



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 1 December 2013- 3 June 2014

AGRICULTURE, FISHERIES, ENVIRONMENT AND ENERGY

(SUB-COMMITTEE D)

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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 12 September 2013 in which the Committee released this proposal from scrutiny. I am writing to inform you of the latest developments and progress with the First Reading Position.

On 22 January, the ENVI Committee of the European Parliament approved a compromise text for the Regulation which reflects the agreement reached in trilogue. This text has been made available on the ENVI Committee's website.¹ I am pleased to report that this compromise remains within the red line set by the United Kingdom. The amendments extending the Regulation's application retroactively were removed, as was the prohibition on the use of illegally-accessed genetic resources.

While the Member States had to concede to the inclusion of a definition of illegal use and a bolstered requirement for meeting the due diligence standards, the final compromise secured articles recognising best practice and for registering collections within the EU. Furthermore, the UK's subsidiarity concerns were addressed by the removal of the power for the Commission to de-register registered collections without first receiving a request from the relevant Member State. Accordingly I am confident that the additional burden this will pose to British businesses and researchers will be minimal, and for these reasons the UK supported the compromise text at the trilogue stage.

The text will now go before the Plenary of the European Parliament, which is expected to vote on it in late February or early March. Following this, the document will be finalised by the Council Secretariat, adopted by the Council, and signed shortly thereafter. We expect the Regulation to be published in the Official Journal of the European Union in June 2014.

12 February 2014

Letter from the Chairman to Lord de Mauley

Your letter of 12 February 2014 on the above Proposal was considered by Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your helpful update regarding the progress of this dossier.

Please consider this strand of correspondence as now closed.

13 March 2014

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS (14154/13)

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

Your letter of 27 November on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 December 2013.

Thank you for your letter informing us that the Commission announced in its recent Work Programme that it intends to withdraw this Proposal owing to a lack of effective progress.

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

12 December 2013

¹ <http://tinyurl.com/ABS-Final-Text>

ACCESSION OF THE EUROPEAN UNION TO THE CONVENTION ON
INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA
(CITES) (17491/13)

**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 15 January 2013.

We note your concerns. It seems to us that the objective of the Convention is environmental protection but that the chosen method is to restrict trade. On that basis, there is a clear case for the dual legal base proposed by the Commission. It would be helpful if you could explain whether you are confident that the EU would be able to exercise its rights and obligations as a Party to the Convention if the competence cited reflected only the objectives of the Convention and not the method. Furthermore, we would welcome clarity on the problems that you foresee if both legal bases were to be used rather than only the environmental legal base.

On the other concerns that you raise, we would agree that the Declaration of Competences might helpfully be tightened. Broad reference to the role of the EU in agreeing rules on the internal market is a particularly obvious instance of the need for clarification.

It would also seem appropriate for the Member States and Commission to agree on a working methodology, noting that the status quo may no longer apply given the new right of the EU to exercise the rights and obligations previously attributed to its Member States.

15 January 2014

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 15 January about the Explanatory Memorandum of 22 December on the proposal that the EU should accede to CITES.

Your view was that as the objective of the Convention is environmental protection but that the chosen method is to restrict trade there was a clear case for the dual legal base proposed by the Commission. You asked me to explain whether I was confident that the EU would be able to exercise its rights and obligations as a Party to the Convention if the competence cited reflected only the objectives of the Convention and not the method. You also sought clarity on the problems that could arise if both legal bases were used rather than only the environmental legal base.

The UK signed the amendment enabling EU accession to CITES in 1985 and in doing so accepted EU membership in principle. We believe that membership would allow for the EU to be called to account for its Regulation which is directly applicable in the Member States, helping to secure more effective implementation across the EU. It would also provide the EU with a stronger institutional basis for contributing to CITES projects and for assisting Parties in their capacity building programmes and would require the EU to contribute to the running costs of CITES. EU accession would not be unique in this area as it is already a Party to other multilateral environmental agreements, including the Convention on Biological Diversity (CBD) and the Convention on Migratory Species (CMS).

While I have no objections to the EU becoming a Party to CITES, I am eager to ensure that its accession does not change the existing balance of competencies between the EU and its Member States.

I consider that the correct substantive legal base for this Council Decision is solely Article 192(1) TFEU (environment), rather than a dual base (environment and common commercial policy) proposed by the Commission. CITES is an environmental agreement which protects endangered species by restricting their cross border movement. The EU and Member States have shared competence to act on environmental matters. As EU accession to CITES would pursue predominantly environmental objectives (albeit using trade-type measures) the Council Decision should cite a single environmental legal base. This is consistent with the position taken in previous negotiations under CITES and elsewhere, and with the case law of the European Court of Justice.

I do not consider it appropriate to cite Article 207 TFEU (common commercial policy) which would be used to justify arguments that the EU has exclusive competence for matters relating to CITES. This would effectively transfer competence away from Member States to the EU and would affect the UK's ability to influence decisions made both internationally and in EU negotiations, relating to the conservation of many important and iconic species. For example, it would reduce our influence in the

global debate on addressing the current poaching crisis affecting elephants and rhinos in Africa. Citing a sole environmental legal base would not affect the ability of the EU to exercise its rights and obligations as a Party to the Convention.

I and my colleagues are of the view that we should oppose the proposed Council Decision, and thus EU accession, if agreement to a sole environment legal base cannot be secured in EU negotiations on this matter.

If the EU accedes to CITES, I intend to ensure that, in preparations for CITES meetings, the Commission continues to respect the practical working arrangements set out in the 2011 General Arrangements agreed by Council.

Discussions with Member States indicate at least 14 Member States support our view that a sole environmental legal base is most appropriate, with only two indicating a different opinion.

The matter is due for further discussion by the Council Working Party on the Environment (WPE) on 13 February after which it will go to the Committee of Permanent Representatives (COREPER) on 19 February. For all practical purposes this COREPER meeting is the last opportunity for us to influence negotiations and make our position clear before the Presidency enters into trilogue discussions with the Commission and the European Parliament to agree a final text for approval.

In view of the limited time available I am keen for this matter to clear Parliamentary scrutiny at the earliest opportunity and hope this letter provides your Committee with sufficient information to do that and to support the negotiating position I have outlined above.

5 February 2014

Letter from the Chairman to Lord de Mauley

Your letter of 5 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your response.

We understand that this Proposal is due to go to COREPER on 19 February, and on that basis, we are content to release this dossier from scrutiny. We would be grateful for an update in due course.

12 February 2014

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 12 February in response to mine of 5 February about the European Union becoming a Party to CITES. As I explained I have no objections to the EU becoming a Party to CITES but I am eager to ensure that its accession does not change the existing balance of competencies between the EU and its Member States

I outlined why I believed it was correct to have a single (environment) legal base rather than a dual base (environment and common commercial policy) as proposed by the European Commission. I explained that I did not consider it appropriate to refer to common commercial policy as this would be used to justify arguments that the EU has exclusive competence for matters relating to CITES which would effectively transfer competence away from Member States to the EU and would affect the UK's ability to influence decisions made both internationally and in EU negotiations relating to the conservation of many important and iconic species.

You indicated that you were content to release this dossier from scrutiny and requested an update following the meeting of the Committee of Permanent Representatives (COREPER). Whilst COREPER did not meet to discuss this as planned on 19 February significant progress has been made.

The Council Working Party met on 13 February to discuss a revised Presidency text of the draft Council Decision. The most notable change to the text was to have a single environmental legal base, rather than the dual legal base formerly proposed by the Commission. The overwhelming majority Member States were content with the changes made by the Presidency. Only one (Spain) entered a scrutiny reserve on the proposal because they had preferred a dual legal basis (environment and trade). Since then additional recitals have been added to the draft Decision to emphasise that the practical arrangements for agreeing and expressing EU and Member State positions at Conferences of the Parties to CITES will be in line with existing practice on multilateral environmental agreements. This is consistent with our view and the text was approved at official level by Member States on 29 April. The draft Decision still requires approval by the European Parliament and Council before adoption.

We expect the draft Decision and declaration of Competence to be sent to COREPER for approval on 7 May and then to Council for approval shortly after, either 13 or 19 May. I believe that the question of the legal base is now resolved and do not believe that further changes will be made to the text by COREPER. I am therefore content with the proposal as it stands. Following Council approval the proposal will be transmitted to the European Parliament for consent in the autumn before it returns to COREPER and Council for adoption.

3 May 2014

Letter from the Chairman to Lord de Mauley

Your letter of 3 May 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 14 May 2014.

We are grateful for the update that you have provided on the progress made, including the addition of recitals to emphasise that the practical arrangements for agreeing and expressing EU and Member State positions at CITES will be in line with existing practice.

On that basis, we are content to close this strand of correspondence.

14 May 2014

ADJUSTMENTS TO ANNUAL EMISSIONS ALLOCATIONS UNDER THE EU GHG EFFORT SHARE DECISION (UNNUMBERED)

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

Subsequent to my letter of 11 February 2013, I am writing to inform you that the adjustments to the Annual Emissions Allocations (AEAs) for Member States under the Effort Sharing Decision (ESD) have been finalised by the European Commission in Decision 2013/634/EU. The adjustments take into account the extension of the scope of the EU ETS for 2013-2020 as well as unilateral changes in the activities and gases covered by the system in some Member States, including the UK. The adjusted AEAs for the UK are attached [not printed] below, alongside the pre-adjusted AEAs for your reference.

The compliance period covering UK emissions in 2013 will take place in 2015. At this point we will be required to surrender the AEA units (AEAs) which we have used during the period (a carbon unit only tradable between EU Member States where 1 AEA equals 1 tonne of Carbon Dioxide equivalent). If a Member State's emissions exceed their target when compliance is assessed, the Member State will have a quantity of emissions allocations removed from the following year equal to the amount of emissions that exceeded the target multiplied by an abatement factor (set at 1.08). This ensures there is a price on any failure by Member States to meet their targets by forcing that Member State to abate more the next year. Our current projections suggest that the UK's emissions are expected to be below the target for the whole of the ESD commitment period up to 2020. However, the Decision allows various flexibilities which could be used to ensure compliance should they be required, such as the use of project credits or purchasing AEAs from another Member State.

5 February 2014

AFRICAN HORSE SICKNESS (16456/08)

Letter from the 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 progress of the above proposal. We last formally wrote to you on this matter on 9 January 2012, followed by informal updates with the Committee's Clerk.

I can confirm that this proposal has been withdrawn as the legislative text that it was intended to codify (Council Directive 92/35/EEC, as amended) is listed for repeal under Article 258 of the proposed Regulation of the European Parliament and of the Council on Animal Health, into which

provision relating to African horse sickness is to be subsumed. In light of this, I hope the Committee will be able to clear this proposal from scrutiny.

17 December 2013

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Your letter of 17 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 8 January 2014.

Thank you for informing us that this Proposal has now been withdrawn.

We are now content to release the Proposal from scrutiny and mark this strand of correspondence as closed.

10 January 2014

AGRICULTURE COUNCIL: 14 APRIL 2014 (UNNUMBERED)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I represented the UK at the Agriculture and Fisheries Council on 14 April in Luxembourg. On agriculture there was a discussion on the Commission's report on the implementation of the provisions concerning producer organisations, operational funds and operational programmes in the fruit and vegetables sector since the 2007 reform. There were also four items under any other business on the dairy sector, bad weather conditions in Cyprus and Latvia, and the Food and Agriculture Organization (FAO) conference. There were no fisheries items on the agenda.

The legislative and non-legislative 'A' points were approved, including the delegated acts contained in the Common Agricultural Policy regulations and regulations on the Aviation Emissions Trading System, EU staff pay and the Free Movement of Workers Directive.

IMPLEMENTATION OF THE PROVISIONS CONCERNING PRODUCER ORGANISATIONS, OPERATIONAL FUNDS AND OPERATIONAL PROGRAMMES IN THE FRUIT AND VEGETABLES SECTOR

There was broad support for the Commission's report on the EU Fruit and Vegetable Producer Organisation regime and the impacts of the 2007 reforms. Member States acknowledged the disparity of participation between and within Member States, but ideas for encouraging greater participation differed. A majority supported UK calls for simpler, clearer rules which would reduce the costs and administrative burdens on Member States and growers, increase legal clarity and encourage growers to join the scheme. There were differing views over funding for the scheme. Some Member States with lower participation rates in Producer Organisations suggested that more of the funding should go to them, via higher maximum funding rates, as a way of encouraging producers to join. On the other hand, those with higher than average participation rates, warned against penalising their producers by diverting more funding to others. I, along with Germany, Sweden and Denmark, questioned how budget discipline in this area could be maintained and called for a stronger evaluation of existing measures and a greater focus on research and innovation.

ANY OTHER BUSINESS -DAIRY SECTOR

The Council Legal Service (CLS) disagreed with Austria's suggestion that as dairy quotas come to an end in March 2015 there is no legal basis for the Commission to apply a super-levy penalty on any overproduction that occurs during the 2014-15 marketing year. In their view, the Austrian interpretation would undermine the "useful effect" of the legislation and contradict the Council's original intentions. The Council also held a further discussion on the timetable for removing milk quotas. I welcomed the CLS opinion and repeated the UK's position that Member States should stick to the agreed policy which provided certainty for all producers.

BAD WEATHER CONDITIONS IN CYPRUS AND LATVIA

Cyprus and Latvia each raised separate agenda items regarding their problems caused by drought and frost respectively, and called for the Commission to provide exceptional funding from the CAP Crisis Reserve. Spain, Portugal and Greece supported Cyprus, while Lithuania and Poland supported Latvia. The Commissioner, however, rejected their requests arguing clearly that the Crisis Reserve was only available for EU wide problems “on the community market”. He also noted that production of winter crops in Latvia was above the 5-year average and that Member States could use rural development money to compensate producers or look at additional state aid support.

FOOD AND AGRICULTURE ORGANIZATION (FAO) REGIONAL CONFERENCE

Romania reported back on the recent FAO Regional Conference in Bucharest and the Ministerial round table discussion on food waste. They also raised the recent Russian ban on meat imports from Moldova urging the Council to provide support. The Commissioner pointed to the proposed Association Agreement with Moldova (as well as Ukraine and Georgia), which they hoped would be completed by June.

28 April 2014

AGRICULTURE COUNCIL: 19 MAY 2014 (UNNUMBERED)

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

Shan Morgan, Deputy Permanent Representative to the EU, represented the UK at the Agriculture and Fisheries Council on 19 May in Brussels. On agriculture there was a discussion on the Commission’s report on the establishment of a European fund for minor uses in the field of plant protection products (agricultural pesticides). There were also eight items under any other business on food loss and food waste, the protection of animals during transport, the climate and energy framework 2030, state aids, citrus black spot, climate smart agriculture, an Austrian Rural Development conference and floods in Croatia. There were no fisheries items on the agenda.

The non-legislative ‘A’ points were approved including the Council conclusions on the new EU Forestry Strategy.

ESTABLISHMENT OF A EUROPEAN FUND FOR MINOR USES IN THE FIELD OF PLANT PROTECTION PRODUCTS

The UK along with a majority of Member States supported the Commission’s proposals to establish a technical secretariat to co-ordinate work on minor use pesticides. In order to reduce the costs of developing these niche products, the secretariat would share information and experience between Member States and stakeholders, create and maintain a data base on minor uses and stimulate harmonisation. The UK highlighted the recommendation of the Prime Minister’s Business Task Force on the need for the Commission to review the Pesticides Regulation 1107/2009 to ensure unnecessary burdens are avoided.

ANY OTHER BUSINESS

FOOD LOSS AND FOOD WASTE

The UK, along with 14 other Member States, supported a proposal from the Netherlands and Sweden to consider how food waste might be reduced in Europe. The discussion focussed on extending the list of foods that are exempt from the ‘Best Before’ label along with consumer information to help people distinguish between ‘Best Before’ and ‘Use-by’ dates. The Commission advised that it would include recommendations to reduce food waste in its report on food sustainability later this month and that a dedicated working group would be convened to consider other measures.

PROTECTION OF ANIMALS DURING TRANSPORT

Denmark called for the Commission to bring forward proposals on a maximum journey time for animals going to slaughter. The UK spoke in favour of change where there is supporting scientific evidence, such as on unweaned calves and horses. Commissioner Borg stated that the Commission did not intend to come forward with any new proposals in this area.

CLIMATE AND ENERGY FRAMEWORK 2030

Ireland and Germany presented a joint paper, signed by a further 16 Member States, requesting a discussion of the Climate and Energy 2030 policy framework at the July Agriculture Council. The UK welcomed the paper but stressed the need to adhere to the work plan agreed by Leaders in March and for agreement to be reached on a binding 40% domestic emissions reduction target – with scope to go further as part of an ambitious global deal – at the October European Council.

STATE AIDS

Italy, France and Hungary's request for new guidelines on agriculture state aid to allow for more support for young farmers, in particular for land purchase, was supported by Portugal, Poland, Cyprus, Belgium, Greece and Finland. Commissioner Ciolos explained that the Commission remained opposed to subsidies for the purchase of land as these merely increased land prices.

CITRUS BLACK SPOT

Spain underlined the need to protect EU crops by preventing new pathogens, such as citrus black spot, entering the EU. The European Food Safety Authority (EFSA) had confirmed that there was a real risk of imports of citrus fruit from South Africa introducing this disease and stringent measures needed to be taken to prevent this. Portugal, France, Cyprus, Italy and Greece intervened in support. The UK agreed that the EU had to prevent pests and pathogens moving into the EU but highlighted that the EFSA's opinion concluded that lighter measures could be considered for northern Member States, in particular for processing. Commissioner Borg explained that he was aware of the problem and all necessary measures would be taken.

CLIMATE SMART AGRICULTURE

The Netherlands urged Member States to support the Climate Smart Agriculture Alliance ahead of its planned launch during the High Level Climate Summit in September in New York. Ireland, Spain, Austria and France intervened in support, although France suggested that further work was needed to define the scope and membership of the alliance, and how it would feed into the Conference of the Parties in December 2015 in Paris.

RURAL DEVELOPMENT CONFERENCE IN AUSTRIA

Austria reported on a recent rural development conference held in the Tyrol.

FLOODS IN CROATIA

Croatia highlighted the current severe flooding in their country and its feared impact on agriculture. Commissioner Ciolos promised to work closely with Croatia to ensure they had access to any available financial and administrative support.

31 May 2014

AID SCHEME FOR THE SUPPLY OF FRUIT AND VEGETABLES, BANANAS AND MILK IN THE EDUCATIONAL ESTABLISHMENTS (5958/14, 6054/14)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Ultimately, the aim of the Commission's main Proposal (5958/14) is to improve the value for money delivered by these schemes following criticism from the EU's Court of Auditors. The aim of ensuring the value for money from EU schemes is one that we support.

You express caution about the approach taken by the Commission as you are concerned that the Commission's Proposal will be burdensome. While we agree with you that unnecessary burdens should be avoided, we would also welcome confirmation that you are content that the text agreed as

part of the CAP reform package last year responds satisfactorily to the criticisms of the Court of Auditors and, if so, how it does so. We would welcome particular comment on whether the requirement to adopt an implementation strategy, without further direction, will prove sufficient.

The text agreed last year and the Commission's recent Proposal both include food waste reduction within the educational measures. We would welcome information from you on how the Government intend to respond to this within the UK's delivery of the School Milk Scheme.

Whilst we are content to release Proposal 6054/14, we will retain Proposal 5958/14 under scrutiny. We look forward to your response within 10 working days.

13 March 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 13 March 2014 about the EU Commission's proposals for subsidised School Milk Schemes. I am grateful that the Committee can support an approach that looks to avoid unnecessary burdens.

You asked whether the results of the CAP2020 negotiations will be sufficient to respond to concerns of the EU Court of Auditors. At this stage, it is unclear. The requirement for Member States to prepare new national strategies applies from 1 August 2015. In advance of this, the Commission will need to establish detailed rules for the drawing up of strategies under delegated powers; for example, these could require Member States to set out, in advance, what are the key targets and approaches needed in order to make their schemes effective. We will need to see what specific requirements the Commission has in mind before we can judge if the strategies are likely to be helpful.

You also asked about educational measures and whether the Government is intending to use this facility in the context of the School Milk Scheme to address the issue of food waste. Again, it is too early to say. The earliest point that we would be required to specify our approach to educational measures is 1 August 2015 – perhaps later if the Commission's proposals go through. There are several topics that could be included as part of any educational measures. We will want to consider what would be the top priorities in consultation with the dairy industry as well as health and educational interests.

Please be assured that we will keep the Committee in touch with key developments with Proposal 5958/14.

24 March 2014

Letter from the Chairman to George Eustice MP

Your letter of 24 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 2 April 2014.

We note that, at this stage, you consider that it is not possible for you to respond definitively to our queries. This we accept in response to our query about the use of educational measures under the school milk scheme. We are surprised, however, that you have no view on whether the criticisms made by the Court of Auditors were sufficiently addressed in the CAP 2020 agreement. Such an assessment should presumably dictate your approach to the desirability of the Proposal recently tabled by the Commission.

We look forward to an update on negotiations in due course, including the above assessment once you have also had a chance to take into account relevant Delegated Acts that are beginning to come forward from the Commission.

In the meantime we shall continue to retain the Proposal under scrutiny.

3 April 2014

ANIMAL CLONING (18152/13, 18153/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

We read the proposals and your EM with interest. We note that the dynamic of negotiations may change later in the year once the new Commission and European Parliament have assumed office.

As you may be aware, we previously scrutinised a Report from the Commission on animal cloning for food production, engaging in correspondence with the Government over the period 2010-13. We took the view that the regulation of animal cloning for food production should be based on the best available evidence, a view which we maintain.

In the course of that scrutiny, three issues were of particular concern to us. The first was the balance between the benefits to be derived from the technology and the animal welfare implications. Clearly, the latter have been explored by the UK's Farm Animal Welfare Committee (FAWC), although the evidence remained unclear. We would welcome information from you on the most recent available evidence on which your position is based.

Second, we emphasised that any progress on this issue needs to be accompanied by public debate. The FAWC report observed that a new way to inform the public and encourage societal debate is required. In response, the Government committed to playing their part in fostering an informed discussion but noted that responsibility was shared, falling to consumers, farmers, food producers, retailers, the media, civic society and scientists. We would welcome clarification on the steps taken by the Government since then to engage on this issue with those various groups. Can you confirm that there is a communication strategy on behalf of your department?

Third, we queried whether the cloning debate may have an impact on the Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and US. At the time, the Government confirmed that the issue may prove sensitive in discussions and this is borne out in your EM. On TTIP specifically, information on how this might affect the negotiations would be helpful. More broadly, we note your concern that adoption of the proposals would lead to retaliatory action by third countries. It would be helpful for us to know if your concern is based on communication that you have already had with third countries.

In addition, we note that separate decision making procedures will apply to the two proposals. Does this leave open the possibility that one might be adopted without the other, potentially prohibiting the technique but allowing the marketing of food from clones? If so, how might such a situation be resolved?

Finally, any information that you have on the emerging position of other Member States would be helpful.

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

29 January 2014

Letter from George Eustice MP to the Chairman

Your letter of 29 January reported on the outcome of the meeting of the Agriculture, Fisheries, Environment and Energy Sub-Committee the same day and asked a number of related questions; I will deal with each in turn.

In its Opinion on the Welfare Implications of Breeding and Breeding Technologies in Commercial Livestock Agriculture of November 2012, the Farm Animal Welfare Committee (FAWC) recognised that breeding companies had made some significant progress in improving the animal welfare aspects of their operations. The Committee also highlighted the improvements in related laboratory techniques delivered through the national application of Community controls (currently EU Directive 2010/63 on the Protection of Animals Used for Scientific Purposes).

FAWC also supported the principle of engaging in additional research to improve the potential wellbeing of animals within the cloning process still further.

We have seen no evidence more recently to suggest that the position with regard to these activities has changed detrimentally in the interim.

Since the publication of the Commission's proposals, Ministers and officials have taken the opportunity to engage with a range of stakeholder interests to explore their views and explain the Government's current position. It is our intention to develop our position in the context of the public consultation which we hope to launch in the near future. This will also assist us in further developing our communications strategy, in addition to drawing in views from other Government Departments with an interest in this dossier.

Although the Transatlantic Trade and Investment Partnership (TTIP) negotiations are still at a relatively early stage, the US representatives made clear at the outset, their concerns about what were then only potential proposals for the restriction of cloning activity. Given the existing lack of traceability of clones and cloned material in the US, the Americans recognise that any prohibition on the marketing of such products, would amount to a trade ban for them, because they could not distinguish between those and the products of naturally reared animals at export.

We have no specific evidence of the prospects of any retaliatory action, but it seems unlikely that the US or indeed any other supplier would simply accept the EU controls, particularly given what we believe to be the flawed logic for their proposed introduction in the first place.

It is certainly true that there is a risk that the prohibition on commercial cloning (and the marketing of animal and embryo clones) could be agreed without equivalent controls on the marketing of clone-based foodstuffs. This would, as you imply, risk a significant inconsistency in the controls and potentially put EU food processors at a significant competitive disadvantage – an argument we would deploy to resist any further controls on cloning activity.

We have little additional information on the current stance of other Member States at this point. We are making enquiries through UKREP and our network of European attachés and will let you know once we have anything substantive. We may though have to wait until the first Council Working Group (currently scheduled for 26 February) to get a clear picture. However, there is nothing to suggest views have changed significantly from 2011, so whilst we may have some allies to resist likely European Parliamentary pressure to extend any controls to the progeny and descendants of clones, we are likely, once again, to be a lone voice in opposing restrictions on clones themselves.

12 February 2014

Letter from the Chairman to George Eustice MP

Your letter of 12 February 2014 on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your helpful and informative response.

We shall continue to retain both proposals under scrutiny and look forward to an update in due course.

