

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs

13 December 2019

Dear Lesley,

Environmental principles and governance post-Brexit

Thank you for your response to our report, *Environmental Principles and Governance post-Brexit*, which we considered at our meeting on 4 December. The Committee agreed it would be helpful to write to you to clarify a number of issues in relation to our recommendations, and to ask you to elaborate on your response to others.

Recommendation 1

You highlight the need to ensure that Wales continues to build upon its environmental standards rather than apply a stand-still approach, "which a non-regression approach implies". The effect of including "non-regression" as an additional core principle would be to set a *minimum standard*. This would not preclude the Welsh Government from going further, as set out in our report

Recommendation 6

In your letter, dated 21 August 2019, you told us that you "have already agreed with the UK Government to have a common set of environmental principles". On this basis, we requested further details from you on the nature of the agreement. While you have accepted our recommendation, you state that you are "considering a cooperative approach to environmental principles which will ensure a coherent set of principles across the UK". It remains unclear what agreement you have reached, whether this extends to a common set of principles, and what those principles will be.



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

Recommendation 7

Despite reports from the UK and Welsh Government of a willingness to work together on potential UK wide approaches to governance, the governance model provided for in the UK Environment Bill, introduced in the previous parliamentary session, was for England only. While we acknowledge there may be opportunities for co-operation between the UK administrations that do not require the establishment of a UK wide body, we would welcome clarification on whether you have ruled this out as an option.

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

Recommendations 14 and 15

We note from your response that reporting functions of the EU Commission will be transferred into domestic law in the event that the UK exits the EU. It remains unclear to whom the UK administrations will be required to report on the implementation of EU derived environmental legislation, for example, the Habitats Directive.

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?

Recommendations 19 and 20

We believe it is important to make clear that we are not advocating a governance model that relies “solely on punitive measures such as fines”, as you suggest in your response. Indeed, in our report, *“we welcome the Welsh Government’s proposals for the new governance body to be able to seek to resolve issues of non-compliance through informal procedures before pursuing formal enforcement action”*.

Furthermore, we emphasise the importance of *“the new governance body to have a range of credible enforcement tools at its disposal”*. We believe that the Welsh Government should not rule out fines as an enforcement tool at this stage. This is reflected in Recommendations 19 and 20. We have made clear that any proposals for a system of fines should be subject to consultation. Fines should be used as a last resort, as is currently the case under the EU system.



Recommendation 25

We note that you have agreed an approach to complaints management to be adopted in the event that the UK exits the EU without a withdrawal agreement. While we acknowledge that you may not yet be in a position to share with us details of the interim measures you intend to put in place, we would welcome additional information on your agreed approach.

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?

Finally, we would welcome an update on the findings of the Environmental Governance Stakeholder Task Group as soon as reasonably practicable.

I should be grateful if you would provide a response to the above issues by **Friday 24 January 2020**.

Yours sincerely,



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

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

