



Ein cyf/Our ref MA/LG/55002/19

Mike Hedges AM  
Chair  
Climate Change, Environment and Rural Affairs Committee

20 January 2020

Dear Mike,

Thank you for your letter of 13 December seeking further information regarding environmental principles and governance post-Brexit. I have set out my responses to your questions below.

**1. Can you provide further details on the agreement with the UK Government to have a common set of environmental principles?**

I had hoped to have been in a position to provide more detailed information, however, as a consequence of the General Election, the UK Environment Bill fell in November last year and we await its reintroduction. Discussions have continued in the intervening time on agreeing a consistent set of environmental principles, rather than a common set applying across the UK. We will continue to explore this with the four administrations. I hope to be in position to provide further information during the passage of the UK Bill following its reintroduction into Parliament.

**2. Can you clarify whether you have ruled out the establishment of a UK wide environmental governance body?**

As I have stated previously, I have always been open to discussions on how a UK-wide approach to environmental governance could be achieved. However, any such approach, fundamentally, should also respect the devolution settlement and our own legislative framework. Wales is also only one of the parties in these discussions and the proposal as presented by the UK Government in its Bill introduced in October 2019, were designed to address the gaps as they apply solely in England and, as such, would not be a UK-wide environmental governance body. As such, we cannot agree to the Office for Environmental Protection acting as a UK-wide body.

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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.

However, we recognise there will be occasions when it is necessary or desirable for the proposed Office for Environmental Protection to cooperate with any environmental governance mechanism in Wales. Discussions are continuing across the administrations to identify opportunities and mechanisms to work cooperatively. The UK Bill as introduced in October 2019 sought to recognise this through its provisions on consultation and sharing of information.

As I have always stated, we need a response in Wales which complements our existing legislation and governance arrangements.

**3. Can you clarify how EU reporting requirements have been modified, in particular, what changes have been made to ensure appropriate domestic arrangements for reporting on implementation of EU derived environmental legislation?**

In the programme of no deal correcting legislation, the objective was to retain the status quo and this included reporting requirements contained with EU derived environmental legislation. Under existing legislation, where there were reporting requirements related to an international reporting obligation, for example in relation to the Habitats Regulations, the UK would report to the EU Commission who in turn reported to the relevant international convention. Under the programme of correcting legislation, legislation have been modified to change after exit to make provision for the Secretary of State to report directly to the international convention as the UK is the party to the Convention.

Other reporting requirements, not connected to international reporting obligations, were addressed in the correcting legislation more generally as a duty to publish a report.

We will, however, want to consider the effectiveness of reporting requirements within EU derived legislation in terms of effectiveness and efficiency within new domestic environmental governance structures. As previously stated, we will seek to undertake this work with all relevant parties, in particular Natural Resources Wales.

During this transition period, reporting requirements to the EU will continue.

**4. Can you provide further details on your agreed approach to complaints management in the event that the UK exits the EU without a withdrawal agreement?**

With a transition period now likely to commence at the end of January, under which the current EU mechanisms would still apply, the immediate need for no-deal interim measures has now dissipated. However, we will still keep this under review should it be required at the end of any transition period.

My attention is now focused on working towards clarifying and finalising the permanent post-Brexit environmental governance arrangements for Wales, which has entailed extensive engagements with external stakeholders.

The Environmental Governance Stakeholder Task Group has continued to engage with my officials to produce recommendations for an approach for Wales. I await a report including their recommendations, which is due at the end of this month, I will be happy to update the Committee once I have considered their recommendations.

Regards  
Lesley

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs