



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 9 May 2013- 31 August 2013

AGRICULTURE, FISHERIES, ENVIRONMENT AND ENERGY

(SUB-COMMITTEE D)

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A 2030 FRAMEWORK FOR CLIMATE AND ENERGY POLICIES (8096/13)

**Letter from the Chairman to the Rt. Hon. Edward Davey MP, Secretary of State,
Department of Energy and Climate Change**

Your Explanatory Memorandum (EM) on the above Green Paper was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

As you will be aware, we published a report on 2 May that relates closely to the subject of the Green Paper. In sending our report to the Commission, we noted that it responds primarily to the Green Paper. We hope that our report will provide some inspiration to the Government in your response. In addition, we look forward with great interest to receipt of your response to our report within two months.

We were struck that the Green Paper lacked a detailed discussion of possible revision of the Emissions Trading System (ETS) which, unless it is abandoned, will be at the heart of any 2030 framework. While there was clearly some detailed discussion of the issues in the Commission’s 2012 Report on the Carbon Market, we consider it essential for discussion on the future of the ETS to take place in the context of this Green Paper. We would therefore urge you to put the ETS at the heart of your response. A successful ETS is pivotal to responding to many of the questions posed by the Commission.

The extent to which it is possible to deliver any long-term reform of the ETS was of course dealt a significant blow recently by the European Parliament’s rejection of the “backloading” proposal. We would welcome your view on that vote, its implications for the future of the ETS, the emerging discussion in Council following the vote and your strategy to influence the next vote in the European Parliament in June. Furthermore, we would welcome your analysis of the impact on UK business of failure to amend the ETS either in the short or long term given the introduction of a carbon floor price in the UK.

Understandably, you are still preparing your response to the Green Paper. In the past, the Government have indicated opposition to a 2030 renewables target. You will be aware from reading our report that we expressed support for such a target. The majority of evidence was clear that only a target can encourage the required investment. We would urge you to take this analysis into account when determining your position on that issue.

We would welcome a response to the ETS issues within 10 working days and we look forward subsequently to receipt of your response to the Green Paper. It would be helpful if you could indicate whether Council Conclusions are expected on the Paper or whether you expect the Commission to bring forward legislative proposals at the end of 2013 without any further formal endorsement from the Council. In the meantime, we shall retain the Green Paper under scrutiny.

16 May 2013

Letter from the Rt. Hon. Edward Davey MP to the Chairman

Thank you for your letter of 16 May, following the Explanatory Memorandum submitted on the recent Commission Green Paper on a 2030 Climate and Energy framework.

May I take this opportunity to welcome your Committee's recent report – "No Country is an Energy Island: Securing Investment for the EU's Future". I will be responding fully in due course.

The implications for the future of the ETS given the recent rejection in the European Parliament of "backloading".

The Government shares your disappointment at the vote in the European Parliament's Plenary on 16 April. I understand that the ENVI Committee will now discuss and vote on the proposals once more, and I hope that a positive outcome can still be achieved.

In parallel, I am keen for a renewed focus on the urgent need for structural reform. The UK has long argued for a move to tighten the EU ETS cap and supports cancellation of an ambitious volume of allowances as one way to bring this about. We are therefore still calling on the Commission to bring forward concrete legislative proposals for reform of the EU ETS by the end of this year; I co-signed a recent statement from nine European Environment Ministers to this effect.

THE EMERGING COUNCIL DISCUSSION ON ETS

In the meantime, discussions in the Council on the "back-loading" proposals continue, and the Irish Presidency have called for all Member States to form final positions on the proposals by the end of May. My officials are working closely with those Member States which have no official cross-Government position with a view to achieving a swift agreement on the proposals.

Our strategy to influence the next vote in the European Parliament

The European Parliament's ENVI Committee will vote again on the proposals on 19 June, followed by a July Plenary vote. Ahead of these dates, the UK Government is engaging vigorously with key MEPs who either abstained or voted against "back-loading" in April. We are co-ordinating our work closely with other Member States, industry and NGO groups to ensure that influence is leveraged where it will have most impact

THE IMPACT ON UK BUSINESS OF FAILURE TO AMEND THE ETS EITHER IN THE SHORT OR LONG TERM.

Without reform of the EU ETS, industry will lack the strong price signal to incentivise investment in low-carbon technologies and processes that the system should provide. This could increase the risk of "lock-in" to inefficient, high-carbon technologies and infrastructure, resulting in higher overall costs of meeting UK and EU climate change targets.

The UK needs significant new investment in low-carbon electricity generation over the coming decades. The carbon price floor will provide a strong signal to investors and an incentive for billions of pounds of new, low-carbon investment in our electricity infrastructure. Industry will benefit from the recent fall in EU ETS carbon prices, as the carbon price support rates for 2013/14 and 2014/15 were set as part of the 2011 and 2012 Budgets respectively.

For most businesses, direct energy costs are a relatively small proportion of their total business costs. In 2011, purchases of energy and water accounted for less than 3% of total costs for UK manufacturing. But, climate and energy policies can have a significant impact on costs for energy intensive industries, putting them at risk of carbon leakage. These industries are crucial to the growth of our economies, providing the raw materials and products for manufacturing, including the new renewables infrastructure.

The Government recognises the cumulative impact of energy and climate change policies on the most energy intensive industries and will continue to monitor the impacts of the carbon price floor. As the Government has repeatedly made clear, decarbonisation does not mean deindustrialisation. For this reason the Government announced in the Autumn Statement 2011 a £250m compensation package over the spending review, to help electricity intensive industries adjust to the low-carbon transformation while remaining competitive. The package is made up of:

- An increase in exemption from Climate Change Levy from 65% to 90% for those energy intensives signed up to Climate Change Agreements. This took effect on 1 April 2013.

- Compensation for indirect costs of the EU Emissions Trading Scheme (EU ETS) – i.e. increase in electricity costs arising from EU ETS. Guidance on how to apply for this was published on 20 May.
- Compensation for indirect costs of the Carbon Price Floor, subject to EU State Aid approval. More details of who will be eligible will be published later in the year.

The Chancellor also set out in the 2013 Budget that these compensation measures for Ells would continue in 2015-16; details will be announced at the next Spending Review. There will also be an exemption from the climate change levy (CCL) for metallurgical and mineralogical processes.

The Government has also made clear that energy intensive industries will be exempt from the costs of Contracts for Difference under Electricity Market Reform, subject to state aid approval. We will be consulting on eligibility for this shortly.

UK businesses will also benefit from:

- A further reduction in Corporation Tax to 20% by 2015, giving the UK the joint lowest rate in the G20 (and by far the lowest corporation tax rate in the G7)
- The introduction of a £2,000 per year Employment Allowance for businesses and charities from April 2014 to reduce their employment and NICs bill

A 2030 RENEWABLE ENERGY TARGET

As you may have seen in my recent statement (attached), the Government has now come to a position on an overall 2030 Climate and Energy framework. Consistent with our wish to be a global leader in tackling climate change we need to maintain the momentum towards a binding global climate agreement in 2015. That is why the UK will argue for an EU-wide binding emissions reductions target of 50% by 2030 in the context of an ambitious global climate deal and a unilateral EU 40% target without a global deal. This 2030 target is ambitious, but it is achievable and necessary if we are to limit climate change to manageable proportions.

We will of course need significant levels of renewable energy and other low carbon technologies to meet such an ambitious 2030 EU emissions target. The UK is committed to increasing renewables in our own domestic energy mix. The tripling of support available to low carbon electricity through the £7.6bn Levy Control Framework provides an immediate boost. And the radical reforms to the Electricity Market set out in the Energy Bill will incentivise renewables to 2020 and beyond, building the low-carbon economy we need to compete in the green global race.

But we want to maintain flexibility for Member States to determine the energy mix they use to meet this ambitious emissions target. There are a variety of options to decarbonise any country's economy. In the UK, our approach is technology neutral and our reforms will rely on the market and competition to determine the low carbon electricity mix. We will therefore oppose a Renewable Energy target at an EU level as inflexible and unnecessary.

COUNCIL CONCLUSIONS ON THE GREEN PAPER

At the recent European Council on 22 May, which focused partially on energy, Heads of Government welcomed the Commission's Green Paper on a 2030 framework and agreed to return to the issue in March 2014, after the Commission has come forward with more concrete proposals, in order to discuss policy options in the context of COP21 in 2015. I expect further work and potential proposals from the European Commission in advance of this date.

4 June 2013

Letter from the Chairman to the Rt. Hon. Edward Davey MP

Your letter of 4 June on the above Green Paper was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Thank you for your helpful and informative reply. We look forward to the Government's response to our recent EU energy policy report.

Regarding the future of the EU ETS and the European Parliament's initial rejection of the backloading proposal, we are pleased that you share our disappointment. In relation to the calls for all Member

States to form final positions on the backloading proposals by the end of May, we would be interested to know whether there is a majority of countries either in favour or against the proposals. In the meantime, we are supportive of the Government's strategy to influence the next vote in the European Parliament.

As you know, we recommended a substantial overhaul of the EU ETS in our recent report on EU energy policy. We are therefore also supportive of your focus on the need for structural reform and are pleased to hear of the recently co-signed statement calling on the Commission to bring forward legislative proposals for reform of the ETS by the end of 2013. We would be grateful to be kept updated on progress in this regard.

We are grateful to you for the helpful information your letter provides in relation to the impact on UK business of failure to amend the ETS (in either the short- or long-term). We note the Government's £250 million compensation package in support of energy-intensive industries, and we would appreciate an update on whether this package has been well-received and assisted in the way it was intended in due course. Your letter makes reference to future measures for energy-intensive industries, and so we will follow these with interest.

Since 1 April 2013, a carbon floor price has been in place in the United Kingdom. Are you able to comment yet on its impact thus far, particularly in terms of the effect on the competitiveness of UK industry? We are aware that certain industries are exempted from the floor price.

As regards a 2030 renewable energy target, you will be aware that we disagree. We trust that you will address this issue in greater depth in your response to our report and in the Government's formal response to the Commission's Green Paper, a copy of which we look forward to receiving in due course.

The Committee is pleased, on the other hand, that the Government are putting forth an ambitious target of an EU-wide binding emissions reduction of 50% in 2030 (in the context of an ambitious global climate deal) and a unilateral EU 40% target (without a global deal). We would be interested to know in due course whether there is much support (or opposition) across the Member States in relation to those targets proposed by the UK and what the emerging position appears to be as regards a 2030 renewables target.

We will continue to retain the Green Paper under scrutiny and look forward to your initial response relating to the emerging position in Council on the backloading proposal within 10 working days.

14 June 2013

Letter from the Rt. Hon. Edward Davey MP to the Chairman

Thank you for your letter of 14 June 2013 and your request for further information on the current Council position on the EU Emissions Trading System (EU ETS) backloading proposals. As you are aware, the UK supports backloading as a short-term measure to increase confidence and investment in the system whilst discussions around more permanent, longer-term structural reform take place.

The Council have held a number of discussions on backloading in Working Parties, the latest of which took place on 27 May. There is currently no Qualified Majority position on the proposals in the Council. We know that Poland, Greece and Cyprus will definitely vote against back-loading, and that Germany will abstain on any vote, at least until after their September elections. This means that almost all other Member States will need to vote in favour in order for a Qualified Majority to be achieved. Member States who have not yet come to a formal position are therefore key and we are in close dialogue with those countries to offer any support we can in helping them reach agreement to support the proposals.

There are now many positive views towards back-loading amongst Member States but often with certain conditions. Within this, there are two camps – those who want back-loading to lead to further structural reform (lead by the UK) and those who want back-loading to be a one-off, stand-alone intervention. It will be a challenge for the Presidency to reconcile these two points of view. In July the rotating Presidency of the Council will be taken up by Lithuania who have committed to holding another Working Party should the Plenary vote in favour of back-loading in the European Parliament on 3 July. A positive mandate in the Parliament may generate further movement in the Council. On 19 June the Parliament's ENVI Committee voted in favour of the proposals with some amendments. The Plenary vote in July will determine the European Parliament's position.

I will update you further following the outcome of the European Parliament plenary vote on 3 July and the Council Working Party later in July. I will respond to the other points which you raise in your letter in due course.

26 June 2013

Letter from the Chairman to the Rt. Hon. Edward Davey MP

Your letter of 26 June 2013 on the above Green Paper was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 3 July 2013.

Thank you for the helpful information you provide as regards the progress of the backloading proposal. We look forward to receiving further information and updates on the proposal and the other outstanding issues from our last letter of 13 June 2013. We similarly look forward to receiving a copy of the UK's response to the Commission's consultation.

We shall continue to retain the Green Paper under scrutiny and look forward to your response in due course.

4 July 2013

ACCESS TO GENETIC RESOURCES (14641/12)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs to the Chairman

Thank you for your letter of 30 November 2012. I am pleased to be able to provide the Committee with an update on progress made in negotiations to agree an EU Regulation to implement parts of the Nagoya Protocol. I am responding as the Duty Minister during Parliamentary recess.

Since our last exchange of letters the Council and the European Parliament have been considering the Commission's proposed Regulation of October 2012 in Working Groups and in the relevant Committees. We have achieved steady progress in the Council negotiations, and our concerns about several parts of the Regulation have been allayed.

Although the Parliament's Environment, Public Health and Food Safety Committee held its final hearing on compromise amendments on 4 July 2013, at that meeting the Committee did not grant its rapporteur a mandate to negotiate with the Council and Commission in trilogue. For this reason, the proposed Regulation will be discussed again at a plenary session, which is expected to take place in either September or October, before trilogue can begin and a final text can be agreed. There is considerable pressure to reach an agreement at first reading in light of the European Parliamentary elections taking place in May 2014.

Barring any further delays this timetable implies that the Regulation will be finalised by early 2014

UK ACTIVITIES

As outlined in Richard Benyon's letter dated 15 November 2012, Defra has sought to engage as widely as possible with UK stakeholders when preparing our negotiating positions. We have held three roundtable discussions, on 18 December 2012, 15 May 2013 and 16 July 2013, and a fourth is scheduled for September this year. Those contributing have included the Royal Botanical Gardens at Kew, Unilever, the Natural History Museum, GlaxoSmithKline and Aberystwyth University. Their insights and experiences were particularly helpful in understanding the potential impacts of the different proposals on UK users.

Alongside the independent research we commissioned in 2012 into the Protocol's potential impacts in the UK we have been developing an initial Impact Assessment (IA) for the Regulation which we will use to support our final negotiations alongside trilogue and our communications with Members of the European Parliament (MEPs). Given the variety of possible negotiation outcomes at this stage a comprehensive IA for each situation would be impractical. We are therefore assessing the financial and administrative impacts and compliance requirements of two alternative scenarios, building on the research carried out for us, on other data we hold relevant to the UK, and on the Commission's own IA. I will ensure that the details of this document are communicated to your Committee as soon as they become available.

We have kept abreast of the viewpoints of other Member States during Council Working Group negotiations and sought to build alliances, for example working with Austria and the Netherlands to ensure that those exchanges in the agricultural sector that are governed by the system established under the International Treaty on Plant Genetic Resources for Food and Agriculture will not be

impeded by the Regulation. As this Regulation will be decided under the Ordinary Legislative Procedure we have also been in communication with UK MEPs to share our opinions on the Commission's draft and on the amendments proposed by parliamentary committees. This has helped us to underline the issues raised by many of these proposals which might have been detrimental to EU businesses and perversely defeated the objectives of the Protocol.

POLICY DEVELOPMENTS

In the course of negotiations various proposals for amendments to the Commission's draft Regulation have been made both by the Member States in Council and by MEPs. Although discussions in Council now appear to be moving in a sensible direction, the UK remains concerned by many of the proposals still under consideration by the European Parliament.

We continue to support the Commission's proposed due diligence method of ensuring compliance by requiring European users to declare that they have complied with provider countries' access and benefit sharing regulatory frameworks of provider countries. The European Parliament has proposed adding additional points at which users would be required to make these declarations, and that all declarations should be supported by evidence. We will consider the balance between the greater transparency and increased potential burden these additional declarations could entail.

The due diligence approach has the support of users of genetic resources with whom we have consulted, which is not the case for the alternative prohibition approach supported by a minority of Member States (Denmark, Portugal, and Spain) and by the European Parliament. This would make the use of illegally acquired genetic resources a crime in the EU and would discourage rather than encourage the pursuit of new benefits from genetic resources, and for these reasons we cannot support it.

Additionally, we cannot accept the proposal from a European Parliament committee that the Regulation should apply retroactively to new and ongoing uses of genetic resources accessed before the Regulation entered into force, instead of newly-accessed resources only. This would discourage further research and development on existing collections.

The Commission's proposal suggests that where a contract concerning genetic resources also addresses traditional knowledge compliance should be assured under the Regulation. We regard matters relating to traditional knowledge to be Member State competences and are therefore continuing to seek to remove these from the regulation.

In your Committee's letter you referred to our concerns that the initial proposal for a scheme for 'trusted' or Registered Collections gave the Commission unnecessarily broad powers to remove individual collections from the register without input from Member States. We are exploring a solution whereby the Commission would only be able to de-register a collection after receiving from the relevant Member State a notification that remedial measures have not been successful and the collection no longer complies with the requirements for registered status.

Finally, we are still concerned that the proposed Union Platform on Access risks unnecessarily encroaching on Member States' continued competence over access to genetic resources. We believe establishing the platform separately, outside the text of the Regulation, would be a means of avoiding this.

28 August 2013

AGRICULTURE & FISHERIES COUNCIL: 13 - 14 MAY 2013

Letter from the Rt. Hon. Owen Paterson MP, Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

I attended the Agriculture and Fisheries Council on 13 and 14 May in Brussels. I was accompanied by my honourable friend the Parliamentary Under-Secretary for Natural Environment, Water and Rural Affairs (Richard Benyon), who represented the UK on fisheries issues. Alun Davies AM, Michelle O'Neil and Richard Lochhead MSP also attended.

The Presidency focussed discussion on three provisions in the proposed Direct Payments regulation which had been covered in recent trilogue discussions: active farmers, young farmers and the small farmer scheme. On all three issues the main question was whether the provision should be mandatory or voluntary. There was general support for sticking to the Council position agreed in March, which was that all three should be voluntary. I also underlined the need for any CAP deal to accurately reflect the February European Council agreement on the Multi-Annual Financial

Framework. The Irish Presidency will continue negotiations over the coming weeks with the ambition of achieving a political agreement at the June Agriculture Council.

On fisheries business, the Presidency summarised progress in trilogues with the European Parliament on the Common Market Organisation (CMO) dossier, with a deal likely to be finalised imminently.

The main business at this Council was the agreement of a revised mandate for further trilogue discussion on the basic Common Fisheries Policy (CFP) regulation. After a lengthy negotiation through the night, a revised mandate was agreed. This mandate addresses the UK's priorities for the reform, with provisions to:

- Progressively eliminate discards, with binding timelines for discard bans (pelagic fisheries from 2015, other fisheries from 2016), and improved text on the practical measures to support this.
- Decentralise decision making away from Brussels, with a process that allows Member States to work together to agree the detailed measures that are appropriate to their shared fisheries.
- Fish more sustainably, with legally binding requirements to set fishing rates at sustainable levels.

The mandate moves the Council closer towards the Parliament's position, providing a basis to reach an agreement on the dossier in the coming weeks. Trilogue discussions between the European Parliament, Commission and Presidency will continue over the coming weeks with the aim of reaching final agreement on the dossier.

ANY OTHER BUSINESS ITEMS ORGANISATION FOR VINE AND WINE (OIV)

The Council rejected a draft Council Decision on the positions to be adopted by EU members of the International Organisation for Vine and Wine (OIV) on certain resolutions at the annual meeting in June 2013. There was no qualified majority in favour of this position. A number of Member States including the UK opposed on the grounds that the proposed legal basis of the decision was inappropriate for negotiations on international decisions which did not have direct legal effect.

TOBACCO PRODUCTS DIRECTIVE

Greece raised the proposed Tobacco Products Directive and its view on potentially negative impact on EU agriculture and the possible increase in illicit tobacco product imports. A small number of Member States supported their concerns.

Global Oceans Action Summit

Netherlands introduced an initiative on Blue Growth and Food Security, highlighting a conference in The Hague in September.

MACKEREL

UK introduced an item on North East Atlantic Mackerel, seeking an update from the Commission on the steps being taken to resolve the ongoing dispute with Iceland and Faroes over management of this stock. The Commissioner outlined the ongoing communication with both countries, and the preparatory work to consider trade sanctions should these prove necessary.

22 May 2013

AGRICULTURE AND FISHERIES COUNCIL – 15 JULY 2015

Letter from the Rt. Hon. Owen Paterson MP, Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

I represented the UK at the Agriculture and Fisheries Council on 15 July in Brussels. Paul Wheelhouse MSP also attended. Richard Benyon wrote to you separately about the EMFF negotiations, so this letter does not cover those discussions.

This was the first Agriculture and Fisheries Council under the Lithuanian Presidency and they took the opportunity to present their work programme for the next six months. They hope to finalise the legislative process on CAP Reform following political agreement in June and also secure agreement on the transitional regulation to apply in 2014. They propose to launch discussions on a number of Commission legislative proposals, covering the fruit and vegetables regime, EU promotion measures, spirit drinks and school schemes. The Presidency also hopes to drive forward the discussions on the animal and plant health package.

AGRICULTURE ITEMS

The package of recently agreed CAP reform proposals was the main agriculture item. In the final trilogue with the European Parliament under the Irish Presidency political agreement was reached on the CAP package except for those elements which relate to the Multi Annual Financial Framework (MFF) agreed by Heads of Government at European Council in February. The representatives of the European Parliament wanted to leave these open until after the MFF was agreed. The Council was adamant that there was no further room for negotiation on CAP reform beyond the deal secured at June Agriculture Council. I joined fifteen other Member States in making clear to the Lithuanian Presidency that the June Council mandate was final and that the Presidency should resist any attempt by the European Parliament to reopen negotiations on the MFF aspects of the regulations. The Presidency noted the interventions and stated that they would hold informal talks with the European Parliament.

There were five agricultural Any Other Business points:

FOOD WASTE

Hungary presented a paper which called on the Commission to make recommendations on how to tackle food waste. Fourteen other Member States indicated support. The Commission indicated that food waste was a key element of their Communication on Sustainable Food.

OUTBREAK OF NEWCASTLE DISEASE IN CYPRUS

Cyprus outlined the impact of Newcastle disease in commercial and non-commercial poultry flocks since June this year. There had been a drop in consumer confidence which had impacted on an already declining industry. The industry required assistance. The Commission responded by outlining the standard assistance available for such outbreaks and asking for a detailed assessment of the losses in Cyprus.

LABELLING OF MEAT FROM ANIMALS SLAUGHTERED WITHOUT STUNNING

The Netherlands urged the Commission to launch their promised study into the provision of consumer information on the stunning of animals prior to slaughter. The Commission reminded Council that EU legislation provides for slaughter without stunning but only for religious purposes. They acknowledged the demand for transparency in this area and confirmed that the study was expected to report in early 2014.

MISLABELLING OF BEEF PRODUCTS (HORSEMEAT AND FOOD FRAUD)

The Commission commended Member States for actions taken to restore consumer confidence following the discovery of horsemeat in products labelled as beef earlier in the year. They provided a progress report on their five-point action plan on food fraud. There were a wide range of interventions, led by the UK, all of which were generally supportive of the five-point plan.

I intervened to stress the need for: further EU wide testing; an appropriate legal base for any harmonised sanctions or penalties; a sensible approach to sequencing of actions to improve horse passport systems; and making best use of current systems rather than inventing new ones. France and Italy raised country of origin labelling, while Poland and Romania emphasised the need to avoid accusing businesses in such cases before facts were established. In response to a question from Ireland, the Commission advised that they had written to Mexico and Canada seeking guarantees around controls on horses being shipped from the USA to the EU for food production.

RE-EVALUATION BY THE EUROPEAN FOOD SAFETY AUTHORITY OF THE PESTICIDE FIPRONIL

The Netherlands, with support from five other Member States, called for the removal of the pesticide fipronil from the market in light of concerns that it might have an adverse effect on bees. I and others expressed concerns about the lack of field evidence. The Commission defended the risk management response and advised that the Standing Committee on the Food Chain and Animal Health was currently considering the Commission's proposal to suspend use.

FISHERIES ITEMS

FISHING OPPORTUNITIES FOR 2014

The Commission presented their Communication on Fishing Opportunities for 2014. In setting Total Allowable Catches (TACs) and Quotas for 2014 the Commission would be focussing on respecting Long Term Management Plans (LTMPs). Additionally, a strong emphasis was given by the Commission to the increasing number of stocks at Maximum Sustainable Yield (MSY). Eighteen Ministers spoke generally welcoming the approach though several delegations were concerned about moving to MSY by 2015. The UK and others argued that when there was a lack of clear science then a case by case approach was sensible. The UK also set out its initial thoughts on priorities for fishing opportunities in 2014, including pressing for a continuation of the cod plan effort freeze.

There was one fisheries Any Other Business point.

NORTH EAST ATLANTIC MACKEREL MANAGEMENT AND TRADE SANCTIONS

The UK, Ireland, Spain and France, pressed the Commission for an update on mackerel following their meeting with the Icelandic Fisheries Minister on 6 June. In the absence of any progress in moving towards a negotiated settlement, it would be necessary to use trade measures against Iceland and the Faroe Islands. Malta, the Netherlands and Portugal supported these points. However, Denmark, Estonia, Sweden and Finland argued that all available channels should be exhausted before trade measures were considered.

The Commission said they had begun to implement the trade measures against the Faroes in relation to herring. A draft proposal has now been issued by the Commission.

2 August 2013

ANIMAL CLONING FOR FOOD PRODUCTION (15277/10)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to provide your Committee with an update on the EU dossier on animal cloning for food production, which is now being handled separately to the Novel Foods dossier. This letter also provides comments on the Farm Animal Welfare Committee (FAWC) short report Opinion on the welfare implications of breeding and breeding technologies in commercial livestock agriculture that was published on 21 November 2012.

ANIMAL CLONING FOR FOOD PRODUCTION

As you are aware, a previous attempt by the EU to legislate on animal cloning stalled in 2011. Animal cloning is a highly contentious topic within the EU and the Commission remains under considerable pressure from the European Parliament to propose new legislation. There has, however, been little visible progress on the dossier over the last 12 months to formally update the Committees on, and while animal cloning appears on the Commission's Work Programme for 2013, it is still not clear when a proposal might be published and what measures it will contain. Indeed, Commissioner Borg recently hinted that there may not be a cloning proposal before European elections in 2014. The European Parliament responded by blocking the Bovine Electronic Identification proposal through their refusal to agree to any compromise that did not include the cloning amendments that they had inserted in lieu of a standalone cloning proposal. The Commission is working to see if a statement reassuring the EP that a cloning proposal will be forthcoming would be enough for the EP to remove those amendments in the bovine EID dossier.

The European Parliament therefore appears to remain resolute in seeking an outright ban on animal cloning in the EU and the labelling of food from clones, their direct offspring and future descendants.

Such measures would place large regulatory burdens on farmers and food producers, and impose a significant cost on taxpayers in terms of building new systems and enforcing the rules. There would also be impacts on the UK science and innovation base, and on international trade. Cloning has the potential, for example, to affect progress on the EU-US Transatlantic Trade and Investment Partnership deal.

The UK position on animal cloning for food production remains the same as in 2011: we are against further EU regulation. There is no scientific justification, in our view, for further controls on clones, the offspring of clones or for an outright ban on the cloning technique. Not least, a ban would stifle an emerging technology with the potential to deliver wider benefits. We believe that the existing regulatory controls are entirely appropriate in being limited to pre-market approval of food from cloned animals themselves.

FARM ANIMAL WELFARE COMMITTEE 2012 REPORT

Turning to the 2012 FAWC short report Opinion on the welfare implications of breeding and breeding technologies in commercial livestock agriculture, we firstly welcome this report from the expert committee on farm animal welfare of Defra and the Devolved Administrations in Scotland and Wales. The report was commissioned by Government and looks across all the selective breeding technologies in use in commercial agriculture, including cloning.

The 2012 FAWC report does not make any specific recommendations in relation to animal cloning. It does, however, conclude that cloning is unlikely to become a routine way of producing livestock (given that it is still costly and inefficient), and notes that consumers will be unable to exercise choice for as long as cloned products are not required to be labelled.

The report cites a 2012 letter from FAWC to Defra Ministers on the welfare implications of the cloning technique. FAWC summarised these as being the compromised welfare of surrogate dams carrying clone offspring; the high number of failed pregnancies; and adverse effects on the welfare of a significant proportion of the clones themselves.

The UK position is that the welfare of all farmed animals, including donor animals, surrogate mothers and the clones themselves, is protected through a combination of EU and national legislation: the Animal Welfare Act 2006 and the Welfare of Farmed Animals (England) Regulations 2007 (which implements the EU Framework Directive 1998/58/EC). Our assessment is that FAWC report does not contain any new evidence that changes this position. As you are aware, the UK has among the highest standards of animal welfare in the world, and the Government sees the promotion of animal welfare standards across all areas of agricultural activity as essential to the long-term sustainability of the farming sector.

FAWC expressed concern in a 2004 report that farm breeding techniques were increasingly focused towards addressing commercial pressures at the expense of animal welfare. We are pleased to see that the 2012 report notes that this situation has improved, with breeding goals often now including non-production outcomes (such as disease resistance and fitness) which can enhance animal welfare. This is a useful reminder that breeding technologies, including cloning, have the potential to either compromise, or improve, animal welfare depending on how they are applied. Like FAWC, we are keen to see continued progress along these lines.

Finally, and picking up on the labelling point made in the FAWC report, the UK remains opposed to traceability systems for the offspring and descendants of cloned animals. The mandatory labelling of food products derived from an animal with a clone in its ancestry would be impractical and unenforceable: there is no test that can distinguish foods containing either cloned animals, the offspring or descendants of clones. Tracing would also place large regulatory burdens on farmers and food producers. Our view is science-led. There are no welfare issues for the offspring and descendants of clones, where they are bred using conventional techniques; nor any scientific evidence of any harmful effects on human health from food produced from healthy cloned animals. Not least, these systems could not deal with imported food or food derived from descendants of cloned animals that are already present in the EU. Therefore, the cost of introducing these systems could simply not be justified.

The UK view remains that the regulation of animal cloning for food production should be based on the best available evidence, should be proportionate, enforceable and compatible with world trade rules. We await the Commission's next steps with interest and will update you on further developments.

20 June 2013

Letter from the Chairman to David Heath MP

Your letter of 20 June 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 3 July 2013.

Your summary of the progress on this matter in the European institutions is helpful, including the possibility that the Commission may not table a proposal before the European Parliament elections in 2014. We would observe that this issue is important, though, in the wider context of negotiations on a Transatlantic Trade and Investment Partnership between the EU and the US. Your views on the potential impact of this debate on that negotiation would be helpful, and whether it points to the need for an injection of urgency at the EU level.

We were keen to receive the Government's analysis of the Farm Animal Welfare Committee Opinion on the welfare implications of breeding and breeding technologies in commercial livestock agriculture. As you observe, the FAWC report does not make any specific recommendations in relation to animal cloning, although it makes reference to a letter in April 2012 to Defra Ministers on the welfare implications of the cloning technique.

It seems that the information remains somewhat uncertain on the welfare implications of cloning. We note that the April 2012 letter did highlight negative animal welfare implications. You were pleased to see that the FAWC report noted that breeding goals often now include non-production outcomes, which can enhance welfare. We would welcome a clear analysis from you on how the animal welfare risks highlighted by FAWC balance against the benefits that you mention. An indication from you of the precise nature of those benefits would be helpful.

We agree that the regulation of animal cloning for food production should be based on the best available evidence, but we would add that any progress on this issue needs to be accompanied by public debate. As the FAWC report observes, a new way to inform the public and encourage societal debate is required. While the report extends beyond cloning, the observation clearly applies not only to cloning technologies but to public awareness about the import of products produced from the offspring of cloned animals.

We would welcome your view on whether a new way to inform the public and encourage societal debate on this issue is required.

At this stage, we are content to release the Report from scrutiny, but look forward to your response to the above point within 10 working days.

4 July 2013

Letter from David Heath MP to the Chairman

Thank you for your letter of 4 July. Before turning to the points raised in your letter, I am pleased to be able to provide an update on the likely timing of a Commission proposal on animal cloning for food production. My letter of 20 June noted the possibility that the Commission might not table a proposal this side of European elections in 2014. However, on 17 June 2013 Commissioner Borg wrote to Mr Matthias Groote, Chair of the European Parliament's Committee on the Environment, Public Health and Food Safety. Commissioner Borg's letter forms part of a package of measures to unblock the bovine electronic identification dossier, and sets out a commitment to the European Parliament on the timing of a cloning proposal as follows:

"The Commission confirms that in line with its 2013 working programme, it is working on the impact assessment in order to finalise and adopt a stand-alone legislative proposal on all aspects of cloning for food production in the current year, while considering that any legal provisions on this issue should be carefully thought through from a legal point of view."

On this basis, we are expecting a Commission proposal on animal cloning for food production by the end of 2013.

ANIMAL CLONING AND THE TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

Your letter asks about the impact of the cloning debate on the Transatlantic Trade and Investment Partnership (TTIP) negotiations. As you are probably aware, the TTIP is the top UK trade Government priority. A successfully concluded negotiation would bring substantial financial gains to both the EU and US economies by tackling the most pressing issues that businesses have to contend with when trading and investing across the Atlantic. For the UK this could generate up to £10 billion for UK GDP per annum. Whilst the key UK benefits are likely to lie in the non-agricultural sectors,

the TTIP includes a number of sensitive agricultural issues including, but not limited to, animal cloning which could potentially feature in the negotiations.

Ahead of the launch of the TTIP talks, a US-EU High Level Working Group on Jobs and Growth was set up to identify areas and measures to support increased US-EU trade and investment through dialogue with the public and private sectors. The final report of the Group was published in February 2013. The Group recommended an ambitious chapter on bilateral feed safety, animal health and plant health issues (the so-called sanitary and phytosanitary or SPS issues, which include animal cloning), including the establishment of an on-going mechanism for improved dialogue and cooperation on these issues, taking into account the priorities of either side and their respective institutional frameworks. The Group also recommended that this chapter should seek to build upon the key principles of the World Trade Organization (WTO) SPS agreement on such matters, including the requirements that each side's SPS measures be based on science and on international standards or scientific risk assessments, applied only to the extent necessary to protect human, animal, or plant life or health, and developed in a transparent manner, without undue delay.

Meanwhile, the European Parliament's Resolution on EU trade and investment negotiations with the United States of America (May 2013) notes the sensitivity of certain fields of negotiations, such as genetically modified organisms (GMOs) and cloning. It goes on to acknowledge the importance of enhanced cooperation with the US in the area of agriculture trade, whilst stressing that any deal must not undermine the fundamental values of either side; for example the use of the precautionary principle in the EU.

The first round of TTIP negotiations, to sketch out the parameters for the deal, is now underway. Further negotiating rounds will take place later in the year, when it is expected that more substantive issues will be discussed.

FARM ANIMAL WELFARE COMMITTEE 2012 REPORT

Your letter asks for an analysis of how the risks to animal welfare identified in the FAWC report balance against the welfare benefits that could be derived through commercial application of the cloning technique. Animal cloning is still a developing technology. While cloning is carried out commercially in the US and Brazil, for example, there are no companies carrying out commercial animal cloning in the UK so far as we are aware; nor have any applications been received within the EU for the pre-market authorisation of any food products (milk or meat) derived from cloned animals. It is therefore too early to assess the full range of benefits - including the welfare benefits - that animal cloning might deliver. These will depend on a number of factors, not least developments in the cloning technique itself and the degree of uptake of the technology by commercial breeding companies.

I would reiterate that there is EU and domestic legislation already in place to protect all farmed animals, including donor animals, surrogate mothers and the clones themselves from foreseen and unforeseen welfare risks. The potential benefits of cloning, which as I have explained are hard to predict or quantify at this early stage in the commercial application of the technology, sit separately to this.

