



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 15 October 2019 – 31 January 2020

## EU ENERGY AND ENVIRONMENT SUB-COMMITTEE

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AND CONSULTATION ON THE FISHING OPPORTUNITIES FOR 2020 (10186/19)

**Letter from the Chairman to George Eustice MP, Minister of State, Department for  
Environment, Food and Rural Affairs**

Thank you for your letter, dated 30 September, on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

Thank you for confirming that you are still assessing the implications of the recent advice from the International Council for the Exploration of the Seas (ICES). We note that you cannot advise yet on the percentage of total allowable catches (TACs) the Government would like the Council to set at maximum sustainable yield (MSY). Please inform us when you have a position on this or receive an update from the Council.

We note the Government's position that its ambitious targets for the Bycatch Reduction Plan are not shared by other Member States. You explained that the Commission has indicated it will introduce technical measures to reduce bycatches linked to the TAC if the Bycatch Reduction Plan is not improved next month. Do you know what these measures will be, and will the Government be proposing any of its own? How will the Government respond to them if the UK has left the EU by the time they are brought in? Would the Government consider mirroring the measures if the UK is not a member of the EU?

Regarding the issue of TACs for stocks managed with Norway, Iceland and Faroe Islands we note that Greenland and the Russian Federation are also parties in the negotiations. We regret that you have not provided greater clarity about the steps being taken in negotiations to address the dramatic overfishing of these stocks beyond asserting that you will "continue to engage actively" with relevant states and seeking to establish evidence-based share allocation criteria. What are the points of contention that have made it so difficult to agree on a sustainable catch limit with Norway? When do you anticipate progress will be made? Please inform us of any substantive changes.

In relation to stocks managed jointly with Norway we welcome the statistics from ICES on how to achieve MSY for cod and herring. We note the increase in herring and are glad that the recommendation is for the TAC to increase by 9%. On cod, the recommendations are drastic: does the Government think that reducing the TAC of cod by 70% is realistic and does it plan to comply?

We are pleased that you have agreed an MOU in principle with ICES allowing the UK to keep receiving and providing evidence after leaving the EU. When can we expect this to be confirmed and not merely agreed in principle?

We are pleased to note that Defra officials are continuing to participate directly in "key meetings" relating to the Common Fisheries Policy, including discussions relating to setting fishing opportunities for 2020.

We have decided to retain this Communication under scrutiny and look forward to receiving an update in due course.

*24 October 2019*

COMMISSION RECOMMENDATION OF 18.6.2019 ON THE DRAFT INTEGRATED NATIONAL ENERGY AND CLIMATE PLAN OF THE UNITED KINGDOM COVERING THE PERIOD 2012-2013 (10515/19)

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 2018 ASSESSMENT OF THE PROGRESS MADE BY MEMBER STATES TOWARDS THE NATIONAL ENERGY EFFICIENCY TARGETS FOR 2020 AND TOWARDS THE IMPLEMENTATION OF THE ENERGY EFFICIENCY DIRECTIVE AS REQUIRED BY ARTICLE 24(3) OF THE ENERGY EFFICIENCY DIRECTIVE 2012/27/EU (8461/19)

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS UNITED IN DELIVERING THE ENERGY UNION AND CLIMATE ACTION - SETTING THE FOUNDATIONS FOR A SUCCESSFUL CLEAN ENERGY TRANSITION (10251/19)

**Letter from the Chairman to the Rt Hon Kwasi Kwarteng MP, Minister of State, Department for Business, Energy and Industrial Strategy**

Thank you for your letter, dated 24 September, in response to our letters of 4 September, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

We welcome you clarifying that if the UK has left the EU under the terms of the Withdrawal Agreement then the Government will be obliged to publish its National Energy and Climate Plan (NECP) and its National Forestry Action Plan (NFAP). Could you also inform us whether, and if so when, the Government will publish these plans (or close equivalents) if the UK leaves without a deal and is therefore not obliged to do so?

We note that you are “still in the process” of considering national contributions to meet the Commission’s suggested national energy and efficiency targets, which the UK is currently not meeting. Please update us as soon as you have decided on the measures that the UK will take.

Thank you for explaining that the targets of the Energy Efficiency Directive are indicative and that, as such, the Commission can only provide recommendations for Member States to align with the targets. We note that any Member State would have to justify any failure to implement these measures. Would there be any penalty for a Member State failing to provide an adequate reason?

We have decided to retain this letter under scrutiny and look forward to receiving an update in due course.

24 October 2019

**Letter to the Chairman from the Rt Hon Kwasi Kwarteng MP, Minister of State**

Thank you for your letter dated 24 October 2019 in which you posed some further questions relating to EM 8461/19. I am writing to respond to your question.

*Thank you for explaining that the targets of the Energy Efficiency Directive are indicative and that, as such, the Commission can only provide recommendations for Member States to align with the targets. We note that any Member State would have to justify any failure to implement these measures. Would there be any penalty for a Member State failing to provide an adequate reason?*

The EU has decided to set indicative energy efficiency targets for 2030 under Article 3 of the Energy Efficiency Directive. While the Commission’s recommendations are expressly non-binding (Article 288 Treaty on the Functioning of the European Union), there is a requirement in the Governance Regulation for Member States to take due account of any recommendations issued and to act in a spirit of solidarity. Member States are also expected to act in accordance with the duty of sincere cooperation found in Article 4(3) of the Treaty on European Union.

The Governance Regulation does not set out a particular penalty for failure to adequately respond to a Commission recommendation. It would be for the Commission to assess whether it considers Member States have complied with the above duties and whether further action is required in those circumstances. As both Member State progress and Commission recommendations will be published, public scrutiny would also be expected to play a role in holding the EU and Member States to account on their 2030 targets.

*19 December 2019*

**Letter from the Chairman to the Rt Hon Kwasi Kwarteng MP, Minister of State**

Thank you for your letter, dated 19 December 2019, in response to our letters of 4 September and 24 October, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January 2020.

Thank you for informing us that you are working on your final National Energy and Climate Plan (NECP) and your National Forestry Action Plan (NFAP): we look forward to their publication.

We note that you intend to meet the UK's shortfall against the Commission's suggested national energy and efficiency targets in part through increased production of renewable energy, and that further details will be set out in the NECP.

We are now content to release these documents from scrutiny and close the correspondence.

*16 January 2020*

**Letter from the Chairman to the Rt Hon Kwasi Kwarteng MP, Minister of State,  
(8461/19)**

Thank you for your letter, dated 19 December 2019, in response to our letter of 24 October, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January 2020.

Thank you for explaining that it would be for the Commission to assess what action is required in the event that Member States have not complied with their duties regarding the Energy Efficiency Directive and the Governance Regulation.

We are now content to release this Report from scrutiny and close the correspondence.

*16 January 2020*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE  
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE  
COMMITTEE OF THE REGIONS: STEPPING UP EU ACTION TO PROTECT AND  
RESTORE THE WORLD'S FOREST (11449/19)**

**Letter from the Chairman to the Rt Hon Zac Goldsmith MP, Parliamentary Under  
Secretary of State for International Environment & Animal Welfare, Department for  
Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum (EM) on the above Communication, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October 2019.

