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Dear Edward,

DEFRA AND DEVOLVED ADMINISTRATIONS MINISTERIAL MEETING

This letter updates the Committee on the key points from the Defra and Devolved Administrations Ministerial meetings held in London on 17 September and Cardiff on 19 November 2018.

At the meeting in London on 17 September, the Scottish Government was represented by the Cabinet Secretary for the Rural Economy and the Minister for Rural Affairs and the Natural Environment. Other attendees included: Michael Gove, Secretary of State for Environment, Food and Rural Affairs (in the chair), George Eustice, Minister of State for Agriculture, Fisheries and Food, Defra; David Rutley, Parliamentary Under Secretary of State, Defra; Lord Duncan, Parliamentary Under Secretary of State for Scotland and Northern Ireland, Mims Davies, Parliamentary Under Secretary of State, Wales Office and Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, Welsh Government. The Northern Ireland Executive was represented by officials.

The main items discussed were the UK Government Agriculture, Fisheries and Environment Bills; progress on common framework engagement; the intra-UK Common Agriculture Policy funding allocation review; timber passporting and the impacts of EU exit on forestry; and Geographical Indications (GIs).

At the meeting, we welcomed the copies of the draft UK Government Fisheries Bill that had been shared with the Scottish Government but noted our view that the Bill, as drafted, will have unacceptable impacts in relation to areas of devolved competence such as licensing. We also welcomed the further information received on the UK Government's intentions for an Environment Bill, and called for the sharing of draft clauses in relation to this as a matter of urgency, given the clearly devolved nature of the environment.

In relation to the Agriculture Bill, we again recorded our position that several clauses in the Bill engaged devolved competence and would, therefore, require legislative consent. We also sought reassurances that pledges about maintaining funding levels after EU exit made during the referendum campaign would be honoured, and also that existing hygiene and welfare standards for imports to the UK would be maintained after Brexit. In relation to the latter point, we agreed to draft a policy statement to that effect, which we would share and seek to agree with the other administrations.

On common frameworks, we noted the progress made by officials to date, but emphasised the need for further clarification from the UK Government about its intentions, particularly in relation to any frameworks it proposes should be put on a statutory basis.

As regards the intra-UK Common Agriculture Policy funding allocation review, we stressed the critical importance of this for Scottish stakeholders. We made clear our strong view that funding should be given to those for whom the EU intended it, with fairer allocations across the UK nations going forward; noting, however, that we would not seek a claw-back of funding already awarded. We also recorded that we had still not received the UK Government's proposals for revised Terms of Reference, and emphasised that we would not accept any revisions without seeing them, or those which the UK Government sought to make unilaterally.

On forestry, we took the opportunity to emphasise the importance of forestry and timber products to the economy of Scotland, and the UK as a whole. We noted the good progress with planting that had been made, but stressed the need for increased afforestation given the UK current reliance on timber imports. We also placed on record our thanks for the work undertaken on timber passporting under Lord Gardiner. While we welcomed the extension of funding guarantees to projects approved by the end of 2020, we noted that this still did not go far enough to reassure foresters, given the much longer timescales they worked to.

In relation to GIs, we stressed the importance of these to Scotland, most notably in relation to Scotch whisky, Scotch beef and Scottish salmon. We emphasised our wish for Scotland to play a positive part in the development of a new UK scheme and in the assessment of new applications; noting our belief that decision-making should be shared by all UK administrations, with such a partnership approach set out in legislation. We also signalled our strong wish for Scotland to have a clear role in relation to future trade deals, particularly, but not exclusively, where Scottish GIs were involved.

At the meeting in Cardiff on 19 November, the Scottish Government was represented by the Cabinet Secretary for the Environment and Climate Change. Other attendees included Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, Welsh Government (in the chair); Hannah Blythyn, Minister for Environment, Welsh Government; and for the UK Government, George Eustice, Minister of State for Agriculture, Fisheries and Food; Lord Duncan, Parliamentary Under Secretary of State for Scotland and Northern Ireland and Nigel Adams, Parliamentary Under Secretary of State at the Wales Office. The Northern Ireland Executive was represented by officials.

The main items discussed were intergovernmental arrangements, environment issues, domestic preparedness and legislation.

We considered future arrangements for intergovernmental working, being considered through the JMC (EN) review. We agreed that further work should be taken forward by officials on future principles for intergovernmental working, in line with this review. On frameworks, Ms Cunningham agreed that progress on common frameworks discussions should be deferred to the next meeting.

During discussion on domestic preparedness, Ms Cunningham stated there was a need for faster progress to agree governance arrangements, which must respect devolved competence. Ms Cunningham requested further advice from the UK Government on what work is underway on the protection of supply chains and maintaining frictionless access to import/ export markets. She also requested that Defra's approach to emergency contingency planning be communicated.

On environment issues, Ms Cunningham noted the need for rapid discussion on the legal and practical issues associated with the UK Government's draft Environment (Principles and Governance) Bill for Scotland, and once again asked for clarity from the UK Government on the reserved matters the Bill would cover.

Ms Cunningham confirmed that the Scottish Government intends to consult on environmental principles and governance shortly. The UK Government's Bill should not inhibit the development of effective, appropriate governance arrangements for Scotland. On the Fisheries Bill, Ms Cunningham noted there remained a concern about the quota allocation clauses and the impact these may have on devolved competence and advised there are also some omissions in the Bill identified by the Scottish Government.

On the Agriculture Bill, Ms Cunningham advised that the Scottish Government had still not received a full legal explanation from Defra as to why it considered certain clauses to be reserved. She confirmed the Scottish Government wishes to keep options open in terms of whether to take powers via Defra's Agriculture Bill, or to legislate in the Scottish Parliament. She also stated that it would be helpful if Westminster counterparts could help dispel unfounded concerns about whether Scotland's position on the Agriculture Bill created any risk to farm payments, which some stakeholders had wrongly claimed.

Ms Cunningham asked why aquaculture and fisheries had been bracketed together in the Withdrawal Agreement. This was a concerning development as it created a situation whereby two vital Scottish interests were at risk of being placed in conflicting positions in the negotiation of a fisheries agreement with the EU. There would need to be detailed engagement with the aquaculture sector as this was not currently part of the existing fisheries negotiating machinery.

On Statutory Instrument planning, Ms Cunningham commented that it would be useful to have an outline of the 'wash up' Statutory Instruments to support engagement with Scottish Parliament committees.

The next meeting is to be held in London on 14 January 2019.

We hope this summary is helpful. A letter to the Convener of the Environment, Climate Change and Land Reform Committee in similar terms has also been issued.

Yours,



ROSEANNA CUNNINGHAM



FERGUS EWING



MAIRI GOUGEON