Your letter asks for examples of the specific welfare benefits that can be achieved through the incorporation of welfare outcomes into genetic breeding programmes. For reasons of commercial confidentiality, breeding companies do not tend to publish the results of such studies. However, it is clear that there has been a shift towards more balanced breeding programmes incorporating health and welfare traits. The links below will direct you to a number of studies and organisations that examine these benefits and acknowledge opportunities for the future. Although the scientific studies focus on specific species, the underlying principles will apply to breeding programmes for any species.

Primary broiler breeding--striking a balance between economic and well-being traits
<http://www.ncbi.nlm.nih.gov/pubmed/20308417>

Breeding and animal welfare: practical and theoretical advantages of multi-trait selection
<http://www.ingentaconnect.com/content/ufaw/aw/2004/00000013/A00101s1/art00029>

Breeding for better welfare: genetic goals for broiler chickens and their parents
<http://users.ox.ac.uk/~snikwad/resources/GeneticsAW.pdf>

European Forum of Farm Animal Breeders: Balanced sustainable animal breeding
<http://www.effab.org/Breedingis/BalancedSustainableAnimalBreeding.aspx>

"Balanced breeding is vital," Aviagen tells WPS

<http://en.aviagen.com/balanced-breeding-is-vital-aviagen-tells-wpsa>

Turning to the final point in your letter, the Government will play its part in fostering an informed discussion around emerging technologies, including animal cloning. This needs to be fair and open, taking proper account of the evidence on both the potential benefits and any concerns that people may have. Everyone has a role to play in this debate, including consumers, farmers, food producers, retailers, the media, civic society and scientists.

16 July 2013

Letter from the Chairman to David Heath MP

Your letter of 16 July 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

Thank you for your helpful and informative letter.

We understand that a proposal on animal cloning for food production is expected from the Commission, but that you did not initially expect this until after the European elections in 2014. We are grateful, therefore, for sight of the letter from Commissioner Borg suggesting that a proposal will be expected by the end of 2013.

Such a proposal would of course come forward to the Committee for scrutiny, and you may also be interested to note that our Sub-Committee on External Affairs is considering launching an inquiry into the EU-US Transatlantic Trade and Investment Partnership. This would include consideration of both phytosanitary and agricultural issues.

We are now content to mark this strand of correspondence as closed.

25 July 2013

ANIMAL HEALTH (9468/13)

Letter from the Chairman to Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Unfortunately, we found your EM on this dossier to be inadequate in relation to the subject matter and policy implications. That is, we were very disappointed by the lack of detail and substance provided for both. On the subject matter, for example, there appeared to be greater detail on the wider context of this proposal being one out of a package of five, as opposed to the content of the specific proposal at hand.

Similarly, little detail is provided on the policy implications, and the views and opinions of Government on the specifics of the proposal. We would therefore be grateful for a more detailed analysis of the Government's views of this proposal, as well as confirmation that your department will endeavour to produce higher quality EMs in the future that provide more detailed analysis. Please include comment on any links that you may have identified between this proposal and legislation on animal welfare, including control and enforcement.

In terms of the concerns you do raise – in relation to the proposed use of delegated and implementing acts – the Committee would appreciate information regarding whether the Commission has produced any further details on their use (and if not, when might they be likely to), whether any other Member States support the UK in their concerns, and whether these views have been communicated to the Commission.

We will retain the proposal under scrutiny and look forward to a response within 10 working days.

20 June 2013

Letter from David Heath MP to the Chairman

Thank you for your letter of 20 June 2013 addressed to Lord de Mauley about the Explanatory Memorandum (EM) of 22 May for the proposed Animal Health Regulation. I am replying as the Minister responsible for this policy area.

I'm sorry that you were unhappy with the EM provided. Given the complexity of this proposed piece of legislation, the anticipated timescale before any agreement is likely to be reached and the fact it is intended to be a framework document largely setting out the principles under which animal health legislation is made, we considered a similarly high-level initial EM, to be supplemented by updates as more details emerge, to be appropriate in this context. The proposal is intended to be an overarching framework under which more detailed legislation contained within Delegated and Implementing Acts will sit; these pieces of tertiary legislation will not be drafted by the European Commission for some considerable time, which makes a full assessment of the policy implications of the proposed Regulation impossible at this stage. I hope however that the supplementary information contained in, and annexed to [not printed], this letter will go some way towards meeting your expectations.

You will find in the Annex a [not printed] breakdown of the proposal into its seven constituent parts. For each part, we have included the Commission's own description of the proposed scope and effect of the Regulation followed by our initial assessment of the potential impacts of that part of the proposal, including indications of where this remains unclear. As more detail emerges, we will continue to work closely with Commission officials, experts across the Defra animal health directorates and delivery agencies, industry and civil society groups and colleagues in the devolved administrations in order to identify areas where the proposed Regulation has potential implications for Government policy. I think it is worth pointing out that the Regulation (and its associated Acts) is intended to replace a plethora of outdated and sometimes inconsistent pieces of European legislation, over thirty of which are currently applicable in the UK; these are listed in the annex [not printed]. This represents a good news story for better regulation and is a goal that the government supports although it is also worth noting that the Commission themselves have described this proposal as 'evolution, not revolution'.

You specifically ask about the links to animal welfare. Although the effective control of disease naturally has implications for animal welfare, there is no attempt within the current draft Regulation to affect the regime in this area. We are aware that the Commission are currently considering a review of the legislation in the field of animal welfare, along similar lines to the current review of the animal health legislation, which will bring that legislation in line with the Lisbon Treaty and with the framework Regulation on Official Controls, which is being reviewed as part of the current package. We are not aware of any of the details of what that review may contain at this stage.

As indicated in our initial EM, a significant amount of the uncertainty surrounding the impacts of the proposal results from the extent to which the Commission anticipate using Delegated and Implementing Acts to provide detailed provisions in almost all of the areas covered by the draft Regulation. In this regard, in line with the UK's approach with other EU proposals based on co-decision and post-Lisbon, we will be negotiating to determine that the split of powers is appropriate on a case by case basis.

The Commission have indicated that for the most part these pieces of tertiary legislation will reflect the provisions contained within the existing legislation that will be repealed. Clearly we will need to scrutinise each piece of tertiary legislation as it is adopted in order to make sure that this is indeed the case or that any changes being introduced are welcome. The Commission have agreed to work on a number of the most significant pieces of tertiary legislation (to be identified by the Chief Veterinary Officers of the Member States) during the period of negotiations on the parent Regulation. This should mean that we will develop a picture of how these empowerments are intended to be used before any political agreement on the main Regulation is reached. The remaining tertiary acts will be settled during the three year transition period following adoption of the primary legislation.

We are aware from informal discussions that the majority of other Member States share the UK's concerns about the use of empowerments. The UK has been proactive in raising these concerns with the Commission, who acknowledge that they will have to work closely with the Member States and the European Parliament on this.

Another source of uncertainty over the impacts of the proposed Regulation is the design and application of a tool which will use scientific information relating to the nature and impact of over a hundred different diseases, to categorise them according to the types of provisions that will apply within the new Regulation. It is possible that some diseases that have not previously been subject to EU-level legislation in certain respects will come within scope of provisions within the proposed Regulation. One possible example of this is rabies, where our current control strategy is not informed by EU legislation. These kinds of impacts will only become apparent as work continues on the disease categorisation tool. We, along with several other Member States, have made it clear to the Commission that we consider clarity on this to be fundamental to reaching agreement on the proposed Regulation and they in turn have indicated that they expect to be able to share more details in the autumn on how this very important aspect of the proposed Regulation will be taken forward.

I am aware that my officials are providing an informal factual briefing for you this week on the package within which the Animal Health Regulation sits, which I hope will be helpful. I will be keeping your committee regularly updated on progress with this proposal but trust in the meantime that this additional information is useful to you and your members.

1 July 2013

Letter from the Chairman to David Heath MP

Your letter of 1 July 2013 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

Thank you for your helpful and informative response. We are also grateful to your officials who briefed our Committee on Wednesday 26 June on this Proposal, in conjunction with three other related dossiers under the Commission's Animal and Plant Health package.

We are furthermore grateful to you for the additional detail and information provided as regards this proposal, which has certainly filled the gaps within the EM.

Our overarching concern across the entire package is to ensure that the strategic aim of simplification and delivering a safe environment does not become lost during the negotiation of detail. This is particularly important against the backdrop of negotiations on the trade and investment partnership with the USA.

In your letter you comment on the use of delegated and implementing acts, noting that the majority of other Member States share similar concerns with the UK. A clear danger is that simplification of the framework legislation will simply lead to the displacement of detail in a myriad of new, tertiary legislation. An abundance of such legislation must obviously be avoided. We look forward to you keeping us updated on that aspect of the Regulation.

Regarding animal welfare, whilst this Proposal specifically does not apply to animal welfare, we note that the Regulation on official controls (EM: 9464/13) does. One piece of legislation on which there will be an impact is the live animal transport Regulation. We would urge the Government, therefore, to be mindful of this and be vigilant when considering these Proposals.

We look forward to an update on the negotiations in the autumn. In the meantime, we will retain the Proposal under scrutiny and look forward to a response in due course.

11 July 2013

ANIMAL TESTING AND MARKETING BAN IN THE FIELD OF COSMETICS (7762/13)

Letter from Jo Swinson MP, Minister for Employment Relations and Consumer Affairs, Department for Business, Innovation and Skills to the Chairman

Thank you for your letter of 25 April. We note the point raised about subsidiarity, and wish to reassure the Committee that subsidiarity issues are considered for suggested policy initiatives in this field.

The lead expert in the European Commission has confirmed it that although it has received some requests for clarification of a technical nature, there have been no objections from Member States.

The Platform of European Market Surveillance Authorities for Cosmetics (PEMSAC), an informal permanent group on which UK representatives sit, will be used to ensure that the appropriate and effective mechanisms are put into place in order to counter the potential risks of abuse in the application of the testing and the marketing ban.

13 May 2013

Letter from the Chairman to Jo Swinson MP

Your letter of 13 May 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for your reply regarding our concerns surrounding subsidiarity, and are pleased to note that there have been no objections from other Member States.

Please consider this strand of correspondence as closed.

22 May 2013

BALANCE OF COMPETENCES REVIEW: LAUNCH OF CALL FOR EVIDENCE

Letter from the Rt. Hon. Owen Paterson MP, Secretary of State, Department for Environment, Food and Rural Affairs and from Rt. Hon. Edward Davey MP, Secretary of State, Department of Energy and Climate Change, to the Chairman

We are writing to you regarding the Review of the Balance of Competences launched by the Foreign Secretary in July 2012, as part of the commitment in the Government's Coalition Agreement to examine the balance of competences between the UK and the European Union. Phase two of that review is now underway, and the Department for Environment, Food and Rural Affairs and the Department for Energy and Climate Change are about to conduct a review of the application and effect of the EU's competence in the areas of environment and climate change.

The call for evidence is being launched today and a large number of interested parties are being invited to respond. We would like to extend an invitation to your Committee to present your own submissions to the call for evidence (attached) [not printed], which sets out the scope of the report and includes a broad set of questions on which we ask contributors to focus. The deadline for submissions is August 2013.

The Environment and Climate Change report is due to be completed by the end of 2013. It is intended to be a comprehensive, informed and objective analysis of what the EU's competence in these areas is, and how its application affects the UK. It will aid our understanding of the nature of our EU membership and provide a constructive and serious contribution to the wider European debate about modernising, reforming and improving the EU.

20 May 2013

BANNING THE PLACING ON THE MARKET AND THE IMPORT TO, OR EXPORT FROM, THE EU OF CAT AND DOG FUR AND PRODUCTS THAT CONTAIN SUCH FUR (11088/13)

Letter from the Chairman to Lord Green, Minister for Trade, Department for Business, Innovation and Skills

Your Explanatory Memorandum (EM) on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

While we accept that the Report from the Commission was non-legislative and concludes that changes are not required, we were nevertheless disappointed by your EM. A statement of the Government's view on the conclusions drawn by the Commission would have been helpful.

The Commission has drawn its conclusions partly on the basis of consultation with 10 stakeholders from both the industry and animal welfare communities. We would urge you to ensure that UK stakeholders are similarly content with the legislation.

We note from the Commission's Report that no targeted checks took place in 2009 and 2010 on internet selling websites or on packages sent by mail. It seems to us that these are areas that may require further effort, particularly given the level of public interest that was the original catalyst for the legislation.

We are content to release the Report from scrutiny. Please consider this strand of correspondence closed.

11 July 2013

BATTERIES AND ACCUMULATORS CONTAINING CADMIUM (8245/12)

Letter from the Chairman to the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills

Your letter of 24 April 2013 in response to our letter of 28 June 2012 to Greg Clark MP on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for your update regarding the series of amendments agreed by the European Parliament Environment Committee.

We support the position you have taken in regards to the negotiations between the Irish Presidency, the European Parliament and the Commission, and would appreciate an update on the outcome of the trilogue meetings in due course.

22 May 2013

Letter from the Rt. Hon. Michael Fallon MP to the Chairman

Further to your letter of 22 May, I am writing to update you on the Batteries Directive negotiations and specifically the outcome of the trilogue meetings held on 23 April and 5 June.

Following the second trilogue on 5th June, agreement was reached on a possible final compromise text. Coreper agreed that text on 14 June and it will now pass to the European Parliament for their agreement before returning to Council as an "A" point after the summer break for final agreement.

Agreement was based on the following points:

- The exemption in the current Batteries Directive (2006/66/EC) for Nickel Cadmium batteries in cordless power tools will end on the 31 December 2016;
- The ban on mercury in button cells is to take effect 21 months after entry into force of the Proposal however, the Commission will be able to review this transitional period and to propose the continued exclusion of button cells used in hearing aids in the case of the lack of availability of mercury free versions.
- There is no date by which stocks of either of the above for products placed on the market before the date of the relevant ban, must be exhausted;
- Implementing acts will be used to establish rules regarding the calculation of recycling efficiencies
- Delegating acts will be used for decisions on equivalent conditions regarding treatment and recycling outside the European Union, capacity labelling of portable and automotive batteries and accumulators.
- Where decision is made to exempt a particular product from complying with the labelling requirements of the 2006 Batteries Directive, this exemption shall be adopted by way of delegated act. However, before adopting a delegated act in respect of such an exemption the European Commission is required to carry out appropriate consultations with relevant stakeholders.

Overall this text represents a good deal for the UK. We would have preferred a longer transition date for the Cadmium exemption but when this issue was raised during negotiations it became apparent that there was insufficient support amongst other Member States to enable us to achieve this. However, we did manage to have the transitional period extended by an additional year to 31 December 2016 in addition to securing an agreement that existing stocks already placed on the market by this date can still be sold until stocks are exhausted.

We are also content with the proposal to ban mercury in button cells, which brings the amending directive into line with the undertaking made by the UN Environment Programme in January 2013, to a ban on most uses of mercury by 2020 (the Minamata Convention). Again, we have managed to negotiate a reasonable transition period to allow business and other stakeholder's time to adapt and that existing stock already placed on the market by the end of the transitional can continue to be sold until stocks are exhausted. The proposed text for the first reading also allows for the exemption in respect of mercury button cells used in hearing aids to remain in place, as long as is appropriate.

1 July 2013

Letter from the Chairman to the Rt. Hon. Michael Fallon MP

Your letter of 1 July 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 10 July 2013.

We are grateful to you for your update regarding the negotiations and outcome of the trilogue meetings that were held on 23 April and 5 June.

We note that agreement on a final compromise text was reached following the second trilogue on 5 June, and agreed by COREPER on 14 June. We understand that it will now pass to the European

Parliament for agreement before returning to Council as an “A” point for final agreement. Although the UK would have preferred a longer transition period, we are pleased to note that this text represents a good deal for the UK overall.

Please mark this strand of correspondence as closed.

11 July 2013

BEE HEALTH (UN-NUMBERED)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs to the Chairman

Thank you for your letter of 8 May about EU negotiations on neonicotinoid insecticides and broader measures to support bees. Your letter crossed with the letter of the same date from my colleague Lord de Mauley updating Parliamentarians on the negotiations on neonicotinoids.

Pollinators, including bees, are essential to the health of our natural environment and to the prosperity of our farming industry. At a purely pragmatic level, pollination is worth several hundred million pounds per year. Bees are among our greatest allies in delivering our twin priorities of animal and plant health. The Government therefore attaches great importance to healthy bee populations – including honey bees, bumble bees and solitary bees. We carry out a range of work to safeguard wild and managed bees and support beekeepers.

Recognising the importance of bees and other pollinators, the Government remains prepared to take action on neonicotinoids if the evidence indicates a need and we are, indeed, undertaking a national review of product authorisations. However, our current assessment of the evidence suggests that, while we cannot exclude rare effects of neonicotinoids on bees in the field, effects on bees do not occur under normal circumstances. Consequently, the risk to bee populations from neonicotinoids, as they are currently used, is low. The Government’s Chief Scientific Adviser, Sir Mark Walport, and Defra’s Chief Scientific Adviser, Professor Ian Boyd, agree with this conclusion.

The European Commission drew up plans for a ban on the use of three neonicotinoids on crops “attractive to bees” (a long list including oilseed rape and maize) and on spring cereals. This included a ban on the sale and use of all seeds for those crops treated with the three active substances. The ban would run indefinitely, although it would be reviewed after two years.

The Commission put its proposal to a vote in the Standing Committee on the Food Chain and Animal Health in March. The UK abstained in this vote and a majority of Member States either abstained or voted against the Commission. The EU rules allow the Commission to take its proposal to an appeal committee and it did this on 29 April. Again, there was no qualified majority for or against and this means that the Commission can adopt its proposals, which it did on 24 May. The measures were published in the Official Journal on 25 May, which can be found at:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:139:0012:0026:EN:PDF> They have direct effect across Europe and so bind the UK.

The UK voted against the proposal because, in our view, the scientific evidence does not justify it. A number of other countries agreed with us that imposing severe restrictions was not the right action to take (there were a total of eight Member States voting against and four abstentions).

Whilst disappointed with the Commission’s final proposal it did, however, contain a useful concession. The date of implementation of the restrictions will now be 1 December 2013 rather than 1 July 2013. This will allow autumn sowing of treated seed and help the seed supply chain to make a relatively orderly transition to the new rules. We will do what we can to help this process, in particular by ensuring that clear information is available to growers and others affected.

The Commission also gave an assurance that it will be possible to carry out further field research on the risks to bees from neonicotinoids. This is very important as all parties acknowledge that the current evidence is incomplete.

The UK Government will therefore lead on further work, including field studies, which will reduce the uncertainties and which will be helpful to all those with an interest in this issue. We would expect that the outcome of the Commission’s review by 2015 will be founded firmly on the resultant strengthened scientific evidence base.

In addition to the work on neonicotinoids we are also undertaking a review of the health and value of bees and other pollinators. Our aim is to develop a better understanding of the various factors that can harm bees and other pollinators and the changes that government, other organisations and individuals can make to counter their impact. Lord de Mauley and Defra's Chief Scientific Advisor have already met to discuss this work with a number of interested parties, including some NGOs, and we will be seeking to host discussions with other stakeholders over the summer, as there is a wide enthusiasm for joint work to help these key species.

We will be submitting the Government response to the Environmental Audit Committee's report on "Pesticides and pollinators" in the next few weeks and the Committee will publish it sometime after that. May I suggest that your Clerk contacts the EAC Clerk to discuss whether it might be possible for them to share the response with you before it is published. In addition, I would be happy for Defra officials to provide your Committee with a factual briefing before the House rises for summer recess.

26 May 2013

BLUEPRINT TO SAFEGUARD EUROPE'S WATER RESOURCES (16425/12)

Letter from the Chairman to Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs

Your letter of 2 May 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the progress of this dossier. We look forward in particular to further developments from the Commission on water re-use.

We are now content to release this Communication from scrutiny. Please mark this strand of correspondence as closed.

22 May 2013

COD STOCKS (13745/12)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

As requested in your letter of 17 January, I am writing to update you about the progress towards the adoption of the amendment to the Cod Recovery Plan, which the Council unanimously agreed in Council Regulation 1243/2012 last December. On 11 June the European Parliament voted by a significant majority in favour of adopting the amendment (592 votes in favour, 71 votes against, with 15 abstentions). The measures which the amendment will enable to be implemented have the broad support of the UK and will help address shortfalls in the current cod plan which the UK has been critical about for some time.

However, the adoption of the amendment cannot be progressed until a legal challenge has been resolved. This has been brought by the Parliament and Commission against Council Regulation 1243/2012. It is a legal dispute between the Council, Parliament and Commission and has come out of a prolonged debate over the scope of the Council's powers after the Lisbon Treaty. At the December Council to avoid further effort reductions, the Council made a Regulation amending the Cod Recovery Plan to secure an effort freeze for 2013 vital to the recovery of cod stocks and to maintaining the viability of the UK fleet. The Commission and the Parliament argue that the Council did not have the power to make the Regulation and that the Cod Recovery Plan should have been amended by a Regulation using a different procedure, which would have involved consultation with the Parliament. The challenge is not against the measures themselves, on which there is agreement between the Parliament, Council and Commission, but against the process by which it was delivered. The case will not be heard by the European Court until autumn 2014 at the earliest. We very much regret this delay; however, outside the amendment to the cod plan, we are continuing to work with industry to implement measures which will deliver stock recovery and help secure a viable future for our industry. The implementation of the reformed Common Fisheries Policy will also allow us to put into practice other measures designed to cut fishing mortality.

7 August 2013

**Letter from the Chairman to the Rt. Hon. Owen Paterson MP, Secretary of State,
Department for Environment, Food and Rural Affairs**

Your letter of 8 May 2013 on the above Proposals was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 22 May 2013.

We were grateful for the exchange of views that we were able to hold with you at our meeting of 15 May. This proved fruitful for us in terms of confirming the Government's position and the areas of continued uncertainty in negotiations.

In your letter of 8 May, you responded helpfully to our questions relating to the mapping of Areas facing Natural Constraint (ANC) and about cross-compliance. We would welcome clarification of the technical problems which you mentioned in reference to ANC.

We are content at this stage to release the proposals from scrutiny but would expect that you will keep us closely informed as negotiations proceed towards their conclusion.

We therefore look forward to an update in due course.

22 May 2013

Letter from the Rt. Hon. Owen Paterson MP to the Chairman

Thank you for your letter of 22 May requesting clarification of the technical problems that we have been working to resolve with the Commission in respect of the potential implementation of Areas facing Natural Constraints in the UK.

The main technical issues stem from the Commission's original text in the published draft Rural Development Regulation (RDR) and, subject to the outcome of ongoing negotiations, look to have been addressed:

- Mapping at Local Administrative Unit 2 (LAU2) - in the UK this equates to Electoral Wards and is less effective in allowing us to identify land that is constrained. A revised approach would enable mapping to WTO compliant units, in effect Parishes in the UK, and would give more robust and verifiable results.
- Applying the bio-physical sub-criteria in Annex II of the RDR – the wording requires that mapping is carried out against all sub-criteria laid down in the Annex [not printed]. In the UK, this produces some perverse results e.g. gleyic pattern soils, which is one sub-criterion, may no longer be constrained but will still exhibit “gleyic” characteristics for several decades. We have been seeking confirmation that where sub-criteria are clearly inappropriate they need not be applied.
- The threshold for classifying an area as constrained – this was set at 66% i.e. where 66% or more of the Utilisable Agricultural Area in an Administrative Unit met at least one of the bio-physical criteria, after economic fine-tuning, it should be classified as constrained. The proposal is to reduce this to 60%, which is acceptable to the UK.
- Applying the UK's Agricultural Land Classification (ALC) systems – the Commission's text requires mapping against bio-physical criteria and then economic fine-tuning to identify constrained land. The UK has argued that we should also be able to apply our more sophisticated, and long established, land classification systems to root out land that is not constrained prior to moving to economic fine-tuning. The Commission has confirmed that proposed revised text would provide for this.

Taken as a package, these changes, if they are finally voted through, would enable us to produce a far more accurate and acceptable ANC map in England and in Devolved Administrations, which have been supportive of resolving these technical issues.

15 June 2013

Letter from the Chairman to the Rt. Hon. Owen Paterson MP

Your letter of 15 June 2013 on the above Proposals was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 26 June 2013.

We were grateful for the helpful information your letter provides as regards clarification of the technical problems in respect of the potential implementation of Areas facing Natural Constraints in the UK.

We look forward to a further update on the CAP reform negotiation following the 24-25 June Council meeting.

27 June 2013

Letter from the Rt. Hon. Owen Paterson MP to the Chairman

Further to your letter of 27 June, I am writing to set out the outcomes of the EU Agriculture Council in Luxembourg on 24-25 June where a political deal on Common Agricultural Policy (CAP) reform was agreed in principle. I have outlined the UK's negotiating objectives in previous correspondence and I was pleased to get the recent opportunity to appear before the Committee to take questions on CAP Reform.

Overall, the CAP deal was an acceptable outcome for the UK, even though it is not the genuine reform we had hoped for. We have fought hard to secure a CAP package that is an improvement on the original proposals. The UK has also worked closely with its allies to stop a whole raft of regressive proposals from being adopted that would harm UK farmers. The agreed deal helps provide greater certainty for farmers and paying agencies and we can now start the essential process of designing the next CAP programme. The annex [not printed] to this letter sets out the main negotiated outcomes under each of the four CAP proposals.

NEXT STEPS

The European Parliament's Agriculture Committee has informally indicated its support for the CAP package agreed in principle at June Agriculture Council. They did put aside those elements of the CAP regulations which are affected by the Multiannual Financial Framework and they now need to return to consider these. Once this has been done, the European Parliament will vote on the package in plenary before final agreement at an Agriculture Council meeting in the autumn.

While these steps are being carried out, we await the legal texts for checking and will also work closely with the EU Presidency, the European Commission and European Parliament on the CAP transitional regulations for 2014 as well as the CAP implementing legislation that will add more detail to the main CAP package.

In England we will be working closely with stakeholders to ensure the CAP is implemented in a way that strikes a balance between environmental benefit and simplicity of implementation, without impacting unduly on farmers. We are determined to learn the lessons of previous governments who, to the detriment of our farmers, sought to implement CAP reform to an unrealistic time frame and in an over-complicated manner.

9 July 2013

Letter from the Chairman to the Rt. Hon. Owen Paterson MP

Your letter of 9 July 2013 on the above Proposals was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 17 July 2013.

We share your disappointment at the lack of commitment to reform demonstrated by the deal reached between the European Parliament and Council. It is clear, though, that the Government have negotiated effectively and we take particular note of the agreement on the end to sugar beet quotas.

The challenge now, however, will be for the UK to implement the CAP effectively and to encourage the other Member States to do likewise. There are details to be resolved at the EU level through tertiary legislation, including in relation to active farmers as one example. The latter issue is not, as we understand it, quite as finalised as you implied in your letter, but we would welcome clarification on what remains to be decided on the definition of active farmers.

Attention will, rightly, focus on the implementation of the various rules relating to direct payments and, particularly, application of the new greening provisions. We would not, though, wish

implementation of the Rural Development Regulation to suffer through a lack of attention. The word “innovation” was noticeably absent from your letter and analysis and yet there are provisions, particularly in the Rural Development Regulation, to boost innovation in the sector. We very much hope that the Government have not lost sight of the need not only to encourage innovation in UK agriculture, but to encourage innovation across EU agriculture. Demonstrating through the tools available under the current package that innovation can assist the EU agricultural industry will be key to winning a future argument about further reform.

We were disappointed by your reluctance to accept additional mandatory requirements for the Farm Advisory System. As we heard during our inquiry into “Innovation in EU Agriculture” in 2011, this is fundamental to the innovative future of EU farming. We would therefore welcome your analysis of the text and your rationale as to why this will be burdensome, as also information from you on whether you are confident that farmers in the UK already have systematic access to the type of information that will now be mandatory.

It is our intention to give brief consideration in September and October to implementation of the CAP, further to which we will no doubt have additional points to raise with you.

In the meantime, we look forward to your response to this letter by 30 August 2013. We appreciate that the legal versions of the text are still under preparation and therefore note that any analysis that you provide will be conditional on the final agreement.

18 July 2013

Letter from the Rt. Hon. Owen Paterson MP to the Chairman

Thank you for your letter of 18 July setting out the Committee’s views on the Common Agricultural Policy (CAP) package that was agreed in principle at June Agriculture Council. There are some outstanding Multiannual Financial Framework (MFF) related issues still to be resolved but we hope these will be concluded in the autumn.

I fully agree with the Committee that the challenge now is to implement the CAP effectively and that the CAP Implementing Regulations to be agreed next spring will add the important detail we need. However, the June deal provides enough clarity to begin the essential process of working together with farmers and other interested parties to design the next CAP programme for England.

ACTIVE FARMER

As you point out, one issue where further details will need to be worked out is the active farmer provision. Whilst the June deal sets out the basic requirements, we expect the Commission to produce some detailed criteria to underpin these and Member States will have some choices in how the active farmer provision is implemented.

There are two components to the active farmer provision. The first is a mandatory negative list of business types, which comprises of operators of airports, railway services, waterworks, real estate services and permanent sport and recreational grounds who will be ineligible to apply for direct payments (or, in limited circumstances for a limited number of measures, rural development payments). Member States are allowed to extend this list. However, if businesses which fall within this list can show that either their direct payments represent at least 5% of their non-agricultural receipts, their agricultural activities are ‘not insignificant’ or the organisations’ principal objective is an agricultural activity, they will be eligible for payments. The Commission has powers to produce detailed rules on these readmission criteria. Member States are allowed to exclude farmers who receive no more than €5,000 in direct payments from the requirements of the negative list.

The second component is that those farmers for whom the majority of their land is ‘naturally kept in a state suitable for grazing or cultivation’ will need to undertake a minimum activity (to be set by the Member State) in order to qualify for payments. Again, the Commission has powers to produce detailed rules on this.

We expect discussions on the detailed rules to begin in the autumn and, in parallel, we are discussing with stakeholders how we should apply the flexibilities open to us.

INNOVATION IN AGRICULTURE

I can reassure the Committee of the importance I attach to innovation in the agriculture industry. I see innovation as crucial in underpinning work to support the agricultural industry to become more sustainable and competitive.

We are already undertaking a number of projects to drive innovation in agriculture in the UK. Along with David Willetts MP, the Minister for Science, I recently launched the UK's agri-tech strategy. This strategy sets out how we can unlock the full economic potential of the UK's world-leading research in agriculture and deliver an increase in food production while improving the environment, contributing to global food security and the growth of the UK economy. We intend to achieve this by ensuring more research flows from laboratories into commercial application in the field.

In addition, we continue to develop a Sustainable Intensification Research Platform where we aim to bring together scientists from a wide range of environmental, production and social science disciplines to work together on optimal land use solutions at farm, landscape and national level.

Innovation is a cross-cutting objective of the new Rural Development Regulation. We are looking actively at how we can help innovation in the agriculture sector in the design of the next Rural Development Programme in England. The new Rural Development Regulation offers Member States the opportunity to support applied innovation further through the European Innovation Partnership (EIP) for agricultural productivity and sustainability. We are currently considering how this EIP can complement the work already ongoing to drive application of new, innovative technologies.

FARM ADVISORY SYSTEM

By way of clarification on the point raised about the Farmers Advisory System (FAS), we are supportive of the introduction of the new FAS requirement on innovation and competitiveness as this is in line with this Government's agenda. Improving and expanding advice on innovation and competitiveness aligns well with wider Government policy to build up the resilience of the farming sector to economic pressures.

Our disappointment at the outcome of further elements of the FAS becoming mandatory is because we would prefer to see a FAS that can provide tailored and relevant advice to farmers. That is why we negotiated for a system to be as flexible as possible making only the most necessary and cross-cutting requirements mandatory across the EU.

I hope this provides clarification on the issues you raise and look forward to further discussion with the Committee as we enter the CAP implementation stage.

13 August 2013

COMMON FISHERIES POLICY PACKAGE (12514/11, 12516/11, 12517/11, 17870/11)

Letter from the Chairman to Richard Benyon MP, Parliamentary Under-Secretary for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs

Your letter of 29 April 2013 on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 15 May 2013.

We understand that agreement on a mandate for negotiations with the European Parliament was reached in Council on 14 May 2013. We look forward in due course to correspondence from you setting out the results of that Council and we hope too that we will be able to set a date with you to discuss those results.

In your response to us, you partially addressed our concern about labelling but we are far from satisfied that your position can be justified given the lack of clarity over costs. We would urge you to adopt a more rigorous approach to this matter and look forward to discussing it with you when we meet.

You refer in your letter to the delay in discussion of the Proposal for a Regulation on the European Maritime and Fisheries Fund (EMFF), which we do of course continue to retain under scrutiny in a separate strand of correspondence.

We look forward to an update within ten working days.

16 May 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter of 16 May. I would like to provide a further update on progress in the CFP reform package, with details of the revised Council mandate on the CFP basic regulation agreed at May Council, and the progress achieved towards reaching agreement with the Parliament on the Common Market Organisation (CMO).

A separate letter will update the committee on the progress on the European Maritime and Fisheries Fund (EMFF) dossier.

BASIC CFP REGULATION

The agreement of a revised mandate at May Council was a crucial opportunity to influence the conclusion of talks with the European Parliament. An agreement was reached on a mandate that maintains ambitious reforms, and that could allow a final deal on CFP reform to be concluded with the European Parliament in the coming weeks.

The revised mandate includes firm dates for a ban on the discarding of fish; a legally binding commitment to fish at sustainable levels; and a decentralised process that enables Member States to work together regionally to implement the measures that are appropriate to their shared fisheries. These changes are critical priorities for the UK, and we were successful in heading off those who sought to water down or delay the detailed provisions needed to reform the CFP.

We were also able to secure improvements to the provisions, by further tightening the measures to eliminate discards, and moving the Council closer towards a deal with the European Parliament. This was a difficult negotiation but the UK stood firm on its key priorities and ensured that momentum would be maintained on these important reforms. Further detail on what was agreed on these key priorities is provided in annex A.

COMMON MARKET ORGANISATION (CMO)

At May Council, the Presidency announced that a trilogue agreement had been reached on the Common Market Organisation in Fishery and Aquaculture Products. We were successful in ensuring that the majority of the burdensome provisions on labelling sought by the European Parliament remained voluntary, including a date of landing and date of catch. The UK has no plans to apply these provisions. The text brings the CMO labelling requirements in line with other labelling regulations. I thank the committee for providing the flexibility to negotiate this text and I hope this update provides reassurance on the direction of discussions in Brussels.

NEXT STEPS

The Presidency has already communicated the revised mandate agreed at May Council in relation to the basic regulation to the European Parliament. We understand the European Parliament are considering the text ahead of the next trilogue meetings, scheduled at the end of May. Shortly after this we will have a better understanding of whether further discussions will be needed to reach an agreement. This will depend on the extent of the changes which the European Parliament might seek, but if significant changes are sought this is unlikely to be discussed in Council under the Irish Presidency given the intention to focus on CAP reform at June Council.

We continue to support the Irish presidency in maintaining momentum on the discussions and in encouraging all parties to agree a deal based on the revised mandate. I look forward to discussing these issues with you further on 5th June.

24 May 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 24 May 2013 on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meetings on 5 and 12 June 2013.

We were very grateful for your helpful and interesting session with us on 5 June.

We would agree with your conclusion that the UK has managed to negotiate a good outcome in the reform discussions and we hope now that the European Parliament and Council will give their respective seals of approval in order that the Commission and Member States can focus on implementation of the reform.

Like you, we strongly welcome the agreement on Maximum Sustainable Yield and hope that this puts EU fisheries on a trajectory towards genuine sustainability. It is clear that key to delivery of the reform will be the new regionalised approach, which we will monitor closely.

It is evident that a lot of work needs to be done in order to implement the discards ban in a way that all stakeholders can support. As you noted, this is not only about withdrawal of technical measures and introduction of new ones but it is also about consumer and industry engagement.

To us, it seems that there are two particularly difficult challenges. The first is that of the science. As we discussed in the session, ongoing research across the EU is required, encouraging a modern and innovative industry through effective knowledge transfer, and the new legislative framework must be responsive to such research and innovation. The second is that of enforcement. Industry can only be expected to conform with the new rules if there is confidence that a level playing field exists across the EU. We would urge you to pay attention to both research and innovation in the industry and to enforcement not only around the UK, but across the EU.

It would be helpful to receive, within ten working days, a copy of the final text as agreed politically by the European Parliament and Presidency negotiators, as well as confirmation in due course of agreement by both institutions.