We agree with the conclusion that there are no direct policy implications as a result of this Communication. However, if these proposals are implemented then they would have a significant impact, whatever the UK's relationship with the EU.

You stated that some of the objectives in the Communication already align with Government policy and "stress the need to act quickly".

- Could you provide more clarity about the policies you will introduce and when? For instance, what are the Government's current targets for reforestation?

Furthermore, in the EM you mention that the Global Resource Initiative Taskforce will look at the “UK’s footprint overseas” in relation to the supply of “forest-risk” commodities. The Committee welcomes this.

- When can we expect any findings from this body?

You say “some” actions in the Communication are “similar” to those you are taking forward.

- Could you be clear on whether the Government would reject any of the proposals in the Communication, especially those targeted at Member States? If so, which ones?

One area that could be significantly impacted by these Proposals is a post-Brexit trade deal with the EU. The Communication suggests that terms aimed at halting deforestation could be included in future trade agreements.

- Do you think the UK would have to enhance current policy to meet these terms? If so, where are we falling short currently?
- The UK will also have to negotiate many trade deals post-Brexit: would the Government consider entering a similar clause into these agreements to make sure that the UK does not contribute to global deforestation?
- Can you provide any commitment that future trade deals will not result in the supply chains for UK consumers becoming more environmentally damaging, especially regarding global forests?

Certain UK consumers have already voiced their unwillingness to accept compromises in environmental standards, as evidenced by the strong feelings evoked by lower animal welfare standards in the mooted US trade deal. The EM also identified the “reputational risk” of falling behind the EU in this area and we are glad this risk is recognised.

The suggestions in the Communication would have an impact on UK companies trading in the EU by compelling them to be more transparent about the effects their supply chains have on global forests.

- Would the Government consider requiring companies to do the same in the UK post-Brexit?

We have decided to retain the Communication under scrutiny. We look forward to a reply to this letter within 10 working days.

*24 October 2019*

**Letter to the Chairman from the Rt Hon Zac Goldsmith MP, Parliamentary Under Secretary of State for International Environment & Animal Welfare**

Thank you for your letter of 24 October 2019.

The Government’s 25 Year Environment Plan sets out the steps being taken to support and protect the world’s forests, support sustainable agriculture and work towards zero-deforestation supply chains. The Global Resource Initiative (GRI) will identify actions the UK can take across its supply chains to improve the sustainability of products and reduce associated deforestation including, for example, in relation to due diligence and transparency. We expect the recommendations of the GRI taskforce in early 2020.

The UK, in conjunction with other members of the Amsterdam Declarations Partnership, played an important role in the development of this Communication which we supported in the EU Agriculture and Fisheries Council. Its proposals complement what is being delivered through related activities in the UK including the business roundtables on sustainable palm oil and soya, the UK’s international climate finance which will be £11.6 billion over the next five years from 2021/22, and work to increase woodland cover in England from 10% to 12% by 2060.

I have confined my response here to matters of fact relating to existing Government policy. Due to the dissolution of Parliament, I am not currently in a position to comment on the approach which would be taken to future trade deals, sustainable commodities and GRI recommendations, which it will be for any future Government to determine. I nonetheless hope that my reply is helpful.

*13 November 2019*

## **Letter from the Chairman to Rt Hon Lord Goldsmith of Richmond Park, Minister of State**

Thank you for your letter, dated 13 November, on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January.

Thank you for the update on the Government's 25-year Environment Plan and the work of the Global Resource Initiative (GRI). We note that you were unable to provide answers to several of the questions from our previous letter due to the impending General Election. Given that the result of the General Election is now clear, and the UK will be leaving the EU at the end of January, we would appreciate clarity on the following points:

- Could you be explicit about which policy proposals in the Communication the Government would not implement post-Brexit?
- Particularly, will you compel businesses to calculate and publish the effect their supply chains have on global forests as the EU is considering doing?
- The EU is concerned about trading with countries who do not meet high environmental standards. As such, the Communication suggests inserting a clause into trade agreements which would compel the partner country to limit deforestation. Would the Government consider doing the same?
- More generally, several ministers have confirmed the UK will diverge from EU standards, while also asserting that environmental standards will not fall. Concerns arise around a free trade deal with the US. We note that in the summary of the trade talks leaked during the General Election, one of the conditions from the US side was that there be no mention of "climate change". Furthermore, some pesticides and, famously, GM crops are permitted in the US which are not in the EU. How will the Government ensure that there is no compromise on environmental standards such as the issue of deforestation in a trade deal with the US?

We encourage you to consider and, where appropriate, implement the GRI's recommendations when they are published.

We have decided to retain this Proposal under scrutiny and look forward to receiving an update in 10 working days.

*16 January 2020*

## **Letter to the Chairman from Rt Hon Lord Goldsmith of Richmond Park, Minister of State**

Thank you for your letter of 16 January 2020. I shall respond to each of the points you raised in turn below.

### Question 1

#### **Could you be explicit about which policy proposals in the Communication the Government would not implement post-Brexit?**

As you are aware, the five priority areas in the Communication are only policy proposals at this stage, so I cannot comment on whether there are any elements we would not implement post-Brexit. We are working closely with a number of European countries on these proposals and we have existing policies in place, which address the broad themes set out in the Communication.

On priority two in the Communication (Work in partnership with producing countries to reduce pressures on forests and to 'deforest-proof' EU development cooperation), my letter dated 13 November 2019 outlines our International Climate Finance (ICF) commitments. Our ICF programme will continue to support producer countries. For priority three (Strengthen international cooperation to halt deforestation) our Presidency of COP26 provides opportunities to support this. In relation to priority four (Redirect finance to support more sustainable land-use practices), the Government's Green Finance Strategy, published in July 2019, outlines our commitment to mobilise finance for clean and resilient growth. On priority five (Support the availability of, quality of, and access to information on forests and commodity supply chains. Support research and innovation) we continue to invest in research, with examples including support of the UNEP-WCMC TRADE hub and commissioning



development of metrics to measure our 25 Year Environment Plan commitment to reduce our footprint overseas. We also expect the Global Resource Initiative (GRI) to make recommendations in this area and we will publish a formal Government response to the GRI recommendations soon after its findings are published.

#### Question 2

#### **Will you compel businesses to calculate and publish the effect their supply chains have on global forests as the EU is considering doing?**

We are exploring different options in terms of introducing requirements for companies to undertake due diligence in relation to the impact of their supply chains on forests. I will endeavour to provide you with an updated response on our thinking in this area, once the GRI has published its full findings. This will link to priority one (Reduce the EU consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the EU).

#### Questions 3 and 4

#### **Will you compel businesses to calculate and publish the effect their supply chains have on global forests as the EU is considering doing?**

#### **How will the Government ensure that there is no compromise on environmental standards such as the issue of deforestation in a trade deal with the US?**

We are clear that more trade does not have to come at the expense of the environment. Leaving the EU means we now have a unique opportunity to design a set of policies to drive environmental improvement with a powerful and permanent impact, tailored to the needs of our country. We will re-introduce the Environment Bill shortly, a vital piece of legislation to help address the environment and climate emergency we are facing and protect and improve the environment for future generations.

As you have already noted, we will not weaken environmental protection in pursuit of trade deals. Without exception, all imports into the UK will meet our stringent food safety and environmental standards.

We are exploring ways to enhance the protection of forests in free trade agreements. There is some precedent for cooperation on issues such as sustainable forest management, the conservation of biodiversity and illegal logging. We recognise that different approaches may be appropriate for different partner countries.

The Government will stand firm in trade negotiations to ensure that any future trade agreements live up to the values of farmers and consumers across the UK.

*30 January 2020*

### **PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS APPLICABLE IN THE BALTIC SEA AND AMENDING REGULATION (EU) 2019/124, AS REGARDS CERTAIN FISHING OPPORTUNITIES IN OTHER WATERS (11814/19)**

#### **Letter from the Chairman to George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum (EM) on the above Regulation, which was considered by our Energy and Environment Sub-Committee at its meeting on 30 October.

As you will be aware, EU Member States have agreed to manage fish stocks sustainably by 2020. This TAC-setting exercise was therefore an important test of whether that target will be met. Using the advice provided by the International Council for the Exploration of the Sea (ICES) as a benchmark, were the TACs for all stocks other than the eastern Baltic cod set in line with maximum sustainable yield (MSY) for 2020? If not, please provide details of the stocks that had TACs set at a higher level, including as a percentage of the number of stocks in the Baltic Sea, and as a proportion of the expected catch.

We note that the Commission's proposed TACs represented a substantial decrease on the 2019 TACs. How many of the final TACs for 2020 were agreed at the level proposed by the Commission, and how many were higher?

Please clarify why eastern Baltic cod came under such pressure in 2019, and why that means it cannot be fished sustainably in 2020. Please also clarify whether the UK imports cod from this area, and if so, at what scale.

We note from Lord Gardiner's post-Council Written Ministerial Statement that the UK was represented by the Deputy Permanent Representative to the European Union at the Agrifish Council meeting in October. Thank you for clarifying in your supplementary Explanatory Memorandum that the UK intended to abstain at the Agrifish Council vote if this file had not been cleared from parliamentary scrutiny. Please confirm whether this is what happened.

We have decided to retain the Regulation under scrutiny. We look forward to a reply to this letter within 10 working days.

30 October 2019

### **Letter to the Chairman from George Eustice MP, Minister of State**

Thank you for your letter of 30<sup>th</sup> October 2019. I will address each of your queries individually below.

In regards to the setting of the Baltic Sea 2020 TACs (Total Allowable Catches) in line with the 2020 MSY (Maximum Sustainable Yield) target: four of the fish stocks do not have MSY advice (Eastern Baltic cod, Gulf of Bothnia herring, Gulf of Finland salmon and Baltic plaice), four stocks have been set at MSY (Baltic sprat, Central Baltic herring, Gulf of Riga herring and Baltic salmon) and two stocks have been set above MSY (Western Baltic herring and Western Baltic cod). Excluding the four stocks with no MSY advice, 66% (four out of six stocks) of the stocks in the Baltic and 98.5% (484,551t of 491,507t) of the allocated catch has been set sustainably for 2020.

Referring to your question on how many of the final TACs for 2020 were agreed at the level proposed by the Commission. When comparing the initial Commission proposals to the final Presidency compromise, seven TACs were agreed at the level proposed by the Commission (Eastern Baltic cod, Gulf of Bothnia herring, Gulf of Finland salmon, Baltic plaice, Central Baltic herring, Gulf of Riga herring and Baltic salmon) and three TACs were set higher (Western Baltic herring, Western Baltic cod and Baltic sprat).

For Eastern Baltic cod, after several years of trends-based assessments using a length-derived index from the Baltic International Trawl Survey (BITS Quarter 1 since 2001, BITS Quarter 4 since 2002), ICES was able this year to undertake an analytical assessment. Whilst ICES was neither able to determine the fishing pressure reference points nor stock status relative to these, ICES estimated that the spawning stock size was both below  $B_{lim}$  and  $B_{pa}^1$ , and that it would remain below  $B_{lim}$  in the medium-term even with no fishing at all. The poor status of the eastern Baltic cod (low growth, poor condition, and high natural mortality) is related to changes in the ecosystem, which includes poor oxygen conditions that can affect cod directly by altering metabolism and indirectly from a shortage of benthic prey, whilst affecting the survival of offspring. These developments indicate that the stock is distressed and expected to have reduced reproductive potential. This is why the Commission adopted emergency measures in July 2019 by which it decided that the fishing of cod in the areas with relevant eastern Baltic cod abundance was prohibited until year-end. While the UK has imported cod from Baltic nations such as Poland in the past, the majority of cod imported to the UK comes from the Barents Sea (70% in 2016 according to *Seafish*<sup>2</sup>).

Finally, I can clarify that the UK did indeed abstain from voting for the above proposal as scrutiny clearance had not been given at the time.

18 November 2019

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<sup>1</sup>  $B_{pa}$  – Precautionary biomass reference point at which the stock is considered to be in danger of impaired recruitment and protective management is triggered.

$B_{lim}$  – Limiting biomass reference point below there may be reduced reproduction resulting in stock decline.

<sup>2</sup> [https://www.seafish.org/media/publications/COD\\_SIF\\_2016\\_update.pdf](https://www.seafish.org/media/publications/COD_SIF_2016_update.pdf)

**Letter from the Chairman to George Eustice MP, Minister of State**

Thank you for your letter, dated 18 November, on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January.

Thank you for the helpful statistics on the Total Allowable Catches (TACs) that have been set at Maximum Sustainable Yield (MSY). We note that, of the stocks for which there is MSY advice, 98.5% of the allocated catch has been set sustainably for 2020, and we welcome this encouraging figure.

Thank you for explaining the numerous pressures Eastern Baltic Cod face, and that most cod imported into the UK does not come from this area.

Thank you for confirming the UK abstained from the vote on the proposal.

We are now content to release this proposal from scrutiny and close the correspondence.

*16 January 2020*

**PROPOSAL FOR A COUNCIL DECISION ESTABLISHING THE POSITION TO BE ADOPTED ON BEHALF OF THE EUROPEAN UNION WITH REGARD TO CERTAIN RESOLUTIONS TO BE ADOPTED IN THE FRAMEWORK OF THE INTERNATIONAL ORGANISATION FOR VINE AND WINE (OIV) (12679/14)**

**Letter from the Chairman to George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

Thank you for your letter dated 4 September 2019, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

Thank you for updating us as to the status of the UK's accession to the OIV. We note that the UK's membership to the OIV are now covered by the pending Agreement. The Committee has considered the Agreement and provided a report to the House. We are therefore content to close this correspondence.

*24 October 2019*

**COMMISSION DELEGATED REGULATION (EU) .../... OF 1.10.2019 SPECIFYING DETAILS OF THE LANDING OBLIGATION FOR CERTAIN DEMERSAL FISHERIES IN NORTH-WESTERN WATERS FOR THE PERIOD 2020-2021 (12739/19)**

**COMMISSION DELEGATED REGULATION (EU) .../... OF 1.10.2019 SPECIFYING DETAILS OF IMPLEMENTATION OF THE LANDING OBLIGATION FOR CERTAIN DEMERSAL FISHERIES IN THE NORTH SEA FOR THE PERIOD 2020-20 (12741/19)**

**Letter from the Chairman to George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum on the above Commission Delegated Regulations dated 17 and 23 October 2019 respectively.

We note in your EM that the UK Government and UK fisheries stakeholders contributed evidence in the development of these proposed exemptions. Does the Government plan to apply these exemptions in domestic policy after the Brexit transition period?

We look forward to a reply to this letter in due course.

*23 January 2020*

PROPOSAL FOR A COUNCIL REGULATION FIXING FOR 2020 THE FISHING  
OPPORTUNITIES FOR CERTAIN FISH STOCKS AND GROUPS OF FISH STOCKS,  
APPLICABLE IN UNION WATERS AND, FOR UNION FISHING VESSELS, IN CERTAIN  
NON-UNION WATERS (13438/19)

**Letter to the Chairman from George Eustice MP, Minister of State, Department for  
Environment, Food and Rural Affairs**

I am writing to explain my decision to vote in favour of a EU Presidency package ahead of Parliamentary scrutiny, which set fishing opportunities for the North East Atlantic in 2020. In reaching this decision, I considered the impact that a UK abstention would have had in the process of the negotiations during the EU Agriculture and Fisheries Council on 16-18 December 2019. I concluded it was in the UKs favour to hold a formal position during council and that was consistent with supporting the final compromise.

The EU Commission brought forward their proposals for setting fishing opportunities for 2020 on 24 October 2019. Defra began work on an explanatory memorandum (EM 13438/19) immediately afterwards. This EM was complex due to the detailed nature of the Commission proposal. My fisheries team needed time to examine the proposals in detail, working closely with colleagues in the devolved administrations and our scientists, to agree an initial UK position including identifying a range of priorities which reflected the interests of all parts of the UK. Last year there was insufficient time to finalise the EM between receipt of the proposals being laid and the disillusionment of Parliament for the general election that took place on 6 November 2019.

The UK sent a delegation on 16 December to negotiate the UK's priorities based upon the initial Commission's proposals, an agreement in the form of a final compromise document was agreed on 18 December. This process took place before the Parliamentary committees were to be seated again which also ruled out any chance of requesting a Scrutiny Waiver from the committee. It is unfortunate that it was not possible for the EM to be considered by your committee before the council agreement took place.

Overriding the scrutiny of proposals from the European Commission is not an action that I take lightly. The setting of sustainable fishing opportunities is of critical importance to our fishing and processing industries. Hence, I felt it was important for the UK to maximise its influence to ensure that the quotas and other catch restrictions to be fixed at these

negotiations ensured the sustainability of our fisheries and the best possible outcome for our fishermen. I hope that you understand that it was in the best interests for the UK to vote in favour of the fisheries opportunities negotiated for 2020.

*13 January 2020*

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE  
COUNCIL ON THE IMPLEMENTATION OF THE WATER FRAMEWORK DIRECTIVE  
(2000/60/EC) AND THE FLOODS DIRECTIVE (2007/60/EC) (6926/19)

**Letter from the Chairman to Rebecca Pow MP, Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural Affairs**

Thank you for your predecessor's letter on the above Report, dated 11 June, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

*Report recommendations*

Thank you for the annex which provides detailed comments on each of the Commission's recommendations. We understand that you generally agree with the recommendations that relate to improving your understanding of the pressures on water bodies, and that in other areas you are seeking clarification where you believe the Commission's recommendations were unclear or contradictory. Please provide a further update when you have clarified these matters with the Commission.

### *Monitoring*

We note your acknowledgement that technical improvements in monitoring the water environment is an ongoing process. We also note your statement that your risk-based approach to monitoring water quality is robust, and that the Commission's comments resulted in part from the exclusion of some of the UK's data.

Thank you for explaining that Wales and Northern Ireland also take a risk-based approach to monitoring the water environment, and that Scotland is moving towards a more risk-based approach.

### *Water Framework Directive Article 4*

We note that you are awaiting clarity from the Commission regarding their recommendation on the need for greater justification and transparency in relation to Article 4(4) and 4(5) exemptions (allowing Member States to aim to achieve less stringent environmental objectives, if achieving 'good' status "would be infeasible or disproportionately expensive"), as you are confident that the approach taken was robust, compliant and transparent. Please update us on your view of the Commission's position when possible.

Thank you for explaining that Wales and Northern Ireland made relatively minimal use of Article 4 exemptions, and that the Scottish Government can provide detailed documentation for their exemptions.

### *State of the Water Environment*

We note your statement that it is not possible for the Environment Agency to forecast the percentage of water bodies that will achieve 'good' status by 2027 until 2021, when the 3rd cycle river basin management plans are in place, and that the same timeline applies to Wales and Northern Ireland. We also note that the Scottish Environmental Protection Agency has forecast that 89% of water bodies in Scotland will be at good or high status by 2027.

### *Water sustainability*

Thank you for clarifying that the Environment Agency's data supports the Commission's conclusions that there are high levels of water stress in the Thames, Northumbria, Humber and Anglian river basin districts (RBDs), and that any improvements will not be known until 2021. We note your statement that you are taking steps to tackle those pressures, including water abstraction licensing reforms, water resources infrastructure measures in the relevant National Policy Statement and local catchment measures, and that National Resources Wales and the Environment Agency have worked jointly on abstraction measures in the cross-border Dee RBD.

Finally, please clarify whether this review function, currently being performed by the Commission, will be taken over by the Office for Environmental Protection after the UK leaves the EU.

We have decided to retain this Report under scrutiny and look forward to your response in due course.

24 October 2019

## COMMUNICATION FROM THE COMMISSION ENVIRONMENTAL IMPLEMENTATION REVIEW 2019: A EUROPE THAT PROTECTS ITS CITIZENS AND ENHANCES THEIR QUALITY OF LIFE (8302/19)

### **Letter from the Chairman to Rebecca Pow MP, Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs**

Thank you for your predecessor's letter on the above Communication, dated 26 June, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

### *Improving implementation of environmental regulations*

We note that you are consulting on measures to improve consistency in recycling collections, on reforming producer responsibility and on introducing a Deposit Return Scheme for drinks containers,

which would address the Commission's concerns regarding the effectiveness of separate waste collection in the UK.

Regarding the recommendation to improve the protection of offshore birds, we note your acknowledgement that Good Environmental Status has not been achieved for breeding seabirds in the Greater North Sea or the Celtic Seas, and that you are working towards a UK National Plan of Action on Seabird Bycatch. When do you expect that plan to be in operation?

