

The Environment and Sustainability Committee

EU: Key Legislative Dossiers

This paper sets out:

- The key EU dossiers currently within the EU legislation process of interest to the Environment and Sustainability Committee.
- New areas of work identified by the European Commission's 2015 Work Programme of interest to the Environment and Sustainability Committee.
- The key legislative dossiers already agreed at the EU level which are now in the national implementation stage that are of interest to the Environment and Sustainability Committee.

We are planning a series of both formal and informal consultations on the areas identified in this paper over the next 12 months and we will be asking stakeholders in Wales for their views. Outside of this planned consultation if you would like to contact the Committee on the issues identified in this paper or other EU agriculture or environment issues of importance to you we would welcome your thoughts and views. You can email the Committee on: SeneddEnv@Assembly.Wales.

This paper will be updated as work on the areas identified progresses.

1. Ways of working on EU issues

There will be important developments in Europe that could have significant implications for Wales during the next eighteen months. It is important for the Committee to stay abreast of these developments and any other emerging issues, and to engage effectively with the European institutions as and when necessary – as it has done previously on issues such as the CAP and CFP reforms.

As under the previous European Parliament (2009–2014), developing strong links with relevant committees and the respective rapporteurs on dossiers of particular importance to Wales will be essential in terms of maintaining a level of influence in Europe. The Committee is aware that the weight of domestic legislative scrutiny it must undertake which will mean that the committee time available for other types of scrutiny will be limited.

To address this, the Committee has decided to continue to engage with stakeholders through correspondence to ensure that they are aware of developments at a European level and to gather their views. Once evidence is received we will use this to communicate any

areas of concerns from stakeholders to the European Union's institutions. Feedback from stakeholders and European contacts may also inform scrutiny of Welsh Ministers, either directly during general scrutiny sessions or through correspondence.

2. Draft legislative proposals going through ordinary legislative procedure (co-decision)

The following section lists EU legislative proposals of interest to the Environment and Sustainability Committee. The table at the end of this Section includes a summary of negotiations on the dossiers to date and gives an indication of the action the Environment and Sustainability Committee hopes to take in relation to the proposals. A useful reminder of how the European Parliament's legislative process works can be found on the Parliament's website [here](#).

- **Driftnets regulation– [COM\(2014\)265](#)**

Proposals published May 2014. The proposal would prohibit the use of all driftnets in EU waters. Further information on the implications for Wales available in the Research Service [EU Policy Update](#) on the proposal.

- **Organic production and labelling of organic products– [COM\(2014\)180](#)**

Proposals published March 2014. The proposals amend existing regulations governing the certification and governing of the organic sector. Further information on the implications for Wales available in the Research Service [EU Policy Update](#) on the proposal. The Commission Work Programme 2015 indicates that if agreement can't be reached within six months on these proposals they will be withdrawn in favour of new proposals for the sector.

- **Packaging and packaging waste (to reduce the consumption of lightweight plastic bags in the EU)– [COM\(2013\)761](#)**

Proposals published November 2013. The proposals will amend Directive 94/62/EC on packaging and packaging waste to require Member States to take action to reduce the use and consumption of plastic bags below 50 microns in weight.

- **Animal Health and Plant Health Package**– [COM\(2013\)260](#), [COM\(2013\)267](#), , [COM\(2013\)265](#)

Proposals published May 2013. The package is made up of three proposals on changes to the existing regulatory regimes on animal health, plant health and official controls for food safety. The package aims to consolidate 70 existing pieces of legislation into unified and simplified texts. Further information on the details of the individual proposals can be found on the European Commission's [website](#).

