

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



Llywodraeth Cymru
Welsh Government

Mike Hedges AM
Chair of Climate Change, environment and Rural Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

21

May 2019

Dear Mike

Thank you for your letter of 14th May regarding the Supplementary Legislative Consent Memorandum for the Agriculture Bill. I am pleased to provide the further assurance you seek on the UK and Welsh Government Bilateral Agreement on WTO provisions within the Agriculture Bill (Part 7, WTO Agreement on Agriculture).

The Agreement sets out a robust process which ensures Welsh interests are properly protected. I can confirm the Agreement I have made with the Secretary of State is far more than a consultation commitment and is based on a requirement to seek to proceed by consensus. Where consensus cannot be reached the Agreement sets out clear and transparent mechanisms which must be used to resolve disagreements.

In the case of making regulations under the powers in Part 7, draft regulations will be presented to the Welsh Ministers with the aim of securing agreement, followed by an exchange of letters. This will provide the opportunity for the Welsh Ministers to set out their position, and for the Secretary of State to explain the reasons for the final form of the regulations and how UK Government has sought to reach agreement. Any disagreements would be escalated in line with the existing MoU governing Intergovernmental relations and any future agreements on dispute resolution. In the event of a dispute, once all these attempts at resolution have been exhausted, the exchange of letters should be made available to both Houses of Parliament in advance of the affirmative vote on the regulations required under Part 7.

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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.

A mechanism giving the Welsh Ministers a clear role in determining the classification of financial support is also part of the Agreement. The Welsh Ministers will propose classifications for support for agricultural producers in Wales, consistent with the regulations made under Part 7 and the detailed process set out in a Memorandum of Understanding on their operation. The proposed classification will be considered by the Secretary of State and the other UK agriculture Ministers. In the event of agreement, the Secretary of State will notify the classification to the WTO. If consensus cannot be reached through existing dispute resolution mechanisms, issues will normally be referred to an expert panel for an independent, expert view on the issue being considered. The Secretary of State is required to have regard to the advice and to share with the Welsh Ministers the advice, the Secretary of State's decision and the reason for the decision.

Officials are working with Defra on an extensive package to address concerns raised by the Committee in its report on the first LCM. I can confirm good progress is being made with this and while I am not in a position to respond formally at this stage will do so soon after the Bill resumes its Parliamentary passage.

Lesley Griffiths AC/AM

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