13 March 2014

ANIMAL HEALTH (9468/13)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to provide your Committee with an update on the progress of negotiations on the proposed Regulation on Animal Health. Since David Heath MP wrote to you on 1 July 2013 there have been no major developments on this dossier. However, I thought an update at this point would be helpful, particularly to let you know what progress has been made and how we foresee work progressing under the Greek Presidency.

The Working Party of Veterinary Experts (Animal Health) met five times under the Lithuanian Presidency and a full technical read-through of the draft Regulation has been completed. The Greek Presidency has stated that it considers the proposal, and the wider Smarter Rules for Safer Food package within which it sits, to be a priority. It has scheduled meetings of the Working Party for each month of its tenure, to consider a redrafted text based on Member State contributions so far. Greece

hopes to make rapid progress and wants to arrive at a stable compromise text at official level by the end of its Presidency. This would permit the succeeding Italian Presidency to enter trilogue discussions with the European Parliament once it reconvenes in September. We consider this timetable highly ambitious and expect that movement may be slower, particularly given the European Parliamentary elections and the appointment of a new College of Commissioners this summer.

During the Working Party meetings, the Commission provided an explanation of the text, in response to which Member States were offered the opportunity to present comments and suggestions. A number of UK priorities were the subject of extensive discussion, including:

USE OF DELEGATED AND IMPLEMENTING ACTS

As we indicated in our initial Explanatory Memorandum, a significant part of the uncertainty surrounding the impacts of this proposal results from the extensive use of delegated and implementing acts to fill in the details of this framework Regulation. The Commission stated in the Working Party that it intends, in most cases, simply to transpose provisions contained in existing Regulations and Directives into the tertiary legislation to be adopted. It remains difficult, however, to assess the impacts of the proposed Regulation accurately without actual samples of the tertiary legislation to be enacted. This is a point which the UK and a number of other Member States have made repeatedly.

We have also emphasised the need to maintain the flexibility the base Regulation provides for Member States and not to impose excessively detailed and prescriptive rules through tertiary legislation. This better reflects both the diverse disease situations that prevail across the EU and the importance of the principle of subsidiarity. Alongside a large number of Member States, we have for this reason argued for a reduction in the number of delegated acts in the proposal and for curtailments to their scope. We look forward to seeing how this question will be dealt with in the Presidency redraft.

DISEASE LISTING AND CATEGORISATION

The listing and categorisation of diseases constitutes a central element of this proposal, as it will determine the application of the disease control measures laid down in the Regulation and the tertiary legislation adopted pursuant to it. The Commission originally intended to carry out this listing and categorisation by implementing act, based on the results of a tool using scientific information on more than one hundred different diseases. This would have permitted decisions relating to disease control measures and prioritisation of EU and Member State resources to be taken on a purely objective and evidential basis and was an approach we welcomed. The development of this tool has, however, been subject to delay and the Commission does not now expect to have it in place by the time the Regulation is adopted. The Commission therefore proposes to translate existing control measures into the proposed new disease categories pending the completion of the tool. While not ideal, this does at least give us a way forward and removes some of the uncertainty.

Legal questions have also arisen regarding the compatibility of the Commission proposal for disease listing with the Treaties. It has been suggested that the list of diseases constitutes an essential element of the proposal that must, according to Article 290 of the Treaty on the Functioning of the European Union, be laid down in the base Regulation and not in a delegated or implementing act. Clear differences of opinion are apparent between the Legal Services of the Council and the Commission, leaving this central element of the proposal in a state of flux. We shall continue to argue for a procedure for disease listing and categorisation that is sufficiently flexible to respond to changing epidemiological circumstances while preserving the oversight of the Member States.

EUROPEAN PARLIAMENT CONSIDERATION

In the European Parliament, the proposed Regulation is under consideration by the Committee on Agriculture and Rural Development (AGRI), the Committee on Environment, Public Health and Food Safety (ENVI) and the Committee on Fisheries (PECH). The lead European Parliament Committee, AGRI, currently intends to vote on the amendments proposed by the Rapporteur and other members of the Committee at its meeting on 10-11 February. The European Parliament then plans to adopt its position at first reading in plenary session on 15 April. Even if these dates are met, however, there will be no time for trilogue discussions before the elections in May. As the new Parliament may take a different view of the Regulation, the future timetable for consideration in the European Parliament is unclear.

As you will see, we still do not have clarity on some key elements of the proposal. We anticipate the pace of developments increasing considerably with the consideration of the redrafted text and I will write to you again with further updates as progress is made.

27 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 27 January 2014 on the above proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your helpful and informative response.

Whilst we understand that there have been no major developments on this Proposal since your predecessor wrote to us in July last year, we are grateful to you for this update, particularly insofar as how work may progress under the Greek Presidency.

We shall continue to retain the Proposal under scrutiny, and look forward to a further update in due course.

12 February 2014

CASEINS AND CASEINATES INTENDED FOR HUMAN CONSUMPTION (8099/14)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 7 May 2014.

We agree with you that certain provisions of Directive 83/417/EEC are no longer necessary and that various terms and references should be updated to take into account those used in other EU legislation. We also agree that there should be alignment of composition requirements with the international standard set by the Codex Alimentarius Commission for the sake of consistency and to avoid trade distortions.

While we are supportive of your position, we are also aware that the negotiation is at a very early stage. On that basis, we shall retain the Proposal under scrutiny and we look forward to an update on the progress of negotiations in due course.

8 May 2014

CLEAN AIR PROGRAMME FOR EUROPE (18155/13, 18165/12, 18167/12, 18170/12)

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

Your Explanatory Memorandum (EM) on the above Communication and proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

The Communication (18155/13) included both legislative and non-legislative actions, but you have not offered a view on the latter. We would therefore welcome your position on the non-legislative action proposed in the Communication, including active engagement with the farming sector in the context of a new European Clean Air Forum, mobilising international action and promoting research and innovation.

The Commission refers in its Communication to inadequate implementation of EU air policy by Member States. An update from you on the state of play as regards UK infringements of EU air policy legislation would be helpful.

You emphasise that the ceilings for 2030 in the proposed Directive on certain atmospheric pollutants (18167/13) must be realistic and deliverable at reasonable costs. We would appreciate clarification from you on how you will arrive at such an assessment, taking into account the costs to industry and the benefits to the natural environment and to health services.

One of the sectors that you mention in the above context is agriculture. We noted that the Commission makes particular reference to the inclusion in the Directive of a 27% reduction in ammonia, observing the potential impact on the agriculture industry of this target. We would welcome your view on the practicality of this specific target.

We were interested to see the inclusion of an option for Member States to offset emissions reductions from nitrogen oxides, sulphur dioxide and fine particulate matter from international shipping against the same emissions from other sources. Is this an option that the Government support and would wish to use?

We note the reduction in particulates from PM₁₀ to PM_{2.5}. Could you please inform us of how this will be achieved in the ground transport and aviation sectors given the long life span of current vehicles?

The use of biomass as a fuel, partly driven by climate and energy policy, is one of the reasons for the increasing contribution of medium combustion plants to air pollution. We would therefore be interested in your perspective on how the proposed Directive on medium combustion plants (18170/13) might affect the biomass industry.

Finally, we would welcome your position on the provision that, in zones not complying with EU air quality limit values, stricter values should be applied, unless it is demonstrated to the Commission that applying such emission limit values would entail disproportionate costs and that other measures ensuring compliance with the air quality limit values have been included in air quality plans.

We are content to release the Proposal on ratification of the amendment to the Gothenburg Protocol (18165/13) from scrutiny, but will retain the Communication (18155/13) and remaining proposals (18167/13 and 18170/13) under scrutiny. We look forward to your response within 10 working days.

29 January 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 29 January 2014 requesting clarification on certain elements of the Commission's package of proposals on air quality.

As your letter indicates the Commission's proposal for a Clean Air Programme for Europe proposes a range of non-legislative actions, including active engagement with the farming sector, mobilising international action and promoting research and innovation. The Government welcomes action which is designed to facilitate the sharing of best practice and to provide tools which assist Member States to meet the limit values in the Air Quality Directive. The Government also welcomes the setting up of a Clean Air Forum, which will update the analysis underlying the impact assessment and track progress on key policies, such as the new Euro 6 standards for light-duty vehicles.

The UK currently complies with both the emission ceilings in the National Emission Ceilings Directive (Directive 2001/81/EC) and the limit values in the Ambient Air Quality Directive (Directive 2008/50/EC) with the exception of those for concentrations of nitrogen dioxide (NO₂). The majority of Member States are also facing challenges to meet the NO₂ limits in roadside locations – 21 of the 26 EU Member States which have reported on compliance in 2012 exceeded the annual mean NO₂ limit value. The main reason for this is the failure of Euro vehicle emission standards to deliver the expected reductions in emissions of oxides of nitrogen (NO_x) for diesel vehicles in real world driving conditions and the increase in the number of diesel vehicles on the road. NO₂ concentrations have therefore been greater than anticipated. The Commission is seeking to introduce a new test procedure for cars and vans to rectify the problem and the UK supports its early introduction. The Government is committed to working towards compliance with air quality limits and is investing significantly in transport initiatives to reduce local air pollution including over £1 billion for measures to reduce local air pollution from transport, including measures to promote the uptake of ultra-low carbon vehicle technologies and to promote sustainable transport.

As regards the limits in the proposed Directive for emissions of certain atmospheric pollutants, the Government considers that these must be proportionate, realistic and deliverable at reasonable costs. We are currently carrying out analysis to look into the costs and benefits of the proposed ceilings. This will consider both the health and ecosystem benefits and the costs to industry and the public as well as how those costs would be distributed between particular sectors. This analysis will also look at the specific ceiling proposed for ammonia emissions and the impact on the agriculture sector. As you note, the proposal would also include a limit for fine particulate matter (PM_{2.5}) for the first time. This is a new ceiling as the current National Emissions Ceilings Directive does not set a ceiling for emissions of particulate matter. The analysis will look at how the proposed reductions might be

achieved and what measures would be required from the transport sector. Aviation and ground transport are not nationally a major source of PM2.5. but some of the measures which the Government has taken to reduce emissions of nitrogen oxides from transport may also reduce particulate matter emissions. Once the analysis is complete, we will be able to consider whether the proposed ceilings are proportionate. I expect to be in a position to update the Committee further on the progress of this assessment, including on the points raised by the Committee by Easter 2014.

As you indicate, the proposal includes a number of flexibilities to assist Member States in complying with the limits in the Directive. One of the proposed flexibilities would allow Member States to offset a proportion of any reductions in emissions of sulphur dioxide, particulate matter or nitrogen oxides from international maritime sources against their limits. The Government has some significant concerns with the practicality of this proposal. In particular, this flexibility could add significant complexity to the proposal for little real benefit. In particular it is not clear from the proposal how any emissions reductions would be monitored and verified.

As regards the proposal on medium-combustion plants, we are currently analysing the impacts of the emission limit values proposed in the Directive including those proposed for combustion plants fuelled by biomass. We will also be looking to ensure that the Commission proposal reflects the Commission's commitment to take into account the impact of proposals for EU legislation on SMEs, particularly micro-businesses with less than 10 employees and whose annual turnover and/or annual balance sheet is less than €2m. This analysis will also look at the impacts of the stricter limit values which the Commission proposes to apply in zones which do not comply with air quality limits. Whilst there may be a case for applying stricter limits in particular hotspots, this may not correspond to air quality zones and there may be a need for greater flexibility to ensure that measures are appropriate to the specific situation. I will write further to update the Committee on this analysis by Easter 2014.

7 February 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 7 February 2014 on the above Communication and proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

You refer to UK non-compliance with limit values for nitrogen dioxide under the Ambient Air Quality Directive. We note that, since you wrote to us, the Commission has launched legal proceedings against the UK for its failure to reduce levels of nitrogen dioxide. In doing so, the Commission observed that it had been able to agree extensions to the deadline for compliance with other Member States, but not with the UK. According to the Commission, other Member States have presented plans to address the problem. We would welcome clarification on why the UK has not submitted plans to the Commission to address the problem and when the UK intends to do so.

On the other issues raised in our letter, we note your response to the non-legislative actions proposed by the Commission in its Communication. You have promised to provide further information by Easter on our queries relating to the legislative items.

We will retain the documents under scrutiny. We look forward to a response within ten working days to the issue raised above regarding nitrogen dioxide levels. Furthermore, we look forward to an update in due course regarding the other outstanding issues, including information on the progress of negotiations with the Council and the European Parliament.

13 March 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 13 March 2014 responding to my letter of 7 February on the Commission's Air Quality Package and raising some questions concerning the UK's non-compliance with limit values for nitrogen dioxide (NO₂) under the Ambient Air Quality Directive (Directive 2008/50/EC).

You requested clarification on why the UK has not submitted any plans to the Commission to address the problem and when we intend to do so.

In 2011, the UK submitted Air Quality Plans for all 40 zones that were not compliant with the limit values for nitrogen dioxide (NO₂) in 2010. All the plans can be viewed at: <http://uk-air.defra.gov.uk/library/no2ten/index>.

I note that the committee is keeping the new Commission proposals in the Clean Air Programme for Europe under scrutiny. Further analysis has now been received from the Commission on the impacts

of the proposals and I will write further on the Committee's queries on the legislative elements of the proposal before Easter.

26 March 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 26 March 2014 on the above Communication and proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

Thank you for the clarification that you provided, directing us towards the UK's Plans for the achievement of EU air quality limit value for nitrogen dioxide. We look forward to your responses to our further queries in due course.

We look forward to your responses also to our further queries in due course and will continue to retain the documents under scrutiny.

10 April 2014

Letter from Dan Rogerson MP to the Chairman

In the Explanatory Memorandum which I submitted on 7 February 2014 and in my follow up letter on 26 March 2014 I undertook to update the committee before Easter on the impacts of the proposed National Emissions Ceiling Directive and Medium Combustion Plants Directive.

Since January, the Clean Air Package was presented to the Environment Council on 3rd March 2014 and a number of Council working groups have been held. We understand that the Greek Presidency will not be seeking an early agreement on the file and the European Parliament will not begin substantive consideration of the package until after the European elections in May.

As regards the impacts of the proposals, the Commission has published several reports in the past two months which update the analysis in the impact assessment to cover its final proposals. The reports are currently being fully analysed by my officials but this letter sets out our initial assessment of the possible impacts. I will write to update the Committee on the results of the full analysis when it is complete.

As regards the limits in the proposed Directive for emissions of certain atmospheric pollutants, the Government considers that the limits must be proportionate, realistic and deliverable at reasonable cost. The Commission has released several pieces of data over the last few months, with the final analysis made available in mid-March. This sets out the Commission's estimates of the costs and benefits of the limits for each Member State. It suggests that in the UK in 2030 annual costs will be €0.3bn/year (£0.2bn/year) and the health benefits are estimated to be €3.8bn/year (£3.1bn/year). These are largely benefits from reduced mortality and morbidity (illness) impacts. Benefits to crops and materials have also been estimated and amount to almost €45m/year (£37m/year) in 2030.

While this early analysis suggests the benefits may exceed the costs, it is important that we analyse this in further detail. We wish particularly to understand how impacts may be distributed between sectors and businesses and the assumptions the Commission have made about the costs of measures. Possible non-quantified costs and benefits must also be considered, such as reduced damage to ecosystems from eutrophication, ozone and acidification.

In 2030 the Commission estimates the cost to the UK will be equivalent to 0.01% of Gross Domestic Product. The average across the EU-28 is estimated to be 0.02%. Across the EU, the sectors expected to incur the greatest costs are the domestic sector, agriculture and industrial combustion. The Commission analysis uses an assumed set of measures selected on the basis of their cost-effectiveness. As the proposals contain few specific measures, allowing Member States to determine to meet their limits, these may not be the actual emission control measures that are chosen.

Since the Commission released its final analysis we have been assessing its implications for the UK. During the next months my officials are meeting with the Commission's modelling experts to discuss the underlying assumptions in detail. This further understanding will enable us to progress our own analysis of the proposals, particularly the costs and the sectors likely to be affected. This analysis will feed in to the development of UK negotiating lines.

We have also been analysing the medium-combustion plant proposals. In February the Commission released a detailed report of the possible impacts of the proposals across the EU. Our own initial analysis suggests that annualised costs could be in the region of £80-90m, while annualised benefits could be £100-150m.

However there are key evidence gaps we are working to address in order to make as robust an assessment of the impacts as possible. In particular we are working with industry to improve the data on the number, size and fuel use of installations affected. This will be important to understand the likely impacts on Small and Medium-sized Enterprises. The initial analysis suggests the proposal could affect 13,000 plants, of which 10,000 are in the 1-5 megawatts range.

Since I last wrote, the Commission have also clarified that the provision in the proposal to apply stricter emission limit values in areas where the limit values in the Air Quality Directive are exceeded are intended as an additional tool for Member States to tackle specific air quality issues in these areas.

I will write to update the Committee again once the further analysis is complete.

10 April 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 10 April 2014 on the above Communication and proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

It is clearly still early in the process of analysing and negotiating the proposals. We are grateful for the information that you have provided and look forward to an update in due course once your analysis is complete.

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

8 May 2014

COMMISSION ON AGRICULTURAL GENETIC RESOURCES (17329/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 meeting of 15 January 2014.

The core recommendation of the Commission's Report – the need for better communication between scientists and end-users – reflects one of the key themes in our report into Innovation in EU Agriculture.² In your EM, you indicate what is unlikely to be possible but do not set out your own policy to take this agenda forward. We would be grateful for further clarification in this regard in each of the following areas: knowledge transfer and exchange, including use of the new European Innovation Partnership; direction of rural development funding to genetic resource use; and deployment of Horizon 2020 funding to support this agenda

Finally, there is no mention of livestock, despite collaborative work underway across the EU on breeding technologies. Do you consider that the conservation of genetic resources in livestock should be included in the Commission's work?

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

15 January 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 15 January requesting further clarification on Defra's policy relating to agricultural genetic resources.

Our agricultural genetic resources need to be conserved and used sustainably. These resources contribute to a range of important policy objectives such as feeding a rapidly growing human population, improving our capacity to adapt to climate change, or increasing our resilience to new animal or plant diseases. The UK is a signatory to the Convention on Biological Diversity which sets specific targets for developing and maintaining strategies to minimise genetic erosion and safeguard the genetic diversity of cultivated plants and farmed animals. Also many of our Farm Animal Genetic Resources (FAnGR) especially grazing animals have a key role in managing the farmed environment and landscapes. They are also of cultural, social and heritage importance.

² European Union Committee, *Innovation in EU Agriculture* (19th Report of Session 2010-12, HL Paper 171).

We are taking forward a number of activities and work streams in line with these policy objectives and in doing so are working closely with industry, breed societies, conservationists, and the scientific community. These programmes cover conservation and sustainable use of both animal and plant genetic resources. Two expert Committees (the Farm Animal Genetics Resources Committee and the Plant Genetic Resources Committee) provide advice and guidance and assist Defra and the Devolved Administrations in our work in this area.

Some of our key areas of work are set out below:

SUPPORT THROUGH RURAL DEVELOPMENT

Under EU rural development rules, grants can be paid for conservation of genetic resources. In England, the Higher level Stewardship scheme supports conservation grazing involving native breeds that are at risk of extinction. This supports the management of habitats for nature conservation and provides an incentive to farmers to conserve and use rare native breeds that might otherwise be lost. There are over 1400 agri-environment scheme agreements in place which support conservation grazing by native breeds at risk. Similar schemes exist in Wales, Scotland and Northern Ireland. The new Rural Development regulation for the 2014-20 period, provides for ongoing support for genetic resource conservation. We have sought the views of stakeholders on this issue as part of our wider public consultation on CAP implementation, including the priorities for funding under the new Environmental Land Management scheme.

PUBLICATION OF THE UK COUNTRY REPORT

Defra and the Devolved Administrations published a detailed UK Country report on FAnGR in 2012. This provides an updated appraisal of the status of and trends in our domestic FAnGR, including a comprehensive inventory of all breeds present in the UK. It is an assessment of UK livestock biodiversity and work that is being done to manage these resources.

The report sets out a number of actions including awareness raising, improved data sharing and development of an improved monitoring system for FAnGR, and supporting FAnGR through other UK policies and programmes.

A copy of the Report is at <http://www.defra.gov.uk/fangr/documents/>

RESEARCH AND DEVELOPMENT

Defra funds research, which is specifically relevant to the conservation and sustainable use of FAnGR. We have recently funded a project to develop a co-ordinated strategy for in situ and ex situ conservation of UK FAnGR. This documented and evaluated current UK practices and developed guidance for future conservation strategies and breeding programmes. Further details of this, and other research, is on the FAnGR Committee website <http://www.defra.gov.uk/fangr/research/>.

FRUIT AND VEGETABLE COLLECTIONS

We oversee and fund the long term management of the National Fruit collection, the Pea Collection at John Innes and the Vegetable Gene Bank. These collections are important as a genetic resource for use in future breeding programmes and to fulfil domestic and international commitments on conservation and sustainable use of plant genetic resources. They will also help us deal with future challenges such as feeding a growing population, adapting crops to more extreme weather and dealing with the effects of plant diseases and pests.

You asked specifically about knowledge transfer and exchange including use of The [European Innovation Partnership \(EIP\)](#) and [deployment of Horizon 2020 funding](#) for this agenda.

We support greater knowledge transfer and exchange with industry and other stakeholders. We exchange knowledge and expertise internationally with a range of other countries and through information in publications and on our FAnGR website. As you will be aware, the EIP has been set up by the European Commission to enhance innovation in European agriculture, and delivery of the EIP's aims is through projects conducted by Operational Groups (OGs). These Groups will bring together farmers, researchers, advisers and others, and are likely to enable swifter translation of research into the field. The Government is already investing in supporting innovation, with a focus on translation of results, through implementation of the UK Agricultural technologies strategy and the Sustainable Intensification Research Platform. Rural Development Programme support for innovation will bolster

this, and as stated in the Government response to the CAP consultation, published in December, we expect to support EIP OGs to help do this. We continue to consider the details of our approach.

OGs may offer a good vehicle for examining a range of issues and developing new solutions. The European Commission has stressed that the impetus for the activities of the Groups should come primarily from the farmer and farm advisers i.e. bottom up and so we expect that they will have a key role in determining the topics examined. The European Commission has set up an EIP Focus Group of experts on genetic resource, to examine the bottlenecks that limit cooperation between different types of stakeholders may be promoted. The results of the Focus Group's discussions are expected to identify priorities for further work and innovative actions. We will ensure these are brought to the attention of our genetic resource stakeholders.

The genetic resources area has been included in Horizon 2020, specifically in the section on "Food security, sustainable agriculture and forestry, marine and maritime and inland water research and the bioeconomy. The work programmes for 2014/5 include funding for topics that will aim to:

- Enhance the quality and scope of European ex-situ and in-situ collections/on farm management;
- Increase the productivity and stability of the agricultural sector through improved genetic variation in crops; and
- Improve the overall sustainability of the livestock sector by addressing the diversity of production types.

A call for bids for the work programme has now been made and we have drawn this to the attention of our key stakeholders in the genetic resource area.

As set out in the Department's Explanatory Memorandum we support the Commission's efforts to improve the focus on the sustainable use of genetic resources in agriculture through better co-ordination and a greater emphasis on provision of practical evidence and information to influence practice on the ground. The UK will seek to bring its experience to bear as the Commission develops its proposals for a further EU strategy. We will keep the Committee up to date with developments.

27 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 27 January 2014 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your helpful and informative response clarifying Defra's policy relating to agricultural genetic resources.

We will pursue this matter further in the context of scrutinising any legislative proposals put forth by the Commission. At this stage, we are content to release the Report from scrutiny and mark the strand of correspondence as closed.

12 February 2014

COMMON AGRICULTURAL POLICY (15396/11, 15397/11, 15425/11, 15426/11)

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

Thank you for your letter of 28 November regarding the closing stages of the Common Agricultural Policy (CAP) negotiations. Although your letter closed the correspondence on the above documents, I am pleased to be able to provide you with an update to confirm that the CAP regulations received final approval from the European Agriculture and Fisheries Council at its meeting on 17 December 2013. The regulations were published in the EU's Official Journal on 20 December 2013.

Whilst I do not view the outcome from this round of negotiations as a genuine reform of the CAP, I do welcome the certainty that the agreement provides to farmers in the UK.

In my previous letter, I outlined our plans for implementing the new CAP in England, including formally consulting on our proposals. The consultation on the Implementation of CAP Reform in England was published on 31 October 2013 and closed on 28 November 2013. Having considered carefully the wide range of views expressed through the consultation, I announced a package of

measures on 19 December that I believe will deliver better value for taxpayers, is fair to English farmers and supports this Government's commitment to improve our natural environment. This includes increasing the amount of funding transferred from farmers' direct payments to the budget for environmental and rural growth schemes from 9 to 12 per cent, with the intention of moving to a 15% transfer rate to support the final two years of the pillar 2 Rural Development Programme. We will continue to work closely with farmers, rural businesses and other interested groups to ensure that we implement the new CAP in a way that is as simple, affordable and effective as possible.

8 January 2014

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

Letter from the Chairman to Jane Ellison MP, Parliamentary Under-Secretary of State for Public Health, Department of Health

The letter of 7 October 2013 from your predecessor on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 4 December 2013.

Thank you for your helpful and informative letter, clarifying the issues that we raised and updating us on the Proposal's progress to date.

We are aware that progress with the initial analysis of the text among Member State officials has been very slow. On the assumption that progress is unlikely to accelerate before the European Parliament elections, we look forward to an update on progress during the Greek Presidency.

With apologies for the time it has taken us to consider your letter, our receipt of it was delayed by an error in communication between your Department and the Committee. Our Committee's Secretariat have since spoken with your officials, and we hope that this will not happen again.

In the meantime we shall continue to retain the Proposal under scrutiny and look forward to your response in due course.

5 December 2014

Letter from Jane Ellison MP to the Chairman

I am writing to provide your Committee with an update on the progress of negotiations on the proposed Regulation on Official Controls. Since Anna Soubry MP wrote to you on 2 July 2013 there have been no major developments on this dossier but I thought an update at this point would be helpful, to let you know what progress has been made and how we foresee work proceeding under the new Greek Presidency.

The Council Joint Working Party of Veterinary Experts (Public Health) and Phytosanitary Experts met five times under the Lithuanian Presidency however a full technical read-through of the draft Regulation was not completed in this time and is continuing under the Greek Presidency. The Greek Presidency has stated that it considers the proposal, and the wider Smarter Rules for Safer Food package within which it sits, a priority and has scheduled meetings of the Working Party for each month of its tenure, to conclude the read-through and consider a redrafted text based on Member State contributions so far.

Greece hopes to make rapid progress and has stated its aim of arriving at a stable compromise text at official level by the end of its Presidency. This would permit the succeeding Italian Presidency to enter trilogue discussions with the European Parliament once it reconvenes in September. We consider this timetable highly ambitious and expect that movement may be slower, particularly given the European Parliamentary elections and the appointment of a new College of Commissioners this summer.

In the European Parliament, the proposed Regulation is under consideration by the Committee on Environment, Public Health and Food Safety (ENVI) and Agriculture and Rural Development (AGRI). The lead committee, ENVI, currently intends to vote on the amendments proposed by the Rapporteur and other members of the Committee at its meeting on 20 February; the European Parliament then plans to adopt its position at first reading in plenary session on 10-13 March. Even if these dates are met, however, there will be no time for trilogue discussions before the elections in May. A first reading deal with this Parliament will therefore be impossible. As the new Parliament may take a different view on the Regulation, moreover, the future timetable for consideration in the European Parliament is unclear.

During the Working Party meetings, the Commission has been providing an explanation of the text and of its intentions, in response to which Member States have been offered the opportunity to present comments and suggestions. A number of UK priorities have been the subject of extensive discussion, including:

USE OF DELEGATED AND IMPLEMENTING ACTS

As we indicated in our initial Explanatory Memorandum, a significant part of the uncertainty surrounding the impacts of this proposal results from the extensive use of delegated and implementing acts to fill in the details of this framework Regulation. The Commission stated in the Working Party that it intends, in most cases, simply to transpose provisions contained in existing Regulations and Directives into the tertiary legislation to be adopted. It remains difficult, however, to assess the impacts of the proposed Regulation accurately without actual samples of the tertiary legislation to be enacted. This is a point which the UK and a number of other Member States have made repeatedly. We have also emphasised the need to avoid restricting the flexibility afforded Member States in the base Regulation by unduly prescriptive use of tertiary legislation in view of the importance of the principle of subsidiarity.

In line with the UK's approach with other EU proposals based on co-decision and post-Lisbon comitology, we will continue in negotiations to determine that the split of powers is appropriate on a case by case basis. The Commission has begun to work with Member States to settle this in parallel with negotiations on the secondary legislation (i.e. the proposal). At the most recent Working Party in January the Commission presented a paper outlining its intentions for each implementing and delegated act. This is of great assistance to the UK in its determination of the correct application of these powers and we are well positioned to be able to influence these requirements before finalising the secondary legislation. We look forward to seeing how this question will be dealt with in the Presidency redraft.

IMPACTS OF THE PROPOSAL

Most of the impact of the proposal would be on local and central Government, with reinforced transparency requirements, greater emphasis on the risk-based approach to controls, the establishment of a common set of rules at import and more flexibility in the accreditation of control laboratories.

There are currently 822,000 businesses operating in the UK that would be directly affected by the proposal. The main impact would be the increase to the extension of the current rules on charging to cover all official controls and mandatory full cost recovery. The current total annual cost of delivering agri-food chain official controls in the UK is estimated to be £171 million, of which £59 million is charged to industry. The remainder is currently funded by central and local Government budgets.

It is estimated that the average cost (including transition costs) to industry per year as a result of the proposal has been calculated to be £57.0 million, with an average annual benefit of £9.1 million. The average annual cost (including transition costs) to the enforcement community has been calculated to be £27.5 million, with an annual average benefit of £46.2 million.

An Impact Assessment has been prepared and submitted for full public consultation. Responses are being studied and additional data and evidence from across the UK will support the impact assessment. Your Committee will be updated on the outcome at the appropriate time.

REPEAL OF ANIMAL WELFARE LEGISLATION

Ensuring that there is no regulatory vacuum or lessening of controls, with regard to the repeal of current animal welfare legislation, is a UK priority for negotiations.

Through its paper on delegated and implementing acts, the Commission has now communicated its intention for re-adoption, by delegated act, of the rules in Regulation (EC) No. 1/2005 on the protection of animals during transport. The Commission has assigned this work high priority and we will be studying its proposals carefully.

As you will understand, we still do not have clarity on some key elements of the proposal, given that the technical read-through has not been completed. We anticipate the pace of developments increasing considerably with the consideration of re-drafted text and I will write to you again with further updates as progress is made.

10 February 2014

Letter from the Chairman to Jane Ellison MP

Your letter of 10 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 March 2014.

Thank you for your helpful and informative update on this dossier, on which negotiations clearly have a long time to run. We continue to support the position that you are taking, particularly as regards the avoidance of any regulatory vacuum affecting animal welfare legislation.

With apologies for the time it has taken us to consider your letter, but our receipt of your letter was delayed by an error in communication between your Department and the Food Standards Agency. You will recall the same situation occurred with our consideration of your last letter in December 2013. Repeated delays of this nature are not acceptable, and so we hope you will ensure that this does not happen again.

We shall continue to retain the Proposal under scrutiny and look forward to an update in due course.

21 March 2014

CONVENTION ON CLIMATE CHANGE (15878/13, 15889/13)

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

Your Explanatory Memorandums (EMs) on the above proposals were considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 18 December 2013.

We were disappointed to note a lack of detail as regards the Governments' position on both proposals. Whilst we appreciate that officials are conducting a detailed analysis of both the proposed Council Decision and Regulation, we would have hoped to have been provided with an initial view or assessment from the Government. We would therefore be grateful for further information on the Governments' position and analysis of each proposal.

The Committee is particularly interested in the practical aspects of implementation, especially in relation to the proposed Regulation on the technical measures, and so we look forward to your analysis in that regard.

We are aware that a particular issue of interest to certain Member States is the possibility to carry over surplus emission allowances (Assigned Amount Units) from the first Kyoto commitment period to the second. The Doha Amendment permits this as long as emissions will not increase as a result beyond average emissions for the period 2008-10. One of the technical issues to be resolved will be the need for accounting processes related to this carry-over of surplus units. We would welcome a commitment from you that EU implementation will ensure that surplus units will only be carried over within the limits set by the Doha Amendment.

In the meantime, we shall retain both proposals under scrutiny and look forward to your response in due course.

19 December 2013

Letter from Edward Davey MP to the Chairman

Thank you for your letter of 19 December 2013, requesting further information on the Government's position and analysis of the European Commission's proposal on the conclusion of the Doha Amendment to, and the technical implementation of the Kyoto Protocol (KP) to the United Nations Framework Convention on Climate Change.

On 6 November 2013 the European Commission published its proposal for ratification of the second commitment period by the EU and its Member States. The proposal comprises:

- A Council Decision on the implementation of the Doha Amendment to the KP and the joint fulfilment of commitments thereunder; and,
- A Regulation to amend the Monitoring Mechanism Regulation (MMR) in order to cover the technical implementation of the Doha Amendment to the KP, which will be agreed by co-decision.

In all, the Commission has proposed an approach which will see split targets in the second commitment period: an EU target for the trade sector and individual Member States' targets for the non-traded sector.

At the time of writing, my department was undertaking the process of understanding better the full detail and implications of the European Commission's proposal. Through this process, which all other Member States have also been engaged in, the text of the proposals has been evolving. In our engagement, we have been guided by principles of protecting the UK's fiscal sovereignty, ensuring the current partition of competence between the EU and the Member States is preserved, ensuring the proposal deals only with matters relating to the implementations of the KP and do not set a

precedent for any future legislative developments in the relevant areas of EU legislation and avoiding any new costs or liabilities to the UK.

COMPETENCE

The proposed MMR amendment will empower the Commission to adopt a number of Delegated Acts in accordance with article 290 of the TFEU in relation to the implementation of the second commitment period. Our assessment is that, in this instance, Delegated Act powers are appropriate due to the need to supplement and amend the existing EU rules to take account of new rules for the second commitment period imposed at the international level. Some of these new rules will only be finalised by the end of 2014 at the Conference of the Parties meeting in Lima. Most other Member States support this view. The envisaged use of Delegated Acts requires clarity. Some issues are "essential" i.e. matters of policy, such as handling of Kyoto allowances, which should properly be covered by the substance of the MMR amendment and not in a Delegated Act. In addition, the scope and duration of the Delegated Acts also need to be clarified. Finally, we would prefer the delegation of powers to the Commission, through the Delegated Acts to only become effective once the Council Decision is taken.

Another area requiring clarification was around the ownership of Kyoto units, especially AAUs (assigned amount unit). We have insisted that Member States have full ownership of the AAUs related to non-traded sectors, while the AAUs backing EU allowances in the traded-sector will be managed centrally, in line with the existing arrangements already agreed in the EU Climate and Energy Package. Furthermore, we are keen to ensure that the delegated acts will not impact the ownership of units by Member States and will, instead, focus on the management of units for the purposes of compliance for emissions covered in the EU ETS only. Going forward in our discussions, we will ensure that there is a no transfer of ownership of AAUs that we are holding in our national registry.

POTENTIAL LIABILITIES ON MEMBER STATES

The implementation of a number of technical issues could potentially have led to a liability to the EU and its Members States. However, our assessment is that the risk of a liability to the UK is very unlikely to materialise, and even if it did, it would be very small. Even then, we are still seeking to ensure that even if a theoretical liability does emerge it is dealt with across the Union.

NEXT STEPS

The EU is currently working to a timetable which would see the Council Decision agreed in June 2014 by consensus, while the MMR Amendment will have to go through a co-decision process under Qualified Majority Voting (QMV). Because the nature of the joint fulfilment arrangement means the Council Decision and MMR Amendment are inextricably linked, and because a single Member State failing to ratify domestically could derail the whole ratification process for the EU, the other Member States and Iceland, we have viewed both as a package. However, the Greek EU Presidency has decided to proceed with the MMR Amendment first. On the 10th of March, the European Parliament's Environment Committee voted on the proposal. Trilogue is planned thereafter and the Presidency intends to complete the co-decision process in March. We expect the Council to approve the MMR Amendment in May. The second component of the proposal, the Council Decision on the implementation of the Doha Amendment, will be considered at the Environment Council on 12 June.

18 March 2014

Letter from the Chairman to Edward Davey MP

Your letter of 18 March 2014 on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 2 April 2014.

We are grateful for the analysis that you have now provided and note the progress that you have made on ensuring appropriate delegation to the Commission of the power to supplement and amend existing EU rules to take account of new international rules. We would emphasise the importance of ensuring that the important substance of the objective of the Kyoto Protocol is not lost in protracted procedural discussions.

We look forward to a further update on the negotiations in due course as they progress, hopefully swiftly, towards conclusion. We shall continue to retain both proposals under scrutiny in the meantime.

3 April 2014

Letter from Edward Davey MP to the Chairman

As you will recall, I submitted two Explanatory Memoranda to Parliament on the 4 December 2013 in relation to the European Commission's communications 15878/13 (conclusion and joint fulfilment of the Doha amendment to the Kyoto Protocol) and 15889/13 (technical implementation of the second commitment period of the Kyoto Protocol). On the 17 March 2014 I wrote to you with further information on the Government's position and analysis of each of the proposals, and I received your response to this letter on the 3 April which stated that both proposals remain under scrutiny whilst the negotiations progress. For reference I have attached [not printed] here my letter of 17 March and the two Explanatory Memoranda in question.

The process for agreeing the Monitoring Mechanism Regulation (MMR) amendment, which will cover the technical implementation of the second commitment period of the Kyoto Protocol, is now complete. In my letter of 17 March I outlined that the UK's engagement would be guided by the following principles:

- Protecting the UK's fiscal sovereignty;
- Ensuring the current partition of competence between the EU and the Member States is preserved;
- Ensuring the proposal deals only with matters relating to the implementation of the second commitment period of the Kyoto Protocol, avoiding setting a precedent for any future legislative developments in the relevant areas of EU legislation; and
- Avoiding any new costs or liabilities to the UK.

I can confirm that in agreeing the MMR amendment these conditions have not been breached (see annex A [not printed]). Please note that this document is currently being reviewed by legal linguists).

On the specific issue of delegated acts, the MMR amendment only includes two delegated acts, while all the essential elements such as ownership of Kyoto units have now been defined in the face of the legislation. The scope of these delegated acts is clearly ring-fenced to avoid any new transfer of competence, and their application is limited in time in order to allow the sole implementation of the second commitment period of the Kyoto Protocol. This is in line with the principles set out above.

In addition, a new power has been included to make implementing acts in order to manage situations where Member States could be disadvantaged by a specific and exceptional situation and require a one-off transfer of units held by the EU to that Member State. This is also in line with the principles set out above.

I am requesting that scrutiny is lifted on this, to allow for the adoption of the MMR amendment at the Council meeting during the first half of May. An inability to lift scrutiny within this timeframe would have the consequence that the UK would have to vote against the MMR amendment in Council, a situation which should be avoided as the MMR amendment is in line with UK interests and UK officials were strongly involved in negotiating the final draft of the text.

The new global, legally-binding climate change agreement will be agreed in December 2015 at the twenty-first Conference of the Parties in Paris. The timely ratification of the second commitment period of the Kyoto Protocol by the EU and its Member States³ well in advance of this meeting is

³ In Doha the EU and all its 27 Member States, including Croatia, made a political commitment to deposit their instrument of acceptance simultaneously.

crucial to the success of the new agreement. We therefore want to support rapid progress in the ratification process, avoiding any risk that the UK is perceived to be causing a delay to the ratification process.

8 April 2014

Letter from the Chairman Edward Davey MP

Your letter of 8 April 2014 on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

We note the speed at which the negotiations are progressing. We are content to release the proposals from scrutiny and look forward to an update on their final completion in due course.

10 April 2014

COUNTRY OF ORIGIN LABELLING FOR MEAT USED FOR PROCESSED PRODUCTS (18148/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 meeting of 29 January 2014.

The Food Information for Consumers Regulation was originally scrutinised by our Sub-Committee on Social Policies and Consumer Protection. During that scrutiny, the Sub-Committee expressed some support for mandatory origin labelling, emphasising that consumers must have access to information about the provenance of their food. The intention to explore this issue further was welcomed at the time. We therefore share your enthusiasm for a debate on the topic and would be interested to know how you intend to spark that debate given the lack of enthusiasm of the Greek Presidency to do so.

You note that no consultation is planned. We would nevertheless be interested in any information that you may have on the views of stakeholders, as also those of other Member States.

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

29 January 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 29 January on the above Explanatory Memorandum (EM). We understand that the Commission's report is likely to be on the agenda for the March Agriculture and Fisheries Council meeting.

As we set out in the EM, we are concerned about the unnecessary financial burdens any proposal could place on businesses when we have best practice industry principles that cover the same issue. Voluntary labelling has been particularly successful especially for lightly processed food, such as sausages and bacon.

We have been successful in pressing the Commission to adopt a Regulation for origin labelling for unprocessed meat that met the UK Government aims. Although the mandatory requirements did not go as far as some wanted, it did ensure origin labelling was fixed in legislation.

In dialogue with stakeholders we have seen that primary producers and some consumers would like to see a legislative proposal for extending origin labelling to meat used as an ingredient. However, manufacturers and retailers are concerned about the disproportionate costs to businesses that would result from mandatory rules on origin labelling. The Commission's study suggests that consumer willingness to pay for such information is very low. We support the principle of origin labelling for meat used as an ingredient where it makes sense to do so, for example for lightly processed products such as sausages and bacon. However, we would like to ensure that the costs are proportionate and that effective best practice is preferred over additional regulation. We are developing dialogue with all sections of the food supply chain, particularly small businesses, to discover the difficulties and costs that mandatory meat used as an ingredient labelling would bring.

9 February 2014

Letter from the Chairman to George Eustice MP

Your letter of 9 February 2014 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your helpful update. We would be grateful for an update on this dossier following discussion at March Council.

At this stage, we are content to release the Report from scrutiny and look forward to your response in due course.

13 March 2014

Letter from George Eustice MP to the Chairman

In your letter last month regarding the Agriculture, Fisheries, Environment and Energy Sub-Committee meeting of 11 March 2014, you asked that I write to update you on the above dossier following discussions at the March Agriculture Council.

The Council was evenly split between those supporting us in pressing that a voluntary approach is more appropriate given the high costs of mandatory labelling, and those, such as France, who were calling for the Commission to make a legislative proposal in this area. There were a number of Member States who wanted to examine the issue further; the current Commission is unlikely to make a legislative proposal but has said it would be happy to set up expert groups to take it forward. We can expect the new European Parliament to press this issue after the elections, as they have already called for legislation on this issue.

28 April 2014

Letter from the Chairman to George Eustice MP

Your letter of 28 April 2014 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

We are grateful for the synopsis of the March Agriculture Council discussion.

At this stage, we are content to close this strand of correspondence, but we will take a close interest in the approach of the new European Parliament.

8 May 2014

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

I am writing to update the Committee on the above proposal.

Negotiations on this have been stalled since early 2012 when the Council could not reach agreement on a compromise proposal put forward by the then Danish Presidency. This envisaged that Member States would have the following two options to avoid the cultivation of GM crops in their territory:

- *Option 1:* when an application for EU approval is under consideration, a Member State could ask the relevant company for its territory to be excluded from the geographic scope of the application. No formal explanation or justification would be required in support of this. If the company agrees to the request the Member State 'opt-out' would be reflected in the terms of the proposed EU authorising decision.
- *Option 2:* after a GM crop has received EU approval, a Member State could implement a national ban which would have to be justified on proportionate, non-safety grounds.

The Greek Presidency has now suggested a new approach that builds on the Danish proposal and this will underpin an exchange of views on possible next steps at the forthcoming 3 March Environment Council meeting. The idea put forward by Greece is to make implementation of a national ban (option 2 above) contingent on a Member State having first requested, and been denied, an opt-out pre-EU approval (option 1).

The Government's view is that ideally the EU regime should operate as it was meant to, with timely, science-based decisions that enable fair market access for GM crops which pass a robust safety evaluation. However, the reality is that there is no political consensus on this issue and this is likely to mean continuing difficulties in reaching EU decisions. In this context the Government is minded to offer reluctant support for the latest Presidency proposal. By allowing for more national self-determination it should in principle make it easier to operate the EU process. Moreover, it improves on the previous Danish proposal by encouraging use of the 'opt-out' facility over the 'national ban' facility. We and a number of other Member States had particular concerns about the latter option, which is why the Danish proposal failed to attract qualified majority support.

24 February 2014

Letter from the Chairman to Lord de Mauley

Your letter of 24 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your informative reply.

We would be grateful if you could provide us with a report on the outcome of the 3 March Environment Council debate.

In the meantime we shall continue to retain this Proposal under scrutiny and look forward to your response within 10 working days.

13 March 2014

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 14 March.

At the Environment Council on 3 March a clear majority of Member States agreed that the compromise proposal tabled by the Greek Presidency offered a good basis for further technical discussions. Subsequently therefore the proposal was considered at an official working group on 13 March. At this meeting various changes to the proposal were suggested, the main ones being:

- That the Commission should act as an intermediary between the Member States and applicant companies in relation to 'opt-out' requests;
- That the operative text of the proposal should refer to the range of possible grounds for a national ban; and
- That the proposal should have a longer transitional implementation period.

The Presidency has said that it will convene a further working group in early April to progress the discussions. We will endeavour to update the committee as things develop.

23 March 2014

Letter from the Chairman to Lord de Mauley

Your letter of 23 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 2 April 2014.

We are grateful for the information that you have provided on the discussion at the Environment Council on 13 March.

We will continue to retain the Proposal under scrutiny and look forward to receipt in due course of the update to which you refer.

3 April 2014

Letter from Lord de Mauley to the Chairman

I am writing to further update the Committee on the progress of the Council negotiations on this proposal, and to seek scrutiny clearance.

Since our last exchange of letters the compromise proposal tabled by the Greek Presidency has been considered at two further working group meetings. Several changes have been introduced, although for the most part they are not significant. The intention now is for the Council to agree its first-reading position on the proposal at the 12 June meeting of the Environment Council.

In summary, the latest version of the proposal has the following key elements:

- Member States would be able to ask companies to restrict the geographical scope of their applications for EU approval of GM cultivation, so that all or part of their territory is excluded from the prospective EU authorisation.
- If an applicant company does not agree to such a request, the Member State concerned would then be able to implement a ban against the GM crop in question in all or part of its territory, if it has received EU authorisation. Such measures would have to be consistent with EU law, reasoned, proportionate and non-discriminatory, and based on grounds which are distinct from the factors which are addressed as part of the EU-level safety assessment process. There is an indicative list of possible grounds which includes the following: environmental policy objectives; town and country planning; land use; socio-economic impacts; avoidance of GMO presence in other products; agricultural policy objectives and public policy.
- Transitional arrangements are provided for, whereby Member States would be able to invoke the opt-out or national ban provisions in relation to GM crops that are already approved for EU cultivation, or where an application for approval has already received a favourable safety opinion. However, it is made clear that restrictions cannot be applied against authorised GM seeds which have already been lawfully planted.
- The Commission would be required to submit a report on the operation and effectiveness of the new arrangements within three or four years of them coming into force.

The indications are that most Member States will support the proposal when it is put to a vote, as it allows each country to decide on clearer terms whether or not to accept GM cultivation.

The overriding issue for the Government is to see an end to the dysfunctional EU decision-making process, which for years now has deterred investment and innovation in GM technology. By allowing for more national discretion the proposal should make it easier to reach EU decisions to authorise GM crops, clearing the way for their possible use in countries which are open to this. The proposal is not ideal from our perspective, but is necessarily a compromise which seeks to take account of Member States' different points of view. We believe that GM regulatory decisions should be grounded on a science-based safety assessment, and therefore do not like the idea of restrictions being implemented for non-safety reasons. However, this will only happen if companies do not agree to an initial opt-out request, which is considered unlikely. Taken overall, the Government intends to support the proposal as it should help to unblock the EU system and allow for progress to be made with this important technology.

The authorities in Scotland, Wales and Northern Ireland support the proposal because under our devolved arrangements it will enable them to make their own decisions on GM planting.

In light of the foregoing explanation and the envisaged timetable for a Council decision, I hope that the Committee will now feel able to grant scrutiny clearance.

24 May 2014

CULTIVATION OF GENETICALLY MODIFIED MAIZE (16120/13)

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 11 December 2013.

The Committee has previously taken the position to support proposals and measures that are supported with scientific evidence. On this occasion, there appears to be significant scientific evidence to suggest that 1507 maize should not cause harm to human, animal or environmental health, with such a position supported by both EFSA and ACRE. We therefore support the Government's position in backing the introduction of 1507 maize onto the market. We do, however, have several queries.

ACRE's advice on 1507 maize included a recommendation that further desk studies should be carried out to check exposure levels on non-target butterfly and moth species, prior to implementing any further management measures (such as border rows). We would be grateful to know of your opinion on this recommendation.

Secondly, do the Government agree with EFSA and ACRE in requiring further developments of the post-marketing monitoring (along the lines of the recommendations made by the EFSA's GMO's Panel Opinion)?

Given the possibility that this and other GMOs could become licensed in the EU, are you able to please provide us with a timeline for a decision on the liability regime for companies cultivating such products in the UK in the future?

Finally, we would be grateful to be kept informed of the consultation you plan to carry out with the devolved administrations. In particular, we would be interested to know what (if any) concerns they raise, prior to the proposed January Council meeting.

In the meantime we shall retain the Proposal under scrutiny and look forward to your response by 6 January 2014.

12 December 2013

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 12 December in response to our Explanatory Memorandum on the above proposal.

On your first point, ACRE has noted that, in the absence of further evidence, measures to limit the exposure of non-target butterflies and moths to maize 1507 pollen are likely to be disproportionate. This is because the existing evidence shows that the risk to non-target insects is negligible under most conditions, albeit a potential risk cannot be ruled out under hypothetical scenarios, which may not actually arise. ACRE has therefore suggested further desk studies to better characterise the potential hazard, before risk managers decide whether measures to limit pollen exposure are strictly necessary. In our view that is sensible advice. In practice, it is not envisaged that the EU will require Member States in which 1507 maize might be grown to conduct such desk studies. Instead, the draft Council Decision to authorise 1507 maize would require on a precautionary basis that barrier rows or blocks of non-GM maize are grown in areas where 1507 maize is cultivated on an area greater than 5 hectares.

We also accept what ACRE has said in relation to the post-market monitoring plan for 1507 maize. The proposed Council authorising decision would require the plan to be modified before it is implemented. Thereafter, it is expected to evolve over the 10 year period of the EU consent. Both ACRE and EFSA have referred to the requirement to monitor for unanticipated effects that could not be predicted before the GM crop was cultivated (known as general surveillance). As no adverse effects are expected with 1507 maize after an extremely detailed risk assessment (over 12 years) and cultivation elsewhere in the world, it is difficult to know what to look for. One of the most effective monitoring tools is likely to be a farmer questionnaire. The industry, EFSA and Member States have been discussing the optimal design and implementation of a questionnaire for a number of years, although we expect that further changes will be needed in the light of practical experience. A key concern for us is to ensure that general surveillance of GM crops is cost-effective and that further developments do not add unnecessarily to the regulatory burden.

