

Julie James MS
Minister for Climate Change

10 March 2022

Dear Minister,

Provisional Common Frameworks for Air Quality, and Chemicals and Pesticides

Thank you for attending our meeting on 17 February 2022 to give evidence on the provisional Common Frameworks for Air Quality, and Chemicals and Pesticides ('the Frameworks'). Following the meeting, the Committee agreed I should write to you to request further information and/or clarification on the matters below.

General

1. Can you clarify the process for determining whether a proposed policy change would be in scope of the Frameworks?
2. Can you confirm whether changes to domestic policy and law that do not change relevant retained EU law will be in scope of the Frameworks? In particular, can you confirm whether the planned Clean Air (Wales) Bill will be in scope of the Air Quality Common Framework?
3. Can you confirm that the Air Quality Framework will not in any way limit the provisions you would to include in the Clean Air (Wales) Bill?
4. Can you set out your understanding of the practical effects of these Frameworks on the exercise of devolved competence?

Stakeholder engagement

5. Can you provide a detailed explanation of how the views of stakeholders in Wales (who responded to the DEFRA consultation) have been taken into account in the development of the Frameworks? What involvement did the Welsh Government have in this process?

6. A summary of stakeholders' responses to the DEFRA consultation has not been published. What is your position on this, and do you consider that publishing responses would help improve transparency?

7. The Frameworks provide for the governments to take joint approaches to developing law and policy. How you will ensure that this does not limit the role of the Senedd or stakeholders in Wales in shaping Welsh law and policy?

Review and amendment

8. You told the Committee that the Senedd and external partners will have an opportunity to engage with the review process for the Frameworks.

- Is it the intention that all Parties will agree a common approach to Parliamentary engagement in the review process?
- How do you envisage this will work in practice?
- Why is this not reflected in the Frameworks?

Dispute resolution

9. Can you clarify at what stage and how you will inform the Committee/the Senedd of disputes under the Frameworks?

UK Internal Market Act

10. You said that the Frameworks would not be impacted by the UK Internal Market Act and went on to suggest that they "override" the Act. Can you provide further explanation of this?

Regulatory standards and Review of Retained EU Law (REUL)

11. Can you confirm if the Welsh Government intends to keep pace with EU standards on chemicals and air quality?

12. How do you respond to the suggestion that the UK has not kept pace with new EU REACH regulations, and that the speed of regulation under UK REACH is slower?

13. The EU is in the process of revising REACH as part of its new Chemicals Strategy for Sustainability. What plans does the Welsh Government and/or the four nations have to do the same?

14. How do you respond to concerns that regulatory standards in the UK are likely to be lower than in the EU, at least in the early phases of the UK REACH programme? What are the implications of this?

15. You said that any proposals for deregulation in England arising from the UK Government's Review of Retained EU Law would be discussed through the Frameworks. You suggested that the

Frameworks offer protection from the UK Government imposing deregulation in Wales (or the other devolved nations). Can you provide further explanation of this?

International obligations

16. You said that the Welsh Government has asked for a seat at some international groups. Can you provide a list of these groups to aid the Committee's understanding of the potential opportunities afforded to the Welsh Government by the Frameworks?

I should be grateful if you would respond as soon as possible, and by **6 April 2022** at the latest.

Yours sincerely,



Llyr Gruffydd MS,

Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.