Thank you for clarifying that the national legislation to comply with the Invasive Alien Species Regulation will enter into force on 1 October 2019.

Further to the recommendation to improve cooperation and monitoring programmes regarding the protection of natural capital, we note your statement that the Joint Nature Conservation Committee is coordinating improvements in this regard; that a number of projects are in place to make natural capital information more accessible; and that you are supporting the development of tools to allow the assessment of the value of natural capital in decision making. We welcome the Office for National Statistics' progress towards incorporating natural capital values into the UK National Accounts.

We note that you have placed a legal duty on local authorities to reduce their nitrogen oxide emissions as soon as possible, but that you believe a charging zone (the vehicle restrictions and fiscal incentives to which the Commission refers in its report) "should only be used where local authorities are unable to identify equally effective alternatives". We also note your strategy to end the sale of new diesel and petrol cars and vans by 2040.

We note your understanding that the recommendation regarding granting permits for industrial emissions relates to continuing to ensure compliance with Best Available Techniques. However, page 19 of the UK report specifically references a challenge regarding meeting BAT levels in the refining of mineral oil and gas, in car production and in large combustion plants. What actions are you taking in those areas?

Regarding improving access to environmental information, thank you for explaining that the situation has improved since the Commission collected its data, that there has been a crossEU push to improve this access, and that the UK has one of the highest number of published datasets.

We note that you are seeking clarity from the Commission on their recommendation to improve the application of the Environmental Liability Directive. Please update us on your position when you have that information.

#### *Best practice and peer to peer learning*

We welcome your statement that UK policy and technical experts share knowledge and best practice on environmental policy and legislation with other Member States, that information from the Peer to Peer tool is shared with the Devolved Administrations and UK environment agencies, and that the examples of successful practice from the Commission's Communication have been shared with the relevant policy teams.

#### *Stakeholder involvement*

We note your statement that stakeholders have already been involved in actions taken this year in areas highlighted by the Commission's Report, including through consultation on Marine Conservation Zones and the Clean Air Strategy.

#### *Future environmental governance*

We note your statement that, post-Brexit, the Office for Environmental Protection will hold the Government to account environmental standards, replacing the current oversight conducted by the European Commission, in part through an annual progress report on the implementation of the 25 Year Environment Plan.

We have decided to retain the Communication under scrutiny. We look forward to a reply to this letter in due course.

24 October 2019

**Letter to the Chairman from Rebecca Pow MP, Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural Affairs**

Thank you for your letter dated 24 October 2019, I will address your points in turn.

UK National Plan of Action on Seabird Bycatch

In July 2018, Defra commissioned the Joint Nature Conservation Committee (JNCC) to develop a Plan of Action (PoA) to: “*Deliver a coherent approach to understand and where necessary reduce marine bird bycatch in UK fisheries, through engagement and dialogue with all interested parties and the implementation of subsequent recommendations*”. The first phase of this work, now completed, was to establish the extent and impacts of seabird bycatch in UK waters. The results from this study were used in a further study looking at potential population impacts of bycatch mortality, to inform which areas, species and fisheries should be prioritised under the UK PoA on Seabird Bycatch. Both studies will be published this year.

We are working closely with stakeholders in the development of our assessments of seabird bycatch mortality and population impacts in UK waters and hosted a workshop in March 2019 with the JNCC. The Government has committed to publishing the UK PoA on Seabird Bycatch as part of the updated UK Marine Strategy.

The Industrial Emissions Directive (IED)

Permits are reviewed and updated accordingly, using Best Available Techniques (BAT) as a reference for setting permit conditions, and any non-compliance is addressed. A consistent approach is taken to regulating all industry sectors covered by the regulations. It is unclear why meeting BAT in refining of mineral oil and gas, in car production and in large combustion plants is emphasised as a particular challenge - a point UK officials raised with the Commission on the draft report.

We speculate it may be referencing the fact that there are some time-limited derogations in these sectors, but these have been issued for good reason within the bounds of the legal framework.

Compliance with BAT across all industrial sectors remains a priority for the Government. It is noted that the EIR welcomes the efforts of national competent authorities to implement the legally binding BAT conclusions and associated BAT emission levels in environmental permits, resulting in considerable and continuous reduction of pollution.

Recommendations to improve the application of the Environmental Liability Directive (ELD)

*ELD Guidance*

The Commission accepts there had been an error. The long-existing British ELD guidance documents are well-known and remain on the Commission’s liability website.

*Financial security for liabilities*

Article 14 (1) of the ELD requires Member States to “*take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators*”. The UK continues to contribute to the Commission’s project *Financial Security for ELD Liabilities* which started in 2019. Early findings include that the UK insurance market is the largest in Europe, and insurance cover for ELD and other environmental liabilities is widely available.

*Publication of information on environmental damage.*

The UK Government and regulators publish extensive data on environmental incidents. While Article 18 of the ELD was amended in 2019 to include a requirement on the Commission to report on implementation of the ELD every five years, there is no reporting requirement on Member States. Nonetheless, we amended the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 to introduce a statutory requirement for all English enforcing authorities to report all new, confirmed cases of ELD environmental damage to Defra. Wales and Scotland have also legislated to the same end, while Northern Ireland will take non-legislative steps.

I trust these responses have fully addressed your questions and that you can now conclude your processes.

19 January 2020

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - REVIEWING THE DECISION-MAKING PROCESS ON GENETICALLY MODIFIED ORGANISMS (GMOS) (8344/15)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATION (EC) NO.1829/2003 AS REGARDS THE POSSIBILITY FOR THE MEMBER STATES TO RESTRICT OR PROHIBIT THE USE OF GENETICALLY MODIFIED FOOD AND FEED ON THEIR TERRITORY. (8356/15)

**Letter to the Chairman from George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

As an update for the Committee, I am writing to confirm that there have been no developments on the above.

There has been no discussion in any EU fora for over three years now, after the proposal was rejected by the European Parliament. For its own reasons, the Commission is choosing to leave the matter dormant rather than move to formally rescind the proposal. If there were to be any further activity on this proposal we would, of course, inform the Committee accordingly.

*10 January 2020*

PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING THE SPECIFIC PROGRAMME IMPLEMENTING HORIZON EUROPE – THE FRAMEWORK PROGRAMME FOR RESEARCH AND INNOVATION (9870/18)

PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING THE RESEARCH AND TRAINING PROGRAMME OF THE EUROPEAN ATOMIC ENERGY COMMUNITY FOR THE PERIOD 2021-2025 COMPLEMENTING HORIZON EUROPE – THE FRAMEWORK PROGRAMME FOR RESEARCH AND INNOVATION (9871/18)

**Letter to the Chairman from Chris Skidmore MP, Minister of State for Universities, Science, Research and Innovation, Department for Business, Energy & Industrial Strategy**

I am writing to inform you that the UK voted in favour of a Partial General Approach (PGA) on the Regulations for the Horizon Europe Framework Programme and Euratom Research & Training (R&T) Programme. This took place at EU Competitiveness Council on 28 and 29 November, during the dissolution of UK Parliament therefore preventing us from requesting a Parliamentary scrutiny waiver in advance as per normal procedure.

