestic legislation or the high product and production standards we have in Wales. On 12 June, I wrote to George Eustice MP, the Secretary of

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

State for Environment, Food and Rural Affairs, setting out the Welsh Government's position on animal health and welfare, as well as key Sanitary and Phytosanitary matters in respect of future trade agreements. Food safety along with animal health and welfare are devolved matters, and the Welsh Government's policy is clear that high food safety, animal welfare and environmental standards must be maintained in Wales.

I remain committed to introducing an Agriculture (Wales) Bill in the next Senedd term. Building on our two consultations, *Brexit and Our Land* and *Sustainable Farming and Our Land*, I intend to publish a White Paper later this year to set out the Welsh Government's plans for the future of agriculture in Wales and pave the way for the Agriculture (Wales) Bill.

As stated in my LCM on the UK Agriculture Bill, powers are being taken for Welsh Ministers as a temporary measure to allow us to continue supporting farmers in Wales and to ensure agricultural sectors across the UK can operate effectively once we leave the EU. During this period of unprecedented uncertainty when we continue to prepare for our departure from the EU while dealing with a crippling global pandemic, the Bill is an important legislative vehicle to provide much needed continuity and stability for Welsh agriculture.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

ANNEX

Response to the Climate Change, Environment and Rural Affairs Committee's Report on the Legislative Consent Memorandum in relation to the UK Agriculture Bill 2019-21 (published 14th May 2020)

Committee's Recommendation	Welsh Government's Response
Food and agricultural markets (Part 2)	
<p>Recommendation 1</p> <p>The Welsh perspective must be reflected in the methodology for assessing the UK's food security. The Welsh Government should clarify how it will contribute to the development of the food security report and how the views of food producers and stakeholders will be reflected.</p>	<p>Noted</p> <p>The Welsh Government, alongside the other Devolved Administrations, continues to work closely with Defra on their assessment of the UK's food security, playing an active role in commenting on plans and assessments. There is an established cycle of activity and infrastructure in place to obtain the views of food producers and stakeholders.</p>
<p>Recommendation 2</p> <p>The reporting frequency on food security matters set out in the Bill is inadequate. The report must be prepared and published annually or biannually.</p>	<p>Accept in principle</p> <p>Clause 17 places a duty on the Secretary of State to report on food security at least once every five years but this does not preclude more frequent reporting where this is considered necessary. I accept more frequent reporting may be necessary given the potential pace of development in this area. Officials will monitor the situation and discuss with Defra what reporting frequency is most appropriate in different circumstances.</p>
<p>Recommendation 3</p> <p>The Minister should clarify whether she believes it would be desirable to prepare an annual report focused on food security in Wales to inform the development of food policy.</p>	<p>Reject</p> <p>Food, in raw, processed, or fully manufactured form, ingredients and components necessary to process and manufacture food, to raise animals or grow crops, moves around the UK irrespective of internal borders. The only meaningful boundary for Wales' food security is the UK's external border with the rest of the world. There is no concept of 'the food supply of Wales' or 'Welsh food security' because they are integral to the UK's food supply and food security. I do not believe such a report would be desirable as it would have no meaning or value in relation to the production, processing, manufacture, and sale of food.</p> <p>A Wales report could potentially mislead the development of food policy, and its production would misdirect resource which could otherwise be utilised to address the questions of how to improve the productivity and</p>

	<p>sustainability of Wales' primary and secondary food businesses, how to strengthen and grow routes to market, how to add value to products, and how to address the questions of public benefit concerning healthier diets and the affordability of food for people of limited means.</p>
<p>Recommendation 4</p> <p>The Bill should be amended to require the UK and Welsh Governments to publish a response to, and take appropriate action in respect of, the food security report proposed in the Bill. If an amendment to give effect to this is not forthcoming or agreed, the Minister should give a commitment that she will publish a response to any matter in the report that relates to Wales and devolved policy areas. The Minister should ensure that the Senedd has sufficient opportunity to consider the food security report and response and must ensure that a debate in the Senedd Chamber takes place.</p>	<p>Accept in principle</p> <p>I agree the UK Government should be expected to respond to issues raised by a food security report but I do not consider that an amendment is required. As stated in the response to recommendation 1, I would expect the Welsh Government to continue to be involved in the formulation of a UK response.</p> <p>I consider an amendment to place a duty on the Welsh Ministers to be unnecessary as Ministers are already held to account and scrutinised by Senedd Members in many other ways. Periodically the Welsh Ministers make statements to the Senedd about the food and drink sector, our strategy and plans, and as part of this I would comment on or respond to Welsh specific food security issues should those arise.</p>
<p>Transparency and fairness in the agri-food supply chain (Part 3)</p>	
<p>Recommendation 5</p> <p>The Minister should clarify what assessment she has made of the impact of the provisions on fair dealing on food producers in Wales. The Minister should also clarify whether she has considered that businesses which do not reach a certain threshold of turnover should be exempt from certain requirements in relation to data collection.</p>	<p>Noted</p> <p>The impact of the Covid-19 pandemic has highlighted some of the issues faced with the current contractual arrangements which operate in the agricultural industry, in particular, the dairy sector.</p> <p>The Welsh Government, in conjunction with the other UK administrations has recently launched a joint consultation to explore views on the potential introduction of mandatory written contracts in the dairy industry.</p> <p>The Welsh Government would consider the impact on businesses from any request for data in line with relevant data protection requirements.</p>
<p>Recommendation 6</p> <p>The Minister should explain whether she is content that the fair dealing provisions are included in the Bill as an enabling power rather than a duty.</p>	<p>Noted</p> <p>I am content the fair dealing provisions (clause 27) are included as an enabling power rather than a duty, exercisable by the Secretary of State. This will allow the UK Government to consider whether the power needs to be used to address specific circumstances of inequality</p>

