

Julie James MS

Minister for Climate Change

25 July 2023

Dear Minister

**RE: Implications of the Retained EU Law (Revocation and Reform) Act 2023 on Climate Change
Legislation**

The Retained EU Law (Revocation and Reform) Act 2023 received Royal Assent on 29 June 2023. The Act introduces a Schedule listing around six hundred pieces of retained EU law (REUL) that will be revoked on 31 December 2023. We understand that much of the legislation listed in the Schedule relates to environmental matters. You will appreciate that this raises significant concerns for the Committee.

According to the Act, UK and Welsh Ministers can exempt any REUL listed in the Schedule before 31 October 2023. In devolved policy areas, this can be achieved either through Welsh Ministers laying regulations in the Senedd or by UK Ministers laying regulations in the UK Parliament. This latter approach would bypass both the Welsh Government and the Senedd.

In your correspondence with the Legislation, Justice and Constitution Committee, the Counsel General said that “the Welsh Government’s assessment is that there are no apparent problems for areas within devolved competence arising from the revocation of the instruments listed in the Schedule” and that “we do not currently see the need for the exercise of such powers and have no current plans to use them”.

We note that amendments designed to ensure non-regression of environmental standards were not agreed in the final parliamentary stages.



Given the urgency to prioritise environmental protection and address the challenges posed by climate change, we would be grateful for clarity on your intentions regarding the legislation included in the Schedule:

- Could you share the Welsh Government's assessment of the environmental retained EU law listed in the Schedule with this Committee?
- What impact will the revocation of the REUL listed in Schedule 1 have on environmental law in Wales?
- Can you provide assurances that the revocation of environmental retained EU law listed on the Schedule will not result in reduced environmental protection in Wales?
- How can the revocation of Schedule 1 be reconciled with the Welsh Government's long-term ambition to increase standards post-Brexit?
- Has the Welsh Government conducted formal or informal consultations with stakeholders regarding the potential impact of revoking the REUL listed in the Schedule to the Act?
- How do you plan to ensure ongoing engagement and consultation with stakeholders during the implementation of the Act, particularly regarding any potential amendments, exemptions, or modifications to the Schedule?
- Does the Welsh Government plan to introduce new legislation or regulations to replace any REUL that may be revoked under the Act? If so, what will be the process and timeline for this?

We remain deeply concerned about the impact of the REUL Act on environmental legislation. Given the timings arising from the Act, we would be grateful for a response before the end of August to allow us to further consider this matter at our first meeting of the autumn term.

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.