

**Pwyllgor yr Economi,
Masnach a Materion Gwledig**

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**Economy, Trade and
Rural Affairs Committee**

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Julie James MS
Minister for Climate Change

30 March 2022

Dear Minister,

Scrutiny of Common Frameworks: Provisional Common Frameworks on Plant Health and Plant Varieties and Seeds

On 3rd March the Committee gave further consideration to its approach to seven Provisional Common Frameworks which fall within its remit and are now published for scrutiny. The Committee decided to prioritise three of the frameworks for technical briefing from Welsh Government officials at its meeting on 17th March. For the frameworks to which this letter relates, it was agreed that scrutiny would be undertaken via correspondence. The Committee would therefore welcome further information on the following:

General points

- Why are common frameworks needed for plant health and plant varieties and seeds?
- Both frameworks are in policy areas with close links to other common framework areas, such as animal health and welfare, public health protection and health security, and food and feed safety and hygiene. How will the connections between these frameworks be managed?



Making decisions and managing divergence

- Can you describe how decision-making processes in this area have changed since the UK's exit from the EU?
- Both frameworks provide for the governments to take decisions jointly on law and policy. How will you ensure that this does not limit the role of the Senedd or stakeholders in making law and policy for Wales?
- If a government wishes to diverge, the frameworks provide for there to be different impact assessments for plant health and plant varieties and seeds. On what basis have these criteria for assessment been chosen?
- Who will carry out the assessments?
- Would stakeholders be involved in making the assessment?
- The frameworks provide for relevant arm's length bodies to participate in decision-making groups. Some of these bodies (such as the APHA and the Forestry Commission) operate in Wales, but are not formally accountable to the Senedd. How will you ensure that the responsibilities and lines of accountability for different bodies are clear?

Plant Health

- The framework states that it aims to maintain common rules on plant health. What scope for divergence does this offer compared to the position under EU membership?
- Unlike the plant varieties and seeds framework, this framework does not set an ambition for there to be minimum standards. Why is this?
- How have you engaged with the development of the Plant Biosecurity Strategy for Great Britain through the framework?
- Can you describe the role of Natural Resources Wales in plant health policy?
- Why is Natural Resources Wales not represented in the framework's governance groups?

Plant Varieties and Seeds

- The framework states that it aims to maintain minimum standards for seed marketing, and to enable a functioning UK internal market for seeds and plant propagating material.. What scope for divergence does this offer compared to the position under EU membership?
- The framework provides that the governments must inform each other at the earliest opportunity of proposals for changes to law and policy, before any public consultation. How will you ensure that this does not limit the role of the Senedd or stakeholders in making decisions about law and policy for Wales?
- Four protocols on decision-making through the framework have not been published. Why is this, and when can publication be expected?
- What does the review of the terms of reference for the National Lists and Seeds Committee and the Plant Varieties and Seeds Committee include, and when will revised terms of reference be published?

UK Internal Market Act 2020

- What impact could the UK Internal Market Act 2020 have on Welsh law on plant health and plant varieties and seeds?
- Do you intend to request any exclusions from the Act on plant health and plant varieties and seeds?

International bodies and standards

- With regards to the international elements of the frameworks, can you describe any new opportunities provided to the Welsh Government by the frameworks?

EU and Northern Ireland

- Can you describe how you will seek to influence UK positions at international bodies through each of these frameworks?
- Can you provide an overview of how retained EU law on plant health and plant varieties and seeds in Wales has changed since the end of the transition period?

- How will you continue to monitor changes to EU law on plant health and plant varieties and seeds and assess the implications of divergence from the EU and Northern Ireland?
- How will you assess the risks and benefits of keeping pace with EU law compared to maintaining the status quo?
- Are you content that the frameworks will provide for adequate Welsh Government engagement in discussions through the UK-EU institutional framework on plant health and plant varieties and seeds?

International Trade

- Both frameworks provide that they will enable the governments to “consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework.” Do you consider that this gives the Welsh Government adequate involvement in UK positions on plant health and plant varieties and seeds during international trade negotiations?
- The UK Plant Health market access working group will coordinate trade promotion and cooperation. Can you provide more information on the remit, membership and activities of this group?
- Could disagreements on UK positions in trade negotiations be escalated through either of these frameworks?
- The plant health framework refers to an operating model on engagement between the UK and devolved governments on the WTO SPS Agreement, and Department for International Trade guidance on devolved engagement with WTO Committees. Can you provide us with details of these arrangements?
- Are you content that this model and guidance offers adequate engagement with the WTO SPS Agreement and WTO Committees?

Governance and Dispute Resolution

- Do you consider the dispute resolution mechanisms in the frameworks robust enough for their intended purpose?
- The plant health framework states that the dispute resolution process should only be used when genuine agreement cannot be reached, such as when

divergence would impact negatively on the ability to meet the JMC (EN) principles. However, it also says disputes may be raised if a policy proposal conflicts with the policy of any party. What are the risks and benefits of setting strict criteria for escalation of disputes, and do you consider that the framework strikes the right balance?

- The framework does not set time limits for dispute resolution. Is there a risk that this could lead to delays to Welsh legislation or policy?
- What role will there be for external input into dispute resolution?

Development

- How did the Welsh Government engage with stakeholders on the development of the frameworks?
- How do the frameworks reflect the responses of stakeholders in Wales?

Review and amendment

- How will the Senedd and stakeholders be able to contribute to the review and amendment process for the frameworks?

Thank you in advance for providing this information to the Committee. A response by 29th April would be helpful to the Committee.

Kind regards,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.