We continue to retain the EMFF proposal under scrutiny in a separate strand of correspondence and look forward to a further update on progress under the Lithuanian Presidency in due course.

14 June 2013

Letter from Richard Benyon MP to the Chairman

Thank you for the opportunity to speak to sub-committee on the 5th June and your further letter of the 14 June. I am conscious that the committee has not been updated on the progress that has been achieved in the Common Fisheries Policy negotiations, where colleagues in the Commons have received an oral statement on the 17 June.

I would like to confirm that on the 14 June EU Member States signaled agreement to a historic deal to reform the Common Fisheries Policy (CFP), following a provisional agreement among EU institutions last month. The changes are expected to become law later this year, once legal texts have been translated and ratified formally by Council and European Parliament. For information a copy of the current text which will be subject to consideration by the lawyer linguists can be found at this link

<http://register.consilium.europa.eu/pdf/en/13/st10/st10629.en13.pdf>.

COORDINATION OF MARINE SCIENCE IN THE EU

On 5 June Baroness Byford raised some questions about the coordination of marine research within the EU. Please find below a summary of the ongoing work in this area.

The UK through the Centre for Environment Fisheries and Aquaculture Science (Cefas) ensures that our research and development (R&D) is coordinated with other Member States to avoid duplication, ensure common approaches across the EU and to gain added value from the data collected, where possible.

Cefas' work in international fora includes input into advisory bodies such as Regional Advisory Councils (RACs), International Council for the Exploration of the Sea (ICES) and the Scientific Technical and Economic Committee for Fisheries (STECF).

Long-term initiatives established by the European Commission and ICES allow Member States to coordinate their data collection activities, Cefas actively participates in these on behalf of the UK. These initiatives aim to avoid duplication of effort, and make most efficient use of funding for data collection provided through the EU DCF. These include the Regional Coordination Meetings (RCMs) for individual sea areas, and the ICES Planning Group on Commercial Catches, Discards and Biological Sampling, which provide overviews of work being done by fisheries laboratories throughout Europe. They also have a vital role in coordinating national data collection programmes for fisheries, considering options for task sharing between countries, and develop systems for quality assurance. Ensuring the data collected is as robust as possible provides the best possible value for money and meets the needs of the policies it underpins.

Cefas have also participated in Commission funded R&D projects working with partners in other Member States. Recent examples include the development of ecosystem indicators to be collected under the revised Data Collection Framework (DCF), and impacts of fishing on ecosystems with

respect to European environmental objectives for example under the Marine Strategy Framework Directive. In addition they have also participated in EU funded work on approaches to simplify the regulation of technical measures through better selectivity and better protection of the marine environment.

An on-going example of Cefas work involves the development of methods for maximising fisheries yield whilst balancing ecosystem, economic and social concerns. This work involves collaboration with 30 European institutes, stakeholders from the fishing industry, and NGOs to develop a number of regional case-studies.

I hope that this provides a useful overview of the ongoing work of the UK in international fora in relation to research and monitoring.

27 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 27 June 2013 regarding documents 12514/11, 12516/11 and 12517/11 was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meetings of 10 and 24 July 2013.

We are further grateful to you for the evidence that you gave to us on 5 June in relation to the deal reached on reforming the Common Fisheries Policy, with a focus on issues relating to the landings obligation (the “discard ban”).

Since then, we have engaged in further scrutiny of the issue, having taken evidence from the National Federation of Fishermen’s Organisations, Seafish and scientists from the Universities of Liverpool and Aalborg.

THE DANGER

We would agree with your assertion that “the problem that happens currently over the horizon at sea [must not] be transferred to a landfill site”. Wastage at sea, in other words, must not become wastage on land. That is the danger and it is why effective implementation of the discard ban is now required. We are supportive of the principles adopted by the Council and Parliament, now enshrined in legislation, but we have substantial concerns about implementation. We set these out below.

REGIONALISATION

Fundamental to the application of the discard ban will be the new regionalised approach to fisheries management. Much of the detail required to apply the ban will be resolved at a regional level by Member States working together, hopefully in effective collaboration with stakeholders and scientists. It cannot, of course, be taken for granted that this approach will bear fruit, and effort will be required to ensure success.

The previous reform of the Common Fisheries Policy introduced the concept of Regional Advisory Councils (RACs). Some have been slow to get off the ground and others have found their views ignored. Now known as Advisory Councils (ACs), there is a clear need for the new regionalised approach to include genuine engagement with them, including a commitment to that engagement from all Member States involved in any region, and from the Commission.

We see funding as a potentially significant obstacle to the success of regionalisation, both funding for the ACs and funding for activities by Member States.

We would ask that you assess the likely cost implications for the UK of the regionalised approach and that you commit, with the Devolved Administrations, to meeting those costs.

We would welcome your views on the most effective funding model for the ACs, including whether Union financial assistance might be increased to support the ACs given the reliance on regionalisation in the reformed Common Fisheries Policy and the importance of ensuring that they are supported by well resourced Secretariats.

EXCLUSION FOR HIGH SURVIVAL SPECIES

Clearly, the new Regulation sets the principle of a discard ban, but permits a degree of flexibility as well as exclusions. An important exclusion is that for high survival species, which you described as

“scientifically sanctioned survivability flexibility”. The complexity of this phrase encapsulates the complexity of its implementation.

We understand that this is far from simple as rates of survivability will depend on a variety of factors, including the timeframe over which a fish is deemed to have survived and weather patterns at the time of capture. We understand that comparisons cannot even be drawn between one species and a related species.

Some of the issues relating to the development of science in this area and others are explored below. Our view is that this aspect of the Regulation requires a substantial amount of work before it can be implemented. We would not want this challenge to delay the entry into force of the discard ban but, until it is resolved, the danger of requiring fish to be landed that would otherwise survive is clearly a high one.

RESEARCH

Research to support the exclusion for high survival species is just one example of the type of research required to support the discard ban. Of equal importance will be research to support governance arrangements, such as real time closures, aimed at avoidance of the capture of unwanted fish.

We were told that the capacity exists within the marine science community, in collaboration with social and political scientists, but that there is a resourcing issue. This could, it was suggested, be overcome by a combination of a levy on industry, similar to that already in place for the UK agricultural sector, and effective deployment of public funding.

It was suggested to us that, historically, there has been a “bifurcation of marine science”, with separate funding for blue sky research and for applied research, but with little linkage between the two. Some form of levy on industry might help to engage the industry further in the type of basic and applied research projects that would be helpful. We would welcome your view on the possibility that additional research capacity might be part-funded through a levy on industry.

In terms of how public funding can assist, it was unclear to us and to our witnesses what options there will be to fund fisheries science projects under Horizon 2020. Any clarity that you are able to offer would be helpful, including opportunities specific to the UK.

Witnesses from both the fishing and scientific communities emphasised that the best research vessels are in fact commercial fishing vessels, and that it is essential to develop this avenue of work. This form of research has, we understand, been undertaken for some years in the UK under the Fisheries Science Partnership, to which we note that funding has been committed until March 2014. We would welcome a funding commitment beyond March 2014 and a broader commitment to focus research activities on commercial vessels, working in partnership with the industry.

Ultimately, effective engagement between the industry and scientists is crucial. We welcome the great strides that have been made to improve this and would emphasise the importance of full inclusion of scientists within the regional management model, working with both the ACs and the Member States.

KNOWLEDGE TRANSFER

In contrast to the agricultural industry, where the availability of advice on basic aspects of the Common Agricultural Policy is obligatory, the fishing industry does not have the same access to comprehensible advice. Knowledge transfer in the industry is, it seems, an under-examined area and one that would benefit from some examination if the discard ban is to be successful. This relates not only to the communication of science to fishers, but the communication of information from fishers to scientists, as also within the fishing industry itself across the EU. We would welcome your views on this issue and how the UK Government could respond.

COMPLIANCE AND ENFORCEMENT

Rules will be of little benefit without some form of enforcement mechanism. We are persuaded, though, that a focus should be placed on compliance. The most effective way to ensure effective compliance with the reformed Common Fisheries Policy, including the discard ban, will be to ensure that the industry is fully engaged with identification of management measures and objectives, including the recognition that compliance is important to their futures and those of their children. This emphasises once again the importance not only of regionalisation but also of knowledge transfer.

Looking at enforcement of a discard ban, there are clearly a range of measures that can be deployed, such as CCTV and observers. We see significant potential in a risk-based approach, using a small sample of a fleet to set a reference level of catch composition.

WITHDRAWAL OF MEASURES DEEMED INCOMPATIBLE WITH THE LANDING OBLIGATIONS

A proposal is expected from the Commission in the autumn to repeal certain technical conservation measures that are deemed incompatible with the discard ban, such as minimum landing sizes, catch composition rules and regulations on mesh and twine dimensions. We are pleased that the Government look forward to working with the Commission on these ideas.

Looking further forward, a revised Technical Conservation Measures Regulation will be proposed next year. We heard from industry that this should be results-based rather than prescriptive, allowing fishers to decide for themselves how, for example, to incorporate the discard ban into their business models.

One witness noted that effort restrictions – i.e. days-at-sea restrictions – could have unintended consequences for the discard ban as they may restrict the ability of vessels to change their fishing grounds at short notice in order avoid certain species and catch others. Your view on that matter would be welcome, and how it might be resolved.

SEAFOOD SUPPLY CHAIN

You noted that “all the power here [...] is with the retailers”. We would agree that implementation of the discard ban relies to a large extent on the development of value throughout the seafood supply chain, particularly by broadening the species that are sold for human consumption. Retailers, notably supermarkets, are clearly central to that objective, which must include recognition that behavioural change among consumers is a challenging task and not one that can be delivered through a promotional campaign lasting only a few weeks. In evidence to us, Seafish made a number of interesting comments on this topic:

- first time mothers and primary school children are important targets for campaigns, such as the Seafish “Fish is the Dish” campaign and outreach work in schools by Billingsgate Market;
- consumers tend to be more adventurous with seafood choices away from their homes due partly to a lack of awareness of how to prepare a variety of species of fish in the home;
- a problem in the past has been inconsistent supply of certain species of fish, resulting in reluctance by the food service sector to place those species on menus for long-term contracts; and
- the introduction of the discard ban may lead to an increased supply of fish (due to quota increases to reflect amounts originally landed as well as those discarded), potentially allowing a more consistent and reliable supply of fish.

We would urge the Government to examine how your own efforts, through a bespoke strategy, could supplement those of Seafish by way of, for example, public procurement contracts and through the education system. On retailers specifically, our view is that retailers must be encouraged to take a long term approach to consumer behaviour.

NON-QUOTA SPECIES

The landings obligation only applies to quota fish and we therefore note that ongoing work may be required to assess the discarding of non-quota fish and possible future regulatory framework to support restrictions on the discarding of such species. This will, naturally, relate to the development of markets for those species.

CONCLUSION

The successful inclusion of a discard ban within the reform of the Common Fisheries Policy represents, as one witness described it, “the biggest change to the CFP for 20 years”. It is a welcome change, but one that will require a great deal of collaborative effort to make it work.

The lines of action that, in our view, are urgently required to support the discard ban are set out below:

- Funding of the regionalised approach is commensurate with the objectives enshrined in the Common Fisheries Policy reform, including both funding for Member States activities and funding for the ACs.
- A stronger commitment to marine research, including greater possibilities for fishermen to be directly involved in the process. This will include the need to ensure that ACs have access to funding to promote research relevant to their regions.
- A specific example of an area where research will be urgently required at a regional level is that of survivability. Currently, the science is simply not there to support the legislation. This means that there is a loophole in the law, which could be used to avoid compliance. Alternatively, fish will be required to be landed that would otherwise have survived if they had been discarded.
- All existing rules and regulations, including effort restrictions, must be reviewed in order to ensure that they are compatible with the discard ban.
- The consumption of a wider variety of species must be promoted to avoid waste.

We look forward to your comments.

25 July 2013

CONSERVATION OF FISHERY RESOURCES THROUGH TECHNICAL MEASURES FOR THE PROTECTION OF JUVENILES OF MARINE ORGANISMS (13076/11)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

I have written to the Committees of both Houses today to provide an update on the overall impasse on the agreement of a number of affected multi annual management plans. The impasse primarily relates to the issue of whether or not to agree fishing opportunities in the context of management plans as the prerogative of Council in Article 43 (3) of the Treaty for the Functioning of the EU, and not technical detail.

In relation to this proposal to align the technical conservation legislation in accordance with the Treaty provisions, however, there is nevertheless a similar reluctance from some Member States to cede co-decision power to the Parliament to determine technical detail. Views are also being expressed at working group level on preferring implementing acts rather than delegated acts, even where this runs counter to the Treaty provisions. I therefore include this dossier as one that is indirectly affected by the impasse.

More widely, however, the Commission plan to begin the overhaul of the technical conservation legislation next summer, and we are currently awaiting a 'quick fix' substantive amendment of the current legislation to address the discard ban elements – these important proposals are where we need attention to be focused. In these circumstances we anticipate this dossier is unlikely to be prioritised for working group discussion.

28 August 2013

CONSERVATION OF FISH STOCKS (18545/11)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

As recently reported to the Committees (follow up correspondence to EM 10460-13 'Commission Communication on Fishing Opportunities for 2014') Iceland and the Faroe Islands continue to fish the mackerel stock at unsustainable levels and to demand an unrealistically high level of share in the stock.

It is hoped that fresh scientific advice on the state of the stock due in the autumn will give new impetus to the talks.

In the meantime we have continued to consider with the EU Commission what action to take in response, in particular to the latest decision by the Faroe Islands to unilaterally begin fishing Atlanto-Scandian herring at increased levels, thereby breaking the existing sharing agreement. You will therefore wish to be aware of a development on the issue of adopting trade measures in relation to unsustainable fishing activity by third countries. On 31 July the Committee for Fisheries and Aquaculture adopted an implementing measure under Regulation 1026/2012 of the European Parliament and the Council (successfully adopted following the proposal which was the subject of EM 18545-11) to apply trade measures against the Faroe Islands in respect of its fishing activity on the stock of Atlanto-Scandian herring. The implementing measure will apply from 7 days after publication in the Official Journal of the EU, which at the time of writing we expect to happen imminently.

Two specific measures are being introduced. First is a prohibition on export to the EU of herring or mackerel, or products made from those species, caught by vessels under the control of the Faroe Islands. Second, is a prohibition on the use of EU ports by Faroe Island vessels that fish for or transport herring or mackerel. These measures are in line with previously agreed Government policy for any trade measures introduced under Regulation 1026/2012 to be specific and targeted.

The new Icelandic Government has recently proposed a fresh round of talks aimed at making progress on the wider mackerel dispute. We hope that these will make progress towards reaching an agreement. However, if Iceland are not willing to engage meaningfully in negotiations we will continue to support the Commission in taking all necessary measures to ensure that unsustainably caught fish is not imported into the EU.

28 August 2013

CONTROLS ON FOOD AND FEED LAW, ANIMAL AND PLANT (9464/13)

Letter from the Chairman to Anna Soubry MP, Parliamentary Under-Secretary for Health, Department of Health

Your Explanatory Memorandum (EM) on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 June 2013.

You highlight concerns in relation to proposed delegated and implementing acts, a concern also expressed by Ministers in the Department for Environment, Food and Rural Affairs in relation to the other elements of the package. We would be grateful to know whether the Commission has produced any further details on their use (and if not, when might they be likely to), whether any other Member States support the UK in their concerns, and whether these views have been communicated to the Commission.

On one specific point, it is proposed (Article 52) that the Commission be empowered to adopt delegated acts establishing the criteria and the procedures for determining and modifying the frequency of physical checks and to adjust them to the level of risk associated with those categories. This seems to us to be an important element of the risk-based approach to this legislation and we would therefore welcome your view as to whether you consider it to be essential or non-essential.

We share your view that the financing of official controls, across the EU, is important. The proposal seems sensible. We would therefore welcome clarification on how precisely the proposed regime would differ from the current UK approach and whether, in fact, the proposed new EU regime might be simpler than the current UK approach. As regards micro-enterprises specifically, we support their exclusion from financing requirements but would wish to be assured that they are nevertheless fully covered by control regulations.

On the issue of the impact assessment, it is clearly important that the Commission produces robust impact assessments. It is open to the Council to request that the Commission review its impact assessment. Given your criticism of the assessment, we assume that you have taken steps to request such a review. We would welcome information on the response of other Member States and of the Commission to your concerns.

Several years ago, illegal consignments of bushmeat into the EU were identified. Did prosecutions take place further to identification of those consignments? Are you able to comment on whether the proposed new regime might be more effective in tackling such problems?

We will retain the proposal under scrutiny and look forward to a response within 10 working days.

20 June 2013

Letter from Anna Soubry MP to the Chairman

Thank you for your letter of 20 June conveying the Agriculture, Fisheries, Environment and Energy Sub-Committee's views on this Explanatory Memorandum.

It may be helpful to explain that an initial meeting of the Council Working Group on this proposal took place on 14 June. The Commission gave a presentation of its proposal and a very brief presentation of the accompanying impact assessment. Member States were invited to give initial views; most were only able to give very high-level responses as they had not completed assessment of the proposal nor secured clearance from their national Parliaments.

Nonetheless, it is already clear that many have concerns about financial aspects and the very broad use of delegated and implementing (tertiary) acts in this proposal.

In relation to the proposed tertiary acts, in line with the UK's approach with other EU proposals based on co-decision and post-Lisbon comitology, we will be negotiating to determine that the split of powers is appropriate on a case by case basis.

The Commission intends to work with Member States to settle some of the requirements to be contained in tertiary acts in parallel to negotiations on the secondary legislation (i.e. the proposal). This is welcome clarification from the

Commission as we will be able to influence these requirements before finalising the secondary legislation. Some of these requirements will be key to understanding the scope and impact of the proposal. The remaining tertiary acts will be settled during the three year transition period following adoption of the proposal.

We are aware from informal discussions that the majority of other Member States share the UK's concerns about the use of tertiary acts. The UK has been proactive in raising these concerns with the Commission, who acknowledge that they will have to work closely with the Member States and the European Parliament on this.

You specifically mention the provisions of Article 52 under which the Commission will be empowered to determine and modify the frequency of physical checks. The UK supports the move to a more risk based system as it allows the enforcement authorities to target their resources more effectively concentrating on high risk countries/product combinations and new and evolving trade patterns. It also rewards those importers who have consistently complied with import legislation. We therefore believe this to be an essential part of the package.

Across the elements of the agri-food chain covered by the proposal, different arrangements currently apply for the financing of official controls. For example in the area of plant health and plant reproductive material the majority of controls are currently charged, irrespective of the size of business, at full cost. Animal health controls are generally not subject to charges, although some animal welfare controls are. For food and feed the UK must charge under Regulation 882 for controls on meat, imports, fishery products and the approval of feed establishments. These fees are not always at full cost.

The Commission's proposal would significantly extend charges to businesses along the whole of the agri-food chain and in some instances would increase existing charges by requiring the full cost to be recovered. This approach would simplify the current charging regime, but at the same time would introduce additional financial burden on UK business and potential burden on competent authorities. We are assessing the impact of that additional burden and the practical issues associated with the Commission's proposed approach, including extending charging to sectors which historically have not been charged.

As far as the proposed exemption for micro-enterprises is concerned, I can confirm that the proposal would not have the effect of exempting them from being the subject of official controls; those would still need to be undertaken, on a risk basis and with appropriate frequency. There is however one exception to this general principle. This features in the associated proposal on plant reproductive material (PRM) which is led by Defra. In that proposal, micro-businesses which produce small quantities of PRM are exempted from registering plant varieties on the national list of varieties. The national list provides consumer assurance as to the identity and characteristics of varieties.

At the Council Working Group on 14 June, the UK delegate asked for discussion of the Commission Impact Assessment. This was not taken up by other Member States at the meeting and we will need to pursue this further in subsequent meetings and at bilaterals with other Member States. In informal

discussion with the UK Representation to the EU, the Commission has indicated that it will present the impact assessment in more detail in meetings to be held this Autumn.

In relation to illegal importation of bush meat into the EU, it is thought that this is being brought into the UK in luggage as personal imports. As such, these are not subject to official food controls as provided for in this proposal. Controls are carried out by UK Border Force at the point of entry. FSA officials are not aware of prosecutions having been taken by the local authorities where bush meat was found on sale.

2 July 2013

Letter from the Chairman to Anna Soubry MP

Your letter of 2 July 2013 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 17 July 2013.

Our overarching concern across the entire package is to ensure that the strategic aim of simplification and delivering a safe environment does not become lost during the negotiation of detail. This is particularly important against the backdrop of negotiations on the trade and investment partnership with the USA.

In your letter you comment on the use of delegated and implementing acts, noting that the majority of other Member States share similar concerns with the UK. A clear danger is that simplification of the framework legislation will simply lead to the displacement of detail in a myriad of new, tertiary legislation. An abundance of such legislation must obviously be avoided.

It is also important, though, that important issues are not simply deleted from legislation and lost in expectation of re-appearing in tertiary legislation at some point. This is our concern in relation to aspects of the Proposal which pertain to animal welfare. One such example is Article 150(b). It would be particularly helpful if you could set out your position on that article and your understanding of the Commission's motivation for including it in the proposal. More generally, your analysis of the impact of the draft legislation on animal welfare would be welcome.

You consider the aspects of Article 52 pertaining to the definition of risk to be an "essential" part of the package. Can you therefore confirm that you will be arguing against the delegation of power to the Commission in that instance?

We note your comments on financing and particularly your acknowledgement that the new rules would simplify the UK's own charging regime. On the other hand, there are implications for certain businesses and there is clearly substantial analysis on this subject still to be undertaken, in addition to a great deal of debate. We look forward to further information from you as your analysis develops on that subject.

As regards the Impact Assessment, we would encourage you to maintain your representations on this matter and to update us on any progress.

We will retain the proposal under scrutiny and look forward to a response by 30 August 2013.

29 July 2013

CULTIVATION OF GENETICALLY MODIFIED CROPS (12371/10), SOCIO-ECONOMIC IMPLICATIONS OF GM CROPS (9665/11)

Letter from Lord de Mauley, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

As previously requested by the Committee, I now attach [not printed] copies of the two reviews that Defra commissioned some time ago on, respectively, the environmental and economic impact of GM crops. These are also available at the following web addresses:

(environmental review)

www.scirp.org/journal/PaperDownload.aspx?paperID=33014

(economic review)

http://www.environmentalevidence.org/Documents/Completed_Reviews/CEEI1-002.pdf

As I expect the Committee has noted, the Secretary of State, Owen Paterson, gave a widely reported speech recently on GM crops in which he commented on their actual and potential benefits. This drew on a broader range of evidence than the above Defra-commissioned reviews. As further background for the Committee, the appendix [not printed] to this letter lists examples of some of the recent studies which have informed the Government's thinking on the impact of current GM cultivation.

1 July 2013

Letter from the Chairman to Lord de Mauley

Your letter of 1 July on the above documents was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

Insofar as conclusions can be drawn from the reports commissioned by Defra, they indicate that a case-by-case basis must be adopted to the assessment of whether any single crop should be cultivated, and where.

We were unable to identify these reports on the website of your Department and would ask that you let us know when it is planned to publish these accessibly on your website.

Given the robust position adopted by the Secretary of State recently, we would be interested to know whether the Government intend to commission any additional research based on more comprehensive data. We would also like to know how the Government selected the studies, information on which was set out in an Appendix to your letter, as the basis for consideration of the Government's approach to this issue. The previous Government's work on Farm Scale Evaluations of herbicide tolerant GM crops, for example, was notably absent from the list.

Your letter did not comment on the latest state of play as regards discussions on the proposed Regulation allowing Member States to restrict or prohibit the cultivation of GMOs in their territory after a positive scientific assessment at the EU level. Information on any progress or anticipated progress would be helpful. What relevance do the inconclusive studies commissioned by Defra have for the UK's dialogue with other Member States on this dossier? How does the Secretary of State plan to take forward his robust position in order to influence the EU level decision making process as regards cultivation of GM crops?

At this stage, we are content to release the Report (9665/11) from scrutiny but will retain the Proposal (12371/10) under scrutiny. We look forward to your response by 30 August.

15 July 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 15 July on the above dossiers.

Taking your first point, the Government acknowledges the importance of a case-by-case assessment of GM products and crops. This is enshrined in the Government's formal policy position.

Now that they have been published, Defra is currently in the process of arranging for the two reports to be placed upon the departmental part of the GOV.UK website and this should be completed shortly. In terms of the other reports appended to my previous letter,

These were selected as being illustrative recent examples of the current evidence base. The Government's support for GM technology reflects the general scientific consensus that GM crops are not inherently unsafe and can deliver important benefits. This consensus is reflected in a large and diverse range of scientific research papers and empirical evidence. The results of the farm scale evaluations in 2003 remain relevant even though the evidence base has evolved and matured significantly since then. Whilst Defra currently has no plans to commission any new research we will of course look at any significant new and emerging developments in order to keep abreast of the evolving evidence base.

On 27 June, the European Academies Science Advisory Council (EASAC) produced a report on GM crops that I would recommend to you and Committee members. The report highlights the benefits that GM crops have delivered so far and analyses the safety record of GM crops and its potential role in the future. It highlights the potential benefits that GM crops can deliver in the developing world in particular and warns of the grave scientific, economic and social consequences of current European Union policy towards GM crops. The report represents the views of prominent, independent scientists across the European Union and is available at:

http://www.easac.eu/fileadmin/Reports/Planting_the_Future/EASAC_Planting_the_Future_FULL_REP_ORT.pdf

The EU Cultivation proposal you refer to was last discussed in the Environment Council in March 2012 under the Danish Presidency. Since then, neither the Cypriot nor the Irish Presidencies sought to re-ignite discussions. As you may recall, the UK Government opposes the latest version of the proposal because of concerns about the proposed facility that would allow for unilateral Member State bans of GM crops for non-science/safety based reasons. The prospects for any progress being made on this dossier will depend upon the position adopted by the current and incoming Presidencies. If, and when, discussions re-commence then we will of course press for a resolution to the current problems at EU level in line with our stated government policy position on GM crops. We would hope that the recent EASAC report mentioned above might encourage some Member States to reflect upon the stance they take on this issue.

31 August 2013

DEEP-SEA STOCKS IN THE NORTH-EAST ATLANTIC (12801/12)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

It has been some time since I reported on this dossier, and I thought an update at this point would be helpful.

Since the Commission issued this proposal last July it has never been presented for discussion in working group, so there is no developing Council position. On the other hand, in the European Parliament both the Environment, Public Health and Food Safety (ENVI) and Fisheries (PECH) Committees have been considering the proposal, have held two public hearings featuring both environmental and industry representation, and have suggested a large number of amendments. The PECH rapporteur's report is likely to be voted on for adoption in September.

The European Parliament consideration reflects polarised views between pro-environment MEPs and pro-fishing industry MEPs. The PECH rapporteur's report with its suggested amendments is based on the structure of the Commission's proposal, which the UK believes is flawed in its core approach. As previously reported to the Committees, the UK analysis revealed significant problems with the original proposal, and we need to be able to work through these in working group to move towards a Council position.

We will be seeking a bilateral at official level with the Commission in September to explain these fundamental issues. In short, we believe applying appropriate risk-based spatial measures to be applicable to all vessels is the most effective way to protect vulnerable marine ecosystems (VMEs) and to meet the other objectives of the proposal: this is also more readily enforceable than attempting to apply a ban on bottom fishing methods administered on the basis of catch percentages. The proposal of identifying by-catch and targeting fishing vessels according to catch percentages is unacceptable, and creates huge anomalies in terms of allowable capacity per Member State. This approach simply does not work due to the large range of spatial and depth distributions which deep sea species exhibit and their overlap with other targeted fisheries. Using a catch percentage criterion is arbitrary, unworkable and likely to incentivise discarding.

We believe therefore that the Commission proposal has unnecessarily set the environmental and fishing interests at odds, and that spatial measures along the lines previously discussed in the UK's original analysis will meet the objectives more effectively to the satisfaction of the interested parties, and this is the approach we will advocate. In the meantime, with competing priorities for agreeing fishing opportunities and reform issues in the latter half of this year, there are no current indications that the Lithuanian Presidency will be prioritising this dossier for working group discussion, which suggests that this may need to be progressed by the Greek Presidency in the new year.

28 August 2013

DESIGNATION ON THE BALTIC SEA AS NITROGEN OXYDE EMISSIONS CONTROL AREA (10120/13)

Letter from the Chairman to Stephen Hammond MP, Parliamentary Under-Secretary of State for Transport, Department for Transport

Your Explanatory Memorandum (EM) of 14 June 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 3 July 2013.

We are aware that, since the drafting of the EM, no Council Decision has been taken and that the Commission is now intending to seek a Council view in advance of HELCOM meetings planned for early autumn. We also understand that a large number of Member States share your concern about the Commission's handling of this process.

We would appreciate further information on the likely developments in Council as this becomes clearer, in addition to an explanation as to why an international agreement on the reduction of nitrogen oxide emissions in maritime transport is not in place as an alternative to such regional control areas.

Finally, you note that you would like to see further engagement with Russia well in advance of any proposal being submitted to IMO. We would be interested to know how hopeful you would be of a positive result should such further engagement take place.

As you will be aware, this Proposal has already been released from scrutiny, but we look forward to your response within 10 working days.

4 July 2013

ELECTRONIC IDENTIFICATION FOR BOVINE ANIMALS AND DELETING THE PROVISIONS OF VOLUNTARY BEEF LABELLING (8784/12, 13700/11), SURVEILLANCE NETWORKS IN THE MEMBER STATES (13701/11)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter dated 14 March 2013, in which you noted the position of the European Parliament on the question of the transition period for the introduction of electronic identification for bovines. I sent you a copy of my letter of 3 June, addressed to William Cash, in order to alert you quickly to the European Parliament's refusal to negotiate further without the inclusion of their amendments on cloned animals.

I am writing now to update you on the final negotiations between the Council, the European Parliament and the European Commission at the conclusion of the trilogue negotiation stage.

Since the trilogue in May, the Commission has worked with the European Parliament negotiators on their concerns about cloned animals, including discussion of a Commission declaration on its intention to publish proposals on cloned animals as reflected in their work programme for 2013. As a result, in late June the rapporteur for the European Parliament offered a deal on the following lines:-

1. Support all the inter-institutional agreements found during the trilogue meetings;

2. Support the European Parliament's amendment for conferring powers on the Commission to adopt a delegated act on the definitions of and requirements for the specific indications that may be put on labels;

3. To adopt a pragmatic approach on powers conferred on the Commission in Articles 22 and 13, as discussed below:

i. To put the current rules on the 'minimum level on controls' directly in Article 22 (that is, neither in delegated nor implementing acts) improving the wording to-

'That minimum rate of official controls shall be increased immediately where it is established that provisions on identification and registration of animals have not been complied with.'

ii. Support the Council's requirement for conferring powers on the Commission to adopt an implementing act for the maximum size and composition of the groups of animals under compulsory labelling referred to in Article 13 (6).

4. An improved statement by Commissioner Borg on the issue of cloning:

‘The Commission confirms that in line with its 2013 working programme, it is working on the impact assessment in order to finalise and adopt as soon as possible in the current year a stand-alone legislative proposal on all aspects of cloning for food production.’

A positive vote of the European Parliament will among others depend on the clarity of the Commission’s position on the cloning issue.

5. To accept the need for a transition period, which should be five years in duration, but that the report required from the European Commission [under Article 23a/‘the technical and economic feasibility of introducing mandatory electronic identification everywhere in the Union’] shall be provided within four years of the end of the transition period, instead of five years.

VOLUNTARY BEEF LABELLING

(Points 2 and 3ii above)

The European Parliament has accepted the Commission’s proposal to delete the existing provisions on voluntary beef labelling. The UK has consistently supported this abolition as it believes the regulatory burden and costs associated with having claims independently verified weigh heavily on the industry, particularly small businesses. The proposal would also remove costs for the Competent Authorities administering the schemes. Voluntary beef labelling would come within the general EU provisions on food information, thereby avoiding duplication. Traceability would be maintained under the compulsory labelling rules. In this context it is suggested that we can accept a pragmatic approach to the powers conferred on the Commission as referred to in point (3) above

BOVINE EID

(Point 5 above)

The European Parliament has moved from refusing to accept any transition period to accepting a transition period of five years. We have been working with our delivery agency to assess the possibilities for bringing in EID in a shorter time period, in the light of the European Parliament’s reluctance to accept a transition period.

We have concluded that, although a five year transition period would be challenging to achieve, it is feasible. A lot will depend on how quickly the Commission can bring in the implementing act setting out the common technical standards for EID. We conclude that, although we still believe that Member States should be allowed the same amount of time for introducing Bovine EID as they had for sheep and goats, we would not want the dossier to fall on this issue. We therefore recommend that we agree to the 5 year transition period. We will work closely with industry, stakeholders and other administrations to implement the provisions within this timetable, including implementation of other provisions such as the removal of passports.

We are content with the reduction in the time period for the Commission to produce a report on mandatory EID to four years from five.

CLONING

(Point 4 above)

The European Parliament has agreed to remove its amendments requiring the labelling of products from cloned animals and their descendants (see point 4 above, which has been confirmed again by the European Commission this week). This was a red line for the UK.

ON-THE-SPOT CONTROLS; THE NEW WORDING PROPOSED BY THE PARLIAMENT FOR ARTICLE 22

(Point 3i above)

Currently, the minimum level of on-the-spot controls is set out in Commission ‘detailed rules’ regulations. These set out the regime of the annual programme of cattle identification inspections, which can affect the inspected farm’s Single Farm Payment claim. Current regulations require that Member States inspect 3% of registered holdings. This level is being maintained.

There has been much discussion on whether the level of official controls should be set through an implementing act or a delegated act; the Council supported the former, while the Parliament supported the latter. To avoid a stalemate, the Presidency proposed, as a compromise, including the level of controls into the text of Article 22, and had proposed the wording below for Article 22(1) based on the current Commission Regulation (EC) No 1034/2010.

1. Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation. The controls provided for shall be without prejudice to any controls which the Commission may carry out pursuant to Article 9 of Regulation (EC, Euratom) No 2988/95. Any sanctions imposed by a Member State on a keeper, operator or organisation marketing beef shall be effective, dissuasive and proportionate.

The competent authority shall carry out each year checks on identification and registration of animals which shall cover at least 3 % of the holdings.

Where the checks reveal a significant degree of non-compliance, the minimum rate of checks shall be increased in the following annual inspection period.

The selection of holdings to be inspected by the competent authority shall be made on the basis of a risk analysis.

Each Member State shall make an annual report to the Commission before 31 August each year on the implementation of the controls."

The wording proposed by the Parliament in its deal above, however, reverted to the previous version of this Commission Regulation published in 2003. This text is:-

That minimum rate of official controls shall be increased immediately where it is established that provisions on identification and registration of animals have not been complied with.

It is not clear why the Parliament want to revert to the earlier wording. Rejecting this change would require rejecting the compromise. The European Commission gave oral assurances to Member States that the interpretation of the regulation does not change, as the change in 2010 did not cause a change to the level of official controls. The European Commission has also agreed to give a written assurance as follows to Member States in the minutes of the Council that will discuss adoption of the Regulation:-

"Since national audit, control and inspection programmes are established according to EU legislation on a yearly basis, if an increase in the minimum rate of official controls, based on a significant degree of non-compliance, were to be required according to Article 22, it will have to be triggered in the next programme".

In conclusion, we believe that the overall benefits of introducing bovine EID, abolishing cattle passports and deleting the provisions for voluntary beef labelling outweigh the reduction in the transition period. There would also be a danger that the Commission would not continue to propose the deletion of the voluntary beef labelling provisions if the dossier were to fall. We are confident that the Department and devolved administrations can bring in sensible improvements to the cattle identification regime using the powers and conditions set out in the current proposed text of the regulation.

We understand that the Council will now write to the Chair of the European Parliament's ENVI Committee signifying their acceptance of the proposed deal. We expect further consideration by the European Parliament in the Autumn, but we have no firm dates. We understand the next stage is for the legal linguists and translators to check and produce a revised official version including the agreed amendments.

I propose to you, therefore, that you give your support for us to vote in favour of the revised proposal in Council. I will continue to inform you of progress or issues arising during the continued passage of the proposed regulation.

18 July 2013

Letter from the Chairman to David Heath MP

Your letter of 18 July 2013 on the above legislative proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

On the substance of your letter, we note the compromise achieved between the European Parliament and Council. We are pleased to see that there has been substantial movement by the European Parliament, particularly on the issue of a transitional period for the introduction of electronic identification. You had originally pressed for a seven year transitional period, but appear satisfied that the compromise period of five years will be challenging but workable. We note too your comments relating to animal cloning, on which we have received separate correspondence.

We would agree that the benefits of adopting the legislation with the tighter transitional period outweigh the risks of failure to adopt any legislation. On that basis, we are content to release the proposals from scrutiny.

Turning to the procedural aspects of your letter, it is very disappointing that you had not written to update us on this important proposal since 7 March. During that time, substantial progress has been made. As you indicate, you copied us into a letter to the House of Commons European Scrutiny Committee dated 3 June. This did not, however, constitute formal correspondence with the House of Lords and our Clerk therefore requested that you write to this Committee setting out similar information. Our Clerk gave a second prompt on 18 July, further to which we received your letter which included helpful information on the most recent developments. Whether or not we would have received your letter without the Clerk's second prompt, I am sure you will agree that the process has been far from acceptable. We trust that there will be no repeat.

25 July 2013

ENERGY COUNCIL LUXEMBOURG 7 JUNE

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

I am pleased to enclose a copy of my written statement to Parliament outlining the agenda items for the forthcoming Energy Council in Luxembourg on 7 June.

3 June 2013

ENERGY TECHNOLOGIES AND INNOVATION (9187/13)

Letter from the Chairman to the Rt. Hon. Gregory Barker MP, Minister of State, Department of Energy and Climate Change

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 June 2013.

You broadly support the Communication and emphasise the need for genuine collaboration. We would agree. Ultimately, though, increased resources are required. That was the clear conclusion of the Committee's recent report on EU energy policy. We believe that there is insufficient attention in the Communication to the issue of financing and that, ultimately, the SET Plan is doomed to failure without a clear financing plan. We would welcome your view on our observation. Would you agree that the Commission's Integrated Roadmap, to be published by the end of 2013, must set out more clearly a financing plan?

A recent report by the European Union Committee examined "The Effectiveness of EU Research and Innovation Proposals". It was concluded that the bureaucracy and complexity of EU Research and Innovation programmes act as a barrier to private sector participation, especially for SMEs, who are often the driving force behind innovative approaches. We were unclear to what extent this issue was addressed by the Communication and reflected in your EM. We would therefore welcome commitment from you to press this issue with the Commission as attention turns to implementing the energy technology and innovation strategy.

In terms of the focus of research and innovation spending, we would agree with the Commission's emphasis on energy efficiency but would add that interconnectivity is a crucial part of the EU's energy system. Research and innovation to support greater interconnectivity, helping to drive costs down is therefore an additional priority on which EU efforts might helpfully add value to Member State action in this area.

We are content to release the Communication from scrutiny and look forward to your response within ten working days.

For your information, we are also writing directly to the Commission and enclose a copy of our letter.

20 June 2013

Letter from the Rt. Hon. Gregory Barker MP to the Chairman

Thank you for your letter dated 20 June, in response to our Explanatory Memorandum on the Commission's recent Communication on Energy Technologies and Innovation.

Regarding your observation on the SET Plan financing issue, this is clearly a key concern that needs to be addressed urgently for the SET Plan to be able to deliver its objectives. However, in the context of the Communication on Energy Technologies and Innovation, my understanding is that the Commission do intend to progress this through the development of their Integrated Roadmap and Action Plan.

In practice, the Commission intend that financing will be a key part of the Action Plan element. This will be developed to complement the Roadmap, as part of a 2 stage process. The Roadmap is intended to outline the path towards successful implementation of the EU's energy technology and innovation strategy. The Action Plan will then suggest clear responsibilities for SET Plan stakeholders, including on proposed financing and investment needs and sources. DECC is already working closely with our Member State colleagues, in fact leading efforts within the context of the SET Plan's Steering Group, to increase Member State collaboration as part of this process, in partnership with the European Commission.

Our work will help to inform development of both the Integrated Roadmap and the subsequent Action Plan, by directly seeking to align the National Programmes of Member States more closely to delivering SET Plan objectives. This is a feature of the Communication and has been an aspiration of the SET Plan from its introduction, but real progress has remained elusive. Coupled with the stimulus of a new EU level research and development funding Programme in Horizon 2020, we hope that these renewed efforts will create some much needed momentum in SET Plan Implementation and have the added benefit of encouraging and mobilising the significant private sector investment that will also be needed.

On the bureaucracy and complexity of EU research and innovation programmes point, we agree with the finding of the House of Lords report: "The effectiveness of EU research and innovation proposals". Specifically, that bureaucracy and complexity are creating barriers to private sector participation in EU research and innovation programmes. Some progress on simplification has certainly been made during the development and operation of the seventh Framework Programme (FP7), but more can be done to make life easier for participants, especially SMEs. It was therefore encouraging to see in the Commission's proposals for Horizon 2020, and in its statements of intent around this, that further simplification initiatives, particularly in respect of the funding model; reduced auditing and reporting requirements; greater acceptance of beneficiaries' accounting practices; and reduced time-to-grant are to be introduced.

We are working closely with the Department for Business, Innovation and Skills (BIS) who have the policy lead on this, to press for improvements. The Commission have promised these changes to its new programmes, so it is a question of keeping up the pressure and ensuring that the planned and possible future changes benefit UK participants and the energy technology sector as much as possible. Also, that they materialise in practice as well as in guidance notes. We are alert to this issue, as are BIS, so I am very happy to offer the commitment you seek to continue to press this further and to ensure that further opportunities to simplify are identified and actioned as quickly as possible.

Finally, I welcome your points on the importance of interconnectivity. My Officials will be happy to include them in our input to the Commission on the development of SET Plan activity and its related Work Programmes.

30 June 2013

Letter from the Chairman to the Rt. Hon. Gregory Barker MP

Your letter of 30 June 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

Thank you for providing us with your views as regards our observation on the SET Plan and the Commission's Integrated Roadmap. We understand that the Commission intend that financing will be a key part of the Action Plan, which will be developed to complement the Roadmap. We are pleased that the UK has been leading efforts to increase Member State collaboration.

On the effectiveness of EU research and innovation, we are glad that the Government agree with our finding that bureaucracy and complexity are creating barriers. We are pleased to note from your letter that the Government are pressing the Commission for improvements in this regard, as well as stating that your officials will stress the importance of interconnectivity, particularly in relation to the development of SET Plan activity and its related Work Programmes.

We are now content to mark this strand of correspondence as closed.

25 July 2013

ENVIRONMENTAL ACTION PROGRAMME 2020 (16498/12)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs to the Chairman

I am writing to update your Committee on progress on the above proposal. I am also attaching a high level impact paper, which acknowledges the strategic nature of the proposal, and that any subordinate legislation proposed by the Commission as a result of the Environment Action Programme decision, will need separate consideration at the appropriate stage.

During Working Party discussions UK concerns have found traction in regard to i) no new targets being adopted without clear and robust justification, and ii) the need to adhere to the principles of Smarter Regulation.

The European Parliament's Committee on the Environment, Public Health and Food Safety (ENVI) considered the proposal on the 24 April; and once Council has completed its consideration at official level in early May, the EP, Commission and the Presidency are expected to convene a series of trilogue meetings to develop a mutually acceptable text before the Environment Council on 18 June, where the Presidency hopes to secure agreement.

In your letter dated 7 February you raised further questions regarding the Explanatory Memorandum, which was first considered by the Agriculture, Fisheries, Environment and Energy sub-Committee on 16 January 2013.

I am pleased you agree that the Commission's focus should be on the implementation of existing legislation. Defra has a significant role in implementing EU environmental legislation, takes its duties on effective and appropriate implementation seriously. Defra will be responding to a Commission consultation on the Revision of the EU legal framework on environmental inspections, and I would be happy to share this response with you when it goes forward.

You asked about the Soil Framework Directive, where the UK and a number of other Member States have blocked adoption, and remain clear in their opposition. The Irish Presidency have been considering whether the text could meet the concerns of the blocking minority, but it is not clear that this will be possible.

The UK has continued to press for the 7th Environment Action Programme to refer to the full range of social, economic and environmental knowledge informing EU environmental policy making, rather than simply to the environmental science evidence base. The Irish Presidency plans to reflect this in the revised text it presents to Council.

The Commission views voluntary partnership agreements as one of the potential tools for securing progress on improved implementation without prolonged infraction proceedings against Member States. Partnership agreements would seek to address specific problems or challenges regarding how environmental protection or improvement is achieved, for instance in transboundary issues such as river pollution or air pollution where joint action between Member States can be more effective. As you will be aware, infraction proceedings can be costly for the Commission and the Member State in question. If the Commission were to prioritise effectively, they could focus on applying voluntary partnership agreements to the cases that would benefit most from this approach and would make the biggest savings whilst achieving improved compliance with EU legislation.

Due to the strategic nature of the Programme, there is little detail available on the Commission's plans for further work on risk management. When the Commission produces a Communication on this subject I will of course write to you separately.

11 May 2013

Letter from the Chairman to Lord de Mauley

Your letter of 11 May 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the progress of the 7th Environmental Action Programme.

We are now content to release this from scrutiny. Your letter is not clear as to the nature of the text to which you propose to give agreement. We would therefore welcome sight, in confidence, of the draft text after the completion of trilogue meetings at the latest.

We look forward to your response in due course.

22 May 2013

Letter from Lord de Mauley to the Chairman

In your letter of 22 May you indicated that you were content to release this proposal from scrutiny, but noted that you would welcome sight of the draft text.

I am attaching [not printed] the latest Council text on 7th Environment Action Programme for your information and I would be grateful if you could ensure that it is treated confidentially. As I am sure you will appreciate, it is vital that this information is not published, nor reported in any way which would bring detail contained in the document into the public domain. It is being provided under the Government's authority and arrangements agreed between the Government and the Committee for the sharing of EU documents carrying a *limité* marking.

4 July 2013

Letter from the Chairman to Lord de Mauley

Your letter of 4 July 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 17 July 2013.

We are grateful to you for providing us with a copy of the latest Council text on the 7th Environmental Action Programme which, of course, we will treat with the strictest of confidence.

We note that agreement was not reached at Council on 18 June. We look forward to an update on progress in due course.

18 July 2013

EU STRATEGY ON ADAPTATION TO CLIMATE CHANGE (8556/13)

Letter from the Chairman to Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 22 May 2013.

We note that the Commission's Communication is a rather general, high-level document. The emphasis is, rightly, on action at the national and local level, with the support of the EU to improve the information to support policy and to ensure that the EU's own policies are adapted to climate change.

You are critical of the Commission's suggestion that it take a legislative approach should it judge by 2017 that Member State action has been inadequate. We agree that the EU's adaptation focus should be on those policy areas of genuine trans-boundary interest, such as water policy and plant health. We would nevertheless welcome information from you on how else you consider Member States can

be encouraged to take appropriate action. In that light, and given your confidence as to the advanced state of the UK in this regard, how is the UK supporting other Member States?

We will retain the Communication under scrutiny and look forward to your response within 10 working days.

22 May 2013

Letter from Lord de Mauley to the Chairman

Thank you for your question following the Explanatory memorandum on the Communication from the Commission: 'An EU Strategy on adaptation to climate change', on how Member States can be encouraged to take appropriate action and also how the UK is supporting other Member States.

It is important to note that 15 Member States have already developed their own national adaptation strategies. The Commission is committed to assist other Member States to develop strategies as well. It will provide financial support for adaptation through the proposed LIFE instrument, which includes a climate action sub-programme.

The Commission will also use multi-annual work programmes to define strategic goals and thematic priorities. Generally, priority will be given to adaptation flagship projects that address key cross-sectoral, trans-regional and/or cross-border issues. Projects with demonstration and transferability potential will be encouraged, as will green infrastructure and ecosystem-based approaches to adaptation as well as projects aiming to promote innovative adaptation technologies. This comprises both hard and soft technologies, such as more resilient construction materials and early warning systems.

The Commission will also support the exchange of good practice between Member States, regions, cities and other stakeholders. This will help Member States with the development of their national strategies.

The UK government is supporting other Member States by sharing information about its experience in developing the UK climate change risks assessment (published in January 2012) and its National Adaptation Programme (to be laid in Parliament in July 2013) in different ways:

- Through bilateral engagement. For example, recently my officials presented our work to their Slovenian counterparts.
- Through international fora. For example, the OECD in April published a document 'National adaptation planning: lessons from OECD countries', which includes the UK as a case study. The recent international peer review of the UK approach to disaster risk reduction (the Hyogo Framework) cited the climate change risk assessment and national adaptation programme as good models to follow.
- Through the Environment Agency (EA). The EA has been working with European counterparts through the interest group on climate change adaptation of the EU Environmental Protection Agency network. It fulfils a leading role in exchanging knowledge on practical adaptation issues, for example the management of flood risk.
- By supporting the UK Climate Impacts Programme to facilitate an International Dialogue on national climate change risk assessments, involving other EU Member States as well as the USA, Canada and Australia.

1 June 2013

Letter from the Chairman to Lord de Mauley

Your officials wrote to our Committee on Wednesday 12 June requesting that we provide a scrutiny waiver as regards the dossier above in time for the EU strategy on adaptation to climate change to be agreed at the Environment Council on Tuesday 18 June.

On this occasion, we are content to provide a scrutiny waiver on the Communication, but request that the Committee be provided with further information following the Council.

We may, of course, request further information once we have had an opportunity to consider your letter of 1 June.

14 June 2013

Letter from the Chairman to Lord de Mauley

Your letter of 1 June on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 June 2013.

We are grateful to you for your helpful clarification about the progress being made by other Member States. Whilst we are pleased to note that 15 Member States have developed their own national adaptation strategies, we are concerned that this means 12 have not as yet.

We are further appreciative of the information you provide as regards the support the UK Government is providing to other Member States.

The Committee is also grateful to you for allowing us to see the draft Council Conclusions. As you will be aware, we have already provided a scrutiny waiver for this Communication, and are now content to mark the strand of correspondence as closed.

20 June 2013

EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT (EAFRD) (8340/13)

Letter from the Chairman to David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 22 May 2013.

This is a sensible piece of legislation, which must be adopted with urgency. Most critical, we consider, is to ensure clarity for the spending of rural development funding, because this is multi-annual in nature. We would emphasise that those wishing to access funds should be able to do so with some clarity on future programming, both in 2014 and in later years.

We will retain the proposal under scrutiny and look forward to information from you in due course when more clarity is available on the issues that you intend to raise in the course of discussions with the Commission, European Parliament and other Member States.

22 May 2013

EUROPEAN CARBON MARKET IN 2012 (16537/12)

Letter from Baroness Verma of Leicester, Parliamentary Under Secretary of State, Department of Energy & Climate Change, to the Chairman

Thank you for your letter of 28 February regarding our update of 11 February. Following the European Parliament's positive plenary vote on backloading, now is an appropriate time to provide you with an update on the UK position regarding the European Commission's proposals for structural reform of the EU Emissions Trading system set out in their Carbon Market Report

In parallel with the back-loading process, the UK has continued to be a strong advocate of structural reform. We believe that reform is required urgently to reduce the surplus of allowances in the system, increase the incentive for low-carbon investment through a higher carbon price and bring the system in line with our ambition of a 40% EU emissions reduction (or 50% with a global deal). We have called on the Commission to bring forward legislative proposals for reform by the end of this year and are working closely with other Departments to reach a UK government position on the detailed options, including those set out in the European Commission's Carbon Market Report. We will provide you with a further update in due course.

1 August 2013

EUROPEAN COURT OF AUDITORS (ECA) SPECIAL REPORT 21/2012: COST-EFFECTIVENESS OF COHESION POLICY INVESTMENTS IN ENERGY EFFICIENCY (UN-NUMBERED)

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

I am today submitting an Explanatory Memorandum on the European Court of Auditors (ECA) Special Report 21/2012: Cost-effectiveness of Cohesion policy investments in Energy Efficiency?

I regret that the deposit of this document was delayed having been missed by the system of sifting documents both within the Cabinet Office and my own Department. As soon as this was picked up, your officials were alerted to this by Cabinet Office and it was agreed that I should write in this respect.

As I understand it, the document was missed as these reports now appear to be circulated by the Council Secretariat in a different format than hitherto has been the practice; they now issue as an information note to delegations with a web link to the published report, rather than under the previous cover note arrangements that reproduced the contents of the letter from the President of the ECA (with the text of the report and the Commission's replies attached) when submitting the report to the President of the Council. I have reminded my officials of the importance of working closely with the Cabinet Office to ensure we continue to identify documents that should be submitted for scrutiny, and I am advised that such oversights are extremely rare. My scrutiny co-ordinator and officials will monitor the EU website closely to prevent a similar situation occurring in the future.

I also regret that as a result of the oversight, Council conclusions have already been reached on the report. The conclusions were discussed by the Committee of Permanent Representatives (COREPER) on 20th February and 15th May. The conclusions essentially note the ECA's recommendations on this report and encourage the Commission and Member States to continue to improve management and control systems for Structural Funds in the current programming period with a view to optimising the implementation in the next programming period, starting in 2014. They also encourage the Court to continue its thorough examination of programmes and projects financed under the cohesion policy and to contribute with its recommendations to designing this policy to become even more efficient and result-oriented in the next programming period, starting in 2014.

The UK comments on the draft conclusions, together with the final Council conclusions, are attached to this letter [not printed].

4 June 2013

EUROPEAN COURT OF AUDITORS (ECA) SPECIAL REPORT 20/2012: EU WASTE POLICY OBJECTIVES (UN-NUMBERED)

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

I am today submitting an Explanatory Memorandum on the European Court of Auditors (ECA) Special Report 20/2012: Is Structural Measures funding for Municipal Waste Management infrastructure projects effective in helping Member States achieve the EU waste policy objectives?

I regret that the deposit of this document was delayed having been missed by the system of sifting documents both within the Cabinet Office and my own Department. As soon as this was picked up, your officials were alerted to this by Cabinet Office and it was agreed that I should write in this respect.

As I understand it, the document was missed as these reports now appear to be circulated by the Council Secretariat in a different format than hitherto has been the practice; they now issue as an information note to delegations with a web link to the published report, rather than under the previous cover note arrangements that reproduced the contents of the letter from the President of the ECA (with the text of the report and the Commission's replies attached) when submitting the report to the President of the Council. I have reminded my officials of the importance of working closely with the Cabinet Office to ensure we continue to identify documents that should be submitted for scrutiny, and I am advised that such oversights are extremely rare. My scrutiny co-ordinator and officials will monitor the EU website closely to prevent a similar situation occurring in the future.

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The UK comments on the draft conclusions, together with the final Council conclusions, are attached [not printed] to this letter.

4 June 2013

EUROPEAN COURT OF AUDITORS SPECIAL REPORT: HAS THE EU SUPPORT TO THE FOOD-PROCESSING INDUSTRY BEEN EFFECTIVE AND EFFICIENT IN ADDING VALUE TO AGRICULTURAL PRODUCTS (UN-NUMBERED)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

I am today submitting an Explanatory Memorandum on the European Court of Auditor's (ECA) Special Report. I regret that the deposit of this document was delayed having been missed in the system of sifting documents both within the Cabinet Office and in my own department. As soon as this was picked up, your officials were alerted to this by the Cabinet Office and it was agreed that I should write in this respect.

As I understand it, the document was missed as these reports now appear to be circulated by the Council Secretariat in a different format than hitherto has been the practice; they now issue as an information note to delegations with a web link to the published report, rather than under the previous cover note arrangements that reproduced the contents of the letter from the President of the ECA (with the text of the report and the Commission's replies attached) when submitting the report to the President of the Council. I have reminded my officials of the importance of working closely with the Cabinet Office to ensure we continue to identify documents that should be submitted for scrutiny, and I am advised that such oversights are extremely rare.

30 May 2013

EUROPEAN COURT OF AUDITORS (ECA) SPECIAL REPORT 23/2012: REGENERATION OF INDUSTRIAL AND MILITARY BROWNFIELD SITES (UN-NUMBERED)

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

I am today submitting an Explanatory Memorandum on the European Court of Auditors (ECA) Special Report 23/2012: Have EU Structural measures successfully supported regeneration of industrial and military brownfield sites?

I regret that the deposit of this document was delayed having been missed by the system of sifting documents both within the Cabinet Office and my own Department. As soon as this was picked up, your officials were alerted to this by Cabinet Office and it was agreed that I should write in this respect.

As I understand it, the document was missed as these reports now appear to be circulated by the Council Secretariat in a different format than hitherto has been the practice; they now issue as an information note to delegations with a web link to the published report, rather than under the previous cover note arrangements that reproduced the contents of the letter from the President of the ECA (with the text of the report and the Commission's replies attached) when submitting the report to the President of the Council. I have reminded my officials of the importance of working closely with the Cabinet Office to ensure we continue to identify documents that should be submitted for scrutiny, and I am advised that such oversights are extremely rare. My scrutiny co-ordinator and officials will monitor the EU website closely to prevent a similar situation occurring in the future.

This report has not reached the stage of conclusions for Member States to discuss. It is expected that the report will be the subject of discussion in July, at the Structural Actions Working Group.

4 June 2013

EUROPEAN INNOVATION PARTNERSHIP 'AGRICULTURAL PRODUCTIVITY AND SUSTAINABILITY' (7278/12)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 14 March 2013. I am writing to update you on the European Innovation Partnership on agricultural productivity and sustainability and to respond to the issues raised in your letter.

The Rural Development Regulation provides the legislative basis for the EIP. The legislative text agreed at June Agriculture Council confirms what EIP activities can be funded under the new Rural Development Programme including possible support for national Operational Groups. The scope is broad, allowing Member States flexibility in determining how they wish to support setting up national Operational Groups within their RDP, if at all. It is worth noting that the Regulation allows for Operational Groups to consider issues around forestry as well as farming that may drive agricultural productivity and sustainability.

With no expected changes to the EIP part of the legislation, we are now pressing ahead with developing the next Rural Development Programme for England, and our approach for the EIP will be determined within this wider context. Over the coming months we will informally consult a range of stakeholders on all aspects of the Rural Development Regulation including the EIP and Operational Groups.

We are also considering possible approaches for supporting Operational Groups with the Commission and other Member States and developing the detail of how to go about programming for innovation within the RDP more generally.

As members of the Committee will be aware, the Government is already supporting a number of activities to promote innovation and applied research in the agricultural industry. The UK's agri-tech strategy, due to be published by the Science Minister, David Willetts, and the Defra Secretary of State Owen Paterson, at the end of this month, will support growth by encouraging the domestic and global uptake of world class UK based agri-science and associated technologies and stimulating their translation into high-tech agricultural systems in the UK. This Strategy will forge stronger links between the science base and the business sector, to better align and accelerate the translation of research into improved products, skills, practices and knowledge with practical applications, and to improve access to advice for the farming community on best practice and new technologies.

In addition, Defra is currently developing a specification for a Sustainable Intensification Research Platform. This Platform will bring together environmental and agricultural research groups to collaborate in developing sustainable intensification metrics, improve decision support tools and share information with the aim of increasing productivity while at the same time enhancing the environment. It is important that activities related to the EIP complement these existing initiatives and we will be further analysing the costs and benefits of the different options relating to the Operational Groups.

I previously informed the Committee that the European Commission had gone out to tender for an EIP Network that would act as a central information point in support of innovation in agriculture. This contract has now been awarded to a group comprising seven partners from seven European countries, led by the Vlaamse Landmaatschappij (VLM, the Flemish Land Agency). The Network 'went live' on 11th July.

I have also mentioned that the High Level Steering Board for the EIP would be producing a Strategic Implementation Plan (SIP). This was agreed and published on 11th July 2013. The SIP sets out the Steering Board's strategic advice on how to create an innovation culture in European agriculture that bridges science and practice, where within this vision the EIP may sit, and the potential issues, bottlenecks, solutions associated with it. The SIP is to be treated as a general recommendation in order to leave sufficient flexibility for the EIP to remain open to new insights throughout its implementation and to rely on bottom-up initiatives.

Your letter mentioned concern with following a 'bottom up' rather than systems approach in driving innovation. The Commission has been clear that the EIP offers an opportunity for driving further

application of research, bringing together researchers and farmers more closely to apply innovative techniques to issues farmers are experiencing. The issues chosen by OGs to be examined will largely depend on the participants of the group, and the Commission sees the farmer having a key role in determining the topic, 'bottom up'. However, knowledge exchange is a two way process, and innovation clearly requires the active participation of all main players, including farmers and other parts of the supply chain.

Your letter also highlighted the EU's Scientific Committee on Agricultural Research (SCAR) report "Agricultural Knowledge and Innovation Systems in Transition – a reflection paper", published in March 2012. Defra participated in the working group that produced this report and we have continued to work in this area with colleagues from the European Commission and other countries. A second report from the working group will cover issues such as incentivizing innovation and the use of information and communication technologies in agriculture. This is due to be published by the end of this year.

I hope this information is helpful. I will continue to keep you updated on developments on the EIP and expect to provide insights into the preferred approach in the autumn.

18 July 2013

Letter from the Chairman to David Heath MP

Your letter of 18 July 2013 on the above Communication was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 24 July 2013.

Thank you for your very helpful and informative letter, as regards updating us on this dossier.

This item is of particular interest at present, as we are considering launching an inquiry into food waste prevention and will be reflecting on implementation of the CAP reform later in the year.

We are now content to release the Communication from scrutiny, and would welcome your offer to keep us updated on the development of the EIP in due course.

25 July 2013

EUROPEAN STRATEGY ON PLASTIC WASTE IN THE ENVIRONMENT (7367/13)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 25th April on the above Proposal following consideration by the Agriculture, Fisheries, Environment and Energy Sub-committee on the 24th April.

The issues that you have raised are clearly very important and I have replied along the lines of each point you have raised.

SUBSIDIARITY

I agree that the issue of subsidiarity will need to be closely examined and monitored during the consultation process and thereafter as any legislative proposals develop as a result of that process. The principle of subsidiarity requires that both the objectives of the proposed action cannot be sufficiently achieved by the Member States acting on their own, and that they can be better achieved by action on the part of the EU. In areas of shared EU competence this will require both a legal and policy assessment of any subsequent legislative proposals.

DOOR STEP COLLECTIONS/PAY-AS-YOU-THROW

It will be necessary to examine whether there is agreement by Member States on the approach to be taken to door step collections for plastic waste, charging for residual waste, and tackling the issue of plastic bags or any other suggestions that may be made in relation to plastic waste reduction. If agreement can be reached, EU legislation may achieve harmonisation with a uniform approach across the EU. However, the UK Government will take an independent view during negotiations and at the point at which draft legislative proposals are developed on these subject areas as to whether the aims of any proposal can be sufficiently achieved by Member States acting on their own and that they

cannot be better achieved by action on the part of the EU. Therefore these concerns will be reflected in the UK's response to the Green Paper.

SINGLE USE CARRIER BAGS

You mentioned your concerns regarding a pan-European approach to tackling the issues of single use carrier bags. Many Member States, including the UK, have already taken voluntary action or have established recycling systems in place to deal with certain plastics, such as bags, at end of life. The voluntary agreements with the major retailers in the UK resulted in a reduction of 40% of carrier bags distributed between 2006 and 2010 and some countries in the UK have already taken steps to charge for single use carrier bags. Wales introduced a 5 pence charge 2011 with significant reductions in supply being reported. Northern Ireland introduced a 5 pence charge on all single use bags on 8 April 2013. The Scottish Government has announced their intention to introduce a charge similar to the Welsh system requiring retailers to charge for single use carrier bags. I will stress these national activities in my response to the European Commission as they show that we on national level remain determined to tackle the blight caused by discarded carrier bags.

BIO-BASED PLASTICS

Whilst bio-plastics have a role, the UK believes that food production must remain the primary goal of agricultural production. The production of biomass for bio-based plastics which are not waste derived must not undermine food security, negatively impact biodiversity, or lead to an increase in greenhouse gas emissions via indirect land use change.

The recovery and disposal of waste including plastics requires a permit under EU legislation with the principal objective of preventing harm to human health and the environment. This legislation also allows Member States to provide for exemptions from the need for a permit, providing general rules are laid down for each type of exempt activity, and the operation is registered with the relevant registration authority. The UK is one of the few Member States that makes widespread use of exemptions to encourage small-scale low risk waste operations e.g. for the composting and land-spreading of small amounts of 'green waste'.

We are considering how the current arrangements for regulating the spreading of waste and non-waste materials on land to confer agricultural or ecological benefit can be integrated and made simpler, and secure increased protection of soils and the wider environment. In this context we would need to consider whether the composting and land-spreading of bio-plastics would affect the potential risk to the environment and the scope of the current exemptions.

References to the UK science base in this area have been made in the paper response.

PLASTIC WASTE IN THE MARINE ENVIRONMENT

It is generally accepted that the sources of the majority of litter in the marine environment are terrestrial. We recognise that litter has an impact on the marine environment and that plastics in general constitute the majority of litter items. Plastic can cause harm to marine wildlife including through smothering of the seabed and imposes costs on local communities and fishermen.

EXPORT OF WASTE

I note your comments on the size of waste plastic exports. Like other raw material supply chains; the market for waste plastic is global. The export trade in plastic recyclate reflects a mixture of both demand from overseas re-processors and, in some cases, collections of material in excess of the capacity of re-processors in Europe to utilise it.

The export of waste material is a legitimate aspect of a global marketplace and has many benefits including the global resource use of recyclable waste material, reducing global carbon emissions and helping to meet recycling targets. However, the environmental and economic impacts of exporting wastes illegally can be highly significant particularly for developing nations.

There impacts include the effect on human health from sorting through mixed wastes; increased emissions from landfill created by the disposal of residual waste and impacts on water tables and human health caused by disposal in rudimentary landfill operations. There are also concerns about whether the legal standards on environmental protection and health and safety in some countries are equivalent to those in Europe. This can damage consumer confidence and participation in recycling. There are also economic impacts on the industrialised countries, including the loss of potentially

significant resources and the continued reliance on virgin materials. Finally there is the potential cost to the European taxpayer from the rejection and repatriation of the waste to Europe.

We believe that a greater focus on quality recyclates by local authorities and the waste management industry should help to ensure that co-mingled waste gets properly sorted and that the final output from waste management sites is of sufficient quality to go direct to a reprocessor regardless of whether that reprocessor is in the UK, Europe or the Far East.

Government officials are currently assessing the results of a recent public consultation on the quality of recyclates, including proposed regulations covering waste management sites involved in the sorting of mixed waste materials. We are also exploring with the Environment Agency the potential for enhancing enforcement of the Waste Shipments Regulation by using information on the quality and destination of outputs from waste management facilities which will also be delivered by the proposed regulations.

RECOVERY

You asked for clarity concerning the term “recovery”. The term is defined in Article 3 (15) of the Waste Framework Directive (WFD) (2008/98/EC) where it means ‘any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, in the plant or in the wider economy’. The WFD also includes a helpful non-exhaustive list of what it means by recovery operation at Annex II [not printed].

I do hope this has addressed your concerns, and also the detail in the Green Paper response.

RESPONSE

In the response, the UK has offered a broad welcome to the Commission’s examination of the issues, and agrees that the management of plastic waste provides both opportunities for promoting economic growth and for improving the environment. We’ve clarified that this does not mean we would support arguments for more EU wide legislation, adopting a generally sceptical stance and seeking further clarification of the Commission’s intent.

NEXT STEPS

We have now submitted the UK Government’s response to the Commission’s consultation. Responses will inform the Commission’s work programme for 2013, including its review of waste policy and legislation, the results of which will be presented in 2014.

4 July 2013

Letter from the Chairman to Lord de Mauley

Your letter of 4 July 2013 on the above Paper was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

You helpfully addressed our queries in your letter and we were interested too to read your response to the Green Paper.

While we will monitor with interest the Commission’s reaction to its consultation, we are content to release the Green Paper and to close this strand of correspondence.

25 July 2013

FACILITATING BETTER INFORMATION ON THE ENVIRONMENTAL PERFORMANCE OF PRODUCTS AND ORGANISATIONS (8310/13)

Letter from the Chairman to Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

We note that this is a non-binding recommendation, with no mandatory requirements. As such, we would agree with your position in supporting the overall objective of the Commission in its objective of allowing a greater market uptake of resource-efficient products and greener business practices, as well as removing barriers to green products in the Single Market. We would, though, highlight our concerns as regards whether this would contribute to the international process and as regards likely wide support among all Member States. Is there any indication, at present, as to whether any Member States are likely to adopt the Recommendation?

You highlight your own concerns, such as with costs to businesses and benchmarks. Opposition to the latter is driven by a concern around costs. We would ask you to provide your analysis of whether the potential benefits of a single resource efficient market might outweigh those costs and, furthermore, how such a market might be developed without benchmarks.

We would be grateful for information on whether your concerns have been communicated to the Commission, and whether there has subsequently been a dialogue between you. Are these concerns being addressed? Additionally, no mention is given to views expressed by other Member States or the Devolved Administrations. Have any other Member States or the Devolved Administrations raised similar concerns and/or support?

We noted in your EM that the EU is still in the process of “improving and clarifying the definitions of green goods”. The definition of ‘green’ is fundamental to this discussion, and we would be interested to know whether the Government have their own definition in this regard?

You also note that the Government contributed to the Commission’s public stakeholder consultation on the policy options, and that you are now planning your own stakeholder engagement. We would be interested to know more details of this engagement, including the timeframe, which stakeholders will be consulted, and a summary of the outcome of those discussions.

As regards the recommendation for various groups to use the environmental footprinting methods, your EM noted that you support the principles in relation to Member State use, with careful consideration required. In terms of companies and private organisations, schemes related to the measurement or communication of life cycle environmental performance and the financial community, the Government offer no opinions. We would be grateful to know whether you similarly support the principles for these groups, as you do for Member States, and if not, what concerns you have.

We will retain the Communication under scrutiny and look forward to your response within 10 working days.

22 May 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter dated 22 May, in which you raised a number of questions about the Explanatory Memorandum on the above Communication.

I am pleased that the Committee agrees with our support for the Commission’s overall objective of allowing a greater market uptake of resource efficient products and greener business practices, and removing barriers to green products in the single market.

You ask whether there is any indication at present as to whether any Member States are likely to adopt the Commission’s Recommendation. We have contacted all the EU attachés in other Member States to ask their plans but so far we have only received responses from Greece, Finland, Luxembourg, Latvia and Netherlands.

- For Greece, the Recommendation is a low priority. They are focussing on implementing Directives and reducing costly infringements and are not expecting to adopt it.
- Finland has not yet decided to what extent it will adopt the Recommendation, and will wait for the results of the ministerial working group before finalising a position. They have a “carefully positive” approach, supporting wider European goals targeting resource efficiency, but highlighting that for the Recommendation to be successful and to really facilitate green growth, the methods created have to be user-friendly, cost-efficient and extensive.
- Luxembourg are very positive about the initiative taken by the Commission but cannot say yet whether they will fully adopt it.

- Latvia, the ministries within Latvia have not yet agreed a position.
- Netherlands are in favour of a green economy, and feel that measures such as externalising environmental costs, moving taxes, and stimulating innovation, are important. They suggest that green economy could be stimulated by broader implementations of sustainable buying, measuring a product's energy efficiency, better integration of the green economy in other policy areas, improving communication, and simplifying rules.

The responses received are non-committal; however this is not surprising as this is still at a very early stage of the consultation process with Member States seeking to establish their own approaches.

You asked for our analysis of whether the potential benefits of a single resource efficient market might outweigh the costs to business. The Commission's impact assessment of their proposal is a qualitative comparison of the economic, social and environmental impacts of the policy options. The UK Government has not made its own economic analysis of the voluntary pilot initiative.

We do know that the potential economic benefits of resource efficiency are significant. For example, simply using resources (like water, energy and natural materials) more efficiently could bring direct savings to UK businesses of around £23 billion a year, as well as increasing their resilience and improving the potential to exploit comparative advantage. Therefore the potential benefits of a single resource efficient market may well outweigh the costs of this voluntary pilot.

However, we cannot say at present how many of the potential benefits of a single resource efficient market might be delivered through implementing harmonised EU environmental footprinting methods, or whether the benefits of the methods would outweigh their associated costs. This will depend on the future development of the footprinting methods and future decisions about their implementation (for example, which EU policy tools might be used to implement them, which products and organisations would be covered, how data gathering, assessment and benchmarking would be organised and monitored.).

You ask how a single resource efficient market might be developed without benchmarks. Our concerns about benchmarking relate to proportionality and the potential burden of developing benchmarks for all organisations and products on the market, assessing all organisations and products against them, and keeping the benchmarks and assessments up to date. Comparability between assessments for multiple environmental impacts is very difficult to achieve, especially for complex products and products with flexible uses, and for organisations with complicated supply chains.

We support a more targeted approach of identifying "hot spots" within product supply chains and targeting action to address these. This is a really good approach for helping businesses and others to deliver environmental benefits in the most cost effective way. UK businesses in the grocery and home improvement sectors are working together on identifying and tackling their "hot spots" through the Products Sustainability Forum which the Government funded Waste and Resources Action Programme (WRAP) co-ordinates. Action to tackle an identified "hot spot" could involve benchmarking of products, but this is only one option.

You ask whether we have had dialogue with the Commission about our concerns, and whether they are being addressed as a result. You also ask about whether other Member States or devolved administrations have raised similar concerns and/or support.

We have agreed our position with the Devolved Administrations. We have participated in discussions with the Commission on this issue at meetings of the Commission's Integrated Product Policy and Sustainable Industrial Policy group, on which all Member States have a seat. We have also raised UK concerns as part of the consultation process that was held between 9 January 2012 and 4 April 2012, including in a consultation meeting and in our written consultation responses on environmental footprinting methods, and a wider consultation on the EU Sustainable Consumption and Production Action Plan. A brief summary of the main points of the consultation from Member States, is attached at Annex A.

The Recommendation was also discussed at the informal Meeting of EU Environment Ministers in Ireland on 22 – 23 April 2013. Member States were supportive of the action and they felt it would:

- Create order and fewer systems.
- Be continued development. This is the first step.
- Need to be tested, to be assured we are going in the right direction
- Be less burdensome as it is now.

- Need simplification for all SMEs affected

Further dialogue is expected during the three year pilot process.

In relation to further clarification of EU definitions of green goods, you ask whether the Government has a definition of what is green. The government does not yet have its own definition of green goods, which to be sufficiently effective would need to be agreed with trade partners, but it does have the following useful definitions:

- The Government publication 'Enabling the Transition to a Green Economy: government and business working together' answers the question "What is a green economy?" explaining that it is not a sub-set of the economy at large – our whole economy needs to be green. A green economy will maximise value and growth across the whole economy, while managing natural assets sustainably. Our vision is that our green economy of the future will :
- Grow sustainably and for the long term,
- Use natural resources efficiently,
- Be more resilient and
- Exploit Comparative Advantages
- The low carbon and environmental goods and services (LCEGS) sector is defined by Innovas as traditional environmental services and renewable energy, as well as emerging low carbon activities - such as low carbon building technologies and carbon finance .

In terms of stakeholder engagement, we are planning initial discussions on the forthcoming pilot in advance of the Commission's volunteer application deadline of 26 July 2013. The first meeting will be held on 4 June 2013, for internal stakeholders and Devolved Administrations, with the objective to consider the UK approach to participation in the development of the Commission's proposal. Following this meeting there will be a wider stakeholder event on 7 June 2013, with a small focused group of relevant people, recommended by the Waste and Resources Action Programme (WRAP) and the British Standards Institute, who have a particular interest in the EU recommendation, to discuss the approach further and agree how we can contribute to the process. This should help us understand the various industries positions regarding the recommendation and if or how they intend to engage with the pilot process, giving the UK Administrations an appreciation of the appetite and enthusiasm for involvement.

Once these meetings have been held, we will forward the minutes of the wider stakeholder meeting to the Committee for information. We envisage further engagement, and the involvement of a greater number of stakeholders throughout the Commission's three year pilot process.

Finally, you ask whether we support the principle of others using the environmental footprinting methods (companies and private organisations, schemes related to the measurement or communication of lifecycle environmental performance and the financial community). If the EU environmental footprinting methods are to be effectively implemented in future, this will require the participation of all the parties mentioned, and so it is important that they are aware of the activity. We are very happy for all parties to participate in the initial voluntary piloting stage, but it is a matter for them to decide.

3 June 2013

Letter from the Chairman to Lord de Mauley

Your letter of 3 June on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 June 2013.

Thank you for helpful and detailed response.

We are particularly grateful for the information you provide as regards the positions of Greece, Finland, Luxembourg, Latvia and the Netherlands. We would of course be grateful to know of the views of additional Member States (if possible) when possible.

Regarding clarifying the definition of what is 'green', the Committee notes the comments made in your letter, but consider that if the EU is to debate a "Single Market for Green Products", much greater clarity on what this encompasses is required. As such, we would look to the Government to press this point with the Commission and other Member States.

Your comments on stakeholder engagement are welcomed, and we are appreciative of your offer to forward the minutes of the wider stakeholder meeting on 7 June to us.

We are content to release the Communication from scrutiny and look forward to your response in due course.

20 June 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter dated 20 June 2013, in which you requested further information regarding the views of Member States on the original Commission Communication issued on 10 April 2013. You also suggested that we press to achieve greater clarity on the “Single Market for Green Products” with the Commission and other Member States.

The pilot exercise for Product and Organisation Environmental Footprinting, which called for volunteers was closed on 26 July 2013. The selection of pilots will be announced at the first PEF Berlin World Summit on 8 and 9 October 2013. This will provide a better understanding on the sectors that have applied to participate in the pilots as well as those Member States that are keen to be involved.

In testing the single footprinting methodology, the exercise will establish the environmental footprint for all products, which will enable greater clarity and the ability to compare similar products.

As promised I have attached [not printed] a copy of the minutes from the wider stakeholder meeting held on 7 June 2013.

24 August 2013

FINANCIAL PROVISIONS FOR ANIMAL AND PLANT HEALTH PACKAGE (10726/13)

Letter from the Chairman to David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

We would welcome clarification on how the proposed budget compares to the current budget, which is spread across several spending programmes. Figures are given in the Commission impact assessment, but they cover the period 2005-11, rather than the current financing period (2007-13).

Over the period 2005-11, the UK received around €220 million under the food safety budget, the fourth highest recipient after Italy, Spain and France. How was that budget spent in the UK and what audit was made of its effectiveness?

In its impact assessment, the Commission notes that there have been weaknesses in the planned spending of these funds in the past. Are you content that the proposal addresses previous weaknesses in terms of assessment of effectiveness and robust financial oversight?

Your concern about the inclusion of compensation in plant health programmes was not clear and so we would welcome an elaboration from you of that concern.

Under the financial implications heading of the EM, it states that there are “no additional financial burdens or impacts”. We considered this a somewhat strange assertion for a proposal that relates specifically to financial provisions, and so we would be grateful for further information and clarity in that regard.

Finally, it is clear that you are still developing your position on this issue. What implications does the recent agreement on the Multiannual Financial Framework have for the timing of adoption of this proposal and hence the necessity to finalise a position? We would invite you to inform the Committee of your position once cleared across Government.

We will retain the proposal under scrutiny and look forward to your response by 30 August.

11 July 2013

FINANCIAL SUPPORT FOR ENERGY EFFICIENCY IN BUILDINGS (8703/13)

Letter from the Chairman to the Rt. Hon. Don Foster MP, Parliamentary Under-Secretary of State, Department for Communities and Local Government

Your Explanatory Memorandum (EM) on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 26 June 2013.

We disagree that the report lacks any policy implications. Energy efficiency in buildings is a matter of critical importance to wider policy on energy and climate change. It is extremely important that Government takes responsibility to ensure that appropriate finance is in place. As the Commission notes, Member States are in the driving seat to ensure that more cost-effective investments take place. We look to you to inform us of your strategy thus far to boost energy efficiency buildings in a cost-effective manner, utilising innovative new technology.

There are a range of specific suggestions made by the Commission which have clear policy implications. These include:

- a review of the rules for state aid as applying to energy efficiency;
- the continuing development of a common EU-wide energy certification scheme for the energy performance of non-residential buildings;
- the use of the European Regional Development Fund over the period 2014-2020 to support energy efficiency measures; and
- the development of technical guidelines on the use of innovative financial instruments.

We would welcome comment from you on the above areas.

It is noted in the Report that Member States will be required to publish, by April 2014, a long term strategy for mobilising investment in the renovation of the national stock of residential and commercial buildings and to facilitate the establishment of financing facilities for energy efficiency improvement measures. Is the UK on track to meet that target?

We note that you considered that consultation was not applicable for this report. The Commission document made reference to a public consultation which ran between February and May 2012. We would welcome clarification from you on whether the Government will be consulting within the UK on any of the issues raised by the Commission and, if not, why not.

You conclude that there are no financial implications deriving from the document. For a report assessing “financial support for energy efficiency buildings”, this seems particularly odd. Use of regional funding for energy efficiency could have implications if co-financed by the Government, or by Devolved Administrations. Similarly, changes to state aid rules could also presumably have some impact. We would welcome further explanation of the analysis that led you to your conclusion.

On the matter of financing, you provided a table setting out funding for energy efficiency under the current Multiannual Financial Framework. The figures that you provided in both euros and sterling do not appear to be aligned and we would therefore welcome clarification.

Regrettably, the EM is of an extremely poor quality. It fails to give adequate attention to a number of considerations, including scrutiny history, the interest of Devolved Administrations, subsidiarity, policy implications, consultation, financial implications and timetable.

The Committee scrutinised the Energy Efficiency Directive, which should have been recognised in the scrutiny history section of the EM. Contrary to your position, we consider that Devolved Administrations have a clear interest in the energy efficiency of the building stock. We would welcome confirmation that you have in fact liaised with the Devolved Administrations in the production of this EM.

Turning to the process of producing the EM, you will know that the original deadline for this EM was 8 May, but was extended twice to 10 June at the request of your officials. When the EM was finally submitted, it was only sent to the House of Commons scrutiny committee, and our Secretariat were required to chase your officials to receive a copy. Furthermore, despite being given two extension requests – and a guide regarding the Committee’s position on subsidiarity – the subsequent EM is still of very poor quality, and was not even properly disseminated to the House of Lords.

Unfortunately, this is not the first poor EM that we have received from your Department. In an attempt to help your Department improve its performance, our staff have made contact with DCLG

officials to offer training on the conduct by Government of EU scrutiny. Other Departments have found this useful in the past. We would very strongly recommend that you encourage your officials to improve their understanding of the process through dialogue with the Committee, as offered.

We will retain this Report under scrutiny and look forward to your response within 10 working days.

27 June 2013

Letter from the Rt. Hon. Don Foster MP to the Chairman

Thank you for your letter of 27 June, 2013, in which you set out a range of concerns your Committee, has regarding my Department's Explanatory Memorandum (EM) on the above report. I accept that there were deficiencies in the EM and am very sorry both for this and that the submission didn't recognise the extensions to the deadline that we had been given. I hope that this letter is helpful in responding to some of the issues you raise.

Your letter included an offer of training for DCLG staff on the conduct of EU scrutiny which I welcome. I have asked my officials to follow up on this offer.

The Committee disagreed with the EM's view that the Commission report lacks policy or financial implications, requesting comment in particular on the specific suggestions made by the Commission below:

- The state aid rules applying to energy efficiency may be reviewed;
- Development of an EU-wide certification scheme for the energy performance on non-residential buildings;
- Use of the ERDF over the period 2014-2020 to support energy efficiency measures; and
- The development of technical guidelines on the use of innovative financial instruments.

Each of these suggestions is considered in turn below.

We welcome the Commission's commitment to keep state aid rules under review to ensure that there remains appropriate flexibility for Member States to provide financial support for energy efficiency as they move towards the implementation of the Energy Efficiency Directive.

The development of an EU-wide certification scheme for the energy performance of non-residential buildings is an area where the UK will need to engage with both the Commission and across industry in future, as we recognise there may be an impact on implementation of the UK National Calculation Methodologies which underpin the production of Energy Certificates and related documents.

The proposed EC ERDF Regulation covering 2014-2020 requires more developed regions (which cover most of England) to allocate at least 20% of their resources to supporting the shift towards a low-carbon economy in all sectors. The share drops to 15 and 12% respectively in transitional and less developed regions. Guidance for Local Enterprise Partnerships (LEPs) on the 2014-2020 ERDF programme (to be published imminently), states the government believes that the policies and measures it has in place will help to ensure substantial progress towards meeting the Green House Gas (GHG) target and Renewable Energy target by 2020 and that it would not be practical to use EU funds to focus on large scale energy generation investments.

It therefore proposes that EU funds in England in this thematic objective should be focused on activities that deliver the Energy Efficiency target and create jobs/ growth in low carbon technologies, whilst also contributing to GHG emission reductions and decentralised renewable energy production. Those activities that need to be implemented now to achieve longer term targets will also be supported. Therefore, in no particular order, the focus should be on:

- Build the market in low carbon environmental technologies, goods and services including via domestic retrofit
- Support the non domestic sector to deploy low carbon technologies and focus on energy efficiency
- Development of "hole place" low carbon solutions (including heat and cooling networks, urban design, sustainable urban mobility, decentralised energy systems such as local heat or electricity grids and off grid energy systems such as biomass heating, community energy solutions, climate change adaptation measures and demand management)

- Activities that accelerate the development, innovation, adoption and deployment of low carbon technologies and related supply chains/infrastructure

The Committee also requested comments on the Commission's development of technical guidelines on the use of innovative financial instruments. The report states that these are to be developed during the first half of 2013, and we will consider these in detail when they are available.

The Committee ask about progress in producing a national strategy for mobilising investment in the renovation of the national building stock. The Council's report under the EPBD is intended to inform development of this strategy, a requirement of Article 4 of the EU Energy Efficiency Directive. The Department of Energy and Climate Change (DECC) is coordinating the Government's overall implementation of the Directive. The implementation of Article 4 of the Directive is led by DCLG and DECC jointly, with input from the Devolved Administrations. I can confirm that the strategy will be developed and submitted in line with the Commission's deadline of April 2014.

The Committee note that the Commission's report refers to consultation taking place between February and May 2012. This consultation informed the development of the report on financial support for energy efficiency in buildings. You request clarification as to whether the UK will consult on any of the issues raised by the Commission. The Government has no plans to run general thematic consultation on energy efficiency financing in buildings. We have publicly consulted on the development of the Green Deal, the UK's major policy instrument aimed at providing finance for building energy efficiency. As we work towards Energy Efficiency Directive's transposition deadline of 5 June 2014, we will be consulting on those areas where there are new and substantial obligations on entities outside of Government. One example of this is the requirement for large enterprises to conduct energy audits every four years under Article 8 of the Directive. Where we already have major policy initiatives in place, such as the Green Deal, we will draw on these existing measures to help demonstrate our compliance with the requirements of the Directive; and demonstrate UK leadership on energy efficiency.

You seek clarification of the pound-euro conversion rates in the EM. Officials have double-checked the figures in the EC's report in light of the monthly exchange rate set by the Cabinet Office, using the July exchange rate. We apologise for the discrepancies in the EM and would be happy to resubmit this with corrected figures if appropriate.

The Committee consider that there should have been reference to scrutiny of the Energy Efficiency Directive. 12046/11- Proposal for a Directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/C and 2006/32/EC was submitted by the Department of Energy and Climate Change (DECC) on 7 July 2011. The Commons European Scrutiny Select Committee considered it politically important and cleared it from scrutiny on 31 January 2012 (Report No. 256, Session 10/11). The Lords European Committee cleared it from scrutiny on 11 October 2012 (Sift No. 1435, session 10/11). I apologise for the omission of such a reference in the EM.

The Committee requests confirmation that the Devolved Administrations were consulted on the production of the EM. This was the case, and I apologise for the omission of a reference to this, using the appropriate wording, in the EM.

I note your intention to retain the EM under scrutiny, and would be happy to provide further information is helpful.

12 July 2013

Letter from the Chairman to the Rt. Hon. Don Foster MP

Your letter of 12 July 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

The information that you provided in the letter was very helpful in clarifying the issues that we raised in our earlier letter to you. There are clearly wider issues relating to energy efficiency policy that we can take forward in our regular dialogue with the Department of Energy and Climate Change.

We are pleased that staff from your Department will be meeting with our own officials to receive training on the process of EU scrutiny and we hope that this will be of assistance to the Department as a whole in supporting parliamentary scrutiny of relevant EU documentation.

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

25 July 2013

Letter from the Chairman to Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 3 July 2013.

The overarching messages are, as you indicate, positive. On the other hand, a figure of nearly 40% overfishing is unsustainably high and discrepancies in available data across regions are very worrying. It is unquestionable that strenuous efforts are still required to put EU fisheries on a trajectory towards sustainability. This must include appropriate control and enforcement effort.

We note that the Commission proposes to apply the precautionary principle in the absence of advice. We would welcome your view on this suggestion and your understanding of how the Commission propose to establish a TAC in those instances.

You acknowledge the concerns expressed by the Commission about stocks of North Sea cod and of whitefish in the West of Scotland, Irish Sea and Celtic Sea. In your EM, you note that the Government are working with the industry to improve the situation. What additional action is, in your view, required and when might it be taken?

The Commission makes reference to amendments to fishing opportunities in order to take into account the forthcoming discard ban. It is unclear to us whether consideration of the discard ban will affect the 2014 fishing opportunities or the 2015 opportunities and we would welcome clarification of that point.

Finally, you refer to the continuing need for agreement by Iceland and the Faroe Islands to join Norway and the EU in the sustainable management of mackerel. We would welcome an update on the progress of those discussions.

We are content to release the Communication from scrutiny and look forward to your response within 10 working days.

4 July 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 4 July 2013.

I share your view on the 39% figure quoted in the Commission's Communication indicating the proportion of fish stocks that are overfished, and agree that this is unsustainably high. While agreeing on these figures, however, I do have reservations about the limitations of the Commission's Communication itself. While it provides a useful overview, the fish stocks being summarised in this way are not identified in the annexes [not printed], which limits its usefulness as a comprehensive reference document to help establish a full picture. I certainly agree, however, that strenuous efforts to address the remaining stocks being overfished are still required.

I believe the key reforms of the Common Fisheries Policy now moving towards adoption by the European Parliament will at least provide an improved framework to work within to build on the progress made, although much work remains to prepare for implementation of these reforms. Data collection is a key tool in this process. Though not yet complete, I include the European Maritime and Fisheries Fund (EMFF) as a key element within this framework, where the Data Collection – Multi Annual Programme (DC-MAP) under the EMFF will in time replace the existing Data Collection Framework, with systemic improvements to help resolve the discrepancies you have noted in available data across EU fisheries.

On setting fishing opportunities related to stocks for which there is no scientific advice, I support the principle of applying the precautionary approach as noted by the Commission. But as always the procedure used will need careful consideration. In this context the Commission referred back to their policy communication in 2000 (Communication from the Commission on the Precautionary Principle) but have not further specified how they will apply this approach this year.

Our own view is that all known information related to such stocks should be taken into account and considered on a case by case basis. From previous experience we are wary of any signs of a blanket approach being applied by the Commission without full consideration of the wider context in each case. We believe an absence of scientific advice should not automatically result in a reduced Total

Allowable Catch (TAC) unless there are declining trends or other information to support such decisions.

Amendments to fishing opportunities to take into account landing obligations will not affect the actual TAC setting process for next year – although there are exceptions in areas where the UK does not fish, e.g. salmon in the Baltic and fisheries in the Skagerrak, where the landing obligation is likely to apply from 2014. Otherwise under the agreed timetable, the landing obligations for pelagic fisheries will apply from 2015. In this context it is important to note that the scientific advice for most stocks for 2014 also now includes an assessment of appropriate fishing opportunities in the context of a landing obligation being in place. Our briefings to industry and interested parties on this year's advice have highlighted the need to guard against misinterpretation of this element included in the scientific assessment before the landing obligations actually apply.

I do indeed acknowledge the concerns about stocks of North Sea cod, and of whitefish in the West of Scotland, Irish Sea, and Celtic Sea. Government is working in partnership with fishermen to reduce fishing mortality by radically cutting levels of unwanted catches. Fishermen across the UK are now using highly selective gears to cut discards from habitually high discard fisheries.

For example, discards of cod, plaice and other whitefish have been cut from the Irish Sea nephrop fishery, and discards haddock and whiting have been reduced from mixed fisheries in the Celtic Sea as a result of new selective gears introduced into these fisheries recently. Through Catch Quota (CQ) management schemes the UK has incentivised the take up of selective gears as well as the spatial avoidance of cod by providing additional quota and fishing effort to vessels which fully document their catch.

We have expanded schemes in England in 2013 both in terms of numbers of participants and species under trial. The latest results (for 2012) demonstrate that under this type of management participating vessels have virtually eliminated discards of the stock under trial. For example, discards of North Sea cod were 0.1 percent of their total catch of cod. They have also shown they can cut discards of any species to around 1% of their total catch. By instigating a system of Real Time Closures (RTCs) our vessels are cutting fishing mortality by avoiding aggregations of juvenile and mature spawning fishing. In 2012 there were 282 RTCs in UK waters.

Looking forward, we anticipate adapting our RTC system to make better use of e-log information to ensure that the most up-to-date information is used to decide on the location and timing of a closure. Vessel owners may also receive additional effort for catching less than 5% cod in their total catch. This year we are enhancing our scrutiny to ensure the efficacy of measures taken by fishermen. Our key challenges for achieving stock recovery for the next couple of years will be to maintain momentum with the fishing industry to extend selectivity measures and build on the behaviour change we are beginning to see. This can be done through improving management procedures we have in place so that they better incentivise the practices which we want fishermen to adopt.

Finally, the dispute on the management of the North East Atlantic mackerel stock between the EU and Norway on the one hand, and Iceland and the Faroe Islands on the other, is unfortunately still ongoing. It is frustrating that despite some 15 rounds of negotiations Iceland and the Faroe Islands continue to fish the stock at unsustainable levels and to demand an unrealistically high level of share in the stock. I hope that fresh scientific advice on the state of the stock due in the autumn will give new impetus to the talks. We continue to consider with the EU Commission ways of breaking the deadlock including the possible application of trade measures.

18 July 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 18 July 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

We are grateful for your comprehensive reply to our queries and we are now content to close this strand of correspondence.

We look forward to scrutinising the Commission's legislative proposals for 2014 fishing opportunities in the autumn.

25 July 2013

FLUORINATED GREENHOUSE GASES (15984/12)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter dated 13 February 2013, which expressed an interest in how negotiations are progressing and concerns regarding how a proposed revised EU fluorinated greenhouse gases (F gases) Regulation is being taken forward. I thought you might welcome an update before the summer recess.

There have been nine European Environment Council Working Party meetings in total that have considered the European Commission's proposal and subsequent drafts produced by the Irish Presidency. We have recently received a third re-drafted text from the Irish Presidency that will be discussed in detail under the Lithuanian Presidency at Environment Council Working Party meetings, the first four of which are scheduled for 1, 5, 19 and 26 July.

The UK and other Member States have submitted detailed written comments to the Commission in December 2012 and the Irish Presidency in February, May and June 2013. All Member States maintain scrutiny reserves and none, including the UK, have yet declared firm positions. Broadly speaking the Nordic Member States generally want greater ambition whilst southern Member States have concerns about costs and feasibility of certain aspects of the proposal. We are actively engaged with other Member States to determine and develop positions and alliances.

We are approaching a broad consensus in Council on a number of key elements relating to training and certification requirements, control of use provisions and reporting and record keeping requirements. However, on other elements of the proposal we are concerned that, despite hearing the broad range of views expressed by Member States to date, many of these have not been fully considered or reflected in revised Presidency texts. Significant new elements not in the Commission's original proposal, such as an alternative to a pre-charge ban and new arrangements for distributing quotas are also being considered for inclusion by the Presidency but have yet to be considered in any detail. We have therefore not made substantial progress on many of the key elements of the proposal and so there are a number of fundamental issues still to resolve as we move forward. These relate mainly to agreeing the ambition and pace of a Hydrofluorocarbon (HFC) phase-down, agreeing a fair and proportionate methodology for the allocation of quotas for placing HFCs on the market and finding an alternative to the Commission's proposal to ban the pre-charging of refrigeration and air-conditioning equipment with F gases.

We are therefore hopeful that the Lithuanian Presidency will provide Council with the opportunity to enter into more detailed discussions on these issues during the forthcoming Working Party meetings in July so that we can work towards an agreed Council position.

In parallel with the process ongoing in the Council, the UK has been closely engaged with the European Parliament. Since February 2013 we have established an ongoing dialogue with several key MEPs and their advisors in both the ENVI Committee (lead Committee) and TRAN Committee, including rapporteurs and shadow rapporteurs. We have had extensive discussions and exchanges of views on both the proposals and MEP amendments and have backed this up with a number of detailed technical briefings that have been widely read in the Parliament.

A vote in ENVI Committee on possible amendments to the Commission's proposal took place on 19 June. We have concerns about a number of the Committee's amendments that were voted through. We have particular concerns about the necessity, feasibility and timing of the additional specific product bans that have been proposed. We believe that a significant number are unrealistic and undeliverable by UK businesses. There are other new elements that ENVI have proposed to introduce such as a charging regime, a ban on exports of products and equipment containing F gases, and comprehensive changes to existing training and certification requirements for personnel and companies that we have concerns will impose disproportionate additional costs on UK businesses and consumers.

Both the Parliament and the Council have been working with a first reading agreement in mind. However, following the ENVI vote, they now appear to be a significant distance apart on a number of the key elements of the proposal. This must put a first reading deal in jeopardy unless significant compromises can be agreed on both sides. Because progress in Council has been slow relative to that in ENVI Committee, there is no prospect of trilogue discussions beginning before September and more realistically October this year.

We believe that we must continue to seek a first reading agreement deal if at all possible. If we are to bring in new measures on F gases then they need to be agreed quickly and transparently so as to avoid adding to business uncertainty and to allow investment for the future.

8 July 2013

Letter from the Chairman to Lord de Mauley

Your letter of 8 July 2013 on the above Proposal was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 17 July 2013.

We welcome the update that you have provided before the summer recess on this extremely important issue.

As you note, a first reading agreement between Council and the European Parliament (EP) appears distant, particularly following the vote in the EP's Environment Committee (ENVI).

You summarise the position of other Member States and note that you are working with some to determine and develop positions and alliances. It would be helpful to receive an update on any aspects of your position that have changed or evolved since the original EM, and a summary of the evidence on which your position is based.

One of your particular concerns related to additional specific product bans, a number of which, you believe, are unrealistic and undeliverable by UK businesses. We would welcome greater precision from you on this, explaining which proposed bans you oppose, on what evidence base businesses claim them to be undeliverable and the environmental impact assessment that you have undertaken in each instance as to the implications of opposing the introduction of a ban. Where businesses have concerns, have they proposed alternative dates or would they oppose any ban at all?

In your previous letter of 26 January 2013, you informed us that you were receiving a clear message from industry that they need certainty to assist their long term business planning objectives. To what extent would clear restrictions on specific products provide that certainty?

We look forward to your response to the above queries and to an update on the progress of negotiations across the key issues following the working party meetings in July.

We will continue to retain the Proposal under scrutiny, and look forward to a reply by 30 August 2013.

18 July 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 18 July in which you requested an update on our position regarding the above proposal and further explanation of our concerns related to additional specific product bans.

We continue to support in principle the further proportionate regulation of fluorinated greenhouse gases (F gases) and the broad approach taken by the European Commission, with a phase down of hydrofluorocarbons (HFCs) at its core. There is no one size fits all solution to regulation in this area and so policy measures must take account of the numerous types of products and equipment concerned as well as the technical feasibility and costs and benefits of replacing F gases. In this context we are opposed to controls on F gases that would result in unacceptable costs and impacts on businesses, regulators or the environment or have a negative impact on growth. We recognise that the long term use of F gases with a high global warming potential (GWP) is not sustainable. Therefore, where continued use of F gases is necessary, we want to discourage the use of those F gases that have a high impact on the climate, in favour of energy efficient and safe F gases that have a lower GWP. We also support actions that will further improve the containment and end of life treatment of products and equipment that contain F gases. These broad principles continue to underpin our analysis of the various elements of the European Commission's proposal and the options that are emerging for possible adjustments.

In broad terms, our position remains the same and we are still working to determine with other Member States, the Presidency and the Commission the detail of how each of the elements of the proposal will work together. However, in my previous letter to you I highlighted a number of proposed amendments that had been voted through by the European Parliament's Environment (ENVI) Committee on 19 June as well as a number of significant new elements not in the Commission's original proposal that are being considered in Council working parties. On many of

these issues our position is inevitably evolving as more details on the specific proposals emerge and as we are able to consider them further.

You asked for greater precision on which proposed specific use bans we oppose, the basis for that opposition and whether alternative dates for bans might make them acceptable to business. Annex A [not printed] contains a brief note, which sets out our thinking on specific use bans. This includes a summary of the barriers to the uptake and market penetration of alternative refrigerants that will have a significant impact on the pace of a transition to low GWP refrigerants. In assessing the feasibility of proposals for specific bans we have taken into account a wide range of information available to us including published reports, submissions from industry and independent expert advice.

Care is needed in defining and implementing bans because circumstances and requirements are different for each market sector and even for the sub-sectors within a given market. Specific bans must therefore be considered on a case by case basis, taking into account the range of products and equipment concerned, the technical feasibility (including economic and safety constraints) of alternatives, their availability and their broad costs and benefits. Non-targeted wide-ranging bans could have adverse effects including forcing the application of technologies that could increase overall greenhouse gas emissions in certain market sectors where energy efficient alternatives are not available.

Banning uses where it is clear that there are safe, effective alternatives can assist the phase down by ensuring that HFCs remaining on the market are effectively reserved for applications where alternatives don't currently exist. Targeted bans can provide certainty for businesses regarding those uses of F gases that will be restricted in future, helping investment decisions for end users as well as providing market certainty. Targeted bans also have the potential to stimulate significant development in the developing small business sector in the UK, providing alternatives to F gases. All of these are important additional factors that need to be considered.

However, no greater certainty is provided when bans are implemented where there is no suitable alternative available on the market and no significant evidence that alternatives will be available when a ban comes in to force. Banning uses in hope, rather than expectation, can have significant consequences for businesses and the environment. In the context of the broad bans proposed by the ENVI Committee in the stationary refrigeration and air conditioning sectors, it appears to recognise these concerns to some extent. However, the Committee proposes a "safety net" whereby exemptions from bans can be sought for applications where alternatives do not exist. Whilst we believe that for critical uses, where it is already known that there are no suitable alternatives, as well as in unforeseen exceptional circumstances there should be provision to exempt HFC uses from targeted bans, we don't believe such provisions should be used to support unworkable bans. In particular we, other Member States and the European Commission are all concerned about the administrative and other consequences of putting in place a broad ban supported by an exemption procedure that would be used to address many F gas uses that we already know could not comply with an untargeted ban.

For example, the broad ban proposed by the ENVI Committee on the use of all F gases irrespective of GWP in new stationary refrigeration equipment by 2020, does not take account of the range of systems employed in this sector. It is crucial that suitable alternatives are available for each sub-sector. Alternatives are certainly available in some sub-sectors of the commercial and industrial markets, particularly for large equipment (e.g. supermarket systems and some large industrial equipment). However, for small and medium equipment, safe, energy efficient alternatives to F gases and lower GWP HFC blends are not currently available.

For similar reasons we have concerns about unworkable broad bans for stationary and mobile air-conditioning given the complexity of this market sector. The stationary air-conditioning market is complicated because of the wide range of equipment configurations and the sector suffers from the same problems as the stationary air-conditioning in terms of suitable alternatives. It is therefore difficult to understand the rationale for a broad ban in this sector since in the short term there are no non-flammable alternatives that are environmentally beneficial or that can be cost-effectively used in many of these applications.

Turning to the progress that we have made since I last wrote, we have seen encouraging developments under the Lithuanian Presidency. Four Council working party meetings in July have clarified the key issues on which Member States need further clarification in order to make progress towards a Council position. The Commission's proposal for a ban on the pre-filling of refrigeration and air-conditioning equipment with F gases at the point of manufacture (pre-charge ban) was also considered in some detail and we have had some preliminary discussion of the proposed ENVI Committee amendments.

On the pre-charge ban, Member States agreed that an alternative traceability option proposed initially by the Irish Presidency should be given further consideration as a priority. We expect further discussion leading to a decision on this issue in early September on the basis of further information from the Lithuanian Presidency in response to questions raised by Member States. Proposals from France and Denmark for auctioning were separated from the pre-charge ban discussion and will be discussed in the context of the allocation mechanism for HFCs.

On the ENVI Committee amendments, most Member States were opposed to the broad bans being proposed and there was strong opposition to the proposal to ban exports from the EU of products and equipment containing HFCs.

We are expecting a further redraft of the Commission's proposal from the Lithuanian Presidency in early September and four further Council working party meetings are planned from 13 September. The Presidency intends to finalise its views on a Council position by late September and in early October to seek a mandate from Coreper to enter into trilogue discussions. Whilst we are encouraged by the efforts and approach taken by the Lithuanian Presidency, the prospects for agreeing a final Council position will depend heavily on the extent to which the many questions raised by Member States can be addressed in the next redraft of the Commission's proposal.

27 August 2013

FUTURE OF CARBON CAPTURE AND STORAGE IN EUROPE (8101/13)

Letter from the Chairman to the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

As you will be aware, we published a report on EU Energy Policy on 2 May, which drew conclusions and made recommendations in relation to Carbon Capture and Storage (CCS).

We concluded that, while CCS is technically feasible, it faces both financial and political obstacles. We observed that the slow progress thus far of CCS demonstration projects in the EU suggests that a stronger incentive needs to be developed at EU and Member State level. That requires a stable source of national and EU funding and a credible carbon price or regulatory approach. Such an approach should include a provisional target date for application of CCS to new fossil fuel power stations.

We would hope that you will take our conclusions and recommendations into account when drawing up your response to the Commission, which we look forward to receiving in due course.

In the meantime, we shall retain the Communication under scrutiny.

16 May 2013

Letter from the Rt. Hon. Michael Fallon MP to the Chairman

Thank you for your letter of 16 May regarding the Explanatory Memorandum on the Future of Carbon Capture and Storage in Europe.

The Government believes that the priority for CCS at this stage is for the European Commission to work collaboratively with Member States and industry to deliver the first few European full chain projects. We have taken the lead in Europe through the £1bn CCS commercialisation competition, £125m research and development programme and the wider Electricity Market Reforms which include Contracts for Difference for low-carbon technologies such as CCS. We believe such a course of action is necessary because we need CCS if we are to meet emission reduction targets.

Recognising the obstacles to CCS in Europe, as noted by the Sub-Committee, the Government wants to see the Commission take short term actions focussed on delivering the first few European CCS projects. These early projects can then inform the detail of the longer term measures required to support CCS.

Enclosed is a copy of the Government's response to the Commission's Communication on CCS [not printed]. This took into account the conclusions relating to CCS in your Sub-Committee's report on EU Energy Policy; No Country is an Energy Island: Securing Investment for the EU's Future, 14th Report of Session 2012-13, HL Paper 161. The Secretary of State sent a copy of the Government's response to this report to Baroness Scott with his letter of 1 July.

I hope the Committee will now consider lifting its scrutiny on this communication. Please let me know if there is any other way we can help.

16 July 2013

**GREEN INFRASTRUCTURE (GI) – ENHANCING EUROPE'S NATURAL CAPITAL
(9436/13)**

Letter from the Chairman to Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Unfortunately, we found your EM on this dossier to be inadequate in relation to the subject matter. That is, we were very disappointed by the lack of detail and substance provided on the content of this Communication. Indeed, more attention was given to the background of the Communication, with barely two lines on the subject matter itself. As you may be aware, this is not the first EM from your department that we have found to be lacking, and so we would be grateful for confirmation that your department will endeavour to produce higher quality EMs in the future that provide more detailed analysis.

We do, however, note that this Communication is a rather general, high-level document that focuses on the implementation of GI measures at the national and local level within Member States, and we would agree with the Government's broad support of the Communication.

You note that there may be merit in a trans-European GI initiative, but it would of course have to be looked at in the context of appropriate national-level implementation. We would welcome detail of the analysis underpinning your statement and information as to how you will judge the merits of such an initiative. The Commission indicate that these could be along the lines of the Trans European Networks for energy and transport, which are highly significant initiatives. None of the examples given by the Commission are applicable to the UK, but may have budgetary consequences. We would urge you to engage pro-actively with the Commission at this early stage of their development of a possible initiative.

Your EM notes that you have consulted the Joint Nature Conservation Committee and Natural England, with plans to share the Communication with the Green Infrastructure Partnership in England. We would be grateful for more information regarding these consultations, including whether stakeholders are generally supportive. Further to this, we would be interested to know whether this Communication has received widespread support (or opposition) amongst other Member States.

We are content to release this Communication from scrutiny and look forward to your response within 10 working days.

14 June 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 14 June about the Explanatory Memorandum (EM) for the European Commission's Communication on green infrastructure. I am sorry that you consider it lacked sufficient detail. We always try to provide high-quality EMs and will aim to meet a standard you consider acceptable in the future. To that end, my officials, with support from the Joint Nature Conservation Committee (JNCC), have revisited the EM and provided more detail on the contributions to EU policies and the EU strategy for green infrastructure. This further detail is provided as an annex to this letter. I trust you will find it useful.

You raised a number of questions on the EM. Firstly, we will judge the merits of any trans-European GI initiative that affects the UK on the basis of its benefits and impacts at both local and national levels. It is difficult to give you a precise answer on this without having details of a particular scheme, but generally we shall want to assess its scope to act as a flagship for other large-scale GI projects; whether it can deliver ecosystem resilience and vitality or any additional benefits; how well it fits with local and national objectives and priorities; what is the extent of stakeholder engagement and support; the risks and challenges associated with it; and the plans for its long-term sustainability. The resource implications will also be a consideration.

We certainly recognise that “green corridors” akin to road networks may not always be the most appropriate spatial approach. For example, they may not always be the best way to secure ecosystem resilience because ecosystems are not always linear. I can confirm that the UK has engaged proactively with the EU working groups that led to the development of this Commission Communication on GI and that we will continue to engage as necessary on the development of any trans-European initiative that affects us.

As for consultation, the views of the JNCC and Natural England were sought because they are our statutory advisers. They played a key role in drafting this response. They are both generally supportive of the Commission’s Communication and helped the UK Government shape its content. Their main reservations relate to EU-level mapping exercises because Member-State datasets may not easily align with one another and will use different GI definitions. It may also become a resource-intensive activity that will deliver data of limited value for local-level GI design.

UK-based NGOs also served on the EU working Groups that led to this Communication and support it. We understand that other Member States also broadly support the Communication. We have shared it with the Green Infrastructure Partnership (GIP) and will seek their views on how best to take forward the Strategy and what material we might be able to offer to the Commission to inform their future work. The GIP was established by Government to support the development of green infrastructure in England and now brings together over 300 stakeholders from the public, private, charitable and academic sectors. We currently provide facilitation support to the GIP but this will cease from April 2014 when we hope members will continue with the partnership in some form.

26 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 26 June 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Thank you for your helpful and informative reply. We are grateful to you for providing the additional information and detail as regards the detail on the contributions to EU policies and the EU strategy for green infrastructure. We would, however, note that had this information been provided in the original EM, we would have been able to release the Communication from scrutiny much sooner.

We note your comments regarding the merits of any trans-European GI initiative, and are pleased that the Government have been, and will continue to be, proactively engaging with the EU working groups that led to the development of this Communication.

The Committee is grateful for your explanation as to why the Joint Nature Conservation Committee and Natural England were consulted, and we note the general support from UK-based NGOs and other Member States. We are also reassured that the Government have shared the Communication with the Green Infrastructure Partnership in order to seek a broader range of views for taking the Communication forward.

Please consider this strand of correspondence as closed.

11 July 2013

GREENHOUSE GAS ALLOWANCES (13052/12)

Letter from Baroness Verma of Leicester, Parliamentary Under- Secretary of State, Department of Energy & Climate Change, to the Chairman

Thank you for your letter of 28 February regarding our update of 11 February. Following the European Parliament’s plenary vote now is an appropriate time to provide you with an update. This follows on from recent correspondence between The Committee and the Secretary of State on backloading in letters of 27 June and 4 July relating to Explanatory Memorandum 8096/13: GREEN PAPER - A 2030 FRAMEWORK FOR CLIMATE CHANGE AND ENERGY POLICIES.

On 3 July the European Parliament’s Plenary voted on the EU ETS “backloading” proposals. As you are aware, the Government supports backloading as a short-term measure to strengthen the system while discussions around more permanent, longer-term structural reform take place. Therefore we were very pleased that the European Parliament voted in favour of the proposals by a margin of 344 to 311 votes. One amendment (of a possible four) was voted through, which sets out the following conditions:

- Backloading can only take place if a Commission impact assessment establishes that there will be no significant impact on sectors deemed to be at risk of carbon leakage;
- Backloading must be limited to a one-off intervention within Phase III (i.e. before 2020); and
- The amount to be backloaded must not exceed 900m allowances.

The European Parliament also gave a mandate to their rapporteur to commence trilogue negotiations with the Council, based on the above conditions. Therefore the focus now will shift to the Member States forming final positions, given that there is still no Qualified Majority to support the proposals in Council.

With a view to moving the Council towards a formal position, the Lithuanian Presidency held one Working Party on backloading on 19 July where they invited comments on both the European Parliament amendment and the previous Presidency text. A large number of Member States, including the UK, intervened to set out that they were flexible and could support the Presidency text, though preferred to agree to just the European Parliament amendment in the interests of getting a quick agreement. However, there was no movement from Member States who were previously opposed or undecided, meaning that a Qualified Majority is still yet to emerge. Two groups within the supportive camp also remain – those insisting on a link to structural reform, and those opposed. The Presidency will attempt to reconcile these views at the next Working Party in September, with the hope that a mandate for trilogues can subsequently be agreed by a Qualified Majority of Member States and negotiations can progress. The UK Government will continue its work to build that majority and we will update you on progress later in the year.

1 August 2013

HONEY (13957/12)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

Further to our correspondence at the end of 2012, I am now in a position to provide you with an update on the progress of the negotiations on this proposal.

THE STATUS OF POLLEN IN HONEY

In the EU discussions to date, all Member States have broadly agreed with the proposition that pollen should be defined as a natural constituent of honey rather than a distinct ingredient. However, Hungary tabled a counter-proposal suggesting that pollen specifically from GM plants should nevertheless still be treated as an ingredient for the purpose of the EU regulation on GM food and feed (1829/2003). On this basis, authorised GM pollen in honey would require labelling if it constituted more than 0.9% of the total pollen content, whereas under the Commission's proposal it would only have to be labelled if it was more than 0.9% of the total honey product.

In response to this, the Commission and a clear majority of Member States, including the UK, expressed the view that there is no justification for treating GM pollen differently, and this was also questioned by the Council Legal Service (CLS). Moreover, it was pointed out that Hungary's idea is impractical because there is no analytical method available that will enable GM pollen to be quantified as a proportion of the overall pollen content. On this basis, the Irish Presidency concluded that the Hungarian proposal should not be considered further.

With limited support from some other Member States, Hungary has also raised questions about the compatibility of the Commission's proposal with the relevant judgement made by the European Court of Justice in Case C-442/09. In response the Council Legal Service (CLS) has suggested that it would be advisable to amend the recitals to the proposal to give a clearer rationale for changing the legal position on pollen in honey. The Commission accept this, and it is expected that a revised text will be presented to Member States shortly. At the last Working Party the CLS presented the legal opinion on the Honey proposal. The Commission took note of this and is preparing a response to the CLS legal opinion. A Foodstuffs (Attachés) meeting will be arranged once the Commission's view is available, to discuss and progress a general approach on this proposal.

COMITOLOGY

On the questions regarding comitology and the use of delegated versus implementing acts the views of the Commission and Member States differed. Many Member States including the UK called for the comitology procedure to follow that of the other Breakfast Directives where implementing acts are proposed. The Council Legal Service (CLS) explained that the use of implementing acts rather than delegated acts is the most appropriate vehicle to use for the Commission to set out verification methods. This was agreed by most MSs and is now reflected in revised text. The delegated acts procedure has been proposed for amendment of technical aspects related to both annexes of the directive.

The UK and a majority of MS did not support the use of delegated acts for Annex I and some for Annex II also. Annex I details the names, product descriptions and definitions and Annex II the composition criteria for honey. The majority of MS view these as being essential elements including any technical changes and should be dealt with using the Ordinary Legislative Procedure (OLP) rather than through delegated acts as proposed by Cion. Annex II [not printed] contains compositional criteria for honey while the UK acknowledged that this is largely technical in nature a small change to the parameters contained in this Annex could have a significant effect on the marketability of a honey. At the latest attachés meeting on 8 April, it was agreed that implementing acts were appropriate for methods of verification but the amendment of Annex I and Annex II should be carried out through the full Ordinary Legislative Procedure.

We believe it is important to resolve issues on this honey proposal as soon as possible and that the expected revisions to the text are likely to do this adequately. Further delay would not be helpful for UK businesses, and we will continue to push for a sensible resolution which avoids getting bogged down in any wider GM-specific issues. For us the key point is to establish that pollen is not an ingredient of honey, regardless of whether it comes from conventional or GM plants. There are positive signs that this could go through Council on these terms, although a bumpier ride in the European Parliament is likely. Initial discussions in the EP have been halted due to their request for an Impact Assessment and may not resume until after the summer.

I am writing at this time because I feel it would be useful (should it be necessary) to have your committees clearance to vote in favour of the proposal at Coreper along the lines discussed above as this will signal the UK's desire to see this issue resolved speedily.

21 May 2013

Letter from the Chairman to David Heath MP

Your letter of 21 May 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 5 June 2013.

Thank you for your informative reply regarding the status of pollen in honey and our questions regarding comitology.

We understand that it would be beneficial in helping to resolve these issues if this item was released from scrutiny, and so on that basis, we are content to release it. We would, however, be grateful if you could please keep us updated with progress on this matter, particularly regarding the revised text and the comitology procedure.

We look forward to your response in due course.

5 June 2013

Letter from David Heath MP to the Chairman

Further to our correspondence at the end of 2012, I am now in a position to provide you with an update on the progress of the negotiations on this proposal.

THE STATUS OF POLLEN IN HONEY

In the EU discussions to date, all Member States have broadly agreed with the proposition that pollen should be defined as a natural constituent of honey rather than a distinct ingredient. However, Hungary tabled a counter-proposal suggesting that pollen specifically from GM plants should nevertheless still be treated as an ingredient for the purpose of the EU regulation on GM food and feed (1829/2003). On this basis, authorised GM pollen in honey would require labelling if it

constituted more than 0.9% of the total pollen content, whereas under the Commission's proposal it would only have to be labelled if it was more than 0.9% of the total honey product.

In response to this, the Commission and a clear majority of Member States, including the UK, expressed the view that there is no justification for treating GM pollen differently, and this was also questioned by the Council Legal Service (CLS). Moreover, it was pointed out that Hungary's idea is impractical because there is no analytical method available that will enable GM pollen to be quantified as a proportion of the overall pollen content. On this basis, the Irish Presidency concluded that the Hungarian proposal should not be considered further.

With limited support from some other Member States, Hungary has also raised questions about the compatibility of the Commission's proposal with the relevant judgement made by the European Court of Justice in Case C-442/09. In response the Council Legal Service (CLS) has suggested that it would be advisable to amend the recitals to the proposal to give a clearer rationale for changing the legal position on pollen in honey. The Commission accept this, and it is expected that a revised text will be presented to Member States shortly. At the last Working Party the CLS presented the legal opinion on the Honey proposal. The Commission took note of this and is preparing a response to the CLS legal opinion. A Foodstuffs (Attachés) meeting will be arranged once the Commission's view is available, to discuss and progress a general approach on this proposal.

COMITOLOGY

On the questions regarding comitology and the use of delegated versus implementing acts the views of the Commission and Member States differed. Many Member States including the UK called for the comitology procedure to follow that of the other Breakfast Directives where implementing acts are proposed. The Council Legal Service (CLS) explained that the use of implementing acts rather than delegated acts is the most appropriate vehicle to use for the Commission to set out verification methods. This was agreed by most MSs and is now reflected in revised text. The delegated acts procedure has been proposed for amendment of technical aspects related to both annexes of the directive. The UK and a majority of MS did not support the use of delegated acts for Annex I [not printed] and some for Annex II [not printed] also. Annex I [not printed] details the names, product descriptions and definitions and Annex II [not printed] the composition criteria for honey. The majority of MS view these as being essential elements including any technical changes and should be dealt with using the Ordinary Legislative Procedure (OLP) rather than through delegated acts as proposed by Cion. Annex II [not printed] contains compositional criteria for honey while the UK acknowledged that this is largely technical in nature a small change to the parameters contained in this Annex could have a significant effect on the marketability of a honey. At the latest attachés meeting on 8 April, it was agreed that implementing acts were appropriate for methods of verification but the amendment of Annex I [not printed] and Annex II [not printed] should be carried out through the full Ordinary Legislative Procedure.

We believe it is important to resolve issues on this honey proposal as soon as possible and that the expected revisions to the text are likely to do this adequately. Further delay would not be helpful for UK businesses, and we will continue to push for a sensible resolution which avoids getting bogged down in any wider GM-specific issues.

For us the key point is to establish that pollen is not an ingredient of honey, regardless of whether it comes from conventional or GM plants. There are positive signs that this could go through Council on these terms, although a bumpier ride in the European Parliament is likely. Initial discussions in the EP have been halted due to their request for an Impact Assessment and may not resume until after the summer.

I am writing at this time because I feel it would be useful (should it be necessary) to have your committees clearance to vote in favour of the proposal at Coreper along the lines discussed above as this will signal the UK's desire to see this issue resolved speedily.

16 July 2013

Letter from the Chairman to David Heath MP

Your letter of 16 July 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 24 July 2013.

We are grateful for the comprehensive update that you have given, explaining the state of discussions on delegated acts and on the status of GM pollen in honey.

We support the European Parliament's request for an Impact Assessment and would welcome clarification from you of the scientific opinion on the basis of which the Hungarian proposal was deemed impractical.

We are content at this stage to release the Proposal from scrutiny and look forward to an update in due course, including progress in both the Council and the European Parliament.

25 July 2013

HUMANE TRAPPING STANDARDS (I2200/04)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

This issue has been under consideration by the Commission for sometime and previously considered by your Sub-Committee on Agriculture, Fisheries, Environment and Energy.

Further to your letter of 18 October 2012 to Richard Benyon, I am writing to tell you that I have recently been informed that following a rather long period of inactivity this proposal has been withdrawn by the Commission and so is no longer under consideration.

9 May 2013

IONISING RADIATION: BASIC SAFETY STANDARDS FOR PROTECTION (I4450/11)

Letter from the Chairman to Baroness Verma of Leicester, Parliamentary Under Secretary of State, Department of Energy & Climate Change

Your letter of 25 April 2013 on the above dossiers was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the above EU nuclear safety and decommissioning dossiers. We are now content to mark the strand of correspondence in relation to EM 14400/12 ("stress tests") as closed. As regards 17752/11 (the decommissioning Proposal), we would be keen to be kept informed on any progress this dossier makes under either the Irish or Lithuanian presidencies.

We are now also content to release EM 14450/11 (safety standards) from scrutiny, and look forward to an update on its progress in due course.

22 May 2013

LAND USE, LAND USE CHANGE AND FORESTRY (7639/12)

Letter from the Chairman to the Rt. Hon. Gregory Barker MP, Minister of State, Department of Energy and Climate Change

Your letter of 29 April 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the agreement reached between the Council and the European Parliament.

Please mark this strand of correspondence as closed.

22 May 2013

LEAVING A BITTER TASTE? THE EU SUGAR REGIME (UN-NUMBERED)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 8 May in response to mine of 1 March to Lord Carter.

I must apologise for not alerting you in advance of the extended delay in producing the Government response to the Sub-Committee's report on the EU Sugar Regime. Despite our poor performance on this occasion, the Department does not make every effort to meet deadlines for responding to the committee's reports and will continue to do in future.

Regrettably, the factors I mentioned in my previous letter have continued divert resources from finalising the response to the sugar report. However, we are putting measures in place to ring-fence that resource so that the further delay is minimised.

16 May 2013

LITHUANIAN PRESIDENCY – COUNCIL PRIORITIES

Letter from the Chairman to the Rt. Hon. Edward Davey MP, Secretary of State, Department of Energy and Climate Change

I am writing to inform you of the energy and climate change issues we expect to be dealt with in the Council of Ministers under the Lithuanian Presidency. I would be interested in your views on which issues your Committee considers a particular priority and may specifically want to be kept updated on during the course of the Presidency.

The Presidency has timetabled an Energy Council for 12 December. Climate change issues (where DECC takes the lead) are dealt with at Environment Councils, which are scheduled for 14 October and 13 December. The Presidency has arranged an Informal Energy Council on 19-20 September and an Informal Environment Council on 16-17 July.

Overview

The Lithuanians consider energy security one of the main priorities for their Presidency. Aside from this, the next Conference of the Parties (COP) to the UNFCCC annual meeting falls during their Presidency and will be in Warsaw this year. In the area of energy and climate change, the Lithuanian Presidency intend to focus on:

- Working on completion of the internal energy market
- Strengthening the external dimension of European energy policy
- Taking forward work on the 2030 framework for EU climate and energy policies
- Delivering an effective Presidency for the COP in Warsaw in November

ENERGY ISSUES

We expect negotiations to continue on the draft Directive amending Directives relating to the quality of petrol and diesel fuels and on the promotion of the use of energy from renewable sources. The draft Directive seeks to address Indirect Land Use Change (ILUC) emissions and encourage the transition to advanced biofuels. The Lithuanian Presidency also plans to take forward work on the Regulation on the notification of investment projects in energy infrastructure.

With their focus on energy security, the external dimension of EU energy policy will be important. It will be the main theme of the Informal Energy Council in Vilnius in September and the Presidency intends to pick up work on the 2011 Communication on Security of Energy Supply and International Cooperation. The internal energy market is also seen as part of the energy security agenda and there will be discussions of a Communication on State support in the electricity sector that is due to be published in July. This is likely to include guidance on capacity mechanisms, renewable support schemes and cooperation mechanisms, on demand side response and storage.

We expect the Commission to begin the process of seeking Council adoption of a proposal for the revision of the Nuclear Safety Directive in September. Also in September we are expecting the

completion of the adoption process on the Directive on basic safety standards protecting the health of workers and the general public against the dangers of ionising radiation. Negotiations will continue on a number of other nuclear issues:

- Council Regulation establishing a Community system for registration of carriers of radioactive materials (discussions will continue provided that sufficient progress is made via bi-lateral discussions with the MS that are opposed to this regulation).
- Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia.
- Council Regulation establishing an Instrument for Nuclear Safety Cooperation.

Euratom agreements with other States on nuclear safety issues.

During the Lithuanian Presidency the Commission may also be seeking a new negotiating Directive on any new proposals to amend the Convention on Nuclear Safety (CNS) as part of its role in co-ordinating EU positions in relation to international organisations. Any such request will need to be made before the CNS Effectiveness and Transparency Working Group make their final recommendation on a list of possible actions that could be taken to strengthen the International Nuclear Safety Framework.

CLIMATE ISSUES

On climate change, Lithuania is keen to focus on closing legislative files during its Presidency, before the European Parliament comes to the end of its term. They hope to reach a First Reading deal with the European Parliament on the proposal for a Regulation on fluorinated greenhouse gases. They also intend to take forward discussions on the proposal on maritime greenhouse gas emissions.

The Presidency will continue the EU's preparation for the nineteenth Conference of the Parties (COP19) in Warsaw in November 2013. This will include developing the EU's detailed position on the new legally binding global climate regime that will be agreed in 2015 and to accelerate work to raise effort to reduce further global greenhouse gas emissions before 2020, when the new global regime will come into force. Removing obstacles to progress at COP19, defining the shape of the Warsaw outcome, and securing the specifics surrounding the climate finance and loss and damage outcomes will also be essential pieces of work for the Lithuanian Presidency ahead of COP19.

Work has also begun on the EU's ratification of the Amendment to the Kyoto Protocol adopted by the EU and all its Member States at COP18 in Doha last year. This piece of work will be especially important in light of how the EU will be perceived by other Parties at COP19 and in terms of demonstrating to the other Parties the EU is taking the steps necessary to ratify.

On the EU Emissions Trading System (EU ETS), we expect Lithuania to close one legislative file and begin negotiations on another:

- Firstly, subject to a positive vote at the July Plenary of the European Parliament, Lithuania will move quickly to form a Council position on the Commission's "back-loading" proposals, with a view to concluding a First Reading Deal in September / October.
- Secondly, following the General Assembly of the UN's International Civil Aviation Organisation in the autumn, it is expected that the Commission will bring forward new proposals to amend Aviation EU ETS. Lithuania will progress these proposals as much as possible during their Presidency, given that they will need to be agreed before the European Parliament rises in Spring 2014.

2 July 2013

LITHUANIAN PRESIDENCY PRIORITIES FOR THE ENVIRONMENT, AGRICULTURE,
FISHERIES AND ANIMAL HEALTH AND WELFARE

**Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for
Environment, Food and Rural Affairs, to the Chairman**

I am writing to provide you with an overview of the Lithuanian EU Presidency's priorities over the coming months in terms of Defra's Council business. Lithuania holds the six-month rotating Presidency of the EU Council of Ministers from 1 July until 31 December 2013.

18 July 2013

MAKING THE INTERNAL ENERGY MARKET WORK (16202/12)

**Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and
Enterprise, Department for Business, Innovation and Skills, to the Chairman**

Thank you for your letter of 25 April confirming the release from scrutiny of the Communication on making the internal energy market work. You asked to be informed of the outcome of the June Energy Council. I attach the conclusions on the above Communication which the Council agreed. These contain language which is acceptable to the UK, including on capacity mechanisms.

You also noted the European Commission's forthcoming non-binding guidance on capacity mechanisms. My officials are actively engaging with the Commission as they are developing their guidance to explain the UK's rationale and approach, as well as to take account of Commission views as the detailed design of the UK Capacity Market is finalised.

27 June 2013

Letter from the Chairman to the Rt. Hon. Michael Fallon MP

Your letter of 27 June 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

Thank you for your informative reply.

We note that your officials are engaging with the Commission as they develop their guidance to explain the UK's rationale and approach, as well as to take account of Commission views as the detailed design of the UK Capacity Market is finalised.

We are also grateful to you for providing the conclusions agreed at the June Energy Council.

We look forward to continuing engagement with the Government on these issues further to the Government's recent response to our report, No Country is an Energy Island: Securing Investment for the EU's Future. Please consider this strand of correspondence as now closed.

11 July 2013

MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL MANAGEMENT
(7510/13)

**Letter from the Chairman to Richard Benyon MP, Minister for Natural Environment and
Fisheries, Department for Environment, Food and Rural Affairs**

Your letter on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

We are grateful to you for the information provided in response to our last letter. As you may be aware, the Scottish Parliament wrote to our Committee expressing several concerns relating to the principle of subsidiarity. A copy of that letter is attached for your reference.

Your letter notes that initial discussions indicate that many other Member States share similar concerns to the UK Government and would prefer greater flexibility as regards to more generic and high-level overarching requirements. We would therefore be grateful if you could provide us with a

detailed update on the progress of the negotiations and the nature of the amendments proposed in due course.

We will continue to retain the Proposal under scrutiny.

16 May 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 16 May enclosing a copy of the letter your Committee received from the Scottish Parliament. They have also written to the Secretary of State in very similar terms and I enclose a copy of the reply. We note that the Scottish Parliament has agreed not to raise concerns based on the principle of subsidiarity though they consider that the proposal may raise proportionality issues.

You asked for an update on progress. There have been detailed discussions within the Friends of the Presidency group and further meetings are scheduled before the end of June. Several Member States have expressed concerns that the proposals go beyond what is necessary to establish a framework for maritime spatial planning and integrated coastal management. Many have argued for simplifying the Directive to avoid or minimise added burdens or that may give rise to subsidiarity issues. The UK and a number of Member States have submitted substantial changes to the text and consequently we anticipate further detailed discussion on this dossier under the Lithuanian Presidency.

I hope the Committee finds this additional clarification helpful. We will keep you updated as the dossier progresses and/or as any developments arise.

4 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 4 June on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 June 2013.

Thank you for attaching a copy of the Secretary of State's letter to the Scottish Parliament.

We are grateful to you for your helpful letter, which helpfully clarifies the main concerns of numerous Member States. We are also glad to hear that the UK's position on this matter has support from elsewhere.

We will continue to retain the proposal under scrutiny, and look forward to receiving an update on any progress or developments in due course.

20 June 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 20 June in which you asked for an update on progress on this proposed Directive. The overall position is largely unchanged from the one I described in my letter dated 4 June, although the Friends of the Presidency (FoP) group has now completed a full read through of the draft Articles. The group will discuss the Commission's supporting Explanatory Memorandum and the recitals, which have not yet been considered, during the Lithuanian Presidency.

Following the initial read through, the Irish Presidency circulated a revised version of the draft Directive together with a summary working paper. These aimed to reflect points and drafting suggestions made by Member States during the FoP meetings as well as written comments submitted, including those from the UK. These documents were considered briefly at the final FoP meeting on 25 June and will be discussed further at the next meeting on 3 July.

While Member States were grateful for the improved text circulated by the Irish Presidency, many stated that the changes did not go far enough. They continued to share the UK's view that the proposal goes beyond what is required to establish a framework for maritime spatial planning and integrated coastal management. Several, including the UK, made clear they would argue for further changes in order to simplify the draft Directive and to ensure that decisions on priorities, form and content of any plans and strategies remained with Member States. The Commission have stated that they recognise Member States' concerns and that some redrafting will be required including to provide more time for transposition and implementation, which was one of the UK's major concerns.

The Lithuanian Presidency intends to have three to four meetings on the draft proposals with the hope of reaching a general approach by December 2013. We consider that this is ambitious given the

depth and wide range of concerns raised during the FoP discussions and the fact that very few Member States have openly welcomed this proposal. My officials have an early meeting with the Lithuanian Presidency to discuss timing and to set out our concerns in more detail. Officials have also held a series of meetings with key MEPs and/or their advisers to explain the UK position and approach as EP discussions on this dossier are due to begin in July.

Going forward my Officials will continue to take the approach set out in the Explanatory Memorandum of 26 March 2013, to seek amendments and make clear that objectives and minimum requirements for plans and strategies are illustrative rather than mandatory. We will reinforce the underlying principle that it is for Member States to decide priorities and how they deliver them.

I hope the Committee finds this additional clarification helpful. We will keep you updated as the dossier progresses and/or as any developments arise.

4 July 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 4 July 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 17 July 2013.

Thank you for your helpful letter informing us of the current position of this Proposal. We note that the overall position is largely unchanged since you last wrote to us, other than the Friends of the Presidency group having now completed a full read through of the draft Articles.

We understand that despite a revised version of the draft Directive being circulated by the Irish Presidency, which was welcomed by Member States, many felt the changes did not go far enough. We are pleased to see that the Commission recognise Member State concerns and will subsequently redraft the text, particularly regarding transposition and implementation.

We are also reassured that your officials will be meeting the Lithuanian Presidency, on top of the meetings already held with key MEPs and/or their advisers.

We look forward to an update on the progress of this Proposal in due course.

18 July 2013

MULTI-ANNUAL PLAN FOR THE STOCK OF HERRING (17494/11), MULTI ANNUAL PLAN FOR THE WESTERN STOCK OF ATLANTIC HORSE MACKEREL (9003/09)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

I have recently written to update the Committees on the latest situation with the cod plan (follow up to EM 13745/12) but I thought it would be helpful to provide a wider update on the overall impasse on agreeing management plans, with a round-up summary on where we are now. This specific proposal is related to an alignment of the West of Scotland herring plan legislation with the provisions of the Lisbon Treaty.

To recap, since the agreement of the Lisbon Treaty in 2009, there has been disagreement between the Council and the Parliament around what decisions relating to fishing opportunities should be co-decided or remain the prerogative of the Council, with the argument focused on whether to apply Article 43(2) or 43(3) of the Treaty for the Functioning of the EU (TFEU) as the appropriate legal base – this general disagreement I refer to here as the impasse, which affects both the agreement of new plans, and the alignment of existing plans in accordance with the Treaty.

As I have reported, at December Council 2012 the Council took the initiative to amend certain aspects (related to fishing opportunities) of the flawed Cod Recovery Plan following legal advice that it was able to do so. As a result the Parliament and Commission launched a European Court case against the Council's action. We do not expect a judgment for this Court case before late 2014. Until this legal action is resolved we expect no further consideration of the Commission's proposal (EM 13745-12) to amend the existing cod plan.

In the wider context of agreeing multiannual plans, some believe that the outcome of the European Court case should provide clarity on the inter-institutional roles in agreeing management plans, and enable a breakthrough on the impasse.

This does not mean, however, that progress to resolve the impasse can be assumed to be stymied until completion of the European Court case. There are fresh developments on multi-annual plans in the context of Common Fisheries Policy (CFP) reform. To reflect the strength of feeling on the ongoing impasse, a statement from the Council was attached to the CFP reform agreement that was reached recently, as follows:

DRAFT COUNCIL STATEMENT ON MULTI-ANNUAL PLANS

The Council is committed to working with the European Parliament and the Commission to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy.

The Council further proposes that an inter-institutional taskforce be established to help find the most appropriate way forward.

The agreement with the above Council statement appended has yet to be formally adopted as the Council's Common Position. This is expected in the Autumn, at which point the European Parliament will need to vote in plenary to accept the deal. However, all the indications are that the European Parliament and the Commission are keen to get on with the task force mentioned in the draft statement and find a way forward.

I hope this update on the overall situation is helpful. While this long running impasse has been frustrating and detrimental to establishing principles of long term management and good governance, I believe the foundations for progress have been established within the reform framework, and I look forward to constructive developments.

28 August 2013

NON-COMMERCIAL MOVEMENT OF PET ANIMALS (7326/12)

Letter from Lord de Mauley, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

Further to your letter of 6 December, I am writing to provide an update on the above proposal.

The basis for a first-reading agreement between the European Parliament (EP) the Council of the European Union and the European Commission has been reached after a series of trilogue negotiations. From a UK perspective, we are content with how the new Regulation has emerged from the negotiating process.

The two areas of concern that were flagged in my letter dated 23 November have been satisfactorily addressed. First, the European Parliament had been pushing for an EU-wide database of pet movements. The UK was robust in its view is that such a database would bring little, if any, disease control benefit at a disproportionate cost – a view shared by the EP Rapporteur, the Commission and most other Member States. We are pleased to report that this amendment was rejected during the trilogue negotiation, and does not feature in the final draft Regulation. Rather, the Commission will issue a non-binding declaration stating that they will re-examine the feasibility of such a database in future. The UK was content to accept this as a compromise gesture to the European Parliament, given that it makes no firm commitments.

The second area of concern was an EP amendment requiring the practice of microchipping pets to be restricted to veterinarians. This amendment was rejected in the first reading vote in the European Parliament. The draft Regulation now requires that microchips should be implanted by a “suitably qualified person”. Importantly, the Commission has now confirmed that “suitably qualified” will be interpreted as trained to a required level of competence, rather than trained and formally examined. This is very welcome reassurance: much of the compulsory microchipping of dogs arising out of our new national legislation will be carried out by charities or Local Authorities. Only a small percentage of these animals will ever travel overseas with their owners. It would therefore have been unhelpful to have different (and more expensive) microchipping procedures for pets being prepared for overseas travel.

Other welcome changes that also appear in the text of the new Regulation are:

- A derogation to exempt certain intra-Community movements of pets from the vaccination requirement (which would allow UK to exempt pets moving from the Republic of Ireland);
- A derogation to allow Member States to authorise movements of noncompliant pets into their territory (this supports the UK's current rabies licensing arrangements);
- A new compliance checking provision whereby Member States must carry out in a non-discriminatory way documentary and identity checks on pets coming from other Member States. The UK is unique in already carrying out compliance checks on every pet entering the UK (other than from the Republic of Ireland). The new Regulation will, for the first time, introduce an explicit legal basis for such intra-community checks.

A further welcome change to the current regime is a new minimum age of 12 weeks for administration of the rabies vaccine to pets. Currently, the pet movement legislation requires that pets have a valid rabies vaccination. However, different brands of vaccines are effective at different ages and even a single brand of vaccine can be licensed for use at different ages in different Member States. This makes it difficult to establish whether or not a pet entering the UK has been vaccinated at the appropriate age. A 12 week minimum vaccination age will greatly simplify this situation, and allow for more effective compliance checks at the point of entry into the UK. Further changes introduced in order to reduce the number of commercial movements being disguised as non-commercial movements include a tightening of the requirements for exceeding the maximum number of pets that may travel with one person in the context of a non-commercial movement and a clarification of the definition of "accompanied".

There is one provision that the UK favoured that does not feature in the final text of the new Regulation; namely for the derogation from the rabies vaccine requirement for non-commercial (pet) movements between two rabies-free Member States to read across into the Balai Directive on commercial movements (92/65/EEC). This would mean that commercial consignments of pets would also be exempt from vaccination in these circumstances. The UK pressed reasonably hard for this on the grounds that the rabies risk posed by the movement of pets between two rabies-free Member States is negligible, whether that movement is non-commercial or commercial in nature. There is also a risk that a disparity between the two regimes may incentivise unscrupulous traders disguise commercial consignments as pet movements. However, the Commission was unwilling to accept our arguments on the grounds that having different commercial requirements for pet animals sourced from different countries would not be consistent with single market objectives.

We anticipate that the final version of the Regulation will be voted on at the plenary session of the European Parliament on 23 May, after which it will go as an 'A' point to the next available Council meeting. It will then be published in the Official Journal, and will come into force 20 days later. There will be an 18-month implementation period during which we will update our GB-wide implementing order.

As indicated when an initial assessment was sent to you in April 2012, the impacts of the Regulation are likely to be minimal. A revised assessment will be sent to you in the coming weeks which will reflect the changes to the proposal that emerged during negotiations.

14 May 2013

Letter from the Chairman to Lord de Mauley

Your letter of 14 May 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us on the progress of this Proposal.

Please consider this strand of correspondence as now closed.

22 May 2013

NUCLEAR DECOMMISSIONING: ASSISTANCE PROGRAMMES FOR BULGARIA,
LITHUANIA AND SLOVAKIA (17752/11)

Letter from the Chairman to Baroness Verma of Leicester, Parliamentary Under-Secretary of State, Department of Energy & Climate Change

Your letter of 25 April 2013 on the above dossiers was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the above EU nuclear safety and decommissioning dossiers. We are now content to mark the strand of correspondence in relation to EM 14400/12 ("stress tests") as closed. As regards 17752/11 (the decommissioning Proposal), we would be keen to be kept informed on any progress this dossier makes under either the Irish or Lithuanian presidencies.

We are now also content to release EM 14450/11 (safety standards) from scrutiny, and look forward to an update on its progress in due course.

22 May 2013

NUCLEAR SAFETY OF NUCLEAR INSTALLATIONS (11064/13)

Letter from the Chairman to Baroness Verma of Leicester, Parliamentary Under-Secretary of State, Department of Energy & Climate Change

Your Explanatory Memorandum (EM) on the above draft proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 17 July 2013.

We noted in your EM that the Government will work with the Commission and Member States to ensure that before the proposal is adopted by the Council, it is amended to ensure: new legislative requirements are evidence-based; the Commission does not extend its competences; and that any proposed measures are proportionate. While it is clearly important that measures taken at the EU level are appropriate and proportionate, we would urge you to consider the details of the measures being proposed as certain aspects may require a clear regulatory framework at the EU level. In addition, you mention in the EM the link with the establishment of the Office for Nuclear Regulation. Could you explain, please, how you would like to see the Commission's proposal amended in order that it is aligned with your plans for the ONR?

We would ask to be kept informed of discussions you have with the Commission and Member States. We would be particularly interested to know, for example, whether the UK's position has broad support amongst the other Member States.

Regarding the Commission's initial impact assessment, you note that a limited/initial analysis has been conducted by the Government, with the assessment to be considered in greater detail over the coming months. We would be grateful if you could provide us with a summary of this more in-depth analysis once it becomes available.

We are content to release the draft proposal from scrutiny and look forward to your response in due course.

18 July 2013

PLANT REPRODUCTIVE MATERIAL LAW (9527/13)

Letter from the Chairman to Lord de Mauley, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

As with other dossiers that form part of the animal and plant health package, you highlight concerns in relation to proposed delegated and implementing acts. We would again be grateful to know whether the Commission has produced any further details on their use (and if not, when might they be likely

to), whether any other Member States support the UK in their concerns, and whether these views have been communicated to the Commission.

With regards to this dossier specifically, we express some concern in relation to your observation that there is a potential gap in the traceability of forestry reproductive material, as there is no requirement to notify intra-community movements. As you may recall, we have taken a degree of interest in forestry and in the dangers of pests and diseases affecting forests, and so this would appear to be a worrying gap in the legislation. We would be grateful for further information in regard to this particular concern when more information becomes available.

Your EM also questions whether it is possible to harmonise requirements for sustainable VCU (value for cultivation and use). As you note, the extent to which a seed provides sustainable added VCU will be very dependent on where it is to be used (landscape and climate), how it is to be used, and presumably, on what has previously been used. This is another area in which we would express concern, and would appreciate more information when it becomes available.

We will retain the proposal under scrutiny and look forward to a response within 10 working days.

20 June 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 20 June.

We recently learned that the Commission intends to work with Member States to prepare some of the requirements to be contained in delegated and implementing acts in parallel to negotiations on the proposed Regulation. This is a welcome clarification from the Commission as we will be able to influence these requirements, and have a better understanding of impacts before finalising the proposed Regulation.

Even though progress is expected on some of these delegated and implementing acts during negotiations, any remaining requirements to be specified in such acts will be settled during the three year transition period following adoption of the Regulation. A full understanding of the impacts of the Regulation will therefore only be possible once all the requirements have been settled.

During negotiations, our overall approach on the proposed use of delegated and implementing acts is in line with the UK's approach with other EU proposals based on co-decision and post-Lisbon, including other elements of agri-food chain package. We will be negotiating to determine the appropriate split of powers on a case by case basis.

We are aware from informal discussions that the majority of other Member States share the UK's concerns about the use of delegated and implementing acts. The UK has been proactive in raising these concerns with the Commission, who acknowledge that they will have to work closely with the Member States and the European Parliament on this.

In relation to your concern about the intra-community traceability of forestry reproductive material, we want to make sure during negotiations that the provisions and procedures from the current legislation are also covered in the new Regulation to ensure that material can be traced back to source. It is essential that this sector uses material which is fit for purpose given the long time-frame invested in the growing cycle (normally a minimum of 40 to 50 years for conifers and 100 to 200 years for broadleaved trees). The current system of traceability allows foresters to determine whether the material being marketed is fit for purpose and the notification of intra-community movements allows officials to monitor the quality of material which is imported for use in the UK. Alongside this ability to trace any species marketed for forestry use, we can also access additional information on source from the plant passporting system under the EU plant health regulation (current and proposed).

The proposal to develop and harmonise requirements for sustainable value for cultivation and use (VCU) is likely to be challenging given that it will depend, as you say, on where and how the variety is to be used. As drafted, further details on, and requirements for this new concept are proposed to be developed through delegated acts. The timing of this additional work is uncertain, although is unlikely to start until after the main Regulation has been finalised.

30 June 2013

Letter from the Chairman to Lord de Mauley

Your letter of 30 June 2013 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

Thank you for your helpful and informative response. We are also grateful to your officials who briefed our Committee on Wednesday 26 June on this Proposal, in conjunction with three other related dossiers under the Commission's Animal and Plant Health package.

Our overarching concern across the entire package is to ensure that the strategic aim of simplification and delivering a safe environment does not become lost during the negotiation of detail. This is particularly important against the backdrop of negotiations on the trade and investment partnership with the USA.

In your letter you comment on the use of delegated and implementing acts, noting that the majority of other Member States share similar concerns with the UK. A clear danger is that simplification of the framework legislation will simply lead to the displacement of detail in a myriad of new, tertiary legislation. An abundance of such legislation must obviously be avoided. We look forward to you keeping us updated on that aspect of the Regulation.

The Committee welcomes your comments regarding the intra-community traceability of forestry reproductive material and sustainable VCU (value for cultivation and use).

We look forward to an update on the negotiations in the autumn. In the meantime, we will retain the Proposal under scrutiny and look forward to a response in due course.

11 July 2013

POST ENERGY COUNCIL, LUXEMBOURG, 7 JUNE 2013

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

I am pleased to enclose a copy of my written statement to Parliament outlining the discussion at the Energy Council in Luxembourg on 7 June.

12 June 2013

PROGRAMME FOR THE ENVIRONMENT AND CLIMATE (18627/11)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

Further to the above explanatory memorandum and our subsequent correspondence, I am writing to update you on the LIFE dossier which we believe is now close to agreement. The following summary sets out the progress on the key issues which we consider provides an acceptable framework that I hope allows you to give scrutiny clearance.

TIMETABLE

Two further trilogues were held last month (13 and 26 June). These discussed evolving versions of a 'compromise package' covering the outstanding issues of geographical balance, national allocations, capacity building projects, co-financing rates, ring-fencing for nature and biodiversity, the share of budgetary resources for action grants, delegated/implementing acts and multiannual work programmes (MAWP).

PROGRESS ON THE UK POSITION

With the negotiations now largely concluded, I have assessed that the outcome is broadly a positive one for the UK, with most of our objectives met and some exceeded. The one key area where we have not met our objectives is the financial framework which was dealt with outside LIFE as part of the MFF negotiations.

Overall the UK Government welcomed the Commission's original proposal to continue the LIFE programme into 2014-20 and its support for EU environmental priority areas which will reflect those in the 7th Environment Action Programme such as biodiversity, waste, water, air and climate change.

However there were a number of areas where we have actively sought to influence the text of the regulation which are outlined below.

By way of background I attach [not printed] a copy of the compromise text which confirms the position agreed at the trilogue on 26 June.

MULTI-ANNUAL WORK PROGRAMME AND INTER-INSTITUTIONAL MATTERS (DELEGATED AND IMPLEMENTING ACTS)

We welcomed the intention to use multi-annual work programmes to guide the priorities of the LIFE programme but needed to ensure that they were developed in consultation with Member States. The draft regulation now requires the two consecutive multiannual work programmes to be set out in implementing acts and referred to the LIFE Committee under the examination procedure.

We continued to resist the introduction of further delegated acts and succeeded in restricting them to amendments to the regulation annex dealing with thematic priorities and the identification of further performance indicators or relatively minor operational decisions, so that we are largely content with the balance between delegated and implementing acts.

INTEGRATED PROJECTS (IPs)

We broadly welcomed the proposal to introduce integrated projects into this LIFE programme, recognising the potential to enable a more strategic approach to the coordination of different EU and other funding mechanisms in the pursuit of environmental and climate objectives. We were concerned though that as a new and untried concept there would need to be sufficient safeguards in the regulation to protect the funding of traditional projects. We are satisfied that continuing support for these is now firmly embedded and a maximum share of the overall budget for IPs is set at 30% of project expenditure: arrangements have been made for unspent funds to be recycled to support traditional projects if there are insufficient quality projects that mobilise other EU funds. Whilst we remain concerned about the potential complexity of these projects, we welcome the intention to provide financial assistance for the preparation of projects and the Commission's indication that it will adopt an enabling approach to help build acceptable proposals.

TERRITORIAL SCOPE – PARTICULARLY OVERSEAS COUNTRIES AND TERRITORIES (OCTs)

We welcomed the enlargement of the territorial scope of the programme and saw this as an opportunity to clarify the eligibility of UK OCTs which was not included in the Commission's original proposal. We were successful, along with the French and Dutch, in securing specific reference to OCTs in recital 7(a) which acknowledges their eligibility as set out in Council Decision 2001/822/EC (the Overseas Association Decision) as amended. Furthermore, OCTs are now included in the main text with article 6 setting out the circumstances under which OCTs would be eligible for LIFE funding. Whilst this has established an important principle which has helped highlight the legitimacy of our OCTs, we recognise that the conditionality requirements will limit opportunities in practice. However we consider this to be a successful outcome given that the majority of Member States were opposed to their inclusion. In addition by pressing hard for greater recognition of the importance and vulnerability of the environment in OCTs, this has resulted in various exchanges of correspondence at EU Directorate General level on a commitment to provide complementary support through development funding. This has been confirmed through a recent Commission declaration on the use of the new Global Public Goods and Challenge fund of the Development Cooperation Instrument.

NATIONAL ALLOCATIONS AND GEOGRAPHIC BALANCE

We supported the continuation of indicative national allocations throughout the new LIFE programme, along with the majority of other Member States. However, Parliament and the Commission were strongly opposed to this and wanted projects to be awarded purely on quality. Our view is that the quality of projects could be assured alongside the use of national allocations by setting a sufficiently high quality level to ensure all projects funded were good projects. To enable a compromise to be reached though, Council negotiated for indicative national allocations to be retained for the sub-programme for the environment for the first four year multiannual work programme (2014-2017). This position together with the continuity of priorities for the 4 year period will enable us and applicants to plan further ahead and spend longer developing quality bids compared with the current short annual application window that intensifies the administrative burden. It will also allow us to continue work already underway to improve the number and quality of bids, using the indicative national allocation as a tool to help promote the potential of the fund.

Geographic balance through Integrated Projects will be achieved through an indicative allocation of a minimum of three projects per Member State.

BUDGET

The initial Commission text proposed an increase in the LIFE budget to cover the introduction of the Climate Action sub-theme and Integrated Projects. Our position was to resist any increases above 'real term' rises based on the current LIFE+ budget. However, the LIFE budget was settled as part of the agreement on the MFF. Whilst final figures have yet to be confirmed, the Commission's interpretation is that the total budget will be in the order of 3.1 billion Euros, which represents a substantial increase over current levels.

OTHER AREAS OF COMPROMISE

In addition to the issues identified at the start of negotiations, compromises were also required with regard to the co-financing rates and ring-fencing of funds for nature and biodiversity projects. This has resulted in a slight increase in the base co-financing rate for standard projects from the current 50% to 60% and an increased ring-fence share of the funds for nature and biodiversity projects from 50% to 55%. Although we were content with current rates, this outcome represents a modest increase in levels of support that NGOs and others are likely to find helpful.

NEXT STEPS

It is expected that subject to agreement at Coreper on July 17th, the European Parliament will vote on the dossier at its plenary session in October. If the vote is positive the Council will formally approve the agreement. On this basis I hope you will agree that as described above we have achieved an acceptable outcome for the wider UK interests and you can now give this dossier scrutiny clearance.

16 July 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 16 July 2013 on the above proposal was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 24 July 2013.

Thank you for your helpful and informative update on this dossier.

We would agree with you that this is a good outcome, particularly as regards the helpful compromises on the key issues.

We note your comments regarding Integrated Projects and the relatively conservative approach taken by the Government. We would hope, however, that the Government will work positively to encourage uptake in the UK.

We are content to release the Proposal from scrutiny. Please consider this strand of correspondence as closed.

25 July 2013

PROTECTION OF ANIMALS DURING TRANSPORT (16798/11)

Letter from David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter dated 10 January, in which you asked for information on what action the UK intended to take to re-invigorate the EU Commission's work programme in relation to welfare in transport together with an update on progress in due course.

I am pleased to be able to inform you that following sustained pressure from the UK, supported by a significant number of other Member States, the European Commission eventually tabled a satisfactory proposal earlier this year. This proposal was subject to a favourable majority vote at the meeting of the Standing Committee of the Food Chain and Animal Health (SCofCAH) on 5 March. It will come into force for the reporting year of 2014, which should provide sufficient time for it to be implemented successfully in the UK. The full title of the Implementing Decision is as follows:

Commission Implementing Decision 2013/188/EU of 18 April 2013 on annual reports on non-discriminatory inspections carried out pursuant to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97

As regards to work on better enforcement via satellite tracking systems, Member States remain deeply divided on what represents the best way forward. It is unlikely therefore, that work on this particular Commission dossier will be progressed in the foreseeable future. I will of course let you know should this situation change in any way.

20 May 2013

Letter from the Chairman to David Heath MP

Your letter of 20 May 2013 on the above Report was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 5 June 2013.

We are grateful for your response informing the Committee of what action the UK intended to take to reinvigorate the Commission's work programme in relation to welfare in transport, as well as an update on progress made.

Although we are pleased to note that a satisfactory proposal was tabled and received a favourable majority vote in March, it is disappointing that more progress has not been made as regards satellite tracking systems. We would be grateful to know why some Member States object to satellite tracking systems. Furthermore, we are concerned that your letter did not answer our query regarding what the Government are doing to try and reinvigorate the process?

We would also appreciate any information you have as regards the number of infringements of Regulation 1/2005 identified across the EU. Each Member States must report such information to the Commission, but we are unsure as to whether the Commission has collated them.

We look forward to your response within 10 working days.

5 June 2013

Letter from the Chairman to David Heath MP

Thank you for your letter dated 5 June expressing disappointment that more progress has not been made with regard to setting the standards for satellite tracking systems.

This is not the first time the Commission has attempted to complete work in this area. It was acknowledged, in 2004 when the Council Regulation was first negotiated, that more work would be needed in the future to agree the technical standards that should apply to any satellite tracking systems. Although the Commission subsequently tabled a proposal, which would have seen a highly specified, centralised 'real time' satellite tracking and monitoring system, this idea was rejected by a significant number of Member States (including the UK) because of its complexity; its lack of compatibility with existing satellite tracking systems used by the haulage industry (mainly for road and cargo management purposes); and because of the significant financial burdens it would have placed on the livestock and haulage industries.

In tabling its second set of proposals in this area in early 2012, the Commission opted to scale down its earlier ambitious proposal by setting the most basic of technical parameters by which any commercially available on-board satellite tracking system should operate in the context of the carriage of live animals, without there being any form of centralised management of data or monitoring of individual journeys in real time. We were broadly supportive of this latest proposal, simply noting some areas where there was a need for further clarification. However, many other Member States were not able to agree to this latest approach. Some continued to argue for a centralised EU database operating in real time. Others, for an even simpler approach to that being proposed by the Commission.

With such a wide divergence of Member State views, the Commission decided to abandon further work in this area. Having tried twice (with polar opposite approaches to the subject) and failed, it is now very unlikely that the Commission will try to table a fresh proposal in the foreseeable future. There are therefore no grounds on which the Government can try to reinvigorate the process at the present time, although we will continue to play a full role, should the Commission change its position.

With regards to your request for information on the number of infringement annual reports submitted by Member States under Article 27 of Council Regulation (EC) 1/2005, this can be found at

http://ec.europa.eu/food/animal/welfare/transport/inspections_reports_reg_1_2005_en.htm

The EU Commission does not currently collate these reports because Member States submit different inspection data (i.e. from a range of different sources) in a variety of different formats, making comparison nearly impossible. It was largely because of this difficulty in comparing inspection performance across different Member States that the Commission proposal on a new annual reporting template, which was the subject of my last letter, was put forward for agreement.

17 June 2013

Letter from the Chairman to David Heath MP

Your letter of 17 June 2013 on the above Report was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting on 26 June 2013.

We are grateful for your response explaining to the Committee the reasons why a number of Member States have objected to satellite tracking systems. We note that, whilst the UK rejected the Commission's initial proposal for technical and financial reasons, it was more supportive of the second set tabled in 2012, although many other Member States are still unable to agree on the latest approach.

Given the Commission's previous attempts and failures, we understand that it is unlikely to table a fresh proposal in the foreseeable future, and that the Government therefore view there to be no grounds on which they could realistically try to reinvigorate the process. We are pleased to note, however, that the Government will continue to play a full role should the Commission change its position.

As regards infringements of Regulation 1/2005, we hope that the new reporting template will facilitate comparison across the EU and we trust that you will maintain pressure on the Commission to monitor the practical application of the new template.

We are now content to mark this strand of correspondence as closed.

27 June 2013

PROTECTION OF JUVENILES OF MARINE ORGANISMS (11915/12)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 13 February. As promised I am writing to confirm the adoption of this proposal.

Upon adoption in plenary session on 6 February, the European Parliament Fisheries Committee (PECH) rapporteur confirmed that the purpose of previously deferring the vote was to focus attention on the impasse between Parliament and the Council of Ministers on the issue of long-term management plans. While voting the dossier through as a gesture of goodwill, however, there were indications that the PECH committee would be prepared to block the adoption of further reports if they considered progress on resolving the impasse to be unsatisfactory. While I am pleased that these important technical measures are now reinstated, the possibility of the PECH committee blocking further dossiers in this way serves to underline the importance of agreeing a political solution to the impasse.

Following the EP plenary vote, the technical measures dossier was voted on at the Agriculture and Fisheries Council on 25 February. The legislation was then signed during the European Parliament plenary on 13 March and published in the Official Journal on 20 March, and came into effect three days later. It retrospectively applies from 1 January this year. I attach [not printed] a summary table of the key elements of this legislation.

It will also be helpful if I highlight the Commission's next steps in relation to the overall package of technical measures, as the reformed Common Fisheries Policy (CFP) takes shape and we consider practical steps towards implementation. Firstly we understand that the Commission plans to bring forward a proposal to make amendments across the current range of EU technical conservation legislation. This is essentially a 'quick fix' to address the elements which would compromise the operation of the landings obligations as they apply under the reformed CFP timetable. We therefore

expect the proposal to make adjustments across the range of technical conservation legislation, as well as making some necessary adjustments to the Control Regulation.

Secondly, the Commission have indicated that they will begin the long-awaited fundamental overhaul of the entire technical conservation measures legislative framework in the light of the reformed CFP, with a co-decision proposal to be brought forward during 2014. The Commission has requested scientific advice to inform their preparation of this proposal, with retrospective and prospective thoughts on the operation of the technical measures regime being gathered from fishing administrations across Member States. We understand that they intend to issue an impact assessment and public pre-consultation towards the end of this year or early next year, ahead of the proposal later next year.

27 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 27 June 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 10 July 2013.

We are grateful to you for updating us on the progress of this Proposal, particularly regarding its adoption and the useful summary table of the key elements of the legislation.

The Committee is also appreciative of the information you provide as regards the Commission's next steps in relation to the overall package of technical measures.

Please consider this strand of correspondence as closed.

11 July 2013

PROTECTION OF SOIL (13388/06, 13401/06)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 25 April regarding the proposed EU Soil Framework Directive in which you requested details on the current state of play in relation to the UK Government's approach to soil protection. The draft EU Soil Framework Directive proposes legislation to protect land from contamination and separately to protect soil from specific degradation processes such as erosion compaction and loss of soil organic matters. Both these aspects are covered below.

CONTAMINATED LAND

In the UK, land contamination is dealt with primarily through the planning system when land is developed or redeveloped as outlined in the National Planning Policy Framework. However, Defra has policy responsibility for specific legislation to address the risks from land contamination to human health and the environment which comprises Part 2A of the Environmental Protection Act 1990 and its associated Statutory Guidance. The Part 2A regime is used to deal with the remaining 10% of land (approximately) where the risks from contamination are not being addressed through development as there is no change of use. Under Part 2A, Local Authorities are the primary regulator and it is their responsibility to seek out and investigate contaminated land in their areas and where it is found, to ensure that it is cleaned up to a reasonable standard. In the case of Special Sites the Environment Agency is the primary regulator. Those sites that qualify as Special Sites are listed in Schedule 2 of the Contaminated Land (England) Regulations 2006 but as an example include land where contamination is impacting on groundwater.

SOIL DEGRADATION

The UK has a number of domestic policies in place that protect soils. These include the Soil Protection Review and supporting guidance, which forms part of cross compliance requirements under the Common Agricultural Policy, and Environmental Stewardship.

The Soil Protection Review (SPR) helps farmers to tackle soil degradation threats on their land by managing risks that may lead to compaction, erosion and loss of soil organic matter through the implementation of land use measures. It also includes options on post-harvest management of land, a requirement to record activity on waterlogged soils to prevent compaction and a reminder of

restrictions around crop residue burning. The SPR is supported by detailed guidance that gives farmers advice on managing different types of soil and the requirements under cross compliance.

Environmental Stewardship comprises voluntary schemes that farmers and land owners can join. These schemes allow farmers to choose land management options that enable them to protect the rural landscape whilst managing their land effectively. One specific aim of Environmental Stewardship is to protect soil through the reduction of erosion and run off. There are four elements the Stewardship. These include an entry level scheme available to all, a scheme for organic farmers, a scheme targeted at hill farmers in Severely Disadvantaged Areas and a higher level scheme, which is aimed at areas where more complex management is required and is tailored to local circumstances.

Finally, Defra and the Environment Agency have produced guidance to promote good practice in soil management, which includes 'Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for Farmers, Growers and Land Managers' available to view on www.gov.uk and 'Think Soils' which can be accessed via the EA's website.

More generally, in June 2011 the Natural Environment White Paper outlined our vision for England's soils that by 2030 all of England's soils will be managed sustainably and degradation threats tackled successfully, in order to improve the quality of soil and to safeguard its ability to provide essential ecosystem services such as flood mitigation, carbon storage and nutrient cycling. To support our understanding of how soils can be managed sustainably and to understand how soil degradation can affect the soils ability to support these functions, the Government is undertaking a significant research programme. We are also working with the Research Council to ensure fundamental research takes place that shapes and influences policy.

10 May 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 10 May 2013 on the above dossiers was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the progress of these dossiers. We would appreciate an update on any further progress, including developments in relation to the blocking minority, in due course.

In the meantime, we will continue to hold these items under scrutiny.

22 May 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 22 May 2013 following my last update to you of 10 May on the proposed EU Soil Framework Directive.

The dossier is not on the agenda of the current Lithuanian Presidency and we do not expect it to be on the agenda for the forthcoming Greek Presidency (January – June 2014), partly because of the European Parliament elections, which are due to be held in the spring of 2014.

The blocking minority on the dossier remained united during the recent negotiations on the 7th Environmental Action Programme (EAP). The majority of Member States in the blocking minority supported a minute statement expressing concern about the soil elements within the 7th EAP and making clear that their opposition to the proposals for an EU Soil Framework Directive remained. However, the Commission remains committed to the need for EU legislation on soil protection and the current Commissioner, Potocnik, may push for progress on this area during his last year in office (work programme to be published October 2013) ahead of the Commissioner elections at the end of 2014.

In the meantime, the focus of attention is on the German federal elections due to be held in September 2013, although it may be some time before the views of any new German coalition government on this dossier are known.

We will continue to keep you informed.

12 August 2013

PROTECTIVE MEASURES AGAINST PESTS OF PLANTS (9574/13)

Letter from the Chairman to Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

As with other dossiers that form part of the animal and plant health package, you highlight concerns in relation to proposed delegated and implementing acts. We would again be grateful to know whether the Commission has produced any further details on their use (and if not, when might they be likely to), whether any other Member States support the UK in their concerns, and whether these views have been communicated to the Commission.

This is clearly a very important piece of legislation, and is central to our concern about the control of pests and diseases that can affect forestry. We agree with you that adherence to well defined criteria to identify priority pests is more appropriate than restricting such pests to 10% of current listed pests.

We would stress our view that controls on imports are essential. You express concern that the proposed measures may be too precautionary in nature and so we would be grateful to you if you could please outline your concerns in greater detail, explaining what a more proportionate and efficient, yet robust, system would look like.

We will retain the proposal under scrutiny and look forward to a response within 10 working days.

20 June 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter dated 20 June.

We recently learned that the Commission intends to work with Member States to prepare some of the requirements to be contained in delegated and implementing acts in parallel to negotiations on the proposed Regulation. This is a welcome clarification from the Commission as we will be able to influence these requirements before finalising the proposed Regulation. Some of these requirements will be key to understanding its scope and impacts.

Even though progress is expected on some of these tertiary acts during negotiations, those will be settled during the three year transition period following adoption of the Regulation. In relation to the proposed use of delegated and implementing acts, in line with the UK's approach with other EU proposals based on co-decision and post-Lisbon, we will be negotiating to determine the appropriate split of powers on a case by case basis.

We are aware from informal discussions that the majority of other Member States share the UK's concerns about the use of tertiary acts. The UK has been proactive in raising these concerns with the Commission, who acknowledge that they will have to work closely with the Member States and the European Parliament on this.

I am not of the view that the proposal controls on imports are too precautionary in nature. Rather, I consider that these precautionary measures address an important gap in the current EU regime (which I discuss further below). Nonetheless, within the constraint that measures must be robust, we will work to ensure they are proportionate and efficient, to create the minimum delay to imports necessary while ensuring future biosecurity for our trees and other plants.

The need for prioritisation to identify key threats and concentrate action to mitigate them is something we are working very hard on nationally in taking forward the recommendations made by the Tree Health and Plant Biosecurity Task Force, whose report was published in May. We have already signalled to the Commission the importance we attach in ensuring that EU action is also properly focussed according to risk.

The need to ensure proper protection to threats from imports is, as you would expect, a top priority for us. We, along with most other Member States, have made it very clear to the Commission that we expect the current gap in the EU regime, which allows new trades to commence without prior assessment of the potential risks, to be closed. Article 47 of the Commission's proposal goes some way towards meeting this concern in that it introduces a power to adopt temporary measures in relation to new trades for high risk material (plants for planting) from third countries to allow assessment of risk. Measures could include sampling and testing, a period of quarantine to allow for

any problems to be identified, or prohibition. However, in seeking to allay concerns in exporting countries, the proposal imposes a time limit for the measures to apply: a maximum of two years plus a possibility of an extension of two further years. It is not clear how this would work in practice and in particular what would be the position once this period has expired. As drafted in the proposal we are concerned that after the four year period is completed trade may simply be allowed to proceed with no assessment, leaving the EU open to further risks. We asked the Commission to clarify this position a number of times with no result other than willingness to explore approaches.

To this aim, the UK hosted an international workshop earlier this year to identify possible approaches and will be working with other Member States to take this forward. Clarification or removal of the time limitation would be one obvious step forward.

There will also need to be clarification of the type of imported material within scope in terms that can be clearly communicated to importers and exporting countries and a mechanism for triggering assessment. The assessment process deployed will also need to be tailored to ensure that while it picks up trades in plant materials, which represent a real threat it does not unduly delay those which do not.

The procedure will need to include an initial assessment that will rapidly identify those trades needing a full assessment in line with the formal Pest Risk Assessment process developed under the International Plant Protection Convention and early decisions on those trades which can safely be permitted.

26 June 2013

Letter from the Chairman to Lord de Mauley

Your letter of 26 June 2013 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 10 July 2013.

Thank you for your helpful and informative response. We are also grateful to your officials who briefed our Committee on Wednesday 26 June on this Proposal, in conjunction with three other related dossiers under the Commission's Animal and Plant Health package.

Our overarching concern across the entire package is to ensure that the strategic aim of simplification and delivering a safe environment does not become lost during the negotiation of detail. This is particularly important against the backdrop of negotiations on the trade and investment partnership with the USA.

In your letter you comment on the use of delegated and implementing acts, noting that the majority of other Member States share similar concerns with the UK. A clear danger is that simplification of the framework legislation will simply lead to the displacement of detail in a myriad of new, tertiary legislation. An abundance of such legislation must obviously be avoided. We look forward to you keeping us updated on that aspect of the Regulation.

We note your helpful and wide-ranging comments as regards import controls, including your acknowledgement that the Government will work to ensure they are proportionate and efficient. While we accept your comments at this stage, and we are confident that all parties to the negotiations would share your objective, it will nevertheless be important for you to establish more precisely what you would accept in this regard. This remains unclear from your letter.

We look forward to an update on the negotiations in the autumn, including on the issue pertaining to 10% priority pests list. In the meantime, we will retain the Proposal under scrutiny and look forward to a response in due course.

11 July 2013

QUALITY OF PETROL AND DIESEL FUELS AND RENEWABLE SOURCES OF ENERGY (15189/12)

Letter from the Chairman to Norman Baker MP, Parliamentary Under-Secretary of State, Department for Transport

Your letter of 7 May 2013 on the above Directive was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee on 22 May 2013.

We note that there has been some progress in discussions, although positions on key issues are relatively polarised and that conclusion of negotiations are unlikely until early 2014. We take particular note of the divergent approach to counting under the two Directives, which has significance for the development of renewable energy for power under the Renewable Energy Directive. Resolution of that matter is urgent in the light of the need for investor clarity in that sector and in the light of the discussions that are now taking place on the energy and climate change framework post-2020, including a potential new renewable target through to 2030.

We will hold the proposal under scrutiny and look forward to information from you in due course as positions develop further.

22 May 2013

Letter from the Chairman to Norman Baker MP

Your letter dated 8 February 2013 on the above Directive was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 3 July 2013.

Thank you for your informative update on the current state of play as regards this particular Directive. Please accept our apologies for the delay in our response to your letter.

We note that after receiving a 'no opinion' result on 23 February 2012, the Commission must now forward the proposal to the Environment Council for consideration. We also understand, having spoken to your officials, that the impact assessment is now not likely to be completed until August, and that a revised proposal is still expected from the Commission.

On the basis that a revised proposal is expected, we are content to release this item from scrutiny. We would be grateful if you could keep us updated with any further developments. We look forward to your response in due course.

4 July 2013

REMOVAL OF FINS OF SHARKS ON BOARD VESSELS (17486/11)

Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter dated 25 April 2013, which sought an update on the progress towards adoption of the above proposal.

You will recall that the intention of this amendment is to remove a derogation that currently allows Member States to issue special fishing permits for the removal of shark fins at sea. In my letter, dated 15 April 2012, I reported that the final step had been delayed for procedural reasons. A number of linguistic changes had been made by Lawyer-Linguists in finalising the text and although these did not change the fundamental principles agreed by the European Parliament, it was considered that the adjustments warranted the text being revisited by the institutions to ensure it accurately reflected the agreement.

I am now delighted to inform you that the text was adopted by the Council on 6 June following a first reading agreement with the European Parliament. This followed the adoption of a corrigendum to the European Parliament's first reading agreement in May. The regulation will come into force once it has been formally signed and published in the Official Journal, which should be by the end of June 2013.

The UK was at the very forefront of the push to get EU shark finning legislation tightened, and I am particularly pleased by the way in which we worked closely with the Shark Trust towards this shared goal. This amendment is an important step forward in improving the conservation and management of sharks. All sharks caught in EU waters, and anywhere globally by EU vessels, will now have to be landed with their fins still naturally attached with no exceptions, bringing EU vessels in line with practices already adopted by UK fishermen. Furthermore, the EU will now be able to champion this approach in international forums such as the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Indian Ocean Tuna Commission (IOTC). This will make a significant difference as the EU has previously had to abstain from supporting the approach when tabled.

It is worth noting that although Spain and Portugal made a final statement lamenting the adoption of the amended EU regulation, they also called for continued strong representation by the EU in forums like ICCAT to end the practice of shark finning globally.

12 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 12 June 2013 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 19 June 2013.

We are grateful to you for confirming with us that the text was adopted by the Council on 6 June following a first reading agreement with the European Parliament, of which we were very pleased to hear.

Moving forward it will now be critical to ensure that this Regulation is enforced successfully. We would therefore urge you to work with the Commission to ensure that it is monitoring compliance information from Member States in a rigorous manner.

We are now content to mark this strand of correspondence as closed.

20 June 2013

RENEWABLE ENERGY PROGRESS REPORT (8098/13)

**Letter from the Chairman to the Rt. Hon. Edward Davey MP, Secretary of State,
Department of Energy and Climate Change**

Your Explanatory Memorandum (EM) on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

We would query your assessment that there are no subsidiarity concerns on the simple basis that the document is not a proposal for legislation, without having any regard to the content of the document. When assessing any document from the Commission, we expect the Government to assess whether policy initiatives suggested might, if they were to come to fruition, breach the principle of subsidiarity. While that is not the position in this instance, we impress upon you the importance of assessing all Commission documents for potential breaches of subsidiarity, rather than purely legislative proposals.

Whilst we note that the UK has introduced measures to try and alleviate administrative barriers – the fast-track planning regime – your EM does not comment on how successful this has been. In particular, the Commission's working paper assess that the UK needs to improve in this area, and so we would be grateful for more information regarding the plans you intend to take (or indeed, have taken) to resolve this issues. We would be interested to know whether the fast-track planning regime itself has been successful.

Although your EM comments on biofuel sustainability, we note that no mention is given to the Government's position on renewable energy support schemes and the Commission's intention to prepare guidance on best practice in this area. We would be grateful for clarity as regards the Government's position on these support schemes, including whether the UK contributed to the Commission's consultation on the suggested guidance.

We are content to release the Report from scrutiny and look forward to your response within 10 working days.

16 May 2013

Letter from the Rt. Hon. Edward Davey MP to the Chairman

Thank you for your letter dated 16 May in which you released the above proposal from scrutiny and sought further information on subsidiarity concerns, success of the fast-track planning regime and renewable energy support schemes.

You raised concerns in your letter about the assessment of subsidiarity matters in response to this progress report. I agree that issues of subsidiarity should be considered at an early stage of policy initiatives. The European Commission was required to produce the progress report in accordance with the Renewable Energy Directive (2009/28/EC) and we consider it appropriate for the Commission to monitor progress. We also welcome the Commission making recommendations and exploring policies to support Member States in the achievement of requirements set out by the directive. It is possible that some of the policy ideas contained in the progress report potentially raise issues of subsidiarity, depending on the direction they take, but only if they are developed to a greater

level of detail. For example, the expected guidance on support schemes could raise issues depending on its content, but this will be assessed once the documents have been released.

Your letter also seeks clarity on the position of the Government regarding renewable support schemes, and our contribution to the Commission's consultation on this subject.

The Coalition remains committed to supporting the deployment of renewable energy. The Renewables Obligation is our main mechanism for supporting large-scale renewables, although subject to passage of the Energy Bill, from 2014, as part of Electricity Market Reform, we intend to introduce the Contract for Difference (CfD) mechanism. We also have the Feed in Tariff scheme to support small scale generation. The UK continues to be proactive by working with the Commission on the forthcoming support scheme guidance, in order to try and ensure what is published will be consistent with our domestic renewable energy policy.

In my Explanatory Memorandum I set out measures taken to try to minimise administrative burdens, such as the fast-track planning regime. You asked for further information on these.

The nationally significant infrastructure planning regime under the Planning Act 2008 is designed to provide a streamlined, faster and more certain planning system for large scale infrastructure projects. It provides statutory time limits for the determination of applications, so that the time taken from the early examination stage of a project by the Planning Inspectorate to a decision on that project by the Secretary of State will be a maximum of 12 months. Although it is probably premature to judge the long term impact of the Planning Act on renewables deployment (only four renewable energy projects have been determined so far), the benefits of the Planning Act regime are already clear. All decisions on applications for renewable energy projects made under the new system have been issued within the 12 months period, giving future applicants increased confidence in application timescales. This May, I gave permission for Galloper offshore wind farm under this regime within the statutory time limit.

The Government has also been working to improve the Planning Act regime further by extending the "one stop shop" for consents, setting up a consents service unit to expedite other consents needed, and limiting the extent to which special parliamentary procedure applies to nationally significant infrastructure projects. A review of the regime is planned for 2014 and will provide an opportunity to assess fully the benefits of the regime in the development of renewable energy projects.

31 May 2013

Letter from the Chairman to the Rt. Hon. Edward Davey MP

Your letter of 31 May on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Thank you for your helpful and informative reply.

We appreciate your understanding of our concerns in relation to points raised about subsidiarity in the Explanatory Memorandum (EM), and are grateful for your subsequent explanation. Whilst we agree with the comments you make, the point we would like to stress is that this awareness should be reflected in the assessment being made in the EM. That is, although there may be no immediate subsidiarity concerns, we would expect the Government to at least highlight what potential there is for concerns in the future, should something more detailed or legislative come forth.

We are also grateful to you for the information provided as regards our questions about the Government's position on renewable energy support schemes, including whether the UK has contributed to the Commission's consultation on the suggested guidance.

