

Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

17 December 2020

Dear Lesley,

You will be aware that the Supplementary Legislative Consent Memorandum for the Environment Bill (the Supplementary LCM) has been referred to the Climate Change, Environment and Rural Affairs Committee (the Committee) for consideration, with a reporting deadline of 4 February 2021.

In order to inform the Committee's consideration of the Supplementary LCM, it would be helpful if you could respond to the questions set out below.

Clause 107 and Schedule 16: Use of forest risk commodities in commercial activity

The Supplementary LCM outlines that, while the Welsh Government considers the provision to fall within the Senedd's legislative competence, the UK Government does not agree.

1. The Supplementary LCM states that the Welsh Government "support[s] the policy position provided by the provision". Can you set out your reasons for this?
2. To what extent are you satisfied that Welsh stakeholders were provided with sufficient opportunity to engage with the development of the policy?
3. To what extent are you satisfied that the provision adequately reflects Welsh interests
4. Given your view in relation to legislative competence, can you clarify whether you have pursued, or will be pursuing, an amendment(s):
 - to give Welsh Ministers the same powers as the Secretary of State as they relate to Wales and consequently Senedd involvement in scrutinising the exercise of the powers, or



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- to ensure Welsh Ministers' involvement in the making of regulations by the Secretary of State as they relate to Wales under Schedule 16?

5. If you do not intend to pursue any of the above amendments, how will you ensure that future regulations made under Schedule 16 align with, and represent, Welsh policy and interests? What assurances will you be seeking from the UK Government in this regard?

Schedule 16 enables the Secretary of State to make regulations about enforcement, which may include conferring functions and powers on an 'enforcement authority'.

6. What discussions have you had with the UK Government about any future 'enforcement authority' and who this might be? What is the outcome of any such discussions?

Outstanding matters in relation to the Environment Bill

In your letter, dated 5 November 2020, you reported productive discussions with Defra on a proposed amendment to strengthen the duty in clause 26(4) (previously clause 24(4)) for the Office for Environmental Protection ('OEP') to consult devolved environmental governance bodies. We note, however, that an amendment to this effect was not considered during the House of Commons Committee Stage.

7. Can you clarify whether you have managed to secure a commitment from the UK Government to table an amendment to clause 26(4) at a later amending stage? If not, can you explain what assurances you have received from the UK Government that there will be cooperative working between the OEP and the Welsh environmental governance body?

I should be grateful if you would respond no later than 14 January 2021.

Yours sincerely



Mike Hedges MS

Chair of Climate Change, Environment and Rural Affairs Committee

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

