Rt Hon Greg Clark MP
Secretary of State for Business, Energy and Industrial Strategy

25 October 2017

I am writing regarding the application of the “one in, three out” rule during and after our withdrawal from the European Union.

DEFRA recently laid an explanatory memorandum in respect of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. It says existing EU regulations to make required reductions in Fluorinated Greenhouse Gases up to 2030 will be incorporated into UK law. It says subsequent regulations to meet the 2036 target of an 85% reduction “may be subject to the ‘one in, three out rule’”.

This raises questions about the operation of “one in three out” that go beyond the memorandum in question. Could you please clarify the following points:

- Will “one in, three out” apply to regulations introduced under the EU Withdrawal Bill to transpose existing EU regulatory requirements into EU law?
- Will “one in, three out” apply to regulations introduced under the EU Withdrawal Bill to create new UK regulatory arrangements to replace EU arrangements – for example, to establish a UK chemicals authority – after leaving the EU or during any transitional period?
- Will our withdrawal from the European Union mean that “one in, three out” will apply to future regulations to meet international environmental agreements that would previously have been exempt as they transposed EU law?

I would be grateful for a response before the House begins its consideration in Committee of the EU Withdrawal Bill. I am copying this letter to Dr Thérèse Coffey, Parliamentary Under-Secretary at the Department for Environment, Food and Rural Affairs.

Yours sincerely,

Mary Creagh MP
Chair of the Environmental Audit Committee