The Horizon Europe PGA was adopted. The Euratom Research Programme PGA was not adopted due to negative votes submitted by Austria and Luxembourg.

On the Euratom Research Programme, the October 2019 Political Declaration states that it is the current Government's intention to associate to the future Programme.

I took the decision to vote in favour of these Regulations after much deliberation and after consulting pre-election period guidance to ensure that due process was followed.

**Horizon Europe Regulation**

The text voted on for the PGA did not materially change compared to the text previously agreed in Council Working Groups. The PGA covered the Recitals to the Regulation and Annex 4, which were uncontroversial areas for the UK. The Recitals set the tone and interpretation of the Regulation. The Annex 4 text built synergies between Horizon Europe and other EU programmes.



## **Euratom R&T Regulation**

The Euratom Research Programme text was acceptable. The PGA covered the majority of the Regulation, with the notable exception of the Article on future participation of third countries associated to the Programme. Under the Euratom Treaty's rules this Regulation could only be approved by **unanimity** at Council. It **did not pass** due to blocking votes by Austria and Luxembourg mainly because of references made in the Regulation to nuclear energy being supportive of achieving carbon reduction targets.

I will continue to update you on any significant developments on both of these files as they arise

*21 December 2019*

### **Letter from the Chairman to Chris Skidmore MP, Minister of State for Universities, Science, Research and Innovation**

Thank you for your letter on the above Proposal, dated 21 December 2019, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January 2020.

We note that you voted in favour of a Partial General Approach (PGA) on the Regulation at the EU Competitiveness Council in November last year, and that this constitutes an override of the scrutiny reserve. We accept that this was unavoidable in light of the dissolution of Parliament.

In our previous letter we requested updates on potential reductions to existing Programme budgets (particularly the fusion budget), and the intention to add 'innovation and deployment actions' to the Programme. What position was reached on these issues in the PGA, and in your view is it acceptable?

You stated that the PGA did not include text on the future participation of third countries associated to the Programme. Can you please confirm whether it is still the Government's objective to seek association to the Euratom Research and Training Programme post-Brexit, as per your letter dated 28 February 2019?

We also note that the Regulation did not pass as it was not supported unanimously. Please explain the consequences of this and the next steps regarding the Regulation.

We have decided to retain this Proposal under scrutiny and look forward to a reply to this letter within 10 working days.

*16 January 2020*

### **Letter to the Chairman from Chris Skidmore MP, Minister of State for Universities, Science, Research and Innovation**

Thank you for your letter of 16 January 2020 requesting further information relating to the Euratom Research and Training Programme following the unsuccessful passage of the programme's Partial General Approach (PGA) at EU Council on 29 November.

The passage of the PGA was blocked by Austria and Luxembourg. Austria in particular has a long-standing opposition to the use of nuclear technology for energy production and of Euratom funding research activity on non-decommissioning technologies. While this development will delay the passing of the Regulation, Working Group discussions will continue to seek a compromise solution and we expect the Regulation to be formally approved later this year.

Budgetary commitments for the new programme did not form part of the PGA and will be dealt with as part of the wider Multiannual Financial Framework (MFF) budget conversations anticipated to conclude in the Autumn. The reference to 'Innovation and deployment' actions in the PGA cross-referenced the Horizon Europe Regulation where these types of actions are defined. To date, there has been no additional detail forthcoming on how this new category of activity will affect the future Euratom Research and Training Programme, but we will continue to monitor this closely.

As you note, the article text providing for third-country association to the Programme was not included in PGA. In common with similar discussion around Horizon Europe this specific issue will be dealt with as part of wider cross-cutting discussions within the EU institutions throughout the Spring and Summer. As currently drafted the text is acceptable to the UK and my officials have (and will

continue to do so as part of discussions about our future relationship) for it to remain open and permissive so as to not prejudice any future UK association negotiations.

I can confirm that the position on potential UK association to the Euratom R&T Programme set out in the October 2019 EU-UK Political Declaration, is unchanged.

*29 January 2020*

**PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ESTABLISHING THE SPECIFIC PROGRAMME IMPLEMENTING HORIZON EUROPE – THE FRAMEWORK PROGRAMME FOR RESEARCH AND INNOVATION (9870/18)**

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING HORIZON EUROPE – THE FRAMEWORK PROGRAMME FOR RESEARCH AND INNOVATION, LAYING DOWN ITS RULES FOR PARTICIPATION AND DISSEMINATION (9865/18)**

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING THE SPACE PROGRAMME OF THE UNION AND THE EUROPEAN UNION AGENCY FOR THE SPACE PROGRAMME AND REPEALING REGULATIONS (EU) NO 912/2010, (EU) NO 1285/2013, (EU) NO 377/2014 AND DECISION 541/2014/EU (9898/18)**

**Letter to the Chairman from Chris Skidmore MP, Minister of State for Universities, Science, Research and Innovation, Department for Business, Energy & Industrial Strategy**

Thank you for your letter dated 21 December 2019 on the Horizon Europe proposal (9870/18) and the vote in the November Competitiveness Council. The EU Internal Market Sub-Committee considered it at its meeting on 21 January 2020.

In our letter in July 2019, we requested a comprehensive update on the progress of this file, which we have not received. Horizon Europe, and especially the UK's possible participation therein, is of particular interest to the Committee.

In the light of the UK's imminent exit from the EU, we have decided to clear the Horizon Europe Regulation and Decision from formal scrutiny, along with the proposal to establish a Space Programme (9898/18).

However, we would welcome a response to this letter in due course setting out the latest position regarding negotiations on both programmes, and providing information about third-party participation as and when this is considered at political level.

*23 January 2020*

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 1224/2009, AND AMENDING COUNCIL REGULATIONS (EC) NO 768/2005, (EC) NO 1967/2006, (EC) NO 1005/2008, AND REGULATION (EU) NO 2016/1139 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS FISHERIES CONTROL (9317/18)**

**Letter to the Chairman from George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

I write in follow up to your previous correspondence of the 8 May regarding the review of the EU Control Regulation 1224/2009. Please find a brief update note regarding this matter.

The review of the Control Regulation started with the EU Parliamentary first reading in May 2018. After this first reading 851 amendments were tabled by member states. The process of reviewing these amendments is currently ongoing.

Following on from the last correspondence there has been little progress on the review of these 851 tabled amendments, which are currently being scrutinised by the Working Party on the Internal and External Fisheries Policy. The last meeting of which was held on 20 September when they reviewed amendments to articles 5 through to 8. The Control Regulation has 124 articles and therefore we anticipate that this work will continue for some time. We will keep you abreast of any further developments as they arise.

3 October 2019

#### **Letter from the Chairman to George Eustice MP, Minister of State**

Thank you for your letter, dated 3 October, on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

Thank you for the update on the review of the Fisheries Control Regulation. We note the figures on the number of articles and amendments. Given that 851 amendments were tabled on 124 articles, we appreciate that there is still a long way to go until we will receive a substantive update. Could we please be informed when pertinent information emerges, and updated on the progress of the legislation.

As it will be some time before a final position is reached, we would like to remind you of the priorities for us. Please keep us informed of:

- Any progress towards an agreement on minimum standards for the use of Remote Electronic Monitoring, and its potential use for monitoring compliance with the landing obligation;
- Proposals on the monitoring of engine power that would address the UK's concerns around the targeting of this requirement;
- Your concerns over the requirements to track smaller vessels and require them to report their catches;
- The requirement to impose penalties;
- The impact of traceability requirements; and
- Requirements to log and record lost fishing gear.

Please provide an update on these issues and the other issues raised in this letter once progress has been made.

We have decided to retain this Proposal under scrutiny and look forward to receiving an update in due course.

24 October 2019

#### **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON MINIMUM REQUIREMENTS FOR WATER REUSE (9498/18)**

#### **Letter from the Chairman to Rebecca Pow MP, Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs**

Thank you for your predecessor's letter, dated 23 July, on the above Proposal, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

Thank you for directing us towards your statement to the House of Commons on this matter, and for your view that, as drafted, the Regulation offers a good degree of health and environmental protection. Do you have any insight into why Germany and Slovakia abstained in the Council vote?

We note your view that the current draft balances the need for clear roles and responsibilities with the ability for Member States to implement the Regulation in accordance with their national circumstances.

Thank you for clarifying that the European Parliament amendments do not seek to extend the scope of the Regulation. Please inform us of your view of the European Parliament amendments when you have considered them in more detail.

Please also keep us updated on any substantive changes proposed, and whether any concerns arise for the UK.

We have decided to retain this Proposal under scrutiny and look forward to receiving an update in due course.

24 October 2019

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING RULES ON SUPPORT FOR STRATEGIC PLANS TO BE DRAWN UP BY MEMBER STATES UNDER THE COMMON AGRICULTURAL POLICY (CAP STRATEGIC PLANS) AND FINANCED BY THE EUROPEAN AGRICULTURAL GUARANTEE FUND (EAGF) AND BY THE EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT (EAFRD) AND REPEALING REGULATION (EU) NO 1305/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND REGULATION (EU) NO 1307/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (9645/18)

COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT ACCOMPANYING THE DOCUMENT PROPOSALS FOR A - REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING RULES ON SUPPORT FOR STRATEGIC PLANS TO BE DRAWN UP BY MEMBER STATES UNDER THE COMMON AGRICULTURAL POLICY (CAP STRATEGIC PLANS) AND FINANCED BY THE EUROPEAN AGRICULTURAL GUARANTEE FUND (EAGF) AND BY THE EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT (EAFRD) AND REPEALING REGULATION (EU) NO 1305/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND REGULATION (EU) NO 1307/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE FINANCING, MANAGEMENT AND MONITORING OF THE COMMON AGRICULTURAL POLICY AND REPEALING REGULATION (EU) NO 1306/2013 - REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATIONS (EU) NO 1308/2013 ESTABLISHING A COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS (9646/18)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE FINANCING, MANAGEMENT AND MONITORING OF THE COMMON AGRICULTURAL POLICY AND REPEALING REGULATION (EU) NO 1306/2013 (9634/18)

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING REGULATIONS (EU) NO 1308/2013 ESTABLISHING A COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS, (EU) NO 1151/2012 ON QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS AND FOODSTUFFS, (EU) NO 251/2014 ON THE DEFINITION,

DESCRIPTION, PRESENTATION, LABELLING AND THE PROTECTION OF  
GEOGRAPHICAL INDICATIONS OF AROMATISED WINE PRODUCTS, (EU) NO  
228/2013 LAYING DOWN SPECIFIC MEASURES FOR AGRICULTURE IN THE  
OUTERMOST REGIONS OF THE UNION AND (EU) NO 229/2013 LAYING  
DOWN SPECIFIC MEASURES FOR AGRICULTURE IN FAVOUR OF THE  
SMALLER AEGEAN ISLANDS (9556/18)

**Letter to the Chairman from George Eustice MP, Minister of State, Department for  
Environment, Food and Rural Affairs**

Thank you for your letter of 5th September 2019. I am writing to provide you and your committee with a high-level update on the progress of the CAP Reform negotiations, and the UK's approach to these negotiations.

Since the Department's last CAP Reform correspondence with your Committee, the Finnish Presidency has taken over from the Romanian Presidency in coordinating the CAP Reform negotiations. Technical discussion of the proposals is ongoing in Working Parties, and the Presidency is proposing redrafted text in accordance with Member State feedback.

Former agriculture commissioner Phil Hogan, who was strongly associated with the CAP Reform proposals, has now been appointed as the European Union's trade commissioner. The new agriculture commissioner is Janusz Wojciechowski. Commissioner Wojciechowski is yet to pass substantive public comment on the proposals, but Commissioner Hogan has indicated that he does not expect his successor to make substantial changes to the Reform proposals.

In my last letter, I mentioned that the European Parliament's Committee on Agriculture and Rural Development, composed of new members following the Parliament elections earlier this year, may want to scrutinise these proposals again. However, on September 4th, the Committee decided to take forward the reports on CAP reform that were agreed by the Committee pre-election. This means that the European Parliamentary scrutiny process will continue from where it left off, rather than beginning anew, and first reading will now take place.

The Committee is no doubt aware that, as of the 1st September 2019, UK officials only attend EU meetings where the UK has a significant national interest in the outcome of discussions. The topics of such meetings would include topics such as UK exit, sovereignty, international relations, security, or finance. As the UK will not be implementing the next CAP, and will instead be pursuing our own ambitious domestic agriculture reform, the overwhelming majority of CAP-related meetings do not fit this criteria. The Government continues to review attendance on a case-by-case basis.

We are fully committed to the duty of sincere cooperation and the decision to reduce attendance at EU meetings is not intended to obstruct EU business. While we are preparing to leave the EU on 31st October, we do not wish to stand in the way of the conduct of EU business during our last few weeks in the EU. We have agreed to delegate our vote to Finland as they hold the Presidency of the EU, with instructions to abstain, or to cast our vote in favour if it would otherwise pass at EU27 in those situations where we are a swing vote.

*3 October 2019*

**Letter from the Chairman to George Eustice MP, Minister of State**

Thank you for your letter on the above Proposals, dated 3 October, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

Thank you for the update on the latest developments on CAP reform, and for your thoughts on what the change in presidency might mean going forward. Please keep us informed of any substantive reforms proposed.

We are grateful for the update on the scrutiny by the European Parliament's Committee on Agriculture and Rural Development. As scrutiny will continue from where it left off, please provide updates on any developments going forward.