We are similarly appreciative of your response to our query about alleviating administrative barriers and the fast-track planning regime. We understand that it may be premature to judge the long-term impact of the Planning Act on renewables deployment, and that a review of the regime is expected for 2014.

We are now content to mark this strand of correspondence as closed.

14 June 2013

SAFETY OF OFFSHORE OIL AND GAS PROSPECTION, EXPLORATION AND PRODUCTION (16175/11)

Letter from the Rt. Hon. Michael Fallon MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

Thank you for your letter dated 25 April 2013 on the above proposal. You asked to be kept updated on the progress of this proposal. I am happy to inform you that the proposal, now in the form of a Directive, passed both European Parliament and Council at first reading and will enter into force 20 days after publication in the Official Journal.

The European Offshore Authorities group has now met and discussed accident reporting and how to share the lessons learnt and avoid them happening again. They also discussed how to set up a common reporting format so that data can be shared across the EU and they looked at current best practice in measuring safety performance by the companies operating in Europe and their regulator. I am hopeful that this forum will prove useful, particularly in its function of sharing best practice through all member states.

I hope you find this information helpful.

12 June 2013

Letter from the Chairman to the Rt. Hon. Michael Fallon MP

Your letter of 12 June 2013 in response to our letter of 25 April 2013 to your predecessor on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 26 June 2013.

We are grateful for your letter confirming that the proposal, now in the form of a Directive, passed both the European Parliament and Council at first reading.

We are similarly appreciative for the information provided regarding the European Offshore Authorities group and its meeting to discuss accident reporting, how to share lessons learnt (and how to avoid them happening again) and how to set up a common reporting format.

We are now content to mark this strand of correspondence as closed.

27 June 2013

SHIP RECYCLING (8151/12, 8173/12)

Letter from Lord de Mauley, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

Last year, we submitted an Explanatory Memorandum on the proposal of the European Commission for a Regulation on ship recycling. We are now writing to update you on progress with this proposal.

Earlier this year, the European Parliament considered the proposal and proposed 120 amendments. A vote on the amendments took place on 18 April and as a result 115 amendments were adopted. These amendments were subsequently discussed by Council and then in trilogue discussions between the European Parliament, the Commission and the Presidency. A meeting of the Council of Permanent Representatives (COREPER) on 26th June agreed a revised compromise text that will now go forward to the European Parliament and the Council for adoption through a formal vote.

The key changes made to the original proposal are:

REQUIREMENTS FOR NON-EU SHIPS VISITING EU PORTS TO HOLD A VALID INVENTORY OF HAZARDOUS MATERIALS

In principle, this is acceptable. This requirement will apply to all ships once the Hong Kong Convention comes into force and will help with the eventual recycling of such ships. We do not consider it will effect trade or impose a significant burden but will help keep a level playing field between ships flagged in EU and in non-EU countries. We do not expect our Port State Control officers will have any difficulty in checking whether a non-EU ship has a valid inventory of hazardous materials and certificate.

More generally, the requirements for inventories of hazardous waste and for reporting in the original proposal have been brought more closely into line with the Hong Kong Convention in line with our earlier requests.

PROVISIONS TO RULE OUT FACILITIES USING THE “BEACHING” METHOD.

The European Parliament has taken a very strong line to prevent ships being recycled on beaches. We considered the Commission’s proposal already included sufficient safeguards to ensure current unsafe beaching practices could not continue. We were concerned that a specific prohibition on beaching ships would not allow scope for certain recycling states to upgrade to meet an acceptable standard. This could delay the coming into force of the Hong Kong Convention. However, the compromise reached is that there must be ‘built facilities’. This will, prevent unsafe beaching methods, but allow some scope for facilities to upgrade to an acceptable standard.

A REQUIREMENT FOR CRIMINAL (AS WELL AS CIVIL) PENALTIES AND ACCESS FOR JUSTICE;

The Commission’s proposal included very specific penalties which we felt infringed subsidiarity. The European Parliament supported this approach. The Government’s view, and that of most Member States, is that Member States are best placed to design regimes to ensure the rules are adhered to. The compromise text now simply makes a standard non-specific provision where Member States are required to adopt effective, dissuasive and proportionate remedies.

The amendments adopted by the Parliament went further and included a specific requirement to use criminal penalties. Some of the activities in this Regulation are currently within the Environmental Crime Directive by virtue of being subject to the Waste Shipments Regulation. We have argued that is not possible to include criminal sanctions in this proposal under an environmental legal base. The compromise text requires the Commission to assess, by the end of 2014, which infringements of the Regulation should be brought within the scope of Directive 2008/99/EC on the protection of the Environment through criminal law to achieve equivalence of the provisions related to infringements between this Regulation and Regulation 2006/1013/EC on shipments of waste. They could do this anyway so this is acceptable.

The Commission proposal included “boiler plate” requirements on Member States on ‘access to justice’. Parliament supported these. However we regard access to justice as a Member State responsibility as the way it is done at national level strikes balances which reflect societal norms. Under the compromise text, access to justice is applied only to Commission decisions relating to the EU list of approved facilities. There is a recital which refers to the obligation of Member States to give effect to the Aarhus Convention when applying their national rules.

THE DEVELOPMENT OF A FINANCIAL INSTRUMENT TO ENSURE ENVIRONMENTALLY SOUND RECYCLING OF SHIPS;

The European Parliament has looked for a way to address market conditions, which provide shipowners with a financial incentive to use facilities with low standards that offer a better price for the ship. The proposals put forward appeared complicated and burdensome to deliver and it was unclear that it would achieve the objective of encouraging ships to be recycled at facilities on the EU list. Ultimately none of the proposals gained support within the Parliament, and they are not being considered as part of the negotiation.

Instead, the European Parliament is proposing that, after the Regulation has come into force, the Commission will come forward with a legislative proposal for a financial instrument if appropriate. We are sceptical that a means can be found to put an effective mechanism in place at EU level, but the idea of the Commission considering the issue further, and coming forward with a proposal subject to impact assessment, is much more acceptable than the schemes originally proposed by the European Parliament.

APPLICATION OF THE REGULATIONS

The Parliament sought a conditional exclusion from the Waste Shipment Regulation where ships not complying could fall back into that regime. We argued for a clear distinction between the two regimes. It is evident that the Waste Shipment Regulation is not well suited to regulating ships and, as a consequence, all EU ships should be regulated by this proposal. This has found favour.

The Parliament also wanted earlier application of the Regulation. The compromise text reduces the risk of a situation arising where there is insufficient capacity on the European list to meet the demand

from EU flagged vessels. It would see the Regulation being applied if ship recycling capacity on the European list meets an agreed tonnage threshold (but no sooner than within two years following entry into force), or after five years following entry into force – whichever is sooner. We consider this is a reasonable compromise between applying the Regulation in a timely fashion and reducing the risk of there being insufficient capacity on the list to meet demand.

The European list of approved facilities must be published no more than three years after the Regulation comes into force. This may be before the Regulations are fully applied. Prior to full application, a new transitional provision will allow Member States the option to authorise the recycling of ships in facilities on the list instead of applying the Waste Shipment Regulation until the new Regulation is fully in force.

UPDATE ON OUR ORIGINAL CONCERNS

While welcoming the initiative of the Commission in bringing forward this Regulation, we were concerned that the original proposal was insufficiently aligned to the Hong Kong Convention and consequently ran the risk of being disproportionate for our ship owners.

Our main concerns centred around a proposal for a contract between the ship owner and the facility, which we considered unworkable since ships are normally sold initially to a cash buyer before being sold on to the facility. The UK shipping industry also considered such a requirement would give them an unacceptable amount of liability, because it would effectively mean that they would be responsible for ensuring that facilities met requirements. The requirement for the contract has been dropped.

The original proposal included a number of delegated acts which we considered were inappropriate. Most of these have now been amended so that they are implementing acts and are more narrowly constrained to keep them in line with the Hong Kong Convention. We consider the two that remain are appropriate as they relate to amendment of annexes that clearly fall within article 290 .

We had concerns over a Council Decision on Member State ratification of the Hong Kong Convention, which would have placed a legal obligation on Member States to ratify the Hong Kong Convention. This has been delayed pending the conclusion of discussions on the Regulation. We remain of the view that this Decision needs to be modified to ensure that, at most, it 'authorises' ratification of the Convention in respect of areas within the external competence of the EU, rather than 'requires' it.

2 July 2013

Letter from the Chairman to Lord de Mauley

Your letter of 2 July 2013 on the above Proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 17 July 2013.

We are grateful to you for your very helpful letter regarding progress on this Proposal, including the key changes that have been made to the original Proposal.

We note that agreement has now been reached among the institutions. Please mark this strand of correspondence as closed.

18 July 2013

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (7428/13, 7429/13)

Letter from Lord de Mauley, Parliamentary Under- Secretary of State, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing, as promised in Explanatory Memorandum (EM) dated 8 April 2013, to provide supplementary guidance on the assessment of impacts arising from the proposed listing of Hexabromocyclododecane (HBCDD) in Annex A of the Stockholm Convention on Persistent Organic Pollutants.

BACKGROUND

The EM outlines the rationale for the UK's support for EU Council Decisions. These Decisions set out EU support for inter alia the listing of Hexabromocyclododecane (HBCDD) within Annex A of the Stockholm Convention on Persistent Organic Pollutants. The listing will eventually result in an international ban on manufacturing, placing on the market and use of HBCDD.

The EM was submitted without a full impact assessment, due to uncertainty at the time over the full economic impact of the measure. This letter provides further information.

ASSESSMENT OF THE FINANCIAL IMPACT OF LISTING HBCDD UNDER ANNEX A OF THE STOCKHOLM CONVENTION

The chemical HBCDD has separately been identified as a Substance of Very High Concern (SVHC) under the EU Chemicals Regulation (REACH, Regulation No 1907/2006). This means that, regardless of the global action proposed under the Stockholm Convention, the placing on the market and use of HBCDD will be prohibited after 21 August 2015 unless authorised for a specific use.

The disposal of construction material to landfill is the major source of HBCDD releases to the environment. When viable alternatives to HBCDD in construction insulation material become available and the proposed time-limited exemption allowing its use in buildings is discontinued under the Stockholm Convention i.e. in 2018, there will be costs associated with the safe disposal of legacy HBCDD-containing waste.

AN IMPACT ASSESSMENT CARRIED OUT FOR DEFRA IN 2010 MADE THE FOLLOWING OBSERVATIONS.

The main costs of safe disposal of HBCDD wastes are associated with the separation of HBCDD-containing waste from other construction waste. These costs are calculated by multiplying the amount of construction waste by the charge per tonne. It is estimated that there will be between 4 and 22 million tonnes of waste per year from 2018 which could require separation and destruction by incineration, at a cost of up to between £1-6 billion (€1.2 - 7.1 billion) per year. Recent discussions with the construction sector indicated that no separation of HBCDD waste currently takes place, although with the ability to recycle/re-use being proposed alongside the exemption for continued use of HBCDD in construction, any costs would be deferred by using demolition waste as construction aggregate until 2018. It should also be borne in mind that HBCDD has only been used in building insulation materials since the late 1980s and therefore, owing to the 60+ year average lifespan of buildings, it is unlikely to arise in significant quantities in demolition waste for some decades.

Any additional costs for separation and incineration would be partially offset by a reduction of material and its associated costs of going to landfill.

The proposed time-limited derogation allowing continued use of HBCDD in buildings will allow time for the development of an economical and effective replacement fire retardant. Additionally, any negative impact on manufacturers of building insulation material that use HBCDD is likely to be short term and could be offset by an increase in employment for those manufacturers of alternative materials. Some direct and indirect jobs are also likely to be created by the mandatory additional management and destruction of HBCDD-containing waste.

A total ban on HBCDD manufacturing and use in the UK would immediately eliminate emissions from these sources. Over time, products not containing HBCDD would progressively replace and dominate the material going to waste or recycling. This scenario would eventually reduce annual HBCDD emissions by 730 tonnes per year at an annual cost of between £1.4 and £6.9 billion (€1.7-8.2 billion).

A ban, with the proposed exemption allowing use of HBCDD in buildings until 2018, would reduce emissions by around 630 tonnes per year at an annual cost of £1.4-6.6 billion (€1.7 – 7.8 billion). The annual costs are based on the estimated amount of construction waste generated in the UK and will cumulatively increase the total burden of the costs for as long as exemptions are in place, as exempted material entering the waste cycle will need to be safely disposed.

The above scenarios demonstrate that an exemption for buildings with recycling would also allow time for the industry to develop and manufacture new products thereby potentially avoiding a negative impact on jobs and businesses in the longer term.

ASSESSMENT OF BENEFITS ARISING FROM THE LISTING OF HBCDD

The flame retardant HBCDD is persistent in the environment, bioaccumulative in living organisms and highly toxic to aquatic organisms. Human exposure is evidenced by the presence of HBCDD in breast

milk, adipose tissue, and blood, and it biomagnifies in the food chain. HBCD also presents human health concerns based on animal test results, which indicate potential reproductive, developmental, and neurological effects.

Exposure of HBCDD in adolescents is considered to be of high concern. Studies cited by the European Chemicals Agency (ECHA) and US Environmental Protection Agency have indicated the likelihood that children exposed to HBCDD can experience changes to thyroid function, which may lead to abnormal development, particularly in the nervous system.

This chemical has also been found to be very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment. Studies have also shown that HBCDD is capable of producing adverse effects in a variety of organisms including algae, fish, invertebrates and soil-dwelling organisms at environmentally relevant concentrations.

It is difficult to monetise the benefits of eliminating HBCDD. However, a model adopted for calculating the cost savings for reducing chemicals through the EU chemicals regulation (REACH) suggests that the potential cost savings of reducing human exposure to chemicals by 4% are in the region of £126 - £531 million (€149 – 628 million) over 15 years or £8.4 – £34.9 million (€9.9 – 41.3 million) per year, a proportion of which can be attributed to HBCDD.

11 June 2013

STRATEGIC GUIDELINES FOR THE SUSTAINABLE DEVELOPMENT OF EU AQUACULTURE (8986/13)

Letter from the Chairman to Richard Benyon MP, Minister for Natural Environment and Fisheries, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 5 June 2013.

Unfortunately, we found your EM to be inadequate in a number of respects.

There was a technical inaccuracy on pages 6 and 7 of the EM, which includes scrutiny history pertaining to the EU's Fisheries Partnership Agreement with Mauritania. Plainly, that has no relevance to this document. The effect of such lack of attention to detail is that the EM fails to provide helpful history to Parliament on previous scrutiny of Commission documents in this area. It seems to us that a more robust system of proof-reading is required in your Department.

More generally, the EM was thin on detail. It has a strong focus on the relationship between the guidelines, national action plans and the EMFF. We would emphasise that the development of aquaculture goes beyond financial support under the EMFF and relates to issues such as reduction of the administrative burden, consumer labelling, consumer information and environmental requirements. All of these issues have some relationship to EU legislation. It was far from clear from the EM that you recognise the complexity of the sector and we would therefore welcome confirmation that this was simply an oversight.

Worryingly, paragraph 2 of the EM implied that a national action plan (covering areas beyond the EMFF) would only be required if support was sought for aquaculture under the EMFF. We consider Article 43(2) of the General Approach on the new CFP Regulation to be very clear that "Member States shall establish a multiannual national strategic plan for the development of aquaculture activities on their territory by 31 December 2013". It would be helpful if you could explain the apparent inconsistency between your EM and the General Approach and if you could confirm that the Government and Devolved Administrations are working on preparing such a plan by the end of 2013.

We appreciate that the Government wish to ensure that there is as little EU intervention as possible in the UK aquaculture industry. The aim of the strategic guidelines and the national action plans, however, is to ensure that information is available throughout the EU in order that best practice can be shared, an aim to which paragraph 6 of the EM refers. This may be of positive benefit to the UK's industry and to its marine environment.

The Commission makes various suggestions as to activities that it and the new Aquaculture Advisory Council (AAC) could undertake. You do not offer comment on the Commission's suggestions. We would therefore welcome a view on each suggestion and a view on whether additional actions by Member States, the Commission or the AAC might be helpful.

We will retain the Communication under scrutiny and look forward to a response within ten working days.

5 June 2013

Letter from Richard Benyon MP to the Chairman

Thank you for your letter dated 5 June 2013 in which you raise further questions in relation to the Commission's Strategic Guidelines for aquaculture development (EM 8986/13).

Firstly I apologise for the mistake in the scrutiny history made by my officials which I have been assured was a one off, unlikely to be repeated.

I agree with the Committee's assertion that this is a complex sector. In the UK the aquaculture industry comprises large multi-national operations, such as salmon farming through to smaller, artisanal businesses as is often the case with oyster production. Such diversity in size and species means the issues impacting the sector are often challenging and wide ranging. This complexity is only amplified when considered at EU level.

The Committee is right to highlight issues covered by the Guidance as areas of importance to the industry and its development. In England, Defra has recently supported the industry in developing a consultation and workshop that considered barriers to growth in English aquaculture and looked to identify actions to mitigate these and encourage growth. Many of the issues identified by the Commission were raised as part of this process.

Given this and wider work undertaken across the UK Administrations, Government and industry are well placed to both understand these complex issues and identify priority areas for consideration under Multi-Annual National Plans (MANPs).

Turning to the statutory nature of the Plans, I accept the Committee's view that MANPs can go further in scope than providing a framework for financial support under the European Maritime and Fisheries Fund (EMFF), and the UK will consider this element of MANPS as the UK plan is developed.

Whilst the final text on CFP Reform is yet to be agreed, I accept that there is an expectation that MANPs will be required. However, given the broad nature of the Commission guidance and rules on content for MANPs, the work to develop and deliver a MNAP will depend to a degree on how comprehensive Member States choose to make it.

Having said this, I can confirm that the UK will be developing a MANP in consultation with industry. We are aiming to produce a first draft in September so that it can be cross-referenced in the ongoing EMFF Operational Programme discussions between the UK and the Commission.

Whilst information sharing is an important component of the MANPs, it is the Commission's priority to see growth in EU aquaculture production. As a leading European producer across a range of aquaculture products, including salmon, trout and mussels, the UK is already well placed to take advantage of growing markets for aquatic produce.

The UK is also well positioned to provide industry best practice and information to European colleagues. There are already mechanisms for doing this to which UK contributes but I believe that knowledge sharing should also be a key component of the proposed Aquaculture Advisory Council. On this, the UK has already raised a number of questions with the Commission, seeking clarity on how the Advisory Council will be funded and further information on how it will bring wider benefits to industry when representing such a diverse sector.

On the Commission's suggested activities for MANPs, the UK considers what is proposed in the Guidance to be a reasonable and appropriate list of activities which, coupled with the flexibility that comes from the non-binding nature of the Guidance, provide a very useful framework to support the development of MANPs. We have not identified any actions above those put forward by the Commission and we do not believe every action to be applicable to the development of aquaculture in the UK, or indeed across every Member State.

The UK is supportive of the Commission's suggestions for the development of aquaculture and the Strategic Guidance provides Member States with good framework from which to deliver growth in aquaculture.

Given the complex nature of the industry in the UK, including the different needs of the various sectors the UK will now work closely with industry, building on the work we have already undertaken to identify priorities and drawing on the Commission non-binding Guidance where objectives

converge. This work will provide us with a thorough assessment of the Commission's suggested actions and identify which are most relevant to the UK industry.

18 June 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 18 June on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 26 June 2013.

We note your apology for the mistake in the scrutiny history but would emphasise that the weakness of the EM extended beyond that element. We are confident that you personally understand the importance which EMs play in parliamentary scrutiny. The Government have, of course, made public at the highest levels their view that national parliamentary scrutiny of EU issues is an important matter. It must be understood that the ultimate result of a poor EM is the need for us to press for additional information, clarity and accuracy.

The additional information provided in your letter on this Communication was helpful and reassures us that you intend to take a positive approach to this process, an approach which was far from evident in your original EM.

27 June 2013

"STRESS TESTS" OF NUCLEAR POWER PLANTS (14400/12)

Letter from the Chairman to Baroness Verma of Leicester, Parliamentary Under Secretary of State, Department of Energy & Climate Change

Your letter of 25 April 2013 on the above dossiers was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 22 May 2013.

We are grateful to you for updating us regarding the above EU nuclear safety and decommissioning dossiers. We are now content to mark the strand of correspondence in relation to EM 14400/12 ("stress tests") as closed. As regards 17752/11 (the decommissioning Proposal), we would be keen to be kept informed on any progress this dossier makes under either the Irish or Lithuanian presidencies.

We are now also content to release EM 14450/11 (safety standards) from scrutiny, and look forward to an update on its progress in due course.

22 May 2013

SUGAR IMPORTS INTO THE EUROPEAN UNION FROM LDC AND ACP COUNTRIES (11034/13)

Letter from the Chairman to David Heath MP, Minister of State for Agriculture and Food, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meetings of 17 and 24 July 2013.

As you will be aware, we published a report on EU sugar policy in September 2012. Our findings included a recommendation that import tariffs on raw cane sugar should be eased as appropriate in response to the world market. In their response, the Government regretted that their efforts to include measures in the CAP reform designed to address the position of cane refineries once beet quotas have been abolished had been unsuccessful. Now that it has been decided that beet production quotas will end in 2017, how are the Government pursuing options to address the position of cane refineries? We understand that the Commission has attempted to reassure the cane refining industry that it will address the issue before 2017, but it would be helpful to hear from you what intelligence you have on the Commission's plans and how you are working with the Commission on the issue.

Another issue emphasised in our report related to the impact of the EU's sugar regime on the LDC and ACP countries. We would re-emphasise those conclusions and look for re-assurances on some points made in the response from the Government, as set out below.

First, we would welcome an update on any assurances received from the Commission that local offices will be adequately staffed to monitor the impact of Accompanying Measures as this programme winds down and to ensure the effective disbursement of remaining funding.

Second, it is anticipated that the needs of developing countries in terms of support to overcome the impact of changes to the EU regime will henceforth be met from the European Development Fund (EDF). The Government explained that DfID has been working to ensure that the new EDF will support interventions in sugar producing developing countries which have the most impact on poverty reduction, job creation and economic growth, as deemed appropriate in each case through the National Indicative Plans. We would wish to be re-assured that those negotiations have been successfully completed.

Finally, and as our report and Government response indicated, the world market is volatile. It will be crucial for the Government to press the Commission to monitor the market carefully and to be in a position to respond quickly to the specific needs of ACP and LDC countries should the need arise.

The Report has already been released from scrutiny. We look forward to your response by 30 August.

25 July 2013

Letter from David Heath MP to the Chairman

Thank you for your letter dated 25 July raising a number of issues arising from the Committee's September 2012 report on EU sugar policy. I am responding as the duty Minister during the Parliamentary recess.

The agreement reached in June, as part of the CAP reform negotiations, to remove sugar beet quotas in 2017 is a very important first step towards bringing some form of normality to the EU sugar market. However, it is by no means the complete solution. The Government remains concerned that, in the run up to 2017, the existing dual distortions of beet quotas and a very high tariff barrier can be expected to continue to keep sugar market prices artificially high to the detriment of both EU consumers and the competitiveness of the EU food and drink industry. The Secretary of State has already raised this concern with Commissioner Ciolos and pressed for EU refiners to be provided with additional supplies of raw cane sugar through the continuation, if not expansion, of the annual 'exceptional measures' that have applied over the past three years.

We also continue to believe that the unbalanced nature of the reform could have profound and unwelcome effects on the sugar market post 2017. Given the concentration of processing capacity in the EU, there is a real risk that there will be insufficient competition on the market to ensure that any price reduction following quota abolition is sustained. Indeed, in the event that the EU refining industry contracts, we could see a return to the current damaging price levels. The Secretary of State has, therefore, additionally pressed the Commissioner to ensure that we use the period leading up to 2017 to ensure that tariff barriers are significantly reduced, most realistically in the context of on-going trade negotiations with third countries. We await the Commissioner's response.

On the first of the three points you raise on the impact of the EU sugar regime on LDC and ACP countries, I can confirm that the Department for International Development (DFID) is engaging with EU representatives, in Brussels and at country level, to ensure the Accompanying Measures funding is disbursed effectively as the programme cycle approaches completion. On the second point, the process of negotiating funding allocations under the European Development Fund (EDF) II covering the period 2014 to 2020 is expected to be completed in the first quarter of 2014. DFID continues to work with the EU Commission to ensure that those sugar-producing countries that have not received adequate funding under the Accompanying Measures are able to access EDF funding that will have an impact on poverty and job creation. Finally, I can confirm that we continue to encourage the Commission to monitor market carefully and respond quickly as necessary to meet ACP and LDC needs.

28 August 2013

SYSTEM FOR REGISTRATION OF CARRIERS OF RADIOACTIVE MATERIALS (13684/11,
14398/12)

**Letter from Baroness Verma of Leicester, Parliamentary Under Secretary of State,
Department of Energy & Climate Change, to the Chairman**

I am writing to update you on the current position with the above Commission proposal.

The proposal is for a Regulation requiring all carriers of radioactive material to register their intent to do so on a central Electronic System for Carrier Registration (ESCRReg). The proposed Regulation will apply to national and international road, rail and inland waterways transport only as the Commission recognises that different arrangements, for other reasons, already exist for air and sea transport modes.

The rationale behind the proposal is that such a system will replace all existing systems employed by member states thereby reducing the burden to industry.

Government's view is that the Commission have yet to make a persuasive case to support their proposal and to date we do not consider that they have done so. The proposal if adopted would do nothing to improve safety; rather it would only duplicate arrangements already existing in the UK and incur additional costs to both Industry and Government. Officials have been working with ONR to persuade the commission to withdraw the proposal, while at the same time working on amendments that would help us if a majority of Member States agree that the proposal should go ahead and we have to implement.

When Ireland took over the Presidency in January, they were keen to understand the very different views across the community. The position among member states was divided between those that favoured no regulation at all, those that favoured the proposed administrative registration system and those that saw the necessity for safety criteria within the text. Some Member States also have reservations concerning the chosen legal basis.

Taking note of the situation, the Irish Presidency decided to set up an ad hoc working group with a mandate to explore possible solutions to resolve the remaining issues on the dossier, in a spirit of consensus. The working group will come back to the Presidency with 3 possible options:

- schedule other technical meetings, in order to have more in-depth discussions on the possible way out for this dossier ;
- come back to AQG if possible solutions are positively considered by experts;
- give up the dossier if it is considered that there is no real solution to solve the identified issues.

The UK is in favour of giving up the proposal; however we expect that many member states will not be.

We will provide further advice when we know which direction this proposal is taking.

5 June 2013

Letter from the Chairman to Baroness Verma of Leicester

Your letter dated 5 June 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 26 June 2013.

Thank you for your helpful and informative update on the current state of play as regards this particular proposal.

We note that the Commission is still to make a persuasive case to support the proposal, with such a Regulation only duplicating already existing arrangements in the UK and imposing additional costs to both industry and the Government. We understand you are working with the Office for Nuclear Regulation to persuade the Commission to withdraw the proposal, whilst simultaneously working on amendments that would help the UK should the proposal go ahead.

Could you please provide us with any information as regards the positions of other Member States in relation to this proposal?

We are grateful to you for your offer to keep us updated on the direction of the proposal once the working group has completed its deliberations.

Whilst we are content to release 13684/11 from scrutiny, we will retain the superseding document 14398/12 under scrutiny. We look forward to your response in due course.

27 June 2013

Letter from Baroness Verma of Leicester to the Chairman

Thank you for your letter of 27th June regarding our update on the progress of discussions on the Commission's proposed regulation on Establishing a Community System for Registration of Carriers of Radioactive Materials.

In response to your request for information regarding the positions of other Member States in relation to this proposal, we can advise the following.

At a recent working group views on the proposal were spread over several camps:-

- those vigorously against the proposal - which comprise the UK, and two other member states,
- those who are strongly pro – three member states,
- those who still have issues to be resolved – two member states,
- the remainder, in general, have not expressed a strong preference, as some still hold the proposal under scrutiny, although we expect many may support the proposal particularly if they already have an existing registration scheme.

We will provide further advice when we know which direction this proposal is taking.

18 July 2013

THE 2014 INTERNATIONAL CLIMATE CHANGE AGREEMENT: SHAPING INTERNATIONAL CLIMATE POLICY BEYOND 2020 (8193/13)

Letter from the Chairman to the Rt. Hon. Edward Davey MP, Secretary of State, Department of Energy and Climate Change

Your Explanatory Memorandum (EM) on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 May 2013.

We agree with your aspirations for the 2015 Agreement, particularly as regards the importance of monitoring, reporting, verification and accounting.

In our recent report on EU Energy Policy, we concluded that the desire to take a lead prior to the 2015 meeting in Paris would apply pressure on the EU to agree an ambitious post 2030 energy and climate change policy. You indicate that the EU needs urgently to consider how it can shape the international debate, but you will also know that the EU has only just published a Green Paper on its 2030 policy, on which we look forward in due course to hearing the UK Government policy. To what extent do you consider it possible for the EU to shape the international debate before it has identified its own post-2020 policy?

We will retain the Communication under scrutiny and we look forward to your response within 10 working days.

16 May 2013

Letter from the Rt. Hon. Edward Davey MP to the Chairman

Thank you for your letter of 16 May, asking whether it is possible for the EU to shape the international debate on post-2020 climate change policy before it has identified its own post-2020 policy.

I strongly support EU action to tackle climate change and to help deliver the EU's goal of limiting global temperature rise to 2 degrees. I remain committed to an increase in the EU climate target for 2020 to 30% and therefore continue to push strongly for urgent structural reform of the EU Emissions Trading System (ETS) to ensure it continues to incentivise investment in low carbon.

Looking further on 2030, I believe the EU should adopt a unilateral EU target for 2030 of a 40% reduction on 1990 levels. In the context of an ambitious global climate agreement for the period beyond 2020, the EU's target should increase to up to a 50% reduction on 1990 levels.

I believe that the best way to deliver our low carbon goal is through a binding greenhouse gas (GHG) target and a strong EU Emissions Trading System, with flexibility for Member States to pursue a wide range of options to decarbonise in the least cost way. Whilst we strongly support renewables to 2020 and beyond, the uncertainties at this time are too large to set hard numbers in a binding EU Renewables target, which I do not believe would be cost effective or fit well with our electricity market reforms.

I have invited the Commission to present proposals by the end of the year to deliver the emission reductions in the 2050 low carbon roadmap. I will work closely with my EU partners to make the case for a 50% target. The May European Council agreed to discuss policy options for a 2030 framework for climate and energy policies in March 2014, after the Commission has made concrete proposals in this area.

The EU is a powerful voice in the international climate negotiations, and plays a strong role in shaping these negotiations – EU leadership was crucial to the successful outcomes of the negotiations which took place in Cancun (2010), Durban (2011) and Doha (2012). Moving forwards, EU leadership will be essential in securing the new legally-binding, global deal at the Conference of the Parties to the United Nations Framework Convention on Climate Change meeting in 2015, which France will host. Such a global deal will be an essential element towards keeping the world on track to meet the 2 degrees goal. This deal is within reach; a huge amount of work is already underway around the world to combat the worst effects of climate change, and we now need a greater sense of urgency to meet the 2015 deadline.

However, just because the EU and its Member States have been among the most ambitious Parties on climate change to date we should not take for granted that the world will sign up to the new global deal without expecting more of us. That is why I want an EU-wide binding emissions reductions target of 50% by 2030 in the context of an ambitious global climate deal: to demonstrate strong EU leadership and to act as a credible offer to encourage others to come to the table to negotiate seriously, in order to deliver the global deal that we so desperately need.

31 May 2013

Letter from the Chairman to the Rt. Hon. Edward Davey MP

Your letter of 31 May on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 June 2013.

Thank you for your helpful reply. We agree with most of your comments, aside from those on renewable energy.

Our concern in our letter was to understand your own position that the EU needed urgently to consider how it could influence the international debate. We take from your letter that the EU will not be in a position to influence the debate until March 2014 at the earliest, when the European Council will return to the issue.

This does not strike us as reflecting an urgent approach to the issue. On the other hand, we welcome the pressure that you are applying on the European Commission and your commitment to work with other Member States to make the case for a 50% target.

We will release the Communication from scrutiny but look forward to information in due course on the outcome of your efforts to persuade other Member States to support a conditional 50% target.

14 June 2013

WATER POLICY (6018/12, 6019/12)

**Letter from Richard Benyon MP, Minister for Natural Environment and Fisheries,
Department for Environment, Food and Rural Affairs, to the Chairman**

I am writing to update you on progress with negotiations on the above proposal.

The Commission proposal concerns the review of the list of priority substances in the field of water policy. Priority substances are those identified as presenting a significant risk to or via the aquatic environment. The main policy implications of the proposal are associated with the introduction of new priority substances for which environmental quality standards are set.

When the proposal was published in January 2012, the UK was initially alone amongst Member States in opposing the inclusion of three substances used as pharmaceuticals on the list of priority substances. The little information on costs available, suggested these would be high for this part of the proposal (European Commission's estimate to treat estradiol in wastewater was about 20 billion euros over 20 years for the UK) whilst evidence for the benefits was weak. Basing arguments on the available evidence, the UK gained a majority agreement in Council resisting inclusion of pharmaceuticals on the priority substances list. There were mixed views in the European Parliament which resulted in the ENVI committee voting in November to include the pharmaceuticals in the list of priority substances but to defer setting standards until the next review of the list.

When I last wrote, it was unclear whether a first reading agreement could be achieved. This situation persisted after the "final" trilogue but following encouragement of the Presidency by a number of Member States, including the UK, negotiations continued. Council have now written to the ENVI committee of the European Parliament accepting the compromise proposal. I expect the vote to come before the European Parliament in July and shortly afterwards to the Council of Ministers.

I am pleased to say that our key concern regarding inclusion of the pharmaceuticals on the priority substances list has been addressed. Those three (estradiol "E2", ethinylestradiol "EE2" and diclofenac) have been taken off the priority substances list and instead nominated for the watch list.

The watch list is a new mechanism, proposed to gain information on pollutants which owing to toxicity might be appropriate for prioritisation but for which there is a lack of information on their occurrence across Europe. It proved a controversial issue for some Member States, with the result that the list of proposed substances was reduced so that it now will initially comprise 10 substances rising to a maximum of 14. The first list will include E2, EE2 and diclofenac, leaving 7 further substances to be identified through a process yet to be developed. Monitoring should be carried out not less than once a year: the UK will be obliged to monitor at about 18 stations, which is a relatively minor addition to our overall monitoring requirements.

In your letter of 19 December 2012, you asked about the European Parliament's proposal to monitor the pharmaceuticals as priority substances but without environmental quality standards. I am pleased to say that that suggestion has fallen away in the compromise proposal, with the pharmaceuticals being monitored under the watch list.

You were interested in the Commission's work on the effect of pharmaceuticals in the environment – whilst this did not directly affect the current proposal, the compromise proposal requires the Commission to develop a strategic approach to pollution of water by pharmaceuticals, with initial outputs expected two years from entry into force of the amended directive, and measures to address possible environmental impacts of pharmaceutical substances within four years of entry into force. I expect this to involve joint working between DGSANCO and DGENV.

There is the potential that evidence may be obtained through the watch list which would result in the pharmaceuticals being proposed for priority substances in the next review of the Environmental Quality Standards Directive (expected 2017). If that is the case, we would expect the evidence then to support prioritisation, but within the framework of the Commission's strategic approach and taking into account public health needs and cost effectiveness, as now set out in the compromise proposal.

There are some additions to the text to show how the Environmental Quality Standards Directive, as a daughter of the Water Framework Directive, relates to other source legislation (such as REACH, plant protection products, biocides, veterinary medicinal products and medicinal products for human use). There are also detailed amendments around implementation deadlines for new and revised environmental quality standards. These introduce a dependency upon the availability of analytical methods for introduction of revised standards in 2015, and apply standards for new priority substances from 2018.

20 May 2013

Letter from the Chairman to Richard Benyon MP

Your letter of 20 May 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 5 June 2013.

Thank you for your detailed and informative reply regarding the progress of negotiations on the above proposal.

We are particularly pleased to note that the Government's key concerns regarding inclusion of the pharmaceuticals on the priority substances list (estradiol "E2", ethinylestradiol "EE2" and diclofenac) have been addressed, and instead nominated for the watch list.

We are content to mark this strand of correspondence as closed.

5 June 2013