	following investigation and consultation, where appropriate, with the industry.
<p>Recommendation 7</p> <p>The Minister should respond to the points made by stakeholders about the potential for extending the powers of the Grocery Code Adjudicator in relation to fair dealing with agricultural producers.</p>	<p>Noted</p> <p>The fair dealing provisions will provide an appropriate mechanism to consider issues of fair dealing with agricultural producers. The remit of the Groceries Code Adjudicator was reviewed in 2018, and a decision was made not to extend this remit. This is because the Adjudicator's ability to work effectively on her current remit would be weakened by any extension to indirect suppliers in the agri-food chain.</p>
<p>Matters relating to farming and the countryside (Part 4)</p>	
<p>Recommendation 8</p> <p>The Minister should set out, and give reasons for, her position on the appropriateness of the Agriculture and Horticulture Development Board being the body identified to lead on the new Livestock Information System. In particular, the Minister should explain in detail how the problems in relation to the lack of accountability of that Board to the Welsh Government will be addressed.</p>	<p>Noted</p> <p>The Agriculture and Horticulture Development Board (AHDB) is a non-departmental public body (NDPB) accountable to the UK government and is the delivery body for the multispecies project in England. Although AHDB is not directly accountable to Welsh Government, the Welsh Ministers have joint responsibility in the appointments of the AHDB board as well as levy matters, approving the annual report and accounts and lay them before the Welsh Parliament.</p> <p>My officials are working closely with the UK Government and the other DAs to put in place a high level of governance to protect Welsh data and Welsh keepers' interests at every stage. I will seek to ensure Welsh data is only collected with Welsh Ministers' approval and with clear data sharing agreements in place.</p> <p>To this end, my officials are working with Defra to progress an amendment to clause 32 of the Bill which will require the Secretary of State to obtain consent from the Welsh Ministers before assigning functions under this provision in relation to Wales.</p>
<p>Recommendation 9</p> <p>The Minister should provide an update on her understanding of how the new Livestock Identification System will interact with EIDCymru and the work she is doing to ensure that the two systems are compatible.</p>	<p>Noted</p> <p>Officials from Livestock Information Limited as well as the Scottish Government and the Northern Ireland Executive are collaborating to ensure, as far as possible, the development of our respective systems are compatible and the transfer of reporting arrangements from the current GB cattle and pig systems is managed effectively to ensure the highest levels of traceability.</p>

	<p>Monthly meetings are being held across the four administrations to update on developments and to work through common issues. A series of task and finish groups are also being introduced.</p>
<p>Recommendation 10</p> <p>The Minister should give a commitment that any new funding arising from the red meat levy will be used to supplement, rather than replace, Welsh Government funding for Hybu Cig Cymru.</p>	<p>Noted</p> <p>The purpose of spending associated with funding arising from the Red Meat Levy is set out in the Red Meat Industry (Wales) Measure 2010. The Agriculture Bill explicitly states that a payment made under the repatriation scheme is to be treated by the levy body receiving it as if it were red meat levy collected by that body (clause 33(4)).</p> <p>Spending associated with new funding arising from the red meat levy is separate from any additional funding applications made by Hybu Cig Cymru to Welsh Government.</p>
<p>Marketing standards, organic products and carcass classification (Part 5)</p>	
<p>Recommendation 11</p> <p>The Minister should set out the extent to which the Welsh Government was involved in developing the provisions on organics in the Bill and how they reflect her aspirations for the sector in Wales.</p>	<p>Noted</p> <p>Provisions on organics in the Bill are required for the creation of new Welsh organic standards following the end of the EU Transition Period.</p> <p>My officials have worked closely with counterparts in the UK Government and other Devolved Administrations to develop the provisions which will enable the Welsh Government to maintain the integrity of the organics sector in Wales.</p>
<p>Recommendation 12</p> <p>The Minister should set out her position on future equivalence or compliance with EU organic regulations and provide an update on how this is being reflected in discussions with the UK Government.</p>	<p>Noted</p> <p>This administration has been very clear about the importance of alignment with EU regulations and maintaining high standards in any future trade agreement between the UK Government and the EU.</p>
<p>Recommendation 13</p> <p>The Minister should explain how she will seek to ensure that current Welsh organic standards are not undermined by future trade deals. The Minister should set out whether the Bill gives enough protection in this regard.</p>	<p>Noted</p> <p>Wales' organic producers currently uphold some of the highest organic standards in the world and this must continue. To protect our organic standards, my officials are working with Defra to progress an amendment to clause 37 of the Bill which will require the Secretary of State to obtain the consent of Welsh Ministers before making regulations in respect of organic products under clause 36, to the extent those regulations make provision within the executive competence of the Welsh Ministers</p>

	(as defined by reference to the legislative competence of the Senedd).
<p>Recommendation 14</p> <p>The Minister should set out whether she believes that common organic standards should be maintained across the UK.</p>	<p>Noted</p> <p>Having common organic standards across the UK is of benefit to the industry. The desire for common organic standards, however, should not mean Wales is forced into lowering its own standards.</p> <p>Officials are in discussion with Defra and the other devolved administrations on this matter.</p>
<p>Recommendation 15</p> <p>The Minister should provide further information about the Welsh Government's involvement in the four-nation organic group, including its purpose and membership. This should include an update on its work to date.</p>	<p>Noted</p> <p>The Four Nations Organic Working Group is made up of officials in each of the UK administrations. The group is a forum to discuss policy and issues in the organic sector and to agree on positions at official level.</p> <p>With new pressures to the organic sector arising from the Covid-19 pandemic, the Group is holding weekly teleconferences to coordinate information and responses to the crisis.</p>
<p>Recommendation 16</p> <p>The Minister should clarify whether she believes the Bill needs to be amended to include safeguards to ensure that market standards in Wales are not undercut by imports in any future trade arrangements. Further, the Minister should provide an update on any discussions she has had with the UK Government on this matter.</p>	<p>Noted</p> <p>We have always been clear with the UK Government that no future trade agreement should undermine our domestic legislation or the high product and production standards we have in Wales. I wrote to the Secretary of State on 12 June to set out the Welsh Government's position on animal health and welfare, and key Sanitary and Phytosanitary matters in respect of future trade agreement. Food safety along with animal health and welfare are devolved matters, and the Welsh Government's policy is clear that high food safety, animal welfare and environmental standards must be maintained in Wales.</p>
World Trade Organisation Agreement on Agriculture (Part 6)	
<p>Recommendation 17</p> <p>The Minister should provide an update on any discussions she has had with the Secretary of State about amending the clauses in relation to the World Trade Organisation Agreement on Agriculture to strengthen the bilateral agreement.</p>	<p>Noted</p> <p>I remain satisfied the bilateral agreement provides strong mechanisms for Welsh Ministers to express their views and have those views taken into account by Parliament and by the UK Government in its dealings with the WTO.</p> <p>I asked the Secretary of State for confirmation of his commitment to working with the DAs on the use of these powers and the responsible</p>

	<p>Minister made a statement on this in the House of Commons on 13 May 2020.</p> <p>I am pleased to report officials from across the UK are working together to prepare the regulations and concordat giving effect to these powers. This work is at an early stage but I can confirm UKG has been receptive to the views of the DAs, and Welsh Government is playing a key role in influencing the drafting of the regulations and the concordat.</p> <p>I have asked officials to keep me informed of progress and will discuss this with the Secretary of State if I consider there is a need to do so.</p>
<p>Recommendation 18</p> <p>The Minister should provide an update on discussions she has had with UK Government counterparts about amending or strengthening the bilateral agreement.</p>	<p>Noted</p> <p>See response to recommendation 17.</p>
<p>Agricultural tenancies (Schedule 3)</p>	
<p>Recommendation 19</p> <p>The Minister should publish the response to the Welsh Government's consultation on agricultural tenancies, which ended in July 2019.</p>	<p>Accept in principle</p> <p>The summary of responses to the Agricultural Tenancy Reform Consultation will be published as soon as is practicable given the impact of the COVID-19 response.</p>
<p>Recommendation 20</p> <p>The Minister should respond to the view expressed by stakeholders that agricultural tenancies requires its own Senedd Bill in future.</p>	<p>Noted</p> <p>The Legislation (Wales) Act 2019 places a duty on the Counsel General and Welsh Ministers to prepare a programme setting out what they intend to do to improve the accessibility of Welsh law.</p> <p>Proposals to bring together different pieces of legislation on agriculture and related policy areas, such as agricultural tenancy, for the proposed Agriculture (Wales) Bill would contribute to the ongoing process of consolidating and codifying Welsh law, rendering the law more easily accessible.</p> <p>Maintaining a resilient tenanted sector, which accounts for approximately 30% of the farmed land in Wales, is important to the Welsh Government. Reform of agricultural tenancy policy in Wales will be considered as part of the development of the Agriculture (Wales) White Paper. This will provide the mechanism to evaluate the need for any future agricultural tenancy legislative change in Wales.</p>

<p>Recommendation 21</p> <p>The Minister should explain why certain aspects of tenancy reform have been prioritised over others for inclusion in the UK Bill.</p>	<p>Noted</p> <p>The elements of tenancy reform brought forward within the Bill are those which stakeholders considered were achievable and necessary in order to maintain support to this sector. The reforms were developed collaboratively with Defra.</p>
<p>Recommendation 22</p> <p>The Minister should explain the rationale for the provisions in the UK Bill applying to 1986 Act holdings and not 1995 Act holdings. The Minister should set out her views on whether the provisions should be extended to cover 1995 Act holdings.</p>	<p>Noted</p> <p>Agreements under the Agricultural Tenancy Act 1995 (1995 Act) are modern commercial agreements negotiated more recently than those under the Agricultural Holdings Act 1986 (1986 Act). They also tend to run for shorter periods and are reviewed more regularly than agreements under the 1986 Act.</p> <p>This means tenants with agreements under the 1995 Act have the opportunity to renegotiate and vary the terms of their agreement, which is not available for 1986 Act agreements.</p>
<p>Provisions relating to Wales (Schedule 5)</p>	
<p>Recommendation 23</p> <p>The Committee has called for the establishment of an inter-governmental mechanism to secure a long-term agreement for funding of agriculture across the UK. The Minister should provide an update on discussions with the other UK governments about this matter.</p>	<p>Noted</p> <p>The Minister for Finance and Trefnydd already has established mechanisms in place with the UK Government and other devolved administrations. A key focus of these interactions is to secure replacement funding for the agricultural and wider rural sector. My officials meet regularly with representatives of HM Treasury, Defra and other devolved administrations, as do I with the Secretary of State. We are continuing to press the UK Government for confirmation of full replacement funding in respect of the Common Agricultural Policy, and all other funding which is being lost to Wales as a result of leaving the European Union</p>
<p>Recommendation 24</p> <p>The Minister should give a commitment that she will provide the Committee with secondary legislation arising from this UK Bill in draft and provide enough time for scrutiny in the Senedd.</p>	<p>Accept in principle</p> <p>I am committed to the principle of transparency and the legitimate role of the Senedd in scrutinising activity of the Welsh Government. I commit to laying secondary legislation before the Senedd in accordance with Standing Order 27.</p>
<p>Recommendation 25</p> <p>The Minister should set out the circumstances where she envisages the powers in relation to intervention in agricultural markets would be exercised</p>	<p>Noted</p> <p>Powers available to the Welsh Ministers in relation to intervention in agricultural markets may be exercised where exceptional market conditions exist (Part 2 of Schedule 5 to the</p>

<p>Further, the Minister should set out what mechanisms are in place to ensure that Welsh and UK Governments work together in such circumstances. The Minister should also set out whether the provisions will apply not only to short-term, but also to longer-term problems affecting agricultural markets.</p>	<p>Bill). These are where there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in Wales in terms of the prices achievable for one or more agricultural products.</p> <p>When such measures are being considered, the four administrations of the UK consult each other through the UK Agricultural Market Monitoring Group, as provided for through the proposed Agricultural Support Common Framework.</p> <p>Market intervention is for use in exceptional short-term circumstances and is not intended for use as a long-term support mechanism.</p>
<p>Recommendation 26</p> <p>The Minister should provide an update on progress of developing UK common frameworks in relation to animal health standards.</p>	<p>Noted</p> <p>My officials are continuing to work with their counterparts in Defra and the other devolved governments to develop a framework for animal health and welfare. The framework is currently within phase two of the process which is focused on detailed policy development. In particular, work is progressing on the draft Framework Outline Agreement which sets out the proposed arrangements.</p>
<p>Recommendation 27</p> <p>The LCM states that there are outstanding concerns regarding the provisions in the Bill for the identification and traceability of animals, agricultural tenancies, and the regulation of organic products. The Minister should set out in detail what those concerns are and provide an update on progress in resolving them.</p>	<p>Noted</p> <p>On the identification and traceability of animals and the regulation of organic products, I am concerned with the absence of express requirements for the Secretary of State to obtain the consent of Welsh Ministers when exercising powers under these provisions. My officials are working with the UK Government to progress amendments to put consent requirements for these provisions on the face of the Bill. This is explained in more detail in the responses to recommendations 8 and 13.</p> <p>When the LCM was laid, there were also a number of technical amendments needed to ensure it is possible, when appropriate, to introduce bovine electronic identification and open the door to pre-movement reporting. These have been made at Committee Stage, following the Welsh Government's request.</p> <p>The concern around agricultural tenancies relates to the referral of disputed requests for landlord's consent or variation of terms to arbitration or for third party consideration</p>

	<p>where those requests are in connection with tenant's access to schemes of financial assistance. It is considered that the Agriculture (Wales) Bill, to be brought forward in the next Senedd term, would provide a more appropriate legislative vehicle to ensure access to new schemes for tenant farmers in Wales. Further consideration will be given to what provision is needed in due course.</p>
<p>Recommendation 28</p> <p>The Minister should explain how she intends to use the broad powers provided to Welsh Ministers in the Bill, including in relation to the collection and sharing of data; market intervention; and marketing standards.</p>	<p>Noted</p> <p>All powers conferred on the Welsh Ministers in the Bill shall be used in an appropriate way, with the objective of supporting farming and food production in Wales.</p> <p>The collection and sharing of data will be carried out in compliance with relevant data protection requirements. Collection of data will be required to maintain sanitary and phytosanitary standards and to ensure any market intervention conducted by the Welsh Government is based on verifiable evidence, in keeping with the law.</p> <p>Market intervention powers may be used in the event of a severe disturbance in agricultural markets, or the serious threat of such a disturbance, which has or is likely to have a significant adverse effect on agricultural producers in Wales in terms of the prices achievable for one or more agricultural products. Recent examples include the Covid-19 pandemic and may include extreme weather conditions, if there is a significant adverse effect on agricultural producers in Wales in terms of the prices achievable for one or more agricultural products.</p> <p>Powers over marketing standards will be used to maintain and improve high standards in the agri-food supply chain, to ensure food safety and to sustain consumer confidence in food bought in Wales.</p>

Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-LG-1999-20

Mike Hedges AS/MS
Chair of Climate Change, Environment and Rural Affairs Committee
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SeneddCCERA@senedd.wales

30 June 2020

Dear Mike

Climate Change, Environment and Rural Affairs Committee report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill 2019-21.

Thank you for the Committee's consideration and report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill 2019-21.

I would like to take this opportunity to update the Committee on the situation with UK Parliament and Senedd Cymru scrutiny of the Bill. The House of Lords Report stage was held on 22 and 24 June. I note a small number of amendments were made and as such, I will be laying a Supplementary Legislative Consent Memorandum. Third Reading in the House of Lords is planned for 1 July, and the Bill will then be introduced into the House of Commons.

Given the delays to the UK Parliament timetable, due to COVID-19, it has been deemed necessary to postpone the legislative consent motion debate in the Senedd, which was scheduled for 8 July. As a best estimate, as dates remain unconfirmed for all of the next stages in the House of Commons, I expect the appropriate time to hold the debate will be after summer recess – to take account of any amendments made at House of Commons Committee stage.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As soon as is possible, I will re-instate a date for the consent motion debate and provide all the necessary information for all Members of the Senedd to adequately consider their consent decision. In the meantime, I have considered the recommendations and have provided my responses in the Annex to this letter.

Financial implications

This is a framework bill and it will be necessary to consider how we implement new functions, in the context of the wider work of the Marine and Fisheries Division. Where additional costs may arise, they will be drawn from existing programme budgets.

However, I would also draw your attention to my response on Recommendation 4 which explains officials are undertaking planning work for how new functions, including from exit related primary legislation, are to be delivered as we exit the EU transition period.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AS/MS

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Welsh Government Response to the Climate Change, Environment and Rural Affairs Committee Report (published 21 May 2020): The Welsh Government’s Legislative Consent Memorandum in relation to the UK Fisheries Bill.

Recommendation	Welsh Government Response
<p>Recommendation 1. We recommend to the Senedd that it gives consent to the provisions in the UK Fisheries Bill 2019-21, subject to it being satisfied by the Minister’s response to each of the recommendations in this report.</p>	<p>Accept</p> <p>Your recommendation the Senedd Cymru provide their consent is welcomed. Of your 23 recommendations, I have been able to accept 21 of them. Where I have not been able to accept, I have set out my reasons as clearly as possible.</p>
<p>Recommendation 2. The Minister should seek an amendment to the 2019-21 Bill to include a sunset clause in relation to the provisions that relate only to Wales.</p>	<p>Recommendation 2 - Reject Recommendation 3 - Accept</p> <p>I will respond to Recommendations 2 and 3 together.</p> <p>Sunset clauses are usually considered where there is a clear timetable for replacement of Welsh provisions. Given the uncertainty and difficulties facing our industry, the ongoing fisheries negotiations and uncertainty of our future relationship with the European Union (EU), we cannot be certain what new policy interventions will be needed as a result.</p> <p>As you rightly point out, I also cannot make any promises on the legislative programme of a future Welsh Government. No government can tie the hands of a future government in this way. It is this Government’s intention to bring forward a Welsh Fisheries Bill in the next Senedd term. However, for the reasons set out above, I cannot set out a clearer timetable at this time.</p> <p>We need to ensure we have the necessary toolkit in place to manage the challenges of Brexit (and now COVID-19) on our fisheries industry, so we need to retain these powers in this UK Bill, for as long as we may need them.</p> <p>Therefore we do not want to impose a sunset clause which creates the risk of key powers for Wales being lost, by automatic function of law. We want to introduce Welsh legislation which has been developed with sufficient time to allow for proper scrutiny and consideration. I am not prepared to seek a sunset clause which will potentially disadvantage the Welsh fishing industry in comparison to the rest of the UK industry.</p> <p>I can assure you it is not my intention to have these powers in a UK Bill for any longer than is necessary and I will keep the Committee up-to-date on progress with bringing forward a Welsh Fisheries Bill.</p>
<p>Recommendation 3. If the Minister believes that a sunset clause is not necessary, the Minister should set out how she can give effect to her commitment that a future Welsh Government will bring forward a Welsh Fisheries Bill.</p>	

Recommendation	Welsh Government Response
<p>Recommendation 4. The Minister should set out the latest estimates of changes in staffing numbers and profile in her Marine and Fisheries Division and associated legal support that will be necessary as a result of the 2019-21 Bill.</p>	<p>Accept</p> <p>Staffing is a matter for the civil service. Officials are undertaking planning work for how new functions, including from exit related primary legislation, are to be delivered as we exit the EU transition period. This will include any emerging legislation. It is too early to tell, at this stage, the scope and scale of any change. A clearer picture should emerge when we understand our future relationship with the EU.</p>
<p>Recommendation 5. The Minister should explain how she will ensure that the climate change objective as set out in the 2019-21 Bill will dovetail with wider Welsh Government climate change policies.</p>	<p>Accept</p> <p>Thank you for this recommendation. I am happy to accept this. It is imperative we deliver a joined up position on our response to climate change, the policies we put in place and the actions we take.</p> <p>The Joint Fisheries Statement (JFS) will be the mechanism for where we set out our policies for delivering this objective, and all the fisheries objectives. Through the process of developing the JFS, there will be collaboration across Welsh Government, and with our stakeholders, and we will certainly dovetail our policies to provide a robust set of policies demonstrating the delivery of this objective.</p>
<p>Recommendation 6. The Minister should commit to further exploring, with the other fisheries policy authorities, how a duty on MSY can be included in the 2019-21 Bill. The Minister should write to the Committee to outline solutions that have been considered, in particular whether the wording of Article 33 of the CFP regulations could alleviate her concerns.</p>	<p>Accept</p> <p>The Welsh Government works closely with the fishing industry and scientific researchers, as well as all other interested parties, to ensure our fisheries management is based on the best available evidence and supports the sustainable use of Welsh seas.</p> <p>Our fisheries are valuable natural resources and we remain fully committed to ensuring stocks are safeguarded whilst, at the same time, the environmental, social and economic benefits they provide to coastal communities and beyond are maximised. We all want fully sustainable fisheries, and Maximum Sustainable Yield (MSY) is the international standard for assessing the health of stocks. We as a government are committed to fishing at levels below which would achieve MSY as advised by the International Council for the Exploration of the Seas (ICES), where it is appropriate.</p> <p>In acknowledgment of the concerns raised on the lack of a MSY duty on the face of the Bill, the UK Government has introduced the fisheries management plan (FMP) approach. This is in addition to the MSY commitment made within the objectives themselves. I expect the JFS and FMPs to set out our commitment to MSY and to set targets, where appropriate.</p> <p>There has been extensive discussion on this point with Defra and the other fisheries administrations, and I do not believe further dialogue, at this stage in the process, would be useful or achieve any change of approach.</p>

Recommendation	Welsh Government Response
	<p>However, I will write to Committee to outline the solutions considered and the role of Article 33.</p>
<p>Recommendation 7. The Minister should commit to explore whether a duty should be placed on Welsh Ministers in a future Welsh Fisheries Bill, to take all reasonable steps to achieve the fisheries objectives as set out in the 2019-21 Bill. The Minister should explain why this matter was not included in the Brexit and our Seas consultation document</p>	<p>Accept</p> <p>I am happy to reconfirm my intention to explore whether it is appropriate to include in a future Welsh Fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives.</p> <p>Brexit and Our Seas was the start of an ongoing conversation with our Welsh stakeholders, which will inform the development of a future Welsh fisheries policy. It was a broad consultation and given the uncertainty regarding the future of the fishing industry at the time it was not the right time in the process to raise this particular point.</p> <p>The fisheries objectives have developed over time, in collaboration with all four fisheries administrations, and are different now to those in the previous version of the Bill. Had we consulted on them, they would not have been the same as the objectives which are in the Bill now. The appropriate time to consider this is in the context of the development of a Welsh Fisheries Bill, when we have certainty on the final objectives in the UK Bill.</p> <p>The publication of the response to the Brexit and Our Seas consultation was delayed due to the COVID-19 pandemic. I am reviewing the response in light of the pandemic and continued uncertainty regarding EU transition.</p>
<p>Recommendation 8. The Welsh Government should deliver on the commitments it made in response to our previous report in relation to the Joint Fisheries Statement. In particular, the Committee was concerned that the Joint Fisheries Statement should include milestones and ambitious targets.</p>	<p>Accept</p> <p>Thank you. I have noted the commitment made previously and I remain, as before, committed to setting milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders, in the JFS.</p>
<p>Recommendation 9. The Minister should provide an update on the development of the programme of engagement events to inform and shape the content of the Joint Fisheries Statement.</p>	<p>Accept</p> <p>An initial meeting was held in July 2019, as a starting point for stakeholder engagement events on the delivery of the JFS. Following a necessary pause due to the COVID-19 pandemic, work has begun at an inter-governmental level to re-scope the JFS development work, taking into account the changing circumstances we find ourselves in, and to make plans for the critically important stakeholder engagement elements.</p>

Recommendation	Welsh Government Response
	<p>At the time of writing we are planning for there to be a period of informal engagement, a full public consultation and of course, the scrutiny by each legislature in the United Kingdom. In terms of timings, based on the current Bill draft, the JFS is required to be published within 18 months of Royal Assent of the Bill and the plans are being considered accordingly. I hope to be able to share more detailed information soon with stakeholders.</p>
<p>Recommendation 10. The Minister should provide reassurance that, through the Joint Fisheries Statement and Fisheries Management Plans, the Welsh Government will ensure the sustainability of all stocks in Welsh waters, not just those with active Welsh fishing interests.</p>	<p>Accept</p> <p>We are committed to delivering sustainable fisheries in Welsh waters and to working with others with whom we share stocks, not just focusing on those with active Welsh fishing interests. Through the JFS, our policies for FMPs will set a long-term approach for managing our fisheries and fish stocks to secure their sustainability for future generations.</p>
<p>Recommendation 11. The Minister should provide reassurance that Fisheries Management Plans will set out actions and timescales for the recovery of stocks, where stocks are below sustainable levels.</p>	<p>Accept</p> <p>Although the detail of FMPs is still being worked up, I consider it to be entirely reasonable for FMPs to set out actions and timescales for recovery of stocks (where needed and appropriate). Sea fisheries are natural stocks with natural variability and almost all are shared across seas borders. So, it will not be a case of “one size fits all” when developing these plans.</p> <p>The fisheries policy authorities will identify the most appropriate way to cover UK stocks, taking advice from fisheries scientists, fisheries managers and fishers themselves.</p>
<p>Recommendation 12. The Minister should set out the extent to which she anticipates the Welsh Government can rely on existing bodies to provide scientific data to inform Fisheries Management Plans and whether Welsh Government will need to commission new and additional research.</p>	<p>Accept</p> <p>This will be covered in the statement regarding FMPs in the JFS. As we have yet to identify which plans will be required, it is not possible to say what new or additional research may be required.</p> <p>ICES provide a range of advice based on the science and evidence collected by a number of institutions and coastal states. The UK has been in discussion with ICES, and we expect a Memorandum of Understanding (MoU) between the UK and ICES to take effect following the end of the transition period.</p> <p>While ICES can advise on the health of a number of stocks, it does not consider the species of main interest for Welsh fishers. As a result further evidence will need to be gathered on an on-going basis if FMPs are to be extended beyond the traditional stocks of EU interest.</p>

Recommendation	Welsh Government Response
	<p>The draft Welsh Fisheries & Aquaculture Evidence Plan 2019-2021 sets out the collaborative research agenda for marine, diadromous and freshwater fisheries and aquaculture research, monitoring and analysis. We will build on this and where additional evidence is required, this will form part of the strategic approach to science and evidence within the Marine and Fisheries Division.</p>
<p>Recommendation 13. The Minister should provide an update about the timescales for introducing legislation in relation to Vessel Monitoring Systems for all British fishing vessels under 12 metres in length operating in Welsh waters.</p>	<p>Accept</p> <p>Welsh Government has let a contract for the provision of a vessel monitoring system for the Welsh under 12 metre fishing fleet. The supplier is currently building the devices but there have been some delays due to COVID-19. Installation of the devices onto Welsh fishing vessels will commence once appropriate to do so in compliance with the COVID-19 restrictions. It is currently anticipated the relevant legislation (SI) will be introduced in summer 2021.</p>
<p>Recommendation 14. The Welsh Government should assess the financial implications of making onboard CCTV a licence requirement and should publish the results of that assessment.</p>	<p>Reject</p> <p>CCTV is used by some administrations with regard to the Landing Obligation. The size of most vessels in the Welsh fleet mean this is a disproportionate measure with high costs. We have focused our effort/resource on areas we understand are of greater benefit to the management of Welsh fisheries. The application of management tools should be risk based and most of the Welsh fleet is low risk. Where the few large Welsh vessels operate in shared fisheries with the UK or other coastal states, I will consider a consistent approach with other fisheries administrations on the requirements for CCTV or other remote electronic monitoring tools.</p> <p>Vessel Monitoring System (VMS) and Electronic Reporting Systems (ERS - All EU vessels in excess of 12 metres are required to submit daily fishing logs which are accessed remotely by enforcement bodies to check for compliance. This is likely to be rolled out to the 10-12 sector within the next 18-24 months) have long been used for the over 12 metre fishing fleet and as noted in response to Recommendation 13, work is progressing on the implementation of an SI to introduce a VMS on the Welsh under 12 metre fishing fleet.</p> <p>In addition, Welsh Government is working with the UK Fisheries Authorities on a range of measures to improve fisheries compliance and monitoring. These include the Catch Recording app for under 10 metre vessels to record their catch. This was introduced earlier this year. Work is also underway on a replacement system for enforcement officers to record inspections which will streamline and improve this work.</p>
<p>Recommendation 15. The Minister should explain to the Senedd whether her concerns in relation to</p>	<p>Accept</p> <p>This remains ‘a red line’ matter because it is paramount this power is exercised in a manner which respects the devolution settlement.</p>

Recommendation	Welsh Government Response
<p>Clause 23, which constitute 'a red line' for her, have been addressed</p>	<p>I am satisfied the agreement we have reached with UK Government will deliver this outcome and strengthen the already strong and deferential inter-governmental working practices in place on fisheries management.</p> <p>The agreement being sought is about how the exercise of a reserved function (in clause 23) is carried out by the Secretary of State to ensure it does not impinge on devolved competence.</p> <p>The agreement we have reached with UK Government is to set out in the UK Fisheries Framework MoU, or an alternative route if we both agree it is more suitable, more detail on the intended use of the power within clause 23, which will include strengthened consultation processes. I provided a copy of the letter from Victoria Prentis MP which re-confirms this commitment, in my letter to the Committee on 1 May.</p>
<p>Recommendation 16. The Minister should not bring forward the motion to give consent to the provisions in the 2019-21 Bill until the Members of the Senedd have been able to consider the Memorandum of Understanding in relation to Clause 23.</p>	<p>Accept</p> <p>My officials are working with Defra and the other devolved governments to progress the development of the MoU. We are pressing for progress to be made on this matter, and it is my intention Members should have the opportunity to review the MoU, in relation to clause 23, in advance of their consent decision.</p>
<p>Recommendation 17. The Minister should provide an update on discussions held with the UK Government and the other devolved administrations in relation to a review of the fisheries Concordat.</p>	<p>Accept</p> <p>I am happy to provide an update. The Fisheries Concordat has been discussed at official level cross Administration working groups, and it will be considered in the context of our future relationship with the EU, and the UK Fisheries Framework MoU.</p> <p>I will update the Committee once discussions between the administrations have progressed.</p>
<p>Recommendation 18. The Minister should give a commitment that any proceeds from the sale of fishing rights will be used to support coastal communities and the marine environment. There should be extensive consultation to inform the development of any relevant scheme.</p>	<p>Accept</p> <p>Any proceeds from the sale of any fishing rights should be used to support coastal communities and the marine environment, as well as the fishing industry itself.</p> <p>The use of the power could potentially generate revenue which could be reinvested into the Welsh fishing industry, and the communities it supports, to help them adapt and take up these additional fishing opportunities in the future.</p> <p>I agree there should, and will, be a full and robust process of stakeholder engagement, collaboration and public consultation should we bring forward a scheme of this nature. The scheme will</p>

Recommendation	Welsh Government Response
	<p>also need to take into account any necessary financial and operational requirements at the time.</p>
<p>Recommendation 19. The Minister should give a commitment that the financial assistance schemes for Wales arising from the 2019-21 Bill will be underpinned by the fisheries objectives.</p>	<p>Accept</p> <p>Yes, I can commit to this.</p> <p>Any funding schemes arising from the financial assistance powers in the Bill would be intended to promote delivery of requirements such as the Sustainable Management of Natural Resources and Good Environmental Status, as well as supporting local economies and coastal communities. Any financial assistance scheme for Wales will also be consistent with all relevant legislation including the Fisheries Objectives and the Well-being of Future Generations (Wales) Act 2015 (WBFGA).</p> <p>The JFS will set out the policies we have in place to deliver the fisheries objectives. This will include our approach to supporting the industry going forwards.</p>
<p>Recommendation 20. The Minister should provide an update on the Welsh Government's progress in developing its financial assistance schemes, including when she expects proposals to be brought forward for consultation.</p>	<p>Accept</p> <p>I am happy to provide an update. Future financial assistance schemes are being discussed at official level across the UK administrations however there have been delays due to COVID-19.</p> <p>Any future funding scheme will have to operate in the new trade and political environment outside the EU and will be reliant on new fisheries and trade arrangements. I will update the Committee once the discussions have progressed.</p> <p>It is my intention for a consultation to be held in 2021 on proposals for a financial assistance scheme.</p> <p>It remains to be seen how the COVID-19 response will affect our budget to deliver financial support.</p>
<p>Recommendation 21. The Welsh Government should ensure that any new vessels purchased using monies from financial assistance schemes should be equipped with technologies to enhance sustainability and improve monitoring (including but not limited to CCTV and bycatch reduction devices).</p>	<p>Accept</p> <p>Currently the purchase of a vessel using public money can only take place under a very limited set of circumstances, as it is important public interventions do not lead to stocks being over exploited. In common with other UK administrations, I do not currently allow the issue of any additional vessel licences to those already existing. I expect this position will remain and it is unlikely new vessels will be purchased, in the foreseeable future.</p> <p>As a result, it is not my intention to facilitate the purchase of new vessels through financial assistance schemes. However, if circumstances were to change and this was to be case, I believe it would be entirely reasonable to attach the type of conditions suggested to any such assistance.</p>

Recommendation	Welsh Government Response
	<p>Any long term future finance scheme will need to adhere to the WBFGA and will of course be subject to full consultation, providing an opportunity for issues like this to be fully considered, and any appropriate conditions applied.</p>
<p>Recommendation 22. The Minister should clarify the purpose for which she is seeking powers to introduce charges and in what circumstances she envisages using them. Any proposals arising from these provisions should be subject to consultation and a comprehensive financial impact assessment</p>	<p>Accept</p> <p>This power brings us into line with all administrations in the Bill, providing a power for Welsh Ministers to make regulations to impose charges for carrying out certain functions.</p> <p>The power is limited to a “Relevant marine function” which means a function relating to—</p> <ul style="list-style-type: none"> (a) fishing quotas; (b) ensuring that commercial fish activities are carried out lawfully; (c) the registration of buyers and sellers of first-sale fish; (d) catch certificates for the import and export of fish. <p>I want to make very clear, currently there are no plans to introduce any charges under this power. As such, I cannot give any circumstances in which we may use this power other than the headline areas because any proposals would be worked up in collaboration with the fishing industry and wider stakeholders.</p> <p>It is important we have the ability to recover the costs to the public where industries and individuals are profiting from the use of public natural resources. However, this must be done in a fair and sustainable way, after consultation and a comprehensive financial impact. With the impact of COVID-19 and a possible no deal outcome at the end of the year, it is likely to be some time before these powers will be used.</p> <p>As a result I fully agree it is highly appropriate and necessary for any proposals arising to be subject to consultation and a comprehensive financial impact assessment.</p>
<p>Recommendation 23. The Minister should set out what opportunities will be made available for the Senedd and stakeholders to consider and scrutinise Orders created under the broad powers of sections 134A and 134B of the Maritime and Coastal Access Act 2009, as inserted by Schedule 9 of the 2019-21 Bill.</p>	<p>Accept</p> <p>Section 135 of the Marine and Coastal Access Act 2009, as amended by the UK Fisheries Bill, will make provision for all orders made under sections 134A and 134B to be published by the Welsh Ministers and as such they will be within the public domain ensuring openness and transparency.</p> <p>In addition, Orders made under section 134A and 134B, are subject to consultation requirements, unless they are considered to be urgent orders. We will continue to work closely with stakeholders when developing any new policy and will apply the Welsh Government’s consultation policy to the exercise of these powers, in the usual way. I would be happy to write to the committee before any such consultation.</p>

Recommendation	Welsh Government Response
	<p>For urgent orders, the consultation requirements do not apply. This is due to their urgent nature. However, the notice requirements remain and any Order made will be published by the Welsh Ministers in order to bring it to the attention of any person likely to be affected by it, and those persons may make representations to the Welsh Ministers.</p>

Agenda Item 6.3

Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/LG/0821/20

Mike Hedges AM
Chair
Climate Change, Environment, and Rural Affairs Committee
Senedd Cymru

24 June 2020

Dear Mike

In response to the Climate Change, Environment, and Rural Affairs Committee's report on the Climate Change (Wales) Regulations 2018, I committed to reconsider the existing 2050 target and report back to the Senedd before setting the third carbon budget. In May last year you will have seen the Committee on Climate Change (CCC) published its recommendation for Wales to increase its 2050 target to at least 95%. Soon afterwards I publicly accepted the recommendation and announced my intention to lay regulations in the Senedd to amend the existing target later this year.

In December 2019 I wrote to the CCC to request its advice on how changing the 2050 target affects the interim targets and second carbon budget set by the Senedd in 2018. I also asked for advice regarding the level of the third carbon budget and options for how Wales might go beyond 95% to reach net zero. With our support the CCC engaged with stakeholders at events in Llandudno and Cardiff in January, providing the opportunity to contribute to and influence the CCC's advice regarding the level at which the new targets and budgets should be set.

We intend to engage stakeholders further in the coming months to explore the impacts Wales might expect if global average temperature rise is limited to 1.5°C, compared to 2°C. In last year's advice the CCC reported achieving the UK's net zero target, and Wales's 95% recommendation, would deliver a greater than 50% chance of limiting global average temperature rise to 1.5 °C, if replicated across the world. Wales's current emissions reduction pathway is more aligned to a 2°C rise. Stakeholders are also engaged through the consultation process of the contributing policies, which we are developing to help meet our ambitious climate goals.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The CCC had committed to publishing its advice in September but has since announced changes to its 2020 work programme in light of the Covid-19 pandemic and has decided to delay publication of its advice until December. As a result, I consider it preferable to lay regulations setting the third carbon budget and amending the wider emissions reduction pathway early next year, rather than this year as I had intended.

Following Cabinet consideration of the CCC's advice and the results of our engagement activity I will lay draft regulations in February before a plenary slot in early March. I trust you and your Committee will understand the reasons for this revised timetable.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AS/MS

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Senedd Cymru
Welsh Parliament

Agenda Item 6.4

Welsh Parliament
Petitions Committee

Mike Hedges MS
Chair, Climate Change, Environment and Rural Affairs Committee
Welsh Parliament
Ty Hywel
Cardiff Bay
CF99 1SN

26 June 2020

Dear Mike

Petition P-05-865 Guarantee fully plant-based options on every public sector menu to protect the rights of vegans and for our health, the environment and animals

The Petitions Committee considered the above petition most recently at our meeting on 9 June, alongside further comments from the Minister for Environment, Energy and Rural Affairs and the Petitioner.

At that meeting, the Committee agreed to close the petition, and in doing so write to you to ask CCERA Committee to consider the issue of vegan options as part of their review of their report [Rethinking Food in Wales: Public Procurement of Food](#).

Further information about the petition, including related correspondence, is available on our website at:

<https://business.senedd.wales/mglIssueHistoryHome.aspx?Ild=24392>

If you have any queries, please contact the Committee clerking team at the e-mail address above, or on 0300 200 6454.

Yours sincerely



Janet Finch-Saunders AS/MS
Cadeirydd/Chair



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