Regarding attendance at EU meetings, we note your stance that the UK will have left the EU, will not implement the next CAP, and that therefore the CAP does not represent a “significant national interest” for the UK. The Committee regrets this decision, most immediately because of how uncertain the Brexit process currently appears. Will the UK resume attendance at these meetings if the UK’s departure is delayed beyond 31 October? We feel the decision is even more ill-considered because it is clearly in the UK’s interest to remain as informed as possible about the developments and possible changes to the CAP as these will still have significant implications for the UK, even outside of the EU. How do you plan to ensure that the Government stays informed of any potential changes to the CAP? Can you assure us that the information will not be of a lesser quality as a result of non-attendance?

Finally, we have several questions relating to CAP continuity in the context of Brexit. Until new legislation is agreed, UK farmers will not be able to apply for Countryside Stewardship Scheme funding (or its UK equivalent) beginning in 2021 when the application round opens in spring 2020. How do you intend to ensure that UK farmers do not lose access to this important source of funding and become disadvantaged compared to their EU counterparts? In addition, the Government has committed to providing the same cash total in funds for farm support until the end of this Parliament.<sup>3</sup> Please clarify what the arrangements will be if this Parliament ends in late 2019 or early 2020.

We are pleased to note that a voting arrangement has been made with Finland to ensure that the UK’s non-participation in meetings does not obstruct EU business.

We have decided to retain the Proposal under scrutiny. We look forward to a reply to this letter within 10 days.

*24 October 2019*

#### **Letter to the Chairman from George Eustice MP, Minister of State**

Thank you for your letter of 24 October 2019.

In response to your first set of questions, related to the UK Government’s attendance at CAP Reform meetings in Brussels and monitoring of the CAP Reform negotiations: as I explained in my previous letter, the Government is attending meetings where the UK has a significant national interest in the outcome of discussions – and we take those decisions on a case by case basis. I consider the information I currently receive from officials on the progress related to the CAP reform package to be proportionate to our position as a departing Member State which will not be implementing the next CAP. I will, of course, continue to provide you with any significant updates on the proposal. The most recent development is that on 31 October the Commission published a proposal to extend the current CAP by one year – i.e. up to the end of 2021. I will be writing separately to the Committee with an update on the progress of that proposal in due course.

In response to your second set of questions, relating to CAP continuity in the context of Brexit: to maintain continuity with previous years, we intend to lay a statutory instrument under the Environment Act 1995 in early 2020 to allow the application window for the 2021 Countryside Stewardship (CS) scheme to open in early 2020. The CS scheme applies in England and the Devolved Administrations are making their own arrangements to either extend agreements or open a new scheme later in the year.

As regards the funding for farm support, the Government has committed to provide the same cash totals in funds for farm support until the end of this Parliament. It will be for the new Government to determine future funding commitments

*4 November 2019*

#### **Letter from the Chairman to George Eustice MP, Minister of State**

Thank you for your letter on the above Proposals, dated 4 November 2019, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January 2020.

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<sup>3</sup> That commitment was made when this Parliament was expected to last until 2022

Thank you for updating us on the 31 October proposal to extend the current CAP by one year.

We are pleased to note that a Statutory Instrument (SI) will be laid in early 2020 to allow applications for the Countryside Stewardship (CS) scheme to open in early 2020. Please keep us informed of any progress or changes in plans on the laying of the SI. We note that the Devolved Administrations are making their own arrangement regarding CS and ask to be updated when they make a decision or implement alternative arrangements.

We note that you could only provide assurances on funding for farm support until the end of the last Parliament. Given the new Parliament is now sitting, could you tell us your plans regarding this funding as matter of urgency, particularly how much funding will be made available and for how long?

We have decided to retain the Proposal under scrutiny. We look forward to a reply to this letter within 10 days.

*16 January 2020*

#### **Letter to the Chairman from George Eustice MP, Minister of State**

Thank you for your letter of 16 January 2020 about the plans for future funding to farmers.

On 30 December 2019 the Chancellor announced £2,852 million of funding in the UK across financial years 2020/21 and 2021/22 for Direct Payments for 2020. This replaces funding from the European Union and will allow the funding for Direct Payments for 2020 to continue at the same level as 2019. It results from the fact that the 2020 Direct Payment scheme across the EU is funded from the next Multiannual Financial Framework, which means that in the UK the 2020 scheme will be funded domestically by the UK Government. Other farm support under the Common Agricultural Policy will continue to be funded by the EU during 2020.

The funding for Direct Payments for 2020 will be allocated between the four parts of the UK as follows:

- £1,751 million in 2020/21 and £92 million in 2021/22 for the Department for the Environment, Food and Rural Affairs;
- £449 million in 2020/21 and £24 million in 2021/22 for the Scottish Government;
- £231 million in 2020/21 and £12 million in 2021/22 for the Welsh Government; and
- £279 million in 2020/21 and £15 million in 2021/22 for the Northern Ireland administration.

This funding will be ring-fenced for Direct Payments and is based on an exchange rate of €1=£0.89092, the same rate as used for Direct Payments 2019. It is in addition to the £216.6 million of funding awarded since the Spending Round to support the farming sector in Scotland and Wales.

More broadly, the UK Government has provided more certainty going forward by guaranteeing the current annual budget to farmers in every year of this Parliament. The precise quantum under the commitment will be a decision for a future fiscal event.

*30 January 2020*

#### **PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION, ON BEHALF OF THE UNION, OF THE AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE EUROPEAN UNION AND SWITZERLAND IN CONNECTION WITH THE NEGOTIATIONS UNDER ARTICLE XXVIII OF THE GATT 1994 ON THE MODIFICATION OF SWITZERLAND'S WTO CONCESSIONS ON MEAT NOT FURTHER PREPARED THAN SEASONED (OTNYR) 40886**

#### **Letter from the Chairman to George Eustice MP, Minister of State, Department for Environment, Food and Rural Affairs**

Thank you for your Explanatory Memorandum (EM) on the above Decision, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January.

We are content to release these documents from scrutiny and close the correspondence.

*16 January 2020*

COURT OF AUDITORS SPECIAL REPORT NO. 2019 / 16: EUROPEAN  
ENVIRONMENTAL ECONOMIC ACCOUNTS: USEFULNESS FOR POLICYMAKERS CAN  
BE IMPROVED (UNNUMBERED) 40871

**Letter from the Chairman to Chloe Smith MP, Minister of State for the Cabinet Office**

Thank you for your Explanatory Memorandum (EM) on the above Report, which was considered by our Energy and Environment Sub-Committee at its meeting on 15 January 2020.

We were pleased to note that the Office for National Statistics (ONS) has consistently provided the EEEA with all the data it requires. We understand that the Commission then provides “methodological assistance” on this data so that Member States can improve their data quality. How important is this feedback to the ONS? Specifically, has the ONS implemented recommendations from the Commission in the past?

We would appreciate clarity on what will happen to the UK’s access and contribution after Brexit. Will the UK continue contributing to the EEEA, or an equivalent body? Could you please explain what the arrangement is for both if the UK leaves with an agreement at the end of December 2020, or without one?

Will the Government keep collecting the data after Brexit if it is not obliged to send it to the EEEA? Where would this data go, and how will its quality be assessed, if not by the Commission?

We have decided to retain this Report under scrutiny and look forward to a response in due course.

*16 January 2020*