- **Clean Air Policy Package:** [COM\(2013\)919](#),

A Package of legislative proposals was originally [published December 2013](#) including two draft directives. These Directives were intended to implement the aims set out in the EU's Thematic Strategy on Air Pollution. The European Commission has announced as part of its 2015 Work Programme that only one of the draft Directives will now be taken forward, COM (2013)919 limiting the emissions of certain pollutants into the air from medium combustion plants. It will require Member States to regulate emissions from plants between 1 and 50MW of rated thermal input. Current Directives only cover plants over 50MW of rated thermal input. Other aspects of the proposal will be taken forward through the on-going negotiations and talks on the 2030 Climate Change Package.

Table 1: Key Dossiers

Dossier	Current Stage	Key Dates and Actions
<p>Regulation on prohibition of drifnets</p>	<p>EP: Consideration by Fisheries Committee–Draft report being prepared by rapporteur Renata Brianco SandD.</p> <p>Council: Are preparing their General Approach (negotiation position) with discussions at official technical working group level. No indication yet when it will be formally discussed at Council of Ministers.</p>	<p>1st Reading expected in EP 25.2.14. Prior to this a draft report expected to be presented to the Fisheries Committee of the European Parliament in January 2015.</p> <p>Proposed Action</p> <p>As a Committee we intend to consult stakeholders over the next eight weeks and write to the European Institutions outlining our findings.</p>
<p>Organic production and labelling</p>	<p>EP: Consideration by Agriculture Committee–Draft Report being prepared by rapporteur Martin Hausling Green/ALE.</p> <p>Council: Discussions held 24.3.14 and 14.7.14, General Approach currently being prepared. The European Commission has given the Council and European Parliament six months to agree on a revised dossier or the proposals as currently drafted will be dropped. .</p>	<p>A public hearing was held by the Agriculture and Rural Development Committee of the European Parliament on 3.12.2014. Indicative date for 1st reading in EP of 8.6.14.</p> <p>Proposed Action</p> <p>The Committee held evidence sessions on 13 November on this proposal. We are in the process of writing to Members of the Agriculture Committee in the European Parliament, Welsh MEPs and the European Commission on our findings.</p>
<p>Packaging Waste (Plastic bags)</p>	<p>EP: Agreed 1st reading position awaiting discussions with Council.</p> <p>Council: Preparing General Approach but have</p>	<p>No indicative date for 2nd reading in European Parliament.</p> <p>Proposed Action</p>

reached a broad political agreement.

The Committee intends to continue to monitor and track this dossier to clarify any potential implications for Wales. We will pursue this in particular through our scrutiny of Welsh Ministers.

[REDACTED]

<p>Animal and Plant Health Package</p>	<p>EP: Parliament has adopted 1st reading positions on all Packages but prior to the formation of the new Parliament meaning that they could be re-opened.</p> <p>Council: Seeking a first reading agreement.</p>	<p>Awaiting 1st Reading in the Council.</p> <p>Proposed Action</p> <p>The Committee intends to continue to monitor and track this dossier to clarify any potential implications for Wales. We will pursue this in particular through our scrutiny of Welsh Ministers.</p>
<p>Air Quality Package</p>	<p>EP: Consideration by Environment, Public Health and Food Safety Committee. Draft reports on the two proposals being prepared by rapporteurs Julie Girling, ECR and Andrzej Grzyb, EPP.</p> <p>Council: Yet to adopt position, general discussion held in Council on 16.6.14 and work being carried out at official level in technical working groups.</p>	<p>EP yet to set 1st reading date.</p> <p>Proposed Action</p> <p>We hope to consult Welsh stakeholders on this dossier in the first half of 2015.</p>

3. Commission Work Programme 2015: New Areas

The European Commission published its Work Programme for 2015 on 16 December 2014. As indicated in Section 2 the European Commission withdrew some proposals published by its predecessor Commission but also announced new areas of work for 2015. Whilst some proposals have been withdrawn completely others will be replaced by new proposals for the same theme. For example whilst the previous Commission's proposals on a Waste Package have been withdrawn the Work Programme states that a new more ambitious package on the circular economy will be presented in 2015. There are also four completely new areas of work which, when further details are known, may be of interest to the Committee. These are:

- Proposals to review the authorisation process for Genetically Modified Organisms (GMOs);
- Proposals for a new Strategic Framework on Energy Union;
- A Communication on the EU's objectives for the 2015 global Climate Change negotiations in Paris; and
- A Communication on establishing a EU common position on the delivery of global Sustainable Development goals.

In addition to setting out new areas of work for 2015 the Commission's Work Programme includes a list of legislative documents and packages that will be subject to an effectiveness review in 2015. The content and outcomes of the reviews of interest will be kept under review by the Committee. These include:

- A review of the regulations governing beef labelling and wider food law; and
- Reviews of the effectiveness of Directives on Environment Liability, Birds and Habitats, Environmental Noise and Strategic Environmental Assessment.

4. Implementation of Key dossiers

Since the start of this Assembly a number of key pieces of legislation have been adopted by the EU. Responsibility for implementing these effectively within the required timescales set down by the legislation now lies with the Welsh Government in relation to Wales. There are some pieces of older EU legislation where targets, requirements and deadlines need to be met within the coming year and importantly some areas where the Welsh Government needs to take urgent action to implement existing European law fully to avoid infraction proceedings. The Committee intends to monitor closely the Welsh Government's progress in relation to these matters and will pursue any issues it identifies in its scrutiny of Welsh Ministers.

- **CAP implementation**

The new CAP will enter into force from January 2015, the Welsh Government has already been required to notify the Commission of its decisions in relation to Pillar 1 and has submitted a draft Rural Development Plan for approval. **It will now need to ensure that it has in place new payment and compliance systems for both pillars, correct appeals and mapping processes and adequate communication structures. A new cross compliance regime needs to be agreed and established and it will need to ensure that Rural Payments Wales online is operating effectively.**

- **CFP implementation**

The new CFP has been in force since January 2014 with new elements of the policy coming into force overtime. One of the key elements of the reform, **the discard ban will come into force from January 2015** and the Welsh Government will be responsible for its implementation within the Welsh fisheries zone. Domestic legislation also needs to be developed to **deliver revised control and technical measures and new systems of quota allocation and management** should be put in place. The Welsh Government will be expected to **contribute to regional sea plans** for fisheries management as well as **contribute to the UK's multiannual national strategic plan on aquaculture**. In addition, it will have responsibility for **distribution of the European Maritime and Fisheries Fund** in Wales.

- **Marine Strategy Framework Directive**

The Directive requires Member States to ensure that their seas **achieve Good Environmental Status (GES) by 2020**. The Welsh Government is responsible for ensuring that GES is achieved in Welsh waters. In order to ensure that the 2020 goals are reached the Directive sets out a number of interim goals and targets. Including that **the Welsh Government has developed and consulted upon a programme of measures and actions to deliver GES**. This programme needs to be in place to become operational from 2016.

- **Invasive Alien Species**

The Regulation requires **Member States to adopt a number of surveillance, monitoring and management measures** for a list of **50 Invasive Alien Species of greatest concern to the EU**. Responsibility for implementing the Regulation in Wales rests with the Welsh Government.

- **Milk Package**

The Milk Package has been in place since October 2012. It provides Member States/Regions **with powers to introduce domestic legislation on written contracts between producers and processors, allows some collective negotiation on contracts between producer organisations and processors** and enhances transparency in the market. **Wales has not opted to use these powers to date but may choose to do so following the independent review of the industry commissioned by the Deputy**

Minister for Farming and Food. **Milk Quotas come to an end in 2015** and Member States will need to prepare for this change.

- **Compliance and infractions**

The European Commission has notified the UK and Welsh Government of its intention to **begin infraction proceedings for failure to protect harbour porpoises under the Habitats Directive and failure to reduce emissions from Aberthaw power plant. The European Commission has given the UK/Wales two months to respond before it refers the matters to the European Court of Justice.** The Committee has written to the Minister for Natural Resource and Food on this issue.