As regards possible liability arrangements, it remains the case that we do not expect any commercial cultivation of GM crops in the UK for a few years at least. Nevertheless, Defra is committed to ensuring that segregation measures are implemented in due course to enable GM and non-GM crops to coexist. With pragmatic measures in place there should be little or no need for questions of liability to arise, although we will consider this further when we come to determine our detailed plans for a coexistence regime.

Finally, it has not been confirmed yet when the Council will vote on the I507 maize decision, and what the procedure for this will be. As things stand, we are unlikely to have completed our consultation with the devolved administrations on this matter by 6 January, and I will write to you again when the position has been clarified.

21 December 2013

Letter from the Chairman to Lord de Mauley

Your letter dated 21 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 January 2014.

Thank you for your helpful response. You note that the Government agree with the ACRE advice that further desk studies would be helpful to better characterise the potential hazard, but that the Commission is unlikely to require such desk studies to be conducted. Do the Government plan to react to the ACRE advice by commissioning further desk studies?

We note the use of farmer questionnaires in relation to post-market monitoring tools. It seems to us that the commissioning of further desk studies at this stage may ensure that farmers are not faced with questionnaires seeking to collect information that might otherwise be available.

You make reference to the determination of detailed plans for a coexistence regime. It would be helpful to receive information from you on when such plans might be forthcoming.

We look forward to receiving information both on the position of the Devolved Administrations once the consultation has completed and on the vote in Council.

In the meantime we are content to release the Proposal from scrutiny and look forward to your response in due course.

15 January 2014

DEFINING CRITERIA DETERMINING WHEN RECOVERED PAPER CEASES TO BE WASTE (I2263/I3)

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

Thank you for your letter of 17 October to Lord de Mauley regarding the above Explanatory Memorandum. I am pleased to say I am now able to provide the Committee with an update regarding the progress of the proposals through the European legislative process. I am responding to this letter as the Minister responsible for the area in question.

As noted in Lord de Mauley's letter of 28 September, no overall Qualified Majority was apparent either for or against the proposals at COREPER. The UK abstained as no position had been cleared through the scrutiny process at this point. However, a vote either way from the UK would not have been enough to secure a Qualified Majority.

In accordance with the established procedure, the Commission's proposals were then passed to the European Parliament for scrutiny and a vote took place on Tuesday 10 December. In total, 606 MEPs voted to block the introduction of the proposed End of Waste Criteria, with just 77 in favour of them. It is now for the Commission to decide whether they wish to amend their proposals and start the process from the beginning once again, or whether they prefer to focus their attention elsewhere. We cannot predict at this point which option the Commission will choose at this time, and whilst the UK was in favour of the most recent proposals and remains in favour of end of waste criteria in general, it is not possible to say what the UK position on any new proposals would be until we know their content.

21 January 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 21 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

We are grateful for the update you have provided on the lack of support for this Proposal in both Council and the European Parliament.

We note that it is now for the Commission to decide how to proceed. Any new Proposal would, of course, come to the Committee for scrutiny. Please consider this strand of correspondence as now closed.

30 January 2014

DELIVERING THE INTERNAL ELECTRICITY MARKET AND MAKING THE MOST OF PUBLIC INTERVENTION (15776/13)

Letter from the Chairman to Michael Fallon 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 18 December 2013.

While the Communication is non-binding, it raises a subject of great significance, which underpins many of the issues examined in our report on EU energy policy earlier this year and enshrined in the Energy Bill currently passing through Parliament. We would urge the Government not to underestimate the significance of the document.

You assure us that the Government have been in contact with the Commission and that you are working with the Commission to ensure that UK domestic policy is broadly aligned with the Commission's guidance. Given the importance of the document, we would find it helpful if you could set out what actions the Government are undertaking to engage in dialogue with the Commission.

The issues raised are salient to a range of domestic energy mechanisms. We would welcome particular information as to how this guidance might impact on the design of the UK's capacity mechanism, including potential extension to other Member States.

We would also welcome your position on the Commission's desire to see greater cross-border cooperation in renewable energy technologies.

We will retain the Communication under scrutiny and look forward to your response by 6 January 2014.

19 December 2013

Letter from Michael Fallon MP to the Chairman

Thank you for your letter of 19 December responding to the Explanatory Memorandum I submitted on the Commission Communication referred to above. I share your view that this is a significant document which has a potential impact on a number of Government policies. This is why the Government had regular discussions with the relevant Commissioners and their officials as the documents were being drafted. Most of our views were taken into account and reflected in the final version of the package, so we are largely happy with the guidance which should allow us to implement our existing and proposed support schemes.

As I stated in my letter, we are working with the Commission to ensure that our proposed schemes are developed in line with the principles in the guidance. You specifically ask about the possible impact on the design of the capacity mechanism, including potential extension to other Member States. When we assessed the need for such a mechanism we took full account of the factors mentioned in the guidance before deciding that intervention was necessary. We agree with the Commission that such a mechanism should be open to capacity in other Member States if at all possible and should be consistent with market coupling. Neither the Commission nor other Member States with existing or proposed capacity mechanisms have found a way to do this, but we are developing arrangements, in cooperation with the Commission and relevant stakeholders, which might fit the bill.

We support the Commission's desire to see more cross-border cooperation in renewable energy technologies as it is in line with the aims of the single market, the completion of which we strongly

support. You may recall that in January 2013 we signed a Memorandum of Understanding with the Republic of Ireland in which we undertook to jointly explore the potential for developing Irish renewables to the benefit of both the UK and Ireland and thereby achieve closer integration of our electricity markets. We are continuing to work together on this.

10 January 2014

Letter from the Chairman to Michael Fallon MP

Your letter dated 10 January 2014 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

Thank you for your helpful letter. We will continue to monitor the policy development of this Communication with interest.

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

30 January 2014

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 George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to inform you of the final outcome of the above dossiers.

David Heath wrote to you on 18 July 2013 with a detailed explanation of the final deal brokered between the Council, the European Parliament and the European Commission, which you agreed to release from scrutiny on 24 July.

Despite this agreement, the European Parliament delayed their Plenary consideration of their First Reading position on the Regulation and Directive until 3 April 2014. We understand the delay enabled the European Parliament to put pressure on the European Commission to bring forward their proposals on the handling of cloned animals in the food chain. Following adoption of the Regulation and Directive by the EP Plenary, they were adopted in Council on 6 May.

There have been no changes to the provisions agreed last July, and we took care to confirm that the promised statement by the European Commission concerning the Article 22 will appear in the Council minutes before confirming UK support, in accordance with the scrutiny clearance.

The new legislation will come into force 20 days after its publication in the Official Journal, which we anticipate will be before the end of June.

I am glad to be able to tell you, therefore, that we will now be able to bring in deregulatory measures concerning the existing voluntary beef labelling provisions, which will be deleted from December 2014, and for cattle passports and holding registers in the next few years as we work to enable electronic identification for cattle. As agreed, a five year transition period is included in the Regulation for the implementation of electronic identification.

13 May 2014

EMISSIONS TRADING SYSTEM: MARKET STABILITY RESERVE (5654/14)

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

Your Explanatory Memorandum (EM) on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

As you will recall from our recent report, *No Country is an Energy Island*, we concluded that long-term reform of the ETS is needed, and recommended tightening the cap on the number of allowances and

the introduction of a floor price. In particular, we noted that a floor price would “simultaneously increase investor confidence and help to stabilise possible financing for infrastructure, low carbon innovation and related applications”.⁴ We would be interested to know whether the Government view the proposed Reserve as a preferred alternative to a floor price, particularly in terms of generating investor confidence and providing an effective guide as to likely minimum revenues that might be used to support innovative new technologies.

We note from your EM that the Government have engaged in a wide consultation process, including the stakeholder engagement process organised by the Commission during 2013, with a wide range of views. We would be interested to know, however, whether other Member States have expressed any initial views, and whether there is a general consensus.

We would also be grateful to know what representations the Government have made to the Commission, particularly as regards the concerns highlighted in your EM.

Finally, you note that the Government will prepare an Impact Assessment in due course. We would be grateful to know when you might expect such an Impact Assessment to be produced and made available.

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

13 March 2014

Letter from Gregory Barker MP to the Chairman

Thank you for your recent letter on the above proposal.

You asked about our assessment of the impact of the European Commission’s proposal on investor confidence in comparison to a carbon price floor. I agree that one of the key objectives of reforming the EU ETS should be to improve incentives for low carbon investment and that investor confidence is an important aspect of this. Reforming the System in line with 2030 EU wide greenhouse gas emissions reduction target of 40%, or 50% with a global deal, will help to provide long term strength and predictability for the carbon price. My officials are still examining the extent to which a surplus based reserve will also improve the low carbon investment signal. However, setting a carbon price floor is unlikely to be a viable option for reform of the EU ETS. It has not garnered any significant level of support among stakeholders or other Member States and the UK Government does not support the idea of a mandatory pan EU carbon tax.

You also enquired about the views of other Member States; to date no Member State has taken a definitive view on the proposal. In officials’ discussions the majority of Member States have welcomed the proposal as the next step in reforming the System, but most Member States have stated that further analysis is required to assess the impacts of the proposal and come to a view. My officials have had constructive conversations with a number of Member States

With a view to developing a consensus but these discussions remain at an early stage.

Discussions have also been held with the European Commission, including to explore the potential risks and benefits arising from their proposal set out in the Explanatory Memorandum, and to share analysis and work toward a common understanding of the impacts.

Finally, you asked about preparation of an Impact Assessment. An Impact Assessment will be produced in due course but timings are in part dependent on progress in Europe. This is to ensure the full range of options that arise in negotiations are captured on one hand and on the other hand that it supports timely consultation in the UK. The timings of negotiations remain unclear at this stage although we expect further Council officials- led Working Party discussions in the coming months.

I will write to you again in due course to provide more detailed analysis once this is available.

25 March 2014

Letter from the Chairman to Gregory Barker MP

Your letter of 25 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

⁴ European Union Committee, *No Country is an Energy Island: Securing Investment for the EU’s Future* (14th Report, Session 2012-13, HL Paper 161)

We note that your analysis remains ongoing. We look forward to further information from you on the outcome of that analysis and on the emerging views among other Member States in due course.

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

10 April 2014

ENVIRONMENTAL IMPACT ASSESSMENTS (15627/12)

Letter from Eric Pickles MP, Secretary of State, Department for Communities and Local Government

I am writing to update your Committee on the negotiations on the European Commission's proposal to amend the Environmental Impact Assessment Directive. Contrary to early indications, agreement was unexpectedly reached in principle in the run up to Christmas. Despite unhelpful amendments and pressure from the European Parliament to add unnecessary red tape, the agreed text is a significant improvement on the Commission's original proposal. In particular, the United Kingdom has been instrumental in preventing the totally unacceptable proposals relating to shale gas.

I have attached [not printed] a copy of the compromise text and a brief overview of the closing stages of the negotiation. This supplements the update your clerk had from my officials at the end of October, when it seemed that the negotiations would not deliver an agreement. The overview summarises the main changes from the Commission's published text and how these have met our priorities for the negotiation.

Given our long-standing domestic environmental safeguards there really is no need for European legislation in this area. However, while the agreed text is not perfect, we have been successful in achieving our main aims. The additional bureaucracy and costs we have prevented are very clear from the attached assessment of the Commission's original proposal.

The compromise text has still to be voted on by the European Parliament. This vote is expected in March or April. If the Parliament votes in favour of acceptance it will then require formal agreement from Council. The expectation is that it will have sufficient support to be accepted. I would therefore be grateful for your Committee's consideration so as to provide the necessary scrutiny clearance for this concluding stage. To date, we have noted that the proposal remains under scrutiny.

10 February 2014

Letter from the Chairman to Eric Pickles MP

Your letter of 10 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 11 March 2014.

We note that the compromise text contains a substantial amount of flexible language which should ensure, we assume, that the amended Directive does not have the disproportionately burdensome impact that you and the Devolved Administrations had initially feared. It is nevertheless challenging on the basis of the information provided to identify the key changes made. A clearer analysis from you of the principle amendments that you have negotiated, with reference to specific articles, would be helpful.

While the overall outcome is welcome, we were surprised that your letter was the first sign from your Department of movement towards agreement. As a matter of principle, Parliament should be kept much more closely informed, even at official level, if negotiations move too fast for a ministerial letter. Normally, Parliament should have the opportunity to complete its scrutiny before agreement is reached. Parliament should be informed as soon as possible where agreement is reached and where there is significant change. We would therefore welcome an explanation as to why it was not possible to communicate with us at an earlier stage about the progress of negotiations. Your explanation should cover both the period leading up to agreement and the period between agreement, which you indicated was reached in principle before Christmas, and receipt of your letter.

We look forward to receiving the additional information requested within 10 working days. In the meantime, we will continue to retain the Proposal under scrutiny.

13 March 2014

Letter from Eric Pickles MP to the Chairman

Thank you for your recent letter reporting the considerations of the Agricultural, Fisheries, Environment and Energy Sub-Committee meeting of 11 March.

I do appreciate the points you make about keeping you informed, even at official level, when a negotiation is moving at pace. I know my officials briefed yours on the European Parliament's amendments, and the Council's position, before the negotiation moved into the trilogues. To be frank, on the basis of the information available to the Council, as we moved into the third and, as it turned out, last trilogue in December we did not expect the European Parliament to agree to the Council's position on shale gas. We had fully expected to return to the dossier under the Greek Presidency and still be negotiating now.

I do think the negotiation is a good result for the UK and certainly much better than where we started, including for the reasons set out in my letter (and annex [not printed]) of 10 February and the flexibility you highlight. I am nevertheless sorry that we have not been able to keep you more closely informed and would stress that the UK to date has not committed itself because of the scrutiny reservation. Now that the European Parliament has agreed the text at its Plenary on 12 March we will need to confirm our position in Council. The anticipated timetable for this is the Committee of Permanent Representatives on 26 March and adoption by the Council on 14 April. Ideally, we will have cleared scrutiny by the 26 March but I do appreciate the tightness of this timetable is not of your making and we can maintain the scrutiny reservation until April.

The attached [not printed] table provides an analysis of the Directive's main provisions, looking at where we started with the Commission's proposal, the amendments suggested by the European Parliament and the text as now negotiated. I hope this is helpful.

20 March 2014

Letter from the Chairman to Eric Pickles MP

Your letter of 20 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 2 April 2014.

Thank you for the helpful analysis that you provided. On that basis, we would agree with you that the outcome is a good result for the UK.

We note your response to our concerns about communication between us and your Department. We maintain our view that the level of communication was below the level that we expect from the Government as part of our scrutiny of EU dossiers.

We are content to release the Proposal from scrutiny and look forward to confirmation from you in due course that the proposed Directive has been adopted.

3 April 2014

Letter from Eric Pickles MP to the Chairman

Thank you for your letter of 3 April which confirmed that the European Union Committee had released the proposal from scrutiny.

I can confirm that the proposal was adopted by the Council of the European Union on 14 April. The revised directive is expected to enter into force in May 2014 and will need to be transposed within 3 years of that date. The UK tabled a minute statement setting out our views on the disproportionate nature of the original proposal. A copy of the statement is attached [not printed].

22 April 2014

Letter from the Chairman to Eric Pickles MP

Your letter of 22 April 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting on 7 May 2014.

We are grateful for confirmation of adoption of the Directive. We are now content to mark this strand of correspondence as closed.

8 May 2014

ENERGY COMMUNITY TREATY – ACCESSION OF GEORGIA (UNNUMBERED)

Letter from Michael Fallon MP, Minister of State, Department of Energy and Climate Change, to the Chairman

I am writing to inform you that the Council of the EU adopted a Decision in September 2013 agreeing that the European Commission should be given a mandate to negotiate the accession of Georgia to the Energy Community Treaty. Following the agreement of the EU's position, the Ministerial Council of the Energy Community met in Belgrade on 24 October and in its turn asked the Commission to start negotiations on membership with Georgia, with the aim of signing the accession protocol at the next Ministerial Council of the Energy Community in October 2014.

The Energy Community Treaty between the European Union and the states of South East Europe (the 'Contracting Parties') was signed under the UK's presidency of the EU in October 2005 and came into force on 1 July 2006. The Contracting Parties (now Albania, Bosnia-Herzegovina, Serbia, Kosovo, Macedonia, Montenegro, Ukraine and Moldova) agreed to implement EU energy market rules, as well as a number of environmental Directives. It has been a successful tool for extending EU energy market liberalisation outside the EU. South-East Europe is strategically important for increased diversity of gas supply sources and routes over the longer term and the UK has a strong interest in making the market in this region function properly over the longer term.

Moldova joined the Energy Community in May 2010 and Ukraine in February 2011. Georgia has been an observer for many years and submitted its application for membership in 2012. We support the proposals to extend the Energy Community Treaty to Georgia. Further integration of the South East Europe market is an important part of ensuring secure supply from the Southern Corridor.

I will keep you informed of the progress of negotiations.

5 February 2014

ESTABLISHING A COMMUNITY SYSTEM FOR REGISTRATION OF CARRIERS OF RADIOACTIVE MATERIALS (14398/12)

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

Further to your letter of 10 October I am pleased to be able to provide the following update on the progress of the Commission's proposal for a Council Regulation Establishing "A Community System for Registration of Carriers of Radioactive Materials".

The UK along with likeminded member states has been arguing that the Commission have yet to make a persuasive case to support their proposal and that to date we do not consider that they had done so.

To try and make the proposal more safety orientated, and therefore lend some weight to it, suggested changes to the text were put forward and discussed at a series of ad-hoc technical working groups. Many member states, including the UK, indicated that these changes were so significantly different from the original proposal that a new and appropriate impact assessment was required before we could consider options further.

In response to these arguments the Presidency have said that they do not intend to discuss this dossier further in the atomic questions group or another technical group. They are of the opinion that the Commission needs to reflect on the comments from Member States (including from the UK), which asked that the Commission carries out an appropriate impact assessment on any new proposal that is significantly different to their original proposal.

While this does not mean the proposal will never be discussed again, we do not expect to hear from the Commission to bring forward a revised proposal quickly, any time soon, however I will write again we I have anything to report.

17 December 2013

Letter from the Chairman to the Baroness Verma of Leicester

Your letter dated 17 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 8 January 2014.

Thank you for your letter updating us on the current progress of this Proposal.

We understand that the Commission is unlikely to bring forward a revised Proposal quickly or any time soon, and so we would be grateful for an update in due course.

In the meantime we shall retain the Proposal under scrutiny.

10 January 2014

EU APPROACH AGAINST WILDLIFE TRAFFICKING (6351/14)

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 19 March 2014.

We are very disappointed that you have offered no position on this issue. You indicate that there are “no specific policy implications”, a statement with which we fundamentally disagree. It is of particular concern that the Government feel no need to offer a position because no specific proposals have been suggested at this stage. As we have stressed on numerous occasions, we would expect the Government to be fully engaged with dossiers such as this as, whilst there may be no legislative proposals at this point, the Government should be mindful of potential legislation that could be suggested at a later date. Furthermore, the process of EU policy making tends to be iterative and it is always helpful to engage at an early stage.

Your lack of engagement is particularly disappointing so soon after the Illegal Wildlife Trade Conference hosted by the UK. In his opening remarks, the Foreign Secretary stated that wildlife trafficking is of a global scale “ranked alongside drugs, arms and people trafficking”.⁵ Given such comments, we would expect you to provide a much clearer analysis of your position on the role of the EU in combating that trafficking.

We would be grateful, therefore, if you could offer us more detail regarding your position. In particular, how do the Government intend to engage with the Commission’s consultation process?

Furthermore, the EM makes no reference to the views of the Devolved Administrations, and so we would be interested to know what engagement the Government has had with Northern Ireland, Scotland and Wales on the issue of wildlife trafficking.

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

21 March 2014

Letter from Lord de Mauley to the Chairman

Thank you for your letter of 21 March concerning the Explanatory Memorandum on the above communication. Perhaps on reflection the EM, which I provided did not sufficiently convey to you and your Committee the importance that the Government attaches to the tackling the illegal wildlife trade and the potentially significant contribution which the European Union can make. I therefore want to assure you that the UK is heavily engaged, and indeed leading the debate on this issue, within the EU.

Indeed, I would go so far as to say that the Communication from the European Commission is in large part due to the high political profile and momentum given to this issue by the activity of the UK Government. A key part of that was the London Conference on the Illegal Wildlife Trade (IWT), which Defra organised with FCO and which resulted in the ground-breaking London Declaration.

In preparation for the Conference, we worked in close partnership with the European Commission and with the leading Member States engaged on this issue, Germany, France and the Netherlands. The European Commission, Germany and France were members of a ‘Friends of the Chair’ group which helped us to develop the content of the London Declaration and to reach out diplomatically to key non-European partner countries. Our overall approach to IWT is closely aligned with that of these key European Member States, and the Commission, all of whom are signed up to helping us to ensure delivery of the commitments to action made in the London Declaration. I believe that the Declaration

⁵ Foreign Secretary's opening remarks at Illegal Wildlife Trade Conference, GOV.uk, 13 February 2014

will provide the framework for development and any EU Action Plan and we shall certainly be pressing for this.

My officials are in regular contact with their counterparts in the European Commission on the issue of IWT and the role which the EU can in future play in the light of the aspirations set out in the Commission's Communication. These broadly fall into two themes and closely follow the issues covered by the London Declaration.

The first theme is around the potential of the EU to use its collective donor commitments to maximum effect against wildlife trafficking and to maintain political momentum through bilateral, regional and multilateral diplomatic contacts. Both of these issues were discussed extensively in preparation for the London Conference. The potential for achieving greater impact through some form of 'light touch' co-ordination of donor activity was an issue the UK raised ahead of the Conference and some positive initial discussions were held.

The maintenance of political momentum through diplomatic activity is also important. The UK will continue to play an active role in the coming year in support of the follow up to the London Conference, to be held in Botswana in March 2015. It will also work in a range of UN fora to ensure that IWT remains on the agenda: these include the United Nations Environment Programme – where IWT is likely to be a topic of Ministerial discussion at the first UN Environment Assembly in Nairobi in June – the UN Security Council, the UN Office of Drugs and Crime, and the informal 'Group of Friends' established in New York, under German and Gabonese leadership to consider how best to use the UN system to promote action.

The second theme on which I see the EU as having a potentially important role focuses on strengthening enforcement activity within the EU. This is an issue on which we have worked closely with the rest of the EU over recent years. IWT is regularly on the agendas of both the EU Management Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its EU Enforcement Group, both of which meet on a quarterly basis and on both of which the UK is one of the most active members. For example, the EU introduced stricter measures on the re-export of rhino horn in 2012, at the instigation of the UK. Similarly, additional controls on the import of hunting trophies are currently being finalised to minimise the risk that these leak into the illegal trade.

In the EU CITES Enforcement Group, attended by UK Border Force, recent discussions have explored the scope for greater regional co-operation and sharing of enforcement information and expertise. This was a key theme of the London Declaration and this is a key aim of this group. To support this, I have just approved further funding to the EU Trade in Wildlife Information Exchange (EU TWIX) of around £50,000. This connects some 750 wildlife law enforcement officials from 34 European countries (the 28 EU Member States, as well as Macedonia, Montenegro, Norway, Serbia, Switzerland and the Ukraine), allowing the exchange of information in real time and acting as a repository of knowledge of wildlife seizures on a European-wide basis.

The current Communication from the Commission will form the backdrop for an EU expert workshop to be held in Brussels on 10 – 11 April 2014. The UK will be strongly represented in these discussions, with officials attending from both Defra and the UK Border Force.

Finally, your letter of 21 March asked about engagement with the Devolved Administrations. The Explanatory Memorandum was brought to their attention and did not prompt any substantive comment. I can also reassure you that we engaged the Devolved Administrations in the preparations for the London Conference, to which they were invited.

2 April 2014

Letter from the Chairman to Lord de Mauley

Your letter of 2 April 2014 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

We would certainly agree that your original EM failed to convey the importance that the Government attaches to this issue. Given this importance, we are surprised that your Department resisted deposit of this Communication on the basis that it had no policy implications.

Contrary to the impression given in the EM, the Government have clearly been very involved. We were particularly interested to note that the European Commission and some other EU Member States were members of the 'Friends of the Chair' group at the London Conference.

You highlight that use of donor commitments and improved enforcement are two ways in which the EU might contribute to the fight against wildlife trafficking. We will be interested to learn from you whether any progress was made on these during the expert workshop that took place on 10-11 April.

We are content to release the Communication from scrutiny and look forward to an update in due course on the outcome of the expert workshop.

8 May 2014

EU ENERGY COUNCIL, BRUSSELS 4 MARCH (UNNUMBERED)

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

I am writing to report discussions at the Energy Council in Brussels on 4 March, where I represented the UK.

The Council discussed the Commission's communication on energy prices and costs in Europe. Ministers welcomed the communication and noted the difference in energy prices between the EU and the rest of the world. I and a number of other Ministers noted that evidence, including from the International Energy Agency, showed that climate policy had had little impact on energy prices across Europe. I argued that the EU could best enhance competitiveness in Europe by completing the internal energy market, investing in research, rationalising the EU's approach to State aid, developing indigenous supplies (including shale gas) and concluding an energy chapter to the EU-US free trade agreement. Other Member States argued that the new climate and energy framework, if not carefully designed, would have a significant impact on energy prices.

The majority of Member States accepted that renewable energy subsidies should be rationalised as part of the State aid modernisation process but were concerned that there was a risk of contradiction between European energy policy and the State aid guidelines.

The Council then debated the 2030 climate and energy framework. The Presidency asked Member States for their views on three issues: how the Commission's proposals would contribute to the EU's energy objectives of sustainability, competitiveness and security of supply; the new governance system; and the proposed set of indicators. The Commissioner argued that the 40% greenhouse gas target was very ambitious. The majority of Member States endorsed a greenhouse gas target of 40%. I called for a 50% target in the event of an ambitious international agreement.

A number of Member States called for more ambitious binding EU targets for renewable energy (of 30-40%) and binding energy efficiency targets. Others called for a technology neutral approach with no EU and national-level targets for renewables and energy efficiency. I and others supported an EU renewables target of 27%, on the condition that they would not become binding national targets.

A majority of Member States argued that the new governance system should not encroach on the ability of Member States to determine their own energy mix. On indicators, the majority of Member States were positive about the indicators for competitiveness and security of supply.

The Commissioner informed the Council of the role of energy in the crisis in Ukraine; 14% of Europe's gas needs were met by gas that had crossed Ukraine. However, Europe was in a better position to deal with a gas crisis than it was in 2009 when supplies through Ukraine were last interrupted as it had diversified supply and built more storage facilities. A number of Member States emphasised the need to support Ukraine and the importance of diversifying the EU's energy mix to improve security of supply.

8 March 2014

EU FORESTS STRATEGY (13834/13)

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 21 November in which you requested further information on assessments undertaken by the UK. I will outline these below for each Devolved Administration.

RURAL DEVELOPMENT FUNDING AND ECONOMIC VALUE OF FORESTS ENGLAND

The mid-term evaluation of the Rural Development Programme for England (RDPE) indicated that woodland grants were likely to have delivered their expected outcomes, though in many cases outcomes would not be evident for some years. However, this evaluation did indicate that the Woodland Management Grant had a high dead weight (i.e. the grant-aid being provided did not alter or enhance the management activity that would have been undertaken in the absence of grant support). The requirements for this grant will accordingly be amended in the next Rural Development Programme to ensure that only activities which deliver significant changes in management practices will be supported.

On improving the economic value of forests, there is considerable evidence that the costs of harvesting and extraction frequently exceed any revenue generated, unless supply chains become more efficient and mechanised. Defra will undertake a full evaluation of the effectiveness of the grant in 2014.

WALES

The *Better Woodlands for Wales* (BWV) scheme ran from 2006 until the introduction of the *Glastir Woodland Creation* scheme 2010, and until 2012 for woodland management under the *Glastir Woodland Management* scheme. The BWV scheme offered grants and was supported by the European Agricultural Fund for Rural Development (EAFRD) under the Rural Development Plan (RDP) for Wales.

Qualitative analysis of the scheme indicated that although more than 80% of grant recipients thought that the programme had not created new employment opportunities, more than 40% of grant recipients reported that existing jobs were maintained.

This is backed up by the evaluation of the BWV scheme, where 50% of grant recipients said BWV grant support was critical to implementing operations that would not have been carried out otherwise.

The Processing and Marketing Grants (PMG) scheme supported farm and forestry businesses, food and drink producers and processors in adding value to their products and becoming more innovative and competitive in global markets. The scheme is wholly funded via the EAFRD. 41% of survey respondents claimed to have improved the quality of their products with the support of the PMG scheme. The overwhelming majority (89%) of respondents claimed that their efficiency of processing had improved, and 76% noted that support had enabled them to increase production. Almost half (49%) of respondents are now using more agricultural and forestry raw materials as a result of the scheme.

Support to forestry contractors under PMG has helped them to improve the efficiency of their operations and has helped some contractors to take on additional staff as a result of gaining new contract work. Support for the development of supply chains between forestry products and processors has resulted in new suppliers of fuel wood of a certified quality and new products using what would otherwise have been low value timber.

SCOTLAND

The current Scottish Rural Development Programme (SRDP) has made very limited use of the 'support for the improvement of the economic value of forests EAFRD measure' with total spend over the 2006-13 expected to be less than one million Euros with around 38 beneficiaries.

In Scotland the main assessments of effectiveness were done under the mid-term evaluation of the SRDP in 2011; this did not include an assessment of the improvement in the economic value of individual forest holdings. Subsequently it was highlighted as a weakness in other Member States by the European Court of Auditors. The review found that the financial support had only a limited impact on improving business performance by increasing competitiveness and diversification. There was very little evidence that the funding improved market access or made businesses more sustainable.

For the next SRDP, Scotland intends to make limited use of this mechanism, but is planning to support different activities which focus more on economic benefits, including developing the processing and marketing capacity of forestry supply chains, rather than investing directly in trying to increase the economic value of individual forests. A consultation on the next SRDP will be published shortly and will include a question on measures to support the economic value of forests.

The mid-term evaluation also found that the effect of sustainable forest management on the environment appeared to be positive, but the evidence was limited by the low level of reported activity. Respondents felt that there was a positive influence on income due to the award (69%), the quality of outputs (54%) and efficiency of production (54%). Some respondents (31%) also felt that it had an influence on their access to markets.

NORTHERN IRELAND

The economic appraisal of Rural Development Programme for forestry identified the main deficiencies of forestry as: (1) lack of economic sustainability in the forestry sector (2) lack of trees in Northern Ireland (3) lack of opportunity and encouragement for access to forests for exercise and recreation and (4) insufficient encouragement for farmers and other landowners to diversify from agriculture into forestry. The appraisal suggested that these deficiencies could be addressed by: (1) maintaining value and added capacity of existing forests (2) improving the contribution forests make to the environment (3) increasing the contribution that forests make to society through access and (4) increasing transfer of land from agricultural use to forestry. The appraisal also recommended that forest expansion should continue because there was strong support for tree planting to improve the environment.

Rural Development Programme forestry measures in Northern Ireland were designed principally to encourage afforestation, largely through the transfer of private agricultural land to forestry. From 2007 to 2013 the programme provided funding of almost £10 million to support the establishment of over 1,400 hectares of new woodland, including income foregone payments for recently established woodland. Funding for sustainable management of existing private woodland was low because of the lower percentage of private forest cover.

THE ECONOMIC VALUE OF FORESTS

Council conclusions in their current draft form do not address the recent report of the European Court of Auditors. The UK and other Member States are in favour of the conclusions, which invite the Commission to produce an action plan that will enable work to begin on a proper definition of the economic value of forests. Forest policy is the sole competence of the Member States and it would therefore be unwise to pursue the suggestion that conclusions should require Member States to act, as this could result in competence creep. We will, however, encourage Member States to work on this issue through the Standing Forestry Committee.

NEXT STEPS

Richard Benyon informed the Committee that it was likely that the Council Conclusions would be presented to Council for adoption in January 2014; we were unable to agree draft conclusions at working-group level on 3 December and will reconvene on 16 January 2014. Conclusions will therefore not be presented for adoption before the Council meeting on 27 January.

17 December 2013

Letter from the Chairman to Lord de Mauley

Your letter of 17 December 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 8 January 2014.

Thank you for your informative reply.

Your letter was helpful in setting out the various schemes available across the UK and their various assessments. We note that the overall conclusions of the European Court of Auditors on the value of the measures to improve the economic value of forests are, to a certain extent, also borne out in the UK. We would be grateful for additional information on your plans to undertake a full evaluation of the effectiveness of the grant in 2014, including a timetable.

It is pleasing that you and others support the draft Council conclusions inviting the Commission to produce an action plan that will enable work to begin on a proper definition of the economic value of forests. We would suggest that an additional degree of urgency and direction might, though, be injected into this wording, particularly as the new Rural Development Programmes are already being designed. It would be regrettable if a dogmatic approach to the issue of competence over forestry policy diverted attention from the need to ensure effective use of EU funds to support forestry.

We would welcome further information in due course on the progress being made in Council towards the adoption of conclusions.

We are content at this stage to release the Communication from scrutiny.

10 January 2014

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

We were grateful for the oral evidence that you gave to us on 2 April on the above topic, supported by Forestry Commission and Defra officials. As you are aware, we also took oral evidence from UK practitioners, EU representative groups and the European Commission.

We have set out below our reflections based on the comments expressed to us during those sessions.

PRINCIPLES AND VISION

Forestry is a challenging policy area for discussion at the EU level. On the one hand, the EU has no formal competence to act. On the other hand, it legislates on a range of issues that impact significantly upon forestry.

We detect an ongoing, and as yet unresolved, attempt to wrestle with this tension. The EU Forestry Strategy is helpful in setting out a short-term approach to supporting the delivery of sustainable forest management across the EU. It does not help, though, to set a longer-term vision for a sector and a habitat which is unique in the timeframe over which it is managed. In our view, the development of a consensus on a longer-term vision for forestry and what is required from EU policies to deliver that vision is essential before design of a reformed Common Agricultural Policy (CAP), along with further review of the EU's MFF in 2017.

Ultimately, whatever vision is adopted at the EU level, it must be underpinned by the principle that one size does not fit all as regards forestry and woodland management across the EU.

GOVERNANCE

The issue of competence affects the governance of forestry and results in a lack of leadership. The European Commission considers any policy incoherence to be the fault of the Member States, and the UK Government consider that the European Commission itself could do more to ensure the coherence of policy. These differences of opinion are indicative of a failure of cooperation.

We were told by the European Commission that, internally, it has had a permanent inter-services working group on forestry since 2001. This meets regularly to discuss issues of common interest and new initiatives. We would welcome any observations that you may have on that group and any suggestions that you may have to improve its effectiveness.

We agree largely with the approach to governance taken by the European Commission in its strategy, with the suggestion that the role of the Standing Forestry Committee (SFC), involving technical experts from around the EU, be enhanced. You were also keen to emphasise the role of the SFC.

We were interested to note that the SFC has issued a very limited number of publicly-available opinions in recent years. It is clear that, if the role of the Committee is to be enhanced, a step change is required. If it is the case that Member States and the Commission both see the SFC as playing a pivotal role in coordinating policies across the European Commission and across the European Union, the SFC itself must be significantly more active. We would therefore find it helpful if you could set out for us in more detail, ideally with examples, how you see a strengthened role for the SFC working in reality.

The lack of leadership over EU forestry is exacerbated by the separate, but linked, ForestEurope process. While it is clearly welcome to engage countries beyond the EU in the development of sustainable forestry management, there is a clear danger that the EU waits for ForestEurope for direction rather than taking forward its own vision in parallel.

Finally, in the context of governance, we remain confused as to the allocation of responsibility within the UK. Part of the challenge in relation to EU forestry policy is to ensure that policies across all areas are aligned and do not create unintended consequences for forestry. It was not clear to us how a UK Government negotiating strategy on, for example, CAP reform could have taken into account the needs of forestry across the UK while also taking into account other EU policies, such as

biodiversity protection and renewable energy. Given your view that the European Commission could do more to ensure the coherency of forestry-related policies, how confident are you that UK positions also ensure that coherency, while taking into account the views of the Devolved Administrations?

INFORMATION

The European Commission described improvements to the forest knowledge base as a priority area in the Strategy with clear added value for action at the EU level. This involves both forestry research and knowledge exchange. The National Trust observed that the dissemination of information about the potential benefits of growing trees is very important.

Knowledge exchange in agriculture is an issue that has been of interest to us for some time, initially as part of our inquiry into the Adaptation of Agriculture and Forestry to Climate Change, and subsequently as part of our inquiry into Innovation in EU Agriculture.

Could you, please, set out for us your approach to the transfer of forestry-related knowledge to practitioners? To what extent is advice on forestry provided by the Farming Advice Service?

IMPLEMENTATION

Once the Council has adopted its Conclusions on the EU Forestry Strategy, the European Commission is planning to adopt a pluriannual plan to support implementation of the Strategy, a plan which you supported in your evidence. A review will be undertaken in 2017/18 to assess progress.

We were struck by the comment by the European Commission that “the effectiveness of cooperation and coordination [between administrations at different levels] has an effect on the implementation of the EU Forestry Strategy”. This observation raises the issue of how the UK Government can ensure effective implementation of the Strategy across the UK. We would welcome your thoughts on this, including whether a specific ministerial or official level dialogue on forestry across the four UK Administrations might be developed and maintained.

TIMBER REGULATION

Finally, it was clear from the evidence that we took that weaknesses in the implementation of the EU Timber Regulation have been identified. We would welcome clarity from you on how the UK Government are working with the European Commission in advance of its review of the Regulation next year.

We look forward in due course to your response to the above points, including information about the progress that has been made in Council towards the adoption of Conclusions.

8 May 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 8 May 2014 about the new EU Forest Strategy and related forestry issues.

PRINCIPLES AND VISION

As I said at the hearing, we are committed to the principles of sustainable forest management set out in the UK Forestry Standard (UKFS).

The UKFS also aligns with the principles of sustainable forest management enshrined in the vision for forests in Europe, agreed at the Forest Europe Ministerial conference in Oslo in 2011:

“To shape a future where all European forests are vital, productive and multifunctional. Where forests contribute effectively to sustainable development, through ensuring human well-being, a healthy environment and economic development in Europe and across the globe. Where the forests’ unique potential to support a green economy, livelihoods, climate change mitigation, biodiversity conservation, enhancing water quality and combating desertification is realised to the benefit of society.”

GOVERNANCE

EU Member States work closely and cooperatively with the Commission to improve policy coherence, whilst ensuring that competence for forests is respected. This is reflected by the role of the Standing Forestry Committee (SFC), through which forestry experts from Member States act as an advisory and management committee for Commission-led forestry activities.

We believe that the Commission could do more to promote internal coherence between their Directorates General and have pressed for Council Conclusions on the new EU Forest Strategy to embody this approach. In implementing the Strategy we will therefore encourage the Commission to make better use of their inter service working group of forestry.

The Council Conclusions also promote a strengthened role for the SFC in providing advice and improving communication on forest-related policies. In practice, a strengthened role for the SFC would require it to be involved from the outset on policy initiatives and consultations so that forestry can be considered appropriately. Currently, the SFC is often consulted once policy development is well underway, meaning it can be too late to influence the overall direction of policy.

With regards to leadership, the UK and other Member States are in the driving seat within Forest Europe, and in ensuring that Forest Europe and the EU are mutually supportive. We want to avoid duplication of Forest Europe work within the EU, for example, by developing separate criteria and indicators for sustainable forest management, particularly in areas of Member State competence.

Defra agrees the UK negotiating position with other Government Departments, the Devolved Administrations, and the Defra Network, including the Forestry Commission, Natural England and the Environment Agency. The Devolved Administrations were fully consulted about the EU Forest Strategy and its associated Council Conclusions.

Similarly, for negotiations on the Common Agricultural Policy (CAP) negotiations, Defra agreed the UK position working closely with the Forestry Commission, and the Devolved Administrations. The objectives of the four countries were closely aligned and the UK worked to ensure that support could be available to encourage afforestation and the sustainable management of existing woodland in accordance with the UKFS. The negotiations successfully delivered support to enhance forest biodiversity, encourage afforestation and develop supply chains which may include use of forest products as a source of renewable energy.

INFORMATION

Forest Research, an agency of the Forestry Commission, provides innovative applied research, development, monitoring and scientific services to forestry stakeholders and is responsible for transferring research knowledge directly, and/or in partnership with others, to UK and international audiences.

In addition, the Forestry Commission holds regular scientific update seminars and publishes a wide range of research papers, advice and information notes, practice guides and UKFS Guidelines.

The Farming Advice Service (FAS) focusses on providing (CAP-mandated) advice on cross-compliance; however, the National Skills Framework under the Rural Development Programme for England (RDPE) offers training, advice, information, facilitation and knowledge transfer activities on farming and forestry. The Framework recognises the importance of farmers understanding the value of managing their woodland assets, and has provided assistance to 1,000 farmers since December 2012.

IMPLEMENTATION

The Council agreed Conclusions on the new EU Forest Strategy on 19 May 2014. In the UK, implementation is undertaken in the Devolved Administrations by the relevant forestry authorities and by the state forest sector.

TIMBER REGULATION

My officials are encouraging the Commission to publish a format and timeline for the review. Defra held a stakeholder event in March 2014 to gather initial views on the review from industry, civil society, Government, international partners, and independent consultancies.

We will continue to develop our position in cooperation with stakeholders. However, initial priorities include:

- Uneven implementation. The majority of Member States are not yet implementing the EU Timber Regulation fully. This undermines the Regulation's effectiveness, and may disadvantage compliant countries;
- Product Scope. There are some obvious loopholes in the legislation. We will consider how the current range of products covered could be improved;
-
- Linkages with related policies. Linkages with other international agreements, for example the Convention on International Trade in Endangered Species (CITES), require further clarification; and
- Due diligence requirements. We will consider the effectiveness of the current requirements for companies placing timber or timber products on the market.

RURAL DEVELOPMENT PROGRAMME

In your letter of 10 January 2014 to Lord de Mauley, you also asked for additional information on plans to evaluate the effectiveness of support under the Rural Development Programme to improve the economic value of forests.

The effectiveness of the use of Measure 122 (the measure that is specifically designed to support improvements in the economic value of forests) under the RDPE will be addressed primarily in the ex-post evaluation of the whole programme. However, a more limited piece of work looking at some of the issues raised in the EU Court of Auditors report will be commissioned to report by the end of this year. This will concentrate on whether the activity supported was appropriate for the measure. It will also examine the extent to which forest management plans were required and provided the necessary justification for the support provided. The aim of the study will be to ensure that lessons are learnt over appropriate use of measures and that guidance on the preparation of management plans is adequate.

2 June 2014

EU REGULATION ON NOVEL FOODS (18171/13)

Letter from the Chairman to Jane Ellison MP, Parliamentary Under-Secretary of State for Public 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 29 January 2014.

The Novel Food Regulation was originally scrutinised by our Sub-Committee on Social Policies and Consumer Protection, which was supportive of the Proposal. We therefore share the Governments' enthusiasm and agree that this Proposal would update the existing Regulation, both aligning it with other food legislation and clarifying its scope

We would be grateful to be kept updated with the progress of this dossier. In the meantime we shall retain the Proposal under scrutiny and look forward to your response in due course.

29 January 2014

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

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

Thank you for your letter of 10 October giving clearance from scrutiny of the Common Agricultural Policy Transitional Regulation. I am pleased to be able to provide you with a final update to confirm that the Regulation received final approval from the European Agriculture and Fisheries Council at its

meeting on 16 December 2013. The regulation was published in the EU's Official Journal on 20 December 2013.

Working closely with the Commission and other Member States, the UK was able to resolve the priority issues related to Rural Development funding as outlined in Richard Benyon MP's letter of 24 September to your Committee. The Commission letter of 4 November has provided comfort that the rules governing transition including the Transitional Regulation allows us to deliver what we need in our Rural Development Programme in 2014. The Commission also provided assurance that they will cooperate constructively with Member States with a view to ensuring a smooth transition to the new programming period.

8 January 2014

Letter from the Chairman to Owen Paterson MP

Your letter dated 8 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

Thank you for your letter confirming that the Regulation received final approval from the Agriculture and Fisheries Council on 16 December.

Please mark this strand of correspondence as now closed.

30 January 2014

EUROPEAN CARBON MARKET IN 2012 (16537/12)

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

Your letter dated 16 December 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 January 2014.

Thank you for your update, setting out the Governments' position on reform of the EU ETS. This is broadly in line with the position that we recommended in our report on EU energy policy last year, with the exception of price management through a supply reserve.

We will pursue this issue further in the context of scrutiny of legislative proposals from the Commission and the White Paper on the 2030 climate and energy package.

Please consider this strand of correspondence as closed.

15 January 2014

EUROPEAN COURT OF AUDITOR'S SPECIAL REPORT NO.6/2013- DIVERSIFYING RURAL ECONOMY (UN-NUMBERED)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 28 November regarding the Explanatory Memorandum on the European Court of Auditors (ECA) report 6: Diversifying the Rural Economy 2013.

Member States are being actively encouraged by the European Commission to share best practice with others. We were pleased that good practice in England was highlighted in the Report; UK officials also meet regularly to share best practice on monitoring and evaluation more generally. English officials gave a well-received presentation to other Member States at the Rural Development Committee on 'reducing deadweight and displacement' on 22 November 2013. .

EUROPEAN COURT OF AUDITORS RECOMMENDATIONS

The UK authorities accept all the recommendations set out in the ECA audit and are reflecting on them, and on lessons learned from the current Rural Development Programme in England, as we

develop our proposals for the 2014-20 Programme. Please see our specific responses to all six recommendations set out in Annex A [not printed].

The new Rural Development regulations require each Member State to carefully consider the need for: targeted intervention; the implementation of robust selection criteria; risk mitigation; the application of a quantifiable monitoring and evaluation framework; and an overall goal of reducing unnecessary administrative burdens where possible.

The regulation also requires Managing Authorities in all Member States to carry out an external ex-ante evaluation for the new Programme. This will provide us with an independent and impartial assessment of the development, design and rationale for intervention of the next Rural Development Programme.

In terms of reflecting on lessons learned from the current Programme, respective UK authorities are reviewing the findings of evaluations conducted over the course of the Programme, including mid-term evaluations undertaken in 2010 and specific evaluations on non-agricultural activities delivered under both Axis 3 and 4. Feedback, as a result of consultations on how we implement the new Rural Development Programme, is also being considered as part of the development and design of the new Programme.

For example, we have noted concerns raised by our Programme Monitoring Committee over the recent implementation of the Farm and Forestry Improvement Scheme (FFIS) and the Rural Economy Grant (REG) in England. These small and large grant schemes were put in place following the closure of the Regional Development Agencies (RDAs). They were, in part, a result of recommendations from our mid-term evaluation which concluded that the schemes offered by the RDAs provided no consistency across England and was seen as unwelcome by key interested parties. We introduced a nationally consistent offer for businesses in rural areas, building the new schemes on the good examples found in regions, which the ECA audit has highlighted. However, the demand was so high that it meant we were unable to respond as quickly as we would have liked to the Expressions of Interest and full applications.

We will address this in the new programme by introducing rolling application windows to help speed up responses and provide rural businesses a clearer indication of when they will expect a decision or be given further advice. We will want to consider how we continue to balance a national approach with locally identified needs as we develop the next programme, which includes a commitment to work closely with Local Enterprise Partnerships (LEPs) and through the LEADER approach.

We will also take the opportunity to simplify processes where EU legislation allows and will aim to make processes as simple, effective and affordable as possible while minimising disallowance. The new Common Agricultural Policy Delivery IT system will implement a 'digital by default' approach, with the design principle being that the customer or applicant is in control of their information. This should mean streamlining the application process and making payment of claims simple.

As noted above, the Devolved Administrations are giving similar consideration to such factors as they develop their respective 2014-20 Programmes.

VIEWS ON THE RELIABILITY OF ENGLAND'S MONITORING ARRANGEMENTS

The report was critical of the reliability of England's monitoring information. We do accept some criticism of this. While we do have in place a good system for recording outputs at the point of approval of the project currently, the main criticism related to how we followed through this process to capture outputs post project completion. Project officers do check outputs at final payment, but ex-post inspection checks revealed some discrepancies between outputs delivered, such as the number of jobs created. In response, we are looking to build provisions into our new Common Agricultural Policy Delivery IT system to enable better capture of outputs and more responsive monitoring systems that enable us to evaluate the success of the new Programme.

11 December 2013

Letter from the Chairman to George Eustice MP

Your letter of 11 December 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 8 January 2014.

Thank you for your helpful response, including the Annex with the Government's specific responses to the ECA's recommendations.

We are pleased to note that the UK authorities accept all the recommendations set out in the ECA audit and are reflecting on them as proposals for the 2014-20 Programmes are developed.

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

10 January 2014

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

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to update you on progress in developing the approach in England to this European Innovation Partnership focusing on agriculture (EIP-Agri).

My predecessor, David Heath, wrote to you on 18 July 2013 setting out the latest information on the EIP-Agri, to which you replied on 25 July 2013 confirming that you released the Communication from scrutiny. David Heath promised to keep you updated on progress.

Within the consultation on implementation of CAP reform in England, we asked respondents for their views on how to ensure innovation is considered across the breadth of the new Rural Development Programme. We also asked for views on developing the EIP-Agri in England to support this. The Summary of Responses and Government Response, published on 19 December 2013 (available on the Defra pages of the gov.uk website at <https://www.gov.uk/government/consultations/common-agricultural-policy-reform-implementation-in-england>) confirmed that we expect to provide support for the Operational Groups that deliver the EIP-Agri within the next Programme in England.

We continue to consider the details of our approach on the EIP Operational Groups in the light of the helpful suggestions in the consultation responses, and in the context of development of the Rural Development Programme more widely. We are particularly considering the relationship between the measures in the Rural Development Programme and existing programmes to support innovation in agriculture, such as the implementation of the Agri-Tech strategy.

In addition, I know the Committee has been interested in how the EIP-Agri could help to deliver innovations both in relation to genetic resources and the use of phosphorous, and we have corresponded separately on these topics. I think that the Operational Groups may offer a vehicle for examining a range of issues and developing new solutions. The European Commission has stressed that the impetus for the activities of the Groups should come primarily from the farmer and farm advisers i.e. 'bottom up' and so we expect that they will have a key role in determining the topics examined.

29 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 29 January 2014 on the above Communication was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 12 February 2014.

Thank you for your helpful and informative update as regards developing the approach in England to this EIP.

We will continue to express an interest in the progress of this dossier, and look forward to a further update in due course.

12 February 2014

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your time in considering this proposal and clearing it from scrutiny in October last year. This followed the submission of an Explanatory Memorandum and the provision of additional information, clarifying the issues raised in your letter of 11 July, by my predecessor, David Heath.

I am now writing to update you on the “first reading deal” on this proposal.

The UK was pleased that the compromises agreed with the European Parliament and Commission were in line with its key objectives to:

- Ensure continuing support for control and eradication of high impact animal diseases and priority plant pests with support for enhancing consistency of delivery of official controls;
- Ensure funding remains in line with the agreed Multiannual Financial Framework (MFF) 2014-20; and
- Leave open the opportunity for further funding where there is a serious animal or plant health emergency.

David Heath indicated that there were several areas under consideration. I would like to update you on the progress made against those areas along with further details of the key issues that developed during the negotiations:

- *The timing of the proposals* – two trilogues were held in December last year and the Lithuanian Presidency was successful in negotiating an agreement with the European Parliament. Coreper and the Commission then unanimously agreed this political agreement on 20 December. The technical consolidation and translation will now be completed in January and a letter will be sent to the European Parliament by the Greek Presidency;
- *The detail of the funding provisions* – the proposal remains in line with the agreed MFF for 2014-20. In relation to *access to “emergency funding”*, an amended recital acknowledges that, in an exceptional circumstance, the funding under the “Health and Consumers” budget may be insufficient to co-finance the necessary emergency measures. It states that, in these situations, funding should be mobilised by drawing, for example, on the flexibility instrument in accordance with the Inter-institutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management. This may therefore mean drawing on funding from other areas such as the “Agriculture” budget;
- *The inclusion of co-financing of compensation for the value of plants destroyed during control measures* – the compromise text includes the important foundation of a requirement to notify suspicion of plant pests in the Plant Health legislation before plant value compensation can be co-financed from 2017. This compromise does not require a Member State to provide compensation for plant value and that technical discussion will be held in the Plant Health Regulation Working Parties;
- *The new proposal for funding plant health programmes in “outermost regions” of the EU* – this has been accepted and supports the objective of preventing the entry and spread of non-native plant pests;
- *Use of Delegated powers* – the compromise text ensured that there is appropriate oversight by Member States, who lead on the funding and delivery of programmes and the obligatory responses to emergencies, for which they can then seek co-financing from the EU;
- *Revised deadlines for the submission of applications and reports* – the compromise text returns to the original deadlines and agrees a process to ensure that Member States have financial certainty when initiating programmes; and

— *Proposed minimum grant (EUR50 000) for co-financing* – this has been removed following concerns that it may impact disproportionately on smaller Member States and successful (long tail) programmes which may not support the “prevention is better than cure” principle.

I now expect that this legislation will be adopted before the end of this European Parliamentary Term.

22 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 22 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for updating us on the progress of this dossier following the “first reading deal”.

We understand that the legislation is expected to be adopted before the end of the European Parliamentary Term. We would be grateful for confirmation of this in due course.

12 February 2014

FISHERIES: CATCH QUOTAS AND EFFORT LIMITATION FOR 2014 (15299/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 4 December 2013.

We are content to support your broad approach to the negotiations and would emphasise our view that further strenuous efforts are required to maintain the current trajectory towards more sustainable seas.

Our support extends to your proposed approach to data-limited stocks, an approach that we have consistently supported in the past.

As regards the proposed reduction in effort for the cod fishery, it is our understanding that the legal impasse regarding last year’s amendment is unlikely to be resolved by the end of 2013. We would welcome clarification on the legal options for the freezing of effort yet again in 2014.

We are content to release the Proposal from scrutiny and look forward to your response in due course setting out the outcome of the Council, including the situation as regards effort levels for the cod fishery.

5 December 2013

Letter from George Eustice MP to the Chairman

DECEMBER EU FISHERIES COUNCIL – OUTCOME

Thank you for your letter of 5 December. I am grateful for the prompt handling by the Parliamentary clerks of the EM and supplementary EM on the fishing opportunities proposal for 2014, and the consideration and response your committee was able to provide within the tight deadline before we began this year’s negotiations. As promised I am writing to summarise the main outcomes from the EU Fisheries Council which took place this week.

As you are aware, the discussion at this Council meeting centres on the setting of next year’s number of days at sea and Total Allowable Catches (TACs) and quotas, involving decisions on a wide range of stocks including in the North Sea, the Irish Sea and the Celtic Sea. The UK is always a major player in these negotiations, with interests in over 120 (about 75%) of the stocks under discussion.

Knowing this, on taking up my role I wanted to ensure our negotiating position continued to be based on three clear principles: following scientific advice; achieving sustainability (Maximum Sustainable Yield) by 2015 where possible; and the need for continued discard reduction. We therefore adhered to these principles throughout to deliver an outcome which I believe is fully consistent with them.

To set this year's negotiations into context, they took place against the background of the recent agreement of the reform of the Common Fisheries Policy (CFP) which will apply from 2014 onwards. The reform heralds a ban on the wasteful practice of discarding fish at sea and also sets firm targets for reaching sustainable levels of fishing for all stocks. These factors influenced the outcomes for our key stocks, including accepting cuts in TACs where these were necessary to ensure sustainable fisheries.

Also the annual negotiations with Norway on shared stocks have been delayed into the new year. Fishing opportunities for stocks such as North Sea cod and mackerel that are subject to these third party arrangements have therefore been set on a provisional basis, to allow EU fishing activities to commence early in 2014, while awaiting the conclusion of the related negotiations.

The salient points of this year's negotiation outcomes are as follows:

It was my top priority to ensure that the current level of days at sea for fishermen would remain the same next year and that is exactly what has been achieved.

NORTH SEA (& WIDELY DISTRIBUTED STOCKS)

- December Council does not set TACs for stocks covered by EU/Norway negotiations. But it agreed an EU/Norway question for ICES to advise whether a rollover or modest increase in North Sea cod TAC will be compatible with MSY by 2015.
- TAC increases for megrim (8%), hake (49%) and boarfish (55%).
- TAC cuts for anglerfish (-10%) and nephrops (-11%).
- Gained rollovers for lemon sole & witch, dab & flounder, skates & rays (rather than -20% cuts).

CELTIC SEA

- Haddock VIIb-k – limited the TAC cut to -33% rather than -75%.
- TAC cuts for VIIb-k cod (-33%) and whiting (-22%).
- TAC increases for hake (49%), anglerfish (15%), herring (30%), plaice Bristol Channel (25%).
- Rollovers for megrim and pollack.
- TAC reductions for plaice Channel (-17%), sole Western Channel (-7%)
- Reduced TAC cuts from those proposed for sole Eastern Channel (-18%), sole Celtic Sea (-5%, and added to statement for a 4 year rollover after 2014), sole Bristol Channel (-9%).

IRISH SEA

- Nephrops TAC cut limited to -9% rather than -24%.
- Plaice VIIa limited TAC cut to -25% rather than -32%.
- TAC increase for herring (5%).
- Rollover for ling.
- Cod TAC cut (-20%)
- Whiting TAC cut (-5%, added to statement for a 4 year rollover after 2014).

WEST OF SCOTLAND

- TAC increases for megrim (20%), haddock Rockall (22%)
- Gained a rollover for whiting rather than a 20% cut.
- TAC decreases for haddock (-5%), saithe (-26%), nephrops (-8%), anglerfish (-10%); and rollover for ling

ALL AREAS

- Achieved agreement to maintain the effort freeze for all areas of the cod recovery zone, including the North Sea, West of Scotland and North Sea, avoiding further cuts in days at sea.
- Several additional data-limited-stocks get a 4 year rollover after 2014: sole and plaice in VII hjk, (Celtic Sea) whiting in VIIa (Irish Sea).
- And as indicated above:
- Skates & Rays – achieved rollovers for VIId (East Channel) and IV (North Sea), and limited the TAC cut to -10% rather than -20% in areas VI a-b (West of Scotland), VII a-c & e-k (Irish and Celtic Seas)
- Northern Hake – 49% TAC increase all areas

Under the 'Hague Preference' provisions the UK once again counter-invoked on those stocks of interest to the UK (to the west of the British Isles) on which the Irish had applied their own Hague Preference prerogative – which limited the potential damage of such invocation for the UK.

As mentioned above EU/Norway talks are due to recommence in the new year, which, in addition to North Sea cod, will agree the quota shares for North Sea haddock, whiting, plaice, saithe and herring, as well as on mackerel. These will need to take place before the complete set of fishing opportunities for 2014 are finalised.

Although these were difficult negotiations, I hope you will agree that we were able to secure the best possible deal for ensuring sustainable fisheries and a strong fishing industry across all parts of the UK.

I should also report on two fishery related AOB items introduced at the Council negotiations.

MACKEREL

Commissioner Damanaki reported to Council on her recent discussions with both Faroe Islands and Norway about resolving the existing dispute. An appropriate level of shares of the overall mackerel stock still needs to be agreed with Norway, Iceland and the Faroe Islands. Coastal state consultations will now take place in mid-January, with the EU-Norway negotiations following shortly after. The UK made clear that we were supportive of attempts to reach a deal with the other coastal states. But any deal would need to include Norway as a full partner and not involve new concessions on access to EU waters, nor should agreement be made at any cost: i.e. for the EU to bear more of the burden of a potential deal than Norway.

EUROPEAN MARITIME AND FISHERIES FUND

The Presidency provided an update on the negotiations with the European Parliament on the European Maritime and Fisheries Fund. A quick agreement this month would allow the fund to enter into force as soon as possible thereafter, providing support to the implementation of the recently agreed CFP. This required a flexible mandate for the Presidency in order to make this happen. Member States responded by briefly setting out their red lines and preferences. The UK argued that we did not want to see an increase in the budget for engine replacement as that would not contribute to the objectives of the CFP.

If you would like any further detail on any of the points raised in this letter, please do not hesitate to get in touch.

20 December 2013

Letter from the Chairman to George Eustice MP

Your letter dated 20 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 January 2014.

Thank you for your helpful and informative update summarising the main outcomes from the EU Fisheries Council in December.

Please consider this strand of correspondence as closed.

15 January 2014

FISHERIES: DISCARDS AND TECHNICAL CONSERVATION (18021/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 29 January 2014.

Although you highlight no concerns with this 'quick fix' Proposal, it seems apparent that a policy position is still being developed. We would be grateful to be kept updated on the progress of this dossier, including issues of concern raised by stakeholders and other Member States.

We would also emphasise to the Government the urgency of the formulation of a new longer term technical measures framework. How are you as a Government working with the Commission to press that urgency? We would be interested to know what scientific research is being conducted into these questions, and how survivability criteria will reflect the latest research.

Could you also inform us, please, of what assessment the Government has made of changes in monitoring and enforcement further to the introduction of these new regulations?

Finally, how will the highly survivable species provision in the discard ban be integrated into the new framework, being recognised for example in the Control Regulation, where such discarding would otherwise be seen as a serious infringement?

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

29 January 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 29 January 2014 following my Explanatory Memorandum on the above proposal.

You asked for details of the UK policy position in relation to this proposal. In broad terms we agree with the elements of the current legislation identified in this proposal for amendment to ensure there are no legislative impediments to implementation of the landing obligation from 1 January 2015. Our negotiation aim has been to develop the Commission's means of doing so in this proposal – for example by offering improved wording where appropriate. Generally we are in tune with the Commission's approach, probably as our early influence was brought to bear through comments and advice provided following informal previews of the proposal – and we have been appreciative of the Commission's consultative approach on this occasion.

We need to maintain focus on providing a workable legislative solution to amend the features of the current framework to support the landing obligation, so we can turn our attention to the overhaul where the real challenge lies. Maintaining such focus I anticipate will be the key challenge in determining how this quick fix exercise will proceed, including when the European fisheries committee begin their consideration of the detail of this dossier. We are briefing our MEPs accordingly, and I confirm we will be keeping you updated on the progress of this dossier.

I also confirm that I share your view in placing an appropriate emphasis on the urgency to commence an overhaul of the technical conservation measures framework. We have been preparing the ground accordingly. There has been extensive early UK engagement with the Commission in the last year on our vision of the changes required and the regionalised approach that will need to be reflected in the new framework. In addition, the Commission has now issued a public consultation⁶ on the development of the new framework for technical measures, and this consultation exercise will continue until 25 April. This step suggests they are working to their intended timeline which anticipates a proposal being brought forward in the summer.

You are right to ask about the development of the science to inform this overhaul process. I can confirm that the Scientific, Technical and Economic Committee for Fisheries (STECF) has set up an expert group exploring CFP implementation issues around survivability exemptions as well as other management flexibilities of *Article 15* of the new CFP (i.e. *de minimis* exemptions and quota flexibilities). The expert group will provide advice and guidance to the Commission and Member States to assist with the implementation of the landing obligation. The first report of STECF on this

⁶ http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/technical-measures/index_en.htm

issue⁷ provided guidance on undertaking survival studies and how to determine “high survival”. STECF work continues in this area and their recommendations will be considered as our policy and research in this area develops.

Defra has commissioned some domestic survivability studies to improve the evidence base where there is a perceived high likelihood of survival for species in certain fisheries. These case studies are in collaboration with fishermen and are expected to start this month; however, the timing and duration of the sea-trials are dependent on suitable weather conditions.

The UK is also working with Member States to communicate and where possible co-ordinate priority research activities on discards through the newly formed regional groups for the North Sea and North Western Waters. These Member State groups will be working together to develop discard plans that will implement the EU landing obligations through regionalisation. The Member State regional groups will also communicate with and be advised by the respective Advisory Councils as discard plans are developed. Where possible, evidence on fish survival will be used to develop discard plans, which will include any necessary exemptions for “high survival” species caught in a fishery, or by particular gears. More widely, full documentation of catches will be considered as part of the UK implementation planning process to ensure suitable control and monitoring of the landings obligation, conforming with fully reviewed control and technical conservation regulations and regionally agreed discard plans.

Defra is also planning to issue a consultation on the pelagic landing obligation implementation shortly, which will set out the changes we need in relation to implementing the pelagic discard ban and inviting the views of key stakeholders.

I believe that the renewal of the technical measures framework will be a key step to securing the success of the implementation of the new CFP, and I look forward to seeing this essential process underway.

12 February 2014

Letter from the Chairman to George Eustice MP

Your letter of 12 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

We note the progress of the negotiations and support your desire to move quickly.

It was particularly helpful to be made aware of the expert group that is exploring CFP implementation issues around survivability exemptions and other CFP management issues. The work that you referenced demonstrates the complexity of the issue. We are pleased to note that the Government are working domestically and with other Member States on the implementation of the discard ban, including the survivability exemption specifically.

We are content to release the Proposal from scrutiny and look forward to an update on the progress of negotiations in due course.

13 March 2014

FLUORINATED GREENHOUSE GASES (15984/12)

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

I am writing to follow up on correspondence you have had with Lord de Mauley regarding progress on the above proposal and your agreement to release it from scrutiny. I am now the responsible Defra Minister for this dossier and would like to update you on the excellent progress that has been made since Lord de Mauley’s last letter to you.

Discussions between representatives of the European Council and Parliament on a new EU Regulation on fluorinated greenhouse gases (F gases) commenced on 7 October via informal trilogues. The Lithuanian Presidency represented the Council and the Parliament was represented by the Rapporteur of the Committee on Environment, Public Health and Food Safety (ENVI). Discussions

⁷ http://stecf.jrc.ec.europa.eu/documents/43805/610582/2013-11_STECF+13-23+-+Landing+obligation+in+EU+Fisheries-part1_JRC86112.pdf

extended across three further informal trilogues on 6 and 27 November and 16 December 2013 and five tripartite technical meetings. The objective throughout was to secure adjustments to the Commission's proposal for a new EU F gas Regulation that could be agreed by the Parliament and the Council at first Reading.

As outlined by Lord de Mauley in September, when discussions in the informal trilogues commenced there were some pivotal issues upon which there was considerable disagreement between the position developed in Council working parties and the proposals for amendment put forward by the European Parliament's ENVI Committee. However, I am pleased to report that as a result of concerted efforts on all sides to find a way forward, compromise adjustments were agreed in the informal trilogues that have proven to be acceptable to both the Council and the Parliament.

The Council's Permanent Representatives Committee (Coreper) approved the compromise amendments in December and ENVI Committee voted in favour on 30 January. The proposal as amended was considered and approved by the European Parliament on 12 March at First Reading. It will now be forwarded to Council for agreement.

THE KEY ELEMENTS OF THE PROPOSAL AS AMENDED IN TRILOGUE

The compromise amendments to the Commission's proposal agreed in the informal trilogues meet UK objectives in all key areas. The final agreed text is, I believe, a proportionate and achievable proposal that should deliver ambitious reductions in the use and emissions of F gases.

The UK has long supported a phase down in the availability of hydrofluorocarbons (HFCs) as the most effective means of reducing use and emissions of F gases and this remains the central element of the Commission's proposal. There has, however, been considerable uncertainty surrounding the final shape of a number of elements of the phase down, in particular its pace and profile, how HFC quotas should be allocated and the need for and definition of bans to support a phase down. You may recall that the Council and the Parliament were some way apart on each of these issues.

With regard to the pace and profile of the phase down we appear finally to have settled on the Commission's original proposal. Analysis undertaken by Defra indicates that this is achievable with sufficient flexibility between years to smooth out over and under allocation of HFC quotas in the years before and after each of the phase down steps. The Commission's proposal would commence with a freeze in HFC availability in 2015 and would reduce availability of HFCs in six steps to 21% of the freeze, expressed in tonnes CO₂ equivalent, by 2030. Agreement of the Commission's proposal followed consideration of less ambitious proposals put forward by some Member States and far more ambitious proposals from ENVI Committee that would reduce availability to significantly less than 21% with much steeper interim steps.

The current compromise also excludes HFCs used in specific medical and military applications from controls under the phase down. These are important uses where currently there is little prospect of alternatives emerging within the timescale of the phase down. Other exemptions can be put in place via Implementing Acts to ensure supply of HFCs for other critical uses should that be considered necessary.

There has been considerable discussion over the need for specific use bans in addition to the HFC phase down. I explained our position on bans in previous letters to you. Essentially we supported the bans set out in the Commission's proposal and have considered further bans 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.

ENVI Committee put forward proposals for a range of broad bans on stationary refrigeration and air conditioning equipment that went far beyond the bans in Annex III of the Commission's original proposal. The UK shared the concerns of many Member States in Council that the bans proposed by ENVI were too broad to be workable. We also believed that some adjustment was needed to the detail of bans proposed by ENVI on foams containing HFCs. Over the course of the four informal trilogues a range of more focused compromises on bans were proposed by the ENVI Rapporteur and considered by the Council. The final compromise that we are able to fully support retains all of the bans proposed in Annex III of the Commission's original proposal plus additional defined sub sector bans on the use of HFCs in stationary refrigeration equipment, multipack centralised refrigeration systems for commercial use and single split air conditioning systems as well as bans on foams and technical aerosols that contain HFCs. These are ambitious but achievable compromises.

Under a phase down, the total available HFCs that can be placed on the EU market will have to be allocated to specific companies in the form of quotas. The key area of discussion related to how such quotas should be allocated, in particular whether this should include a charge. ENVI Committee

proposed that companies should pay a fee for their HFC quotas whilst some Member States proposed the auctioning of HFC quotas. Neither of these proposals secured significant support from Member States who viewed charges to be in effect a tax and who did not believe the size or nature of the HFC market coupled with a phase down warranted a costly and complex auctioning system. Ultimately, the compromise has been to maintain the Commission's original proposal to allocate HFC quotas free of charge to companies on the basis of historic activity in the market and to reserve a significant proportion (11%) for allocation to new entrants to the market. The Commission will, however, be required to publish a report in 2017 assessing the allocation method for HFC quotas under an HFC phase down.

In order to maintain the integrity of an HFC phase down the Commission had proposed a ban on the prefilling of equipment with HFCs prior to sale. This proposal had met with significant opposition from Member States, including the UK, because of the high costs to business and consumers and the environmental consequences of the proposal. This has now been replaced with a system that documents and tracks HFCs pre-filled into equipment at the time of manufacture so as to ensure that they are fully accounted for within the overall HFC phase down.

There have of course been a number of other less significant but nevertheless important adjustments made to the Commission's original proposal that I also support. In particular, the provisions that allow controls on the use of high global warming potential (GWP) F gases in stationary refrigeration equipment have been amended to take into account new equipment placed on the market and the servicing of equipment already in use. Within these controls we have ensured that there is provision for a sufficient market to facilitate the continued recovery, reclamation and recycling of F gases with a high GWP.

NEXT STEPS

Following First Reading agreement of the draft Regulation by the European Parliament, Council consideration and agreement is expected to take place before the end of March. Publication in the Official journal would then be expected to come before the end of the Greek Presidency in June but could be as early as May. Twenty days thereafter the new Regulation would enter into force. If the proposed timetable in the draft Regulation is followed it would apply from 1 January 2015.

Between now and 2015 there is a great deal of work to be done by the Commission to draft and agree with Member States the necessary detailed implementing regulations. Until those Regulations are agreed the current Commission implementing regulations will remain in force. The priority for the Commission will be getting the necessary arrangements in place to allow the HFC phase down to commence from 1 January 2015.

The Regulation also requires the Commission to undertake a series of assessments of various elements of the new Regulation. This includes examination by 1 January 2017 of EU Union legislation relating to training for the safe handling of alternative refrigerants to replace or reduce the use of F gases and an assessment by 1 July 2017 of the quota allocation method, including the impact of allocating quotas for free without charge. Alternatives to F gases for medium-voltage secondary switchgear and new small single split air-conditioning systems will be assessed by 1 July 2020 and by 31 December 2020 the Commission must publish a report on the availability of HFCs on the Union market. Any of these assessments could lead to further legislative proposals from the Commission. A comprehensive review of the effects of the new Regulation would be carried out by the Commission no later than 31 December 2022.

We continue to work closely with the European Commission, businesses and other stakeholders and this will continue over the coming year on the detailed implementation of these new measures across Europe and the UK. We will be working to revise as necessary our own implementing Regulations and as part of that work will complete an assessment of the impacts of the new Regulation, building upon the detailed assessment completed by the European Commission.

24 March 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 24 March 2014 on the above Proposal was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 9 April 2014.

We note the considerable progress made since Lord de Mauley last wrote to us on this topic. We welcome the compromise that has been achieved, including the sub sector bans on the use of HFCs in

stationary refrigeration equipment, multipack centralised refrigeration systems and single split air conditioning systems.

Throughout the process of negotiating this Proposal, we have emphasised the importance of encouraging innovation into alternative products. The compromise text includes a requirement on the Commission to collect information on national codes, standards or legislation of Member States with respect to replacement technologies. A synthesis report on this information is to be published by first subparagraph by 1 January 2017. This places a responsibility on all Member States to monitor the market carefully to identify emerging replacement technologies. It would be helpful if you could confirm how you intend to do so, ensuring that the work of innovative SMEs is identified.

We note that attention will now turn to the detailed rules regarding implementation. Careful monitoring of the implementation of this Regulation will clearly be essential. Your observations on changes that may be required in the UK to support effective monitoring would be helpful.

10 April 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 10 April regarding the above proposal. I am writing in response to your questions relating to the identification of emerging replacement technologies and monitoring the implementation of the new Regulation.

As you note, the draft Regulation, which has now been approved and adopted by both the European Parliament and the Council, includes a requirement in Article 11(6) for the Commission to collect available information from Member States on national codes, legislation and standards or legislation with respect to replacement technologies using alternatives to fluorinated gases in refrigeration, air-conditioning and heat pump equipment and in foams. The Commission is to publish a synthesis report by 1 January 2017. As you imply in your letter, it will be necessary to have identified relevant emerging technologies in order to identify the national codes, standards or legislation that would apply.

The Commission will certainly give greater definition to what it wants from Member States when it comes to gather the information and prepare the report. However, there are a number of activities that will be in place and will support our response to the Commission's request and that will help us to identify new and innovative technologies in the UK and globally, wherever they are being developed, from large multi-national organisations to the smaller and innovative SMEs that you mention. We have already undertaken a considerable amount of work to identify such emerging technologies in each of the relevant sectors as part of our assessment of the draft Regulation and we will continue with that work as we complete the Impact Assessment that will accompany new Regulations in the UK. We will also continue to work closely with stakeholders on implementation of the new Regulation. In particular, the Regulation requires that Member States ensure access to information on relevant technologies to replace or reduce the use of fluorinated gases as part of the training and certification requirements in Article 3. We will be working with stakeholders to determine how this information can be collected, kept up to date and made available.

There are also a number of other ongoing assessments that we expect will provide further insight over the coming years, not least those undertaken by the Technology and Economic Assessment Panel of the Montreal Protocol who continue to look in detail at emerging alternatives to ozone depleting substances around the world. Defra and UK business contribute information to support the preparation of these assessments and we continue to consider them in detail to inform our negotiating position on a potential global phase down of hydrofluorocarbon (HFC) production and use.

With regard to monitoring implementation we expect to take much the same approach as we did with the current Regulation, which has been successful in ensuring full implementation in the UK and has been cited by the European Commission as an example of good practice. We expect to be able to encourage and maintain an overview of implementation through a combination of close engagement with stakeholder groups, self-policing and the guidance and enforcement activities of the Environment Agency.

Existing reporting requirements will continue and are managed by the European Commission who are currently discussing with Member States and businesses the details of any changes that will be needed to meet the additional requirements of the new Regulation. There are a number of additional reporting requirements that will assist us in monitoring implementation, mostly resulting from the requirement to closely monitor the import, export and placing on the EU market of HFCs as part of the HFC phase down. A significant addition is the requirement to report on fluorinated gases in

products and equipment placed on the EU market. The change from reporting according to weight of gas to a CO₂ equivalent may have little impact on the businesses that are required to report. However, more significantly, where previously reporting was restricted to Annex I gases the new Regulation requires reports on the gases in Annex II which will allow us to monitor their use in future.

We will continue to have access to the data reported to the Commission so that, with the support of authorities in the Devolved Administrations, we can properly oversee and ensure implementation across the UK.

1 May 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 1 May 2014 on the above Proposal was considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 14 May 2014.

The information that you provided helpfully addressed our outstanding queries. Please consider this strand of correspondence to be closed.

14 May 2014

FRAMEWORK FOR CLIMATE CHANGE AND ENERGY POLICIES (8096/13)

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

We corresponded last June and July on the issue of the European Commission Green Paper on an EU 2030 Climate and Energy Framework and the Council position on the EU Emissions Trading System (EU ETS) backloading proposals. I endeavoured in my letter of 26th June to respond to the outstanding points you raised (in your letter of 14th June). These related to the level of support for the UK's position on an EU emissions reduction target and the prospect of an EU 2030 renewable energy target. You also asked to be kept informed on progress on the Commission's work to reform the EU ETS and asked for my views on the impact of the carbon floor price in the UK.

Please accept my apologies for the delay in responding. I was keen to have a clearer understanding of the Commission's proposals and other Member States' developing positions before doing so. Recent developments have provided further clarity both on the EU 2030 Climate and Energy Framework and the Commission's intentions for reform of the EU ETS and so it is an opportune moment both to respond to your outstanding questions and to update you more generally in these areas.

As you will know, the European Commission released its White Paper on the 2030 Climate and Energy Framework on 22nd January 2014. This recommended that the EU adopt a 40% domestic greenhouse gas reduction target for 2030, and a 27% EU-wide renewable energy target, that would not be binding on individual Member States. My Explanatory Memorandum (EM5644/14), submitted to Parliament on 19 February 2014, provides further details of the proposals.

Since the release of the Commission's proposals, a number of other Member States have begun to clarify their positions, and I have continued to work hard with my European colleagues to build support for a package that is ambitious, cost-effective and flexible. This has included working with other EU Ministers through the Green Growth Group, a group of like-minded EU energy, climate and environment ministers, which I instigated last year, with a view to promoting EU low carbon ambition.

On 3rd March 2014, I co-signed a statement (attached [not printed] to this letter) along with thirteen other ministers from the Green Growth Group, including those from France Germany, Italy and Spain. This called for the European Council in March to agree on the core elements of a climate and energy framework for 2030, including a domestic greenhouse gas target of at least 40%, and an EU-level renewable energy target of at least 27%, which should not be translated into binding national targets. I believe that issuing this joint statement that twelve other member states have signed up to, is a step forward to securing agreement on a 2030 package. You will notice that the UK position of a 50% GHG target is not formally in the letter but by getting twelve member states to recognise the need to do "at least 40%" I believe the door is open for higher ambition. I will continue to push for this, and I was encouraged to see in recent days Sweden backing our position on a 50% target.

You will of course note from the statement that the UK has indicated that it is willing to support an EU wide renewable energy target of 27% (as proposed by the Commission) on the proviso that this is

not translated into binding targets for renewable energy at Member State level. The UK position remains that Member States must be given the flexibility to meet their greenhouse gas targets in the most cost-effective way, in accordance with their specific circumstances, energy mixes and capacities to produce renewable energy.

I also wanted to update you on the recent Environment and Energy Councils on the 3rd and 4th March respectively, which I attended for the UK. Both Councils discussed the 2030 Climate and Energy Framework. Overall, there was a broad degree of support for the Commission's proposal of a 40% domestic greenhouse gas target and the idea of an EU level renewable energy target, with some exceptions in both cases. There are varying views on the timing of an agreement on the framework but a substantial grouping of environment ministers favour rapid agreement on the package.

The Greek Presidency will write to the President of the European Council to outline the views of both Councils in advance of the March European Council. It is currently difficult to judge whether it will be possible for the European Council to achieve agreement in March on this issue, but the UK will continue to push for an agreement of an acceptable framework in March, both with a view to preparing for the upcoming discussions at the UN Framework Convention on Climate Change – including the UN Secretary General's summit in September 2014, and the Conference of Parties in Paris in 2015 - and to provide early increased certainty for investors.

You will also be aware that the European Commission issued legislative proposals to reform the EU ETS, in the form of a Market Stability Reserve. This would automatically adjust the supply of allowances to be auctioned in response to changes in demand, if pre-defined conditions were met.

As you know, we have long called for reform of the EU ETS; so we welcome the fact that the Commission has put forward a legislative proposal. We are analysing the draft legislation in detail before taking a firm view but, in principle, the UK Government is open to considering the potential role of a Market Stability Reserve in providing a stronger investment signal, increasing the resilience of the EU ETS to external shocks and addressing the surplus of allowances in the system.

While these proposals are a step in the right direction, we do not believe that they would address the current oversupply of allowances in the EU ETS adequately. The UK continues to call for cancellation of an ambitious volume of allowances to reduce the current surplus and help restore the balance between supply and demand.

An Explanatory Memorandum on the Market Stability Reserve proposal (EM5654/14) was submitted to Parliament on 6 February and provides further details on the proposal.

In your previous correspondence you raised the issue of the carbon price floor and its impact on competitiveness. Effective carbon pricing, including the carbon price floor (CPF), is an important part of the Government's energy policy. Establishing a minimum carbon price sends an early and credible signal to help drive billions of pounds of investment in low-carbon electricity generation.

The carbon price floor has been in effect since April 2013 and DECC estimates that it has added around £2/MWh (2%) to electricity costs for businesses. The carbon price floor is one part of our approach to decarbonising the electricity generation sector, and the Government is aware of the impacts of the totality of policy costs on the most electricity-intensive industries. We have committed to compensating the most electricity intensive businesses to help offset the indirect cost of the carbon price floor and the EU Emissions Trading System, and to exempt them from a proportion of the costs of Contracts for Difference, subject to EU state aid guidance.

I hope this response answers your previous questions and clarifies the recent developments in the negotiations on the 2030 framework. Please do not hesitate to write to me if you have any further questions.

10 March 2014

Letter from the Chairman to Edward Davey MP

Your letter of 10 March 2014 on the above Green Paper was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 March 2014.

Thank you for your helpful update on this dossier.

We recently considered the Commission's Communication on a 2030 climate and energy framework (EM 5644/14) and the proposal for the establishment of a Market Stability Reserve for the EU Emissions Trading System (EM 5654/14). We will continue to pursue the issues raised under this EM through our scrutiny of those items.

In the meantime, we are content to release the Green Paper from scrutiny and mark this strand of correspondence as closed.

21 March 2014

GREEK PRESIDENCY PRIORITIES FOR THE ENVIRONMENT, AGRICULTURE, FISHERIES AND ANIMAL HEALTH AND WELFARE (UNNUMBERED)

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

I am writing to provide you with an overview of the Greek EU Presidency's priorities over the coming months in terms of Defra's Council business. Greece holds the six-month rotating Presidency of the EU Council of Ministers from 1 January until 30 June 2014.

15 January 2014

GREENHOUSE GAS ALLOWANCES (13052/12)

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

Your letter dated 16 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 15 January 2014.

Thank you for your helpful and informative update.

We are pleased to note that the Council has agreed a position in support of the backloading proposal as amended by the European Parliament.

We will consider longer term reform to the EU ETS in the light of the anticipated legislative proposals from the Commission. Please consider this strand of correspondence as closed.

18 January 2014

HIGH VOLUME HYDRAULIC FRACTURING (FRACKING) IN THE EU (5700/14, 5706/14)

Letter from the Chairman to Michael Fallon MP, Minister of State, Department of Energy and Climate Change

Your Explanatory Memorandum (EM) on the above Recommendation and Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

In our report, *No Country is an Energy Island*, we concluded that a regulatory structure for the exploitation of shale gas in the EU should be developed.⁸ This non-binding Recommendation from the Commission may be sufficient in itself to provide the necessary guidance to Member States as to how EU legislation should be applied to the exploitation of shale gas.

You express concern that the scope of the Recommendation would extend to conventional sources of hydrocarbons. We would welcome further precision from you on this. It is our understanding that "tight" sources might be included but that "conventional" sources should not require high volume hydraulic fracturing. Clarification of your understanding would be helpful, as well as confirmation that you will be raising this concern regarding definition with the Commission.

We agree with you that the time limit that the Commission has set itself to assess the effectiveness of the Recommendation is likely to be insufficient to enable the Commission to undertake an evidence-based assessment, particularly if it is on this basis that it decides whether to table a legislative proposal. We would welcome clarification on how you intend to take this forward with the Commission.

⁸ European Union Committee, *No Country is an Energy Island: Securing Investment for the EU's Future* (14th Report, Session 2012-13, HL Paper 161)

You note that the Energy and Environment Councils are likely to debate the Recommendation. We would welcome any information that you may already have on the approach adopted by other Member States to the Recommendation.

We are content to release both the Recommendation (5700/14) and Communication (5706/14) from scrutiny and look forward to your response within 10 working days.

13 March 2014

Letter from Michael Fallon MP to the Chairman

Thank you for writing to me on this issue, and for releasing the above documents. As you will be aware, the UK Government is committed to ensuring that all hydrocarbon exploration and production activities are undertaken in a safe and environmentally-responsible manner. The EU has a long history of ambitious environmental protection, and we do not believe there is a strong case for further EU regulation at this stage; therefore we welcome the Commission's decision not to propose legislation.

In response to your question regarding the scope of the Recommendation, I will refer to earlier descriptions of the Commission's work in this area. For instance in the 2013-2014 Commission work programme, referred to a risk assessment framework for 'unconventional hydrocarbons', the Recommendation and the Communication are not explicitly limited to unconventional - the title and content refer simply to 'extraction of hydrocarbons using high volume fracturing'. Relatively large volumes of fluid are known to be used on occasion in fracking for conventional oil or gas offshore, and we were concerned that these might fall within the scope of the Recommendation, whether or not this was intended. (In February's Energy Working Group, Denmark, which has similar concerns, asked if the package was intended to cover conventional operations and the Commission replied that this was not intended.) However, we will seek further assurances from the Commission on this point.

As regards "tight" gas extraction, this does usually require fracturing with substantial volumes of fluid and thus could be in scope of these documents. There is no tight gas production in this sense in the UK, though it is known elsewhere in the EU, notably in Germany.

Given that the Recommendation is non-binding, we will continue to regulate the shale gas sector safely under national legislation and existing EU obligations. We will continue to work with the shale industry in the UK to encourage responsible development, and gather evidence from these operations to share with the Commission where appropriate. We have good links with the Commission and will engage with them ahead of their review date to urge caution on a legislative proposal until sufficient evidence can be gathered.

Other Member States have varied views on the Recommendation. At the February Energy Working Group, attendees were given the chance to ask the Commission clarification questions. These mainly concerned the timeline for implementation and review, clarity on next steps, advice on technical working groups and the legal status of the Recommendation. Some Member States would have preferred to see mandatory Environmental Impact Assessments (EIAs) for onshore shale gas. At the March Environment Council, some Member States expressed disappointment that the Commission did not opt for regulation. The UK and supporting Member States stressed that the current legislative framework was adequate and questioned the implication that the Commission would bring forward legislation in 18 months' time.

I hope that I have addressed your queries, and that you will continue to engage with my Department on this issue.

23 March 2014

Letter from the Chairman to Michael Fallon MP

Your letter of 23 March 2014 on the above Recommendation and Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 2 April 2014.

We were interested to read the comments that other Member States expressed in the February Working Group and March Council. It seems to us essential to secure a commitment from the Commission that its 18 month review date is, at the very least, flexible.

You noted in your original EM that there would be a further exchange of views on the Commission's Recommendation at the June Environment Council. We would welcome clarity as to whether the Presidency hopes to deliver an outcome to that discussion in the form of Presidency or Council

Conclusions. It would also be helpful if you could set out the UK's own objectives from that exchange of views.

We look forward to an update on further developments in due course.

3 April 2014

Letter from Michael Fallon MP to the Chairman

Thank you for your letter of 3 April, acknowledging my previous letter on the above documents, and for your views on the review timeline. A number of Member States also have concerns about the implementation and review timeline, and we will continue to question the Commission about flexibility.

We expect that there will be a further exchange of views at the June Environment Council. However, we do not expect that this will be a lengthy discussion. Given that the Recommendation is non-binding, we do not expect the Presidency to seek an outcome in the form of any Presidency or Council Conclusions.

The UK will continue to lead in the debate on shale gas in the EU. We want to encourage responsible development of shale gas in any Member State who wishes to do so, and will carefully examine any movement towards new EU regulation on this topic. We will continue to hold this position at the June Council.

13 April 2014

Letter from the Chairman to Michael Fallon MP

Your letter of 13 April 2014, which we received on 29 April, on the above Recommendation and Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 14 May 2014.

We note that you do not expect a significant debate at June Council. It would nevertheless be helpful to receive an update after that discussion and reflecting any further dialogue that you may have had with the European Commission in the meantime.

You state that the UK will continue to lead in the debate on shale gas in the EU. It would be helpful if, in your response, you could elaborate on this statement in terms of support for your position among other Member States, and your strategy to work with the new European Parliament and the new European Commission.

14 May 2014

HONEY (13957/12)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to provide you with a further update on the progress of the negotiations on this proposal as it reaches its final stages.

Your Committee has already provided us with the necessary scrutiny clearance enabling the UK to vote in favour of this proposal and I thought you would welcome a further status update.

COUNCIL

All Member States have been broadly in agreement with the Commission's proposition that pollen should be defined as a natural constituent of honey rather than a distinct ingredient. Some Member States, such as Hungary, have tried unsuccessfully to secure additional labelling to highlight the presence of GM pollen but this would have been counter to GM legislation and would have made a special case for honey. The current proposal as it stands now means that pollen is not to be regarded as an ingredient for the purposes of the Honey Directive, food labelling purposes or GM Regulations. This is satisfactory for the UK as it will not take honey containing GMO pollen completely outside of the safety regime provided by the GM Regulations 1829/2003. However, it still means GM pollen will

need to be labelled if it is present above a level of 0.9% GM pollen in honey or as a result on non-adventitious or avoidable contamination.

EUROPEAN PARLIAMENT

Following the request for an Impact Assessment the European Parliament (EP) has been considering this proposal in the latter part of 2013. Its Agriculture Committee provided a very favourable report very much in line with UK thinking. The Environment Committee report was less favourable and focussed on some of the wider GM-specific issues. The Plenary adopted its final report in January this year which served the UK interests well. This has paved the way for the commencement of trilogue negotiations between the Presidency, Commission and EP with the aim of reaching a First Reading Deal.

A First Reading Deal was agreed in principle with the EP late last week. The EP has given way on all of their amendments relating to GM. The Commission has also given way and accepted the use of implementing acts to set methods of verification should there be a need in the future. In order to secure this deal with the EP it was necessary to agree to the addition of two new delegated acts (DAs). The UK and many other Member States questioned the need for these but as this was a deal breaker the UK were keen not to see the proposal lost to a relatively minor issue. The DAs simply give the Commission the ability in the future to define more explicitly what is meant by the term “wholly or mainly” (in terms of floral or topographical origin) and to set pollen thresholds for filtered honey if they feel the need. On the former, the UK could see the benefits of the establishment of criteria for the floral or vegetable origin of honey and what is meant by the word “wholly” in the future. In terms of filtered honey, we reluctantly conceded this in the knowledge that UK does not produce or sell filtered honey (as defined by the Directive). This is a small concession in order not to lose the whole proposal and secure a First Reading Deal.

So I am pleased to be able to report that negotiations on the honey dossier are almost concluded and that we have secured a very good deal in line with UK aims to ensure that pollen will not be regarded as an ingredient in honey. This will greatly help the UK honey industry who would otherwise have needed to relabel all honey and honey containing products as containing pollen. The compromise deal was adopted by the EP's Environment committee on the 19 March and should be formally adopted at the next EP Plenary session in April. The dossier will then go to a forthcoming Agriculture Council for final adoption.

25 March 2014

Letter from the Chairman to George Eustice MP

Your letter of 25 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

We are grateful for the information that you have provided and we are content to now close this strand of correspondence.

10 April 2014

IMPLEMENTATION OF THE COMMUNICATION ON SECURITY OF ENERGY SUPPLY (13642/13)

Letter from the Michael Fallon MP, Minister of State, Department of Energy and Climate Change, to the Chairman

As requested in your letter of 17 October 2013, I am writing to inform you of the discussions that took place at the end of last year on EU external policy.

Following the Lithuanian Presidency's Informal Energy Council in Vilnius on 19-20 September, which included discussion of the external dimension of the EU energy policy, the Commission requested views from Member States on their assessment of progress since November 2011 in strengthening EU external energy policy, and the further actions needed to achieve the aims and targets set out in the November Council conclusions.

Member State views were discussed at official-level in the Energy Working Party in Brussels in preparation for a Council Report to be presented to and endorsed at the Energy Council on 12 December. Discussions focused on developments in the global landscape since 2011, progress and

achievements in EU external energy policy since 2011 and actions needed to strengthen further EU external energy policy.

The Lithuanian Presidency presented a report at the 12 December Energy Council reviewing developments in EU external energy policy since the November 2011 European Council conclusions, based on the extensive written and oral contributions of Member States and the Commission. Ministers endorsed the report and agreed that the Commission, the Council and Member States should continue their efforts to develop the EU's external energy policy. I am attaching [not printed] a copy of the Council report for your information.

The UK welcomed the progress and significant achievements since 2011, although with the usual caution about ensuring Member States retain the freedom to act and to make statements on international energy relations.

10 February 2014

Letter from the Chairman to Michael Fallon MP

Your letter of 10 February 2014 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your helpful response, including the Council report presented by the Lithuanian Presidency at the December Energy Council.

Please consider this strand of correspondence as now closed.

13 March 2014

INTERNATIONAL AVIATION EMISSIONS (15051/13)

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

Thank you for your letter of 28 November 2013 seeking clarification on the Explanatory Memorandum which the European Union (EU) Agriculture, Fisheries, Environment and Energy Sub-Committee discussed at its meeting on 27 November 2013.

The UK remains firmly supportive of the inclusion of aviation in the EU Emissions Trading System (ETS), in the absence of a global measure as a cost effective solution to tackling aviation's growth emissions, whilst at the same time enabling long-term sustainable growth in the aviation industry. The progress made at this year's International Civil Aviation Organisation (ICAO) Assembly to agree to develop a global measure to tackle aviation emissions was a highly significant development. The Assembly resolution was a first step and further work is needed to make sure it becomes a reality. A global Market Based Measure remains the main goal to achieve aviation emissions savings. This is a goal supported by the aviation industry's International Air Transport Association and the global Market Based Measure should be the focus of the EU's efforts in the run up to the ICAO Assembly in 2016.

The UK has been in contact with many non-EU states most of whom believe the European Commission's 'European Regional Airspace' approach is inconsistent with the ICAO Climate Change Resolution. The ICAO Assembly firmly rejected the airspace approach proposed by European states and instead adopted a Resolution which they regard as a finely balanced package which includes agreement to develop a global measure. The views heard from a number of countries via British Embassies is that the EU has selectively ignored the parts of the Assembly outcome by proposing the airspace approach and this has provoked a negative reaction, including from countries which have been allies of Europe on climate and aviation matters and support the goal of a global Market Based Measure. We do not therefore want to support an EU ETS proposal which might at this stage lose us support for the global solution.

The Government's objective for the current negotiations on Aviation EU ETS is for Member States to reach agreement with the European Parliament by next spring on legislation that will help facilitate an agreement in 2016 on a global market based measure for aviation emissions.

On balance, given third country reactions received to date, the Government supports a reduction in scope to an intra-EEA (European Economic Area) scheme from 2013 until at least 2016. This

approach is also supported by a number of other Member States and we are confident that we can build a qualified majority in Council for this position.

The Government is working closely with other Member States, the European Parliament and Commission to reach agreement on the proposal, and agree any amendments, before the Parliament dissolves ahead of elections in May 2013. We are open to exploring potential compromises to secure a common position to this deadline. If agreement is not reached in these challenging timeframes, the full scope Aviation EU ETS automatically resumes (referred to as 'snap-back'). If this were to happen, there is a strong likelihood that third countries would react vigorously and the prospects for agreement of a global Market Based Mechanism would be jeopardised.

You requested further information on the practical application of the proposal as it stands. My officials together with Department of Transport colleagues held a stakeholder consultation event on 14 November at which some practical issues with the Commission proposal were raised:

- The phased approach of an intra-EEA scope in 2013 and 'European Airspace' approach from 2014-2020 and extraordinary two year compliance cycle for aviation emissions could be problematic for scheme verifiers as they would have to verify two different data sets in 2015 for 2014 and 2013.
- The double reporting of emissions and surrendering of allowances for 2013 and 2014 could place a strain on resources. It was however, recognised by most delegates that some deferral of compliance in respect of 2013 emissions was necessary to allow time for adaptation, but this did not need to be until 2015.
- Concerns about how the 1,000 tonne CO₂ per annum exemption threshold for non-commercial operators would be calculated and by whom. If the aircraft operator had to continue to measure their emissions to determine whether they were exempted, this would not reduce the administrative burden. Some stakeholders were concerned that the 1,000 tonne threshold applies to emissions under the full scope of the EU ETS (all flights arriving and departing in the EEA) despite the reduction in this scope set out in the proposal.

The UK is seeking to obtain clarity on these issues during the EU negotiations currently underway.

You also asked for further clarification on the reservations placed by the 42 states of the European Civil Aviation Conference (ECAC) on ICAO Resolution A38-18. The text submitted by the European states acknowledged that the ICAO Resolution was a significant step forward in ICAO's efforts to comprehensively address the climate change impacts of international civil aviation; in particular, the text on the global Market Based Measure) was welcomed. However, the response also sought to clarify the European position in relation to the paragraph of the Resolution which had implications for Aviation EU ETS⁹, because it effectively said that States implementing regional or national market based measures for aviation should seek the consent of all governments concerned before the measure could apply to their operators. The reservation text¹⁰ highlighted that the Chicago Convention recognised expressly the right of each Contracting State to apply on a non-discriminatory basis its laws and regulations to the aircraft of all States. The 28 Member States of the European Union, and the other 16 Member States of ECAC, although they are committed to multilateral action to address the effects of aviation emissions, sought to recall that Assembly resolutions may not diminish these rights or add to the obligations of ICAO Contracting States.

10 December 2013

Letter from the Chairman to Gregory Barker MP

Your letter of 10 December on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 18 December 2013.

We note your reluctance to confirm that the UK Government would not support a one year extension to the current suspension. From the information that you share relating to the views expressed by third countries, it would seem that an extension is the most likely outcome, unless Member States such as the UK take a strong stance. We would welcome an update on the issue as a clearer position emerges.

We look forward also to further information on the progress of these urgent negotiations.

⁹ Paragraph 16. a)&b), p94-5: http://www.icao.int/Meetings/a38/Documents/Resolutions/a38_res_prov_en.pdf

¹⁰ http://www.icao.int/Meetings/a38/Documents/Resolutions/summary_en.pdf

We shall retain the Proposal under scrutiny and look forward to a response in due course.

19 December 2013

Letter from Gregory Barker MP to the Chairman

Thank you for your letter of 19 December 2013. You asked to be updated on the negotiations on Aviation EU Emissions Trading System (ETS) as a clearer position emerged, and for clarification of the UK's position on an extension to the current derogation to suspend the international obligations restricting the system to intra-European flights, under the 'Stop the Clock' Decision.

This letter provides an update on developments and seeks the Committee's agreement to lift the scrutiny of this proposal.

I understand that my officials have clarified the UK position with the Clerk to the EU Sub-Committee on Agriculture, Fisheries, Environment and Energy. As I highlighted in my letter of 10 December 2013, there has been a negative international response to the European Commission's proposal to introduce an airspace-based approach to the Aviation ETS and this threatens further progress to address aviation emissions at an international level as well as the longer term stability of the Aviation ETS. The UK Government therefore supports the extension of the current intra-European approach proposed by the Commission for 2013 out to 2020 (the effect of this would be similar to the 2012 'Stop the Clock' Decision). We fully support the need for an open review by the European Commission of the legislation in 2016. This review should take into account the outcome of discussions at the UN's International Civil Aviation Organisation (ICAO) which is due to decide on a global market based measure (MBM) at its 2016 Assembly.

You will recall that the Explanatory Memorandum and Impact Assessment Checklist on the Commission proposal was laid before Parliament on 5 November 2013. The Commons European Union Committee recommended this for a debate, given the significant political and administrative issues associated with the proposal. I appeared before the Committee on Thursday 23 January, where I outlined that, by reducing the scope to intra-European flights, a delicate balance can be struck between environmental ambition, the credibility of the EU position, the broad acceptability to non-EU states and the prospects for agreeing a global Market Based Measure at ICAO. There was unanimous support for my motion, which was approved by the Committee¹¹.

The negotiations on Aviation EU ETS are fast-moving and rapidly reaching a conclusion. The first trilogue between the European Parliament, Commission and Council took place on Tuesday 18 February. This was a constructive session, with the European Parliament signalling that they may be able to move towards an intra-European scope up to 2016 followed by automatic snap-back to full scope following a detailed review which would take account of developments at the next ICAO Assembly. The concession on geographic scope would be predicated on the Council showing flexibility elsewhere. The Parliament has called for earmarking of auction revenues and a reduction in the aviation emissions cap from 2015 onwards.

Discussions will now continue at the Committee of Permanent Representatives (which represents each of the 28 Member States) where a new Council mandate will be agreed on Wednesday 26 February in advance of the second trilogue on Tuesday 4 March. We believe a good deal is still achievable; however this is likely to require concessions from both sides. Any agreed amendments will then be voted on by both the Plenary of the European Parliament and the Council in April.

The Government continues to work closely with other Member States, the European Parliament and Commission to reach agreement on the proposal before the Parliament dissolves ahead of elections in May. We continue to explore potential compromises to secure a common position with the European Parliament before this deadline. If agreement is not reached in these challenging timeframes, the full scope Aviation EU ETS automatically resumes (referred to as 'snap-back') and all arriving and departing flights will once again be included in the ETS. If this were to happen, there is a strong likelihood that third countries would react vigorously to oppose the ETS and therefore the prospects for agreement of a global Market Based Mechanism would be jeopardised.

28 February 2014

¹¹ The European Scrutiny Committee's official report can be found here:
<http://www.publications.parliament.uk/pa/cm201314/cmgeneral/euro/140123/140123s01.pdf>

Letter from the Chairman to Gregory Barker MP

Your letter of 28 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your helpful response. We are also particularly grateful for the regular updates your officials have provided the Committee's Secretariat.

At this stage, we are content to release the Proposal from scrutiny. We would be grateful for updates on negotiations in due course.

13 March 2014

LONG TERM INFRASTRUCTURE VISION FOR EUROPE AND BEYOND (I4835/13)

Letter from Michael Fallon MP, Minister of State, Department of Energy and Climate Change, to the Chairman

Thank you for your letter of 21 November in the light of the Explanatory Memorandum requesting further information on Government action to encourage energy infrastructure investment, the role of distributed generation in the EU's long-term infrastructure vision and the UK position on a pan-European CO2 network.

Answering each question in turn:

HOW ARE YOU, AS THE GOVERNMENT, WORKING WITH INVESTORS TO ATTRACT FUNDING TOWARDS ENERGY INFRASTRUCTURE?

On physical links with the Continent, the Government has this year supported five interconnection projects as European Projects of Common Interest (to France, Norway and Belgium), as well as four renewables trading projects with the Republic of Ireland; these latter also have the potential to increase interconnection capacity. In addition, the Government is seeking views through the UK's current Energy Market Reform (EMR) consultation on how non-GB interconnected capacity might participate in the GB capacity market in time for the 2015 auctions.

On the related issue of regulation, Ofgem is soon to publish its decision on the potential application of a cap and floor regulatory regime for an interconnector to Belgium (Project Nemo), due in the first quarter of 2014. This follows investor concerns regarding regulatory uncertainty at the European level with respect to the current merchant model for delivering interconnection. The development of a cap and floor approach has contributed to an upturn in developer interest in other projects, and Ofgem plans to consult in spring 2014 on the regulatory options open to such other projects.

Within the UK, the main action to attract investment in energy infrastructure is through the UK's Electricity Market Reform (EMR) programme. The Government is currently taking powers (through the Energy Bill) to implement EMR, which constitutes the biggest change to the electricity market since privatisation and which will transform the UK's electricity sector. EMR will help incentivise up to £110 billion of the further investment needed over the coming decade to replace our ageing energy infrastructure with a more diverse and low-carbon energy mix. It will do so by creating two key investment mechanisms – Contracts for Difference (CfDs) and the Capacity Market.

CfDs will provide greater certainty and stability of revenues for low carbon generators by removing exposure to volatile wholesale prices, while protecting consumers from paying for support when electricity prices are high. The Capacity Market seeks to ensure that sufficient reliable capacity is in place to meet demand, especially during cold, still periods where demand is high and wind generation is low, by giving all capacity providers a steady payment to ensure that enough capacity is in place to meet demand

To take a specific example, on Combined Heat and Power (CHP), this Department is introducing a specific Renewable Heat Incentive tariff for biomass CHP. This will supplement CfD support on electrical output and encourage efficient design and operation of biomass CHP. The Government's heat policy publication *The Future of Heating: Meeting the challenge* committed DECC to developing a bespoke policy to support investment in new gas CHP capacity, subject to confirmation that this would not displace low carbon generation. DECC officials are working with stakeholders on the development of this policy and have commissioned external modelling to investigate the generation likely to be displaced by operation of additional gas CHP. Agreement of a Government policy position is scheduled for summer 2014.

THOUGHTS ON THE FUTURE ROLE OF DISTRIBUTED GENERATION IN THE EU'S LONG TERM ENERGY INFRASTRUCTURE VISION.

It is difficult to make predictions on the role which distributed generation will play at EU level. As the Committee will be aware, the Commission's Communication makes a few brief references to this, largely in the context of the need for further progress on developing smart grid technologies.

Here in the UK, the Government is keen to maximise the potential of decentralised supply and distributed generation, which can contribute to the Government's work to address carbon emissions, improve competition within the energy market and reduce fuel poverty. Distributed energy can harness a wide range of smaller-scale renewable and low carbon energy sources and, as it is local, lends itself to community involvement and investment.

Many towns, cities and local communities in the UK are already investigating ways of developing more integrated local energy systems, involving some combination of locally-generated renewable electricity, local heat networks, storage, and electricity distribution systems. They are supported in this by a number of existing policies such as the Feed-in Tariffs (FITs) scheme and Licence Lite as well as the newly-established Heat Network Delivery Unit.

In addition to these policies, DECC will examine distributed energy and the set of issues around combined, and often area-based, approaches to shifts and reductions in demand for energy (currently known as the 'D3 agenda'). DECC's work will consider whether and how we might best develop the evidence base, and its modelling capacity, to enable us to capture more fully the costs and benefits of D3.

Energy storage systems - which can store surplus electrical energy generated at a time of low demand for use at times of higher demand, supporting deployment of renewable electricity generation (especially intermittent renewables such as solar, tidal and wind) - could also play a role in distributed generation. Storage capacity can be positioned at a range of different positions in the electricity transmission and distribution networks, including in the local networks where storage could help to enable distributed generation. The Government has identified energy storage as one of eight UK 'great technologies' in which the country has world-leading research. However, further innovation is needed to reduce the cost of storage technologies to make them applicable for wide deployment. DECC and other public sector technology funders are currently supporting research and development of energy storage technologies to help to secure such cost reductions.

In a related context, you may also wish to be aware of the recent Government Response of 21 October to the Environment & Climate Change Select Committee's report on local energy: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenergy/749/74904.htm>

UK GOVERNMENT POSITION ON THE COMMISSION'S SUGGESTION THAT THE UNION SHOULD PURSUE DEVELOPMENT OF A PAN-EUROPEAN VISION FOR CARBON-DIOXIDE TRANSPORT NETWORK

The Government sees Carbon Capture and Storage (CCS) as playing a critical role in reducing emissions in the UK, in allowing gas and coal generation to compete with, and complement, renewables and nuclear as part of ways to decarbonise our energy sector. Given the UK's ideal location for developing a CCS industry - with excellent storage potential in the North and Irish Seas, and significant technical expertise - and given public acceptability concerns over onshore storage in some EU countries, we would agree with the Commission that it makes sense to consider the possibility of the development of a carbon dioxide transport network with offshore storage capability. We are not, however, aware of any firm proposals from the Commission at this stage.

5 December 2013

Letter from the Chairman to Michael Fallon MP

Your letter of 5 December on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 18 December 2013.

We are grateful for the information that you have provided and we look forward to continued work on these issues, not least in the context of the White Paper on Energy and Climate Change in January.

In the meantime, we are content to release the Communication from scrutiny and to mark this strand of correspondence as closed.

19 December 2013

MARINE KNOWLEDGE 2020: FROM SEABED MAPPING TO OCEAN FORECASTING
(13457/12)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

Following your letter of 31 January 2013, I am writing to update you on recent developments on this proposal.

On 19 November 2013, the Commission published the "Commission Staff Working Document Green Paper Marine Knowledge 2020: from seabed mapping to ocean forecasting outcome of public consultation". This document presents a factual overview of the responses received from various sectors and Governments to the consultation.

The main messages arising from the consultation, based on a total of 244 replies (29 from civil society, 43 from the private sector, 95 from the public sector and 77 from the research community) from 30 countries, are as follows¹²:

- All user groups agreed on the need for open access to marine data, in both its raw and aggregated forms. The civil society consortium believes that the oceans are a common resource and marine data should be made available without restriction, especially if collected using public funds. The private sector was largely in favour of free access except where commercial sensitivities could be exposed or the incentive to collect data in the first place destroyed. Public authorities felt it would lower the cost of monitoring the state of the environment. In particular, nearly all believed that it should be easier to obtain data from research projects.
- A few exceptions were noted relating to: national security; damage to heritage sites and endangered ecosystems; commercial sensitivity; the need to allow scientists time to publish; and safety and liability issues due to data misinterpretation.
- The general consensus was that a shared platform for disseminating fisheries data with other marine data, including that distributed through the EU's Copernicus space programme, should be a long-term aim. The eventual integration of these systems should enable seamless mapping of cross-cutting themes over different timescales. Interoperability of data and implementation of adequate quality control measures are key to achieving this.
- The architecture of the current European Marine Observation and Data Network (EMODnet) - in particular the division into seven thematic groups – geology, bathymetry, physics, chemistry, biology, physical habitats and human activity – was considered sound.
- The potential for the EMODnet initiative to assist with environmental or fisheries reporting was highlighted. Over time, the "push" process, whereby marine environment or fisheries reports are delivered by public authorities to satisfy a legal obligation, could be replaced by a "pull" process, whereby data are made available through the internet and harvested by the competent authority using common technology. This would reduce the administrative burden.
- There was overwhelming consensus on the need for a mechanism to advise Member States and the EU on the most cost-effective sampling, surveying and observation programme for each sea-basin. The participation of science bodies, regional sea conventions, regional hydrographic commissions and those collecting the data was suggested. A regular process should take into account evolving needs and technology.
- The private sector is keen to become more involved with data sharing initiatives such as EMODnet. Representatives of industrial sectors were broadly in favour of using their offshore facilities or vessels for wider monitoring of the oceans. However, they would prefer a non-legislative approach.

¹² All the replies are available through DG-MARE's website, as well as a summary report. (http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/marine-knowledge-2020/index_en.htm)

— A number of observation technologies were suggested as requiring further research. Of these, novel sensors that can measure parameters automatically without the need to bring samples back to the laboratory were considered as being of high priority.

Regarding the next steps the document concludes that the consultation has delivered a clear signal to the Commission that it should press ahead with the "Marine Knowledge 2020" agenda, but whilst the broad objectives are clear, choices need to be made on how to achieve them. The suggestions will feed into the impact assessment that will guide the implementation of the next phase of "Marine Knowledge 2020".

We would be pleased to keep the Committee posted regarding any further developments.

17 December 2013

Letter from the Chairman to George Eustice MP

Your letter of 17 December 2013 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 8 January 2014.

Thank you for your response, which helpfully summarises the main messages from the consultation.

We would welcome a further update from you on the progress of this initiative in due course

10 January 2014

MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL MANAGEMENT (7510/13)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 30 October in which you asked for further information in due course on the outcome of negotiations between Member States as well as developments in the European Parliament.

Discussion on this dossier within Council has not only accelerated but also changed direction significantly within recent weeks. This is a direct result of fundamental, and new, concerns expressed by some Member States (not the UK) on the inclusion of the Integrated Coastal Management (ICM) element as set out in the most recent compromise text.

You will recall that the UK was content with the Presidency compromise which included ICM as a mandatory part of the Directive but which gave Member States flexibility on the method of implementation or delivery. This approach would allow the UK to continue with current domestic arrangements where Maritime Spatial Planning (MSP) leads the ICM process.

However, as indicated above, some Member States have now concluded that they are unable to support this compromise and have pushed strongly for all references to ICM to be removed. The UK has made clear that we were prepared to continue working on the compromise text subject to reassurances that the Directive did not affect terrestrial planning. However, given the substantial support to delete the ICM element the Presidency have now removed almost all references to ICM from the proposal and we are moving forward with an MSP-only Directive.

Despite this development it is important to note that Member States recognise the importance of the relationship between land and sea and the need to take these interactions into account in their marine planning and/or other planning processes. Therefore the latest draft of the Directive contains specific requirements on land-sea interactions. As you know, the UK fully recognises the benefits of MSP and ICM and the essential relationship between the two processes. We will therefore continue to incorporate ICM as part of our MSP processes regardless of how this dossier develops within the EU.

The Lithuanian Presidency's current timetable is to submit the dossier to COREPER 2 on 4 December and to reach agreement to a partial or general approach at the General Affairs Council on 17 December. If this Council position is agreed, the incoming Greek Presidency has an ambitious timetable to conclude the trilogue discussions by the end of March 2014. The proposal could then be adopted before the EU Parliamentary elections in May.

You may also wish to note the latest position within the European Parliament (EP). The EP's TRAN (transport) Committee voted in favour of its Rapporteur's Report on the dossier on 5 November and are expected to formally adopt this position in Plenary on 10 December. In comparison with the Council, the EP's current position is much closer to the original Commission proposal and includes both MSP and ICM. Officials have been lobbying MEPs to ensure that any amendments put forward continue to ensure a high level framework. With this in mind the UK are working to ensure a strong position in Council ready for the trilogues with the Presidency and the Commission. We are also strengthening our relationship with the Greek Presidency to ensure that UK interests are protected and to secure the best outcome for the UK whether this is based on an MSP only directive or a joint MSP and ICM directive. In light of the situation, I hope the Committee will be able to clear the proposal, to allow the negotiations to move forward.

3 December 2014

Letter from the Chairman to George Eustice MP

Your letter of 3 December 2013 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 December 2013.

We note the unexpected turn of direction on this dossier, although we also note continued appetite in the European Parliament to maintain the integrated coastal management (ICM) element of the Directive.

You provide an assurance that removal of ICM from the Directive will not detract from its application in the UK. This we accept, but there are pan-EU benefits to ensuring that all Member States do so and we would ideally prefer to maintain ICM.

Clearly, though, there is strong pressure from some Member States to omit ICM. We observe that the redrafted minimum requirements for Maritime Spatial Plans (MSPs) include requirements that land-sea interactions should be taken into account and that MSPs should aim to promote coherence with other processes, such as ICM. This language might helpfully be strengthened, particularly if ICM is no longer a core objective of the Directive.

We are content with the position that you plan to take. Given the potential further changes in the course of negotiations, we shall retain the proposal under scrutiny but agreement need not be withheld in the upcoming Council pending completion of scrutiny.

We look forward to information from you in due course on the outcome of negotiations between Member States, along with a view on prospects for agreement before the European Parliament elections.

12 December 2013

Letter from George Eustice MP to the Chairman

Thank you for your letter of 12 December in which you asked for further information in due course on the outcome of negotiations between Member States and the European Parliament together with a view on prospects for agreement before the European Parliament elections.

You will recall from my last letter that, following lengthy and detailed negotiations, the Presidency were moving forward with a Maritime Spatial Planning (MSP) only Directive. While almost all references to formal Integrated Coastal Management (ICM) have been removed from the text, the revised draft Directive recognises the relationship between land, coast and sea and reflects the importance of taking account of land-sea interactions during the marine planning process. As anticipated, the Presidency submitted this proposal to the General Affairs Council and on 17 December they agreed a general approach based on an MSP-only Directive as the basis of the Council's position to go forward into the trilogues. In parallel, meetings of the European Parliament took place on this dossier. As you know, the TRAN (Transport) Committee voted in favour of its Rapporteur's Report in November and the European Parliament formally adopted this position in Plenary on 12 December, adopting over 80 amendments to the original Commission proposal. The vote on the legislative resolution was postponed to a later session in the hope of reaching an agreement on first reading.

The first Friends of the Presidency meeting under the Greek Presidency took place on 8 January. This meeting reaffirmed the Council's position as set out in the general approach and the Presidency has a mandate from the Council to begin negotiations.

Discussions between the Council, European Parliament and the Commission have now begun with the first of the formal trilogues scheduled for 21 January with more meetings planned in February and into early March. The Greek Presidency is also holding a series of technical meetings on the Directive with the European Parliament in January and February. This is part of an ambitious timetable to conclude the trilogue discussions by the end of March with a view to the proposal being agreed at the May General Affairs Council. Clearly we would not wish to prejudge the outcome of the trilogue discussions but this timetable appears to be rather optimistic. Despite the large number of proposed amendments, the European Parliament's current position is much closer to the original Commission proposal than that of the Council and includes both MSP and ICM. Therefore, at this stage, it is difficult to see how a first reading deal can be agreed quickly without significant compromise. Nonetheless, we will continue to monitor the situation carefully and to engage constructively and positively throughout the process. Officials have already been working with the Greek Presidency to have early influence on the direction of the trilogue discussions. We will continue to work closely with the Greek Presidency, other Member States, European Parliament and the Commission to ensure that UK interests are protected and to secure the best outcome for the UK.

In light of the situation, I hope the Committee will be able to clear the proposal to allow the negotiations to move forward

15 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 15 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

We observe that negotiations on this Proposal have now moved to trilogue stage, whereby the Presidency, European Parliament and Commission will seek to identify a consensus, but that the outcome is far from predictable at the moment.

Your letter was helpful in emphasising that a Directive focused on maritime spatial planning (MSP) would nevertheless have pan-European benefit to integrated coastal management (ICM) by virtue of the inclusion of wording on land-sea interactions.

We are content to release the Proposal from scrutiny at this stage, but we remain strongly interested in the progress of this dossier and look forward to an update on negotiations in due course.

30 January 2014

Letter from George Eustice MP to the Chairman

In your letter of 30 January you asked for an update on this proposed Directive.

You will recall that, in December 2013, Council agreed a general approach based on a Directive covering maritime spatial planning (MSP) only and this formed the basis for the trilogue discussions with the European Parliament and the European Commission.

As expected, these negotiations have been difficult and all sides have had to make compromises but I am pleased to inform you that an overarching agreement has been reached on an MSP-only Directive. Crucially the European Parliament and the Commission have agreed to drop the Integrated Coastal Management element in exchange for enhanced references to, and requirements on, land-sea interactions. As I emphasised in our earlier exchanges we recognise the importance of such land-sea interactions and, therefore, we are able to support this text.

Timings are subject to confirmation but the draft Directive is expected to be considered by the European Parliament as part of a First Reading deal in mid-April. If agreed, and having completed the Jurist Linguists process, the final text will be adopted by General Affairs Council (likely to be mid-May). Once all sides have agreed, the Directive will be published in the Official Journal and expected to come into force in late June or early July.

This is a highly successful outcome for the UK as we have secured all of our key objectives. In particular, the Directive should have no, or minimal, impacts on existing systems or processes and will not impose new or added burdens. It also contains additional clarity and safeguards to preclude any overlap with, or impacts, on land planning; that priorities and content of marine plans will be determined by Member States; and provides longer timescales for implementation. We have also successfully removed detailed reporting requirements and provision for implementing acts.

We are now moving forward with delivery of marine planning in the UK.

27 March 2014

Letter from the Chairman to George Eustice MP

Your letter of 27 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

We are pleased to learn that negotiations have been concluded, with only the formal adoption of the text outstanding.

As the Government turn now to consider implementation, we would urge you to pay particular attention to how the various pressures on the marine environment are managed in a coherent fashion, working both across sectors and with other Member States.

We are content to now close this strand of correspondence.

10 April 2014

MEASURES FOR AGRICULTURAL PRODUCTS IN THE INTERNAL MARKET AND IN THIRD COUNTRIES (16591/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, 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 8 January 2014.

We consider marketing to be an important aspect of innovation in agriculture and a key pillar of developing a more modern and competitive agricultural industry. Assistance to small businesses to access markets, particularly third country markets, is certainly important and so we would agree with you that this focus would be helpful.

It is unclear to us, however, why such a programme need be supported from the EU level. We therefore share your reservations about the proposed budget for the programme and would be interested to know whether you have asked the Commission to clarify its justification for added expenditure and, if so, how the Commission has responded.

For our information, it would be helpful to be clear how the funds might otherwise be spent.

Finally, we would welcome any information that you can offer on the level of interest in such spending among UK stakeholders and the type of projects that have been funded recently.

We shall retain the Proposal under scrutiny and look forward to a response to the above issues within 10 working days.

10 January 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 10 January 2014 on the above subject

You questioned why promotion measures needed support at EU level. The Commission argues that this is necessary to ensure the EU maintains its share of agricultural exports on the world market in the face of increasing competition, particularly from growing economies, such as Brazil, Russia, Ukraine and China. The Commission also argue that it is necessary to match comparable spending on promotion measures in competitor exporting countries such as the USA. Finally, the promotion measures are intended to address the low level of consumer awareness amongst EU consumers of the merits of EU agri-produce, especially of the EU quality schemes such as Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI).

Whilst we agree with the importance of increasing exports, we are not convinced of the benefits of information campaigns within EU member states. Therefore we have reservations about the

Commission's proposal for a significant increase in the promotion budget even though they suggest the majority of funds would be directed to promotion measures in third countries.

At the Agriculture Council on 16 December, the Secretary of State made clear that the UK had concerns about whether the proposed increase in budget for promotion measures was justified. We shall continue to press the Commission on this point, both at Ministerial and official level meetings. While some other Member States, for example Denmark, Sweden and Netherlands share the UK concerns, many others are in favour of the increased budget. However many have queried the source of the proposed new funding and its potential impact on other parts of the Common Agriculture Policy (CAP) budget.

At a recent meeting at official level, the Commission said there was sufficient room within the market measures element of the CAP budget between 2014-20 to fund the promotion budget increase. Therefore, there would be no impact on Member State envelopes for direct payments and it would "not lead to additional financial discipline". The Commission also made clear that the proposed €200 million allocation was not a fixed budget or a target. The Commission's proposals are due to be discussed again at official level working groups during next few months.

Finally, turning to your query over UK stakeholders' interest in the promotion scheme and recently approved projects, I am enclosing [not printed] a copy of the letter we sent to the European Union Select Committee on this matter at the end of December 2012, which covered similar ground (see Annex below [not printed]). Since that time, Sustain (representing the Organic sector) have been successful in obtaining further co-funding for a follow-up campaign to their 2010 UK programme.

21 January 2014

Letter from the Chairman to George Eustice MP

Your letter of 21 January on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

We maintain our serious reservations about the added value of this Proposal. We note that, while a significant number of Member States support the principle underlying the Proposal, many share the concern about the source of the proposed funding.

Thank you for reminding us that Richard Benyon MP had previously provided information to the Committee on the extent of UK engagement with the scheme. This information is very helpful.

We shall retain the Proposal under scrutiny and look forward to an update on progress in due course.

30 January 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 30 January 2014 on the above subject.

You advised that you were retaining the Proposal under scrutiny and looked forward to an update in due course.

I am writing to request a scrutiny waiver from both Committees in relation to this proposal.

The waiver is requested to enable the UK to vote at the meeting scheduled on Monday 24 March at the Agriculture & Fisheries Council (AFC).

I apologize for the delay in sending an official response to the above-mentioned correspondence. Since the introduction of the proposals at the end of last year, there have been numerous discussions at official level in working groups and meetings of the Special Committee on Agriculture (SCA) and also at Ministerial level at Council meetings in December and February. Four key issues of contention have emerged from the discussions:

- Whether both information and promotion measures should be allowed on the Internal Market (IM).
- The ending of national co-funding, which is opposed by many Member States.
- Whether Member States should be involved in the selection process.

- The scope of eligible products, in particular the inclusion of fishery and aquaculture products, (strongly supported by Spain and Italy), and the retention of national quality schemes.

While we have reservations about the proposed budget increase, specifically in relation to promotion campaigns on the Internal Market, the UK has been supportive of many aspects of the Commission's proposals for reform, e.g. the emphasis on exports to Third Countries and simplifying the administrative process, which fits with UK Government views on increasing exports and removing red tape. We are particularly supportive of the proposal to end national co-funding, which would ensure a level playing field and mean that proposing organisations had a greater vested interest in producing high quality promotion campaigns.

The Commission has said that the proposed increase in budget will not have an impact on the Multi-annual Financial Framework and that there is sufficient room within the market measures element of the CAP budget between 2014 and 2020 to fund the increase.

The proposal is due to be discussed at the Agriculture & Fisheries Council (24 March) and we feel that the UK will have to consider its position on the Presidency's latest proposals, which have moved away from some of the Commission's original reform measures which we support (e.g. increased emphasis on 3rd country markets; an end to national co-financing; expanded list of agri-food products; simplification of selection procedures). UKRep have now advised that things are moving fast and there are some potential EP compromises (on co-financing and selection) which we may be able to support.

The Greek Presidency has set a very rapid timetable for this dossier and wants to have a first reading in the European Parliament between 14-18 April. It has come up with some hasty compromise proposals which in our view dilute the positive aspects of reform, and risk the proposal becoming a replica of the status quo, but with an increased budget.

I will be reviewing the position further to express my views on the day. It is important that the UK is able to continue to participate and influence progress in the negotiations once they enter trilogues. For this reason I would be grateful if the Committee could agree to issue a scrutiny waiver for the AFC meeting of 24 March. Following the discussions we will formally write to update the committee further.

18 March 2014

Letter from the Chairman to George Eustice MP

Your letter of 18 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 March 2014.

Thank you for the update regarding the progress of this Proposal.

We note the great deal of uncertainty over both the negotiations and the position that the Government may take. While we are concerned at the acceleration of discussions, which renders scrutiny by national parliaments extremely difficult, we nevertheless understand that this is outside of your control. On that basis, we shall retain the Proposal under scrutiny but grant a scrutiny waiver for the Agriculture and Fisheries Council on 24 March. We look forward to an update of discussions following that meeting.

21 March 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 21 March 2014 (in response to my request of 18 March) granting a temporary scrutiny waiver for the Agriculture & Fisheries Council (AFC) of 24 March.

You advised that you were retaining the Proposal under scrutiny and looked forward to an update of discussions at the AFC meeting.

I am pleased to inform you that, after UK lobbying, the Council shifted its approach in a couple of key areas to a position which would be more acceptable to the UK.

Firstly, it agreed to end national co-funding: the Union's contribution to approved programmes will now be set at 75% (85% in times of crisis) with the balance to be provided by producers. We are particularly supportive of the proposal to end national co-funding, which would ensure a level playing field and mean that proposing organisations had a greater vested interest in producing high quality promotion campaigns. We would have preferred 75% to have been the ceiling rather than the

standard rate, however this does mean that producer organisations are now obliged to fund the remaining 25%.

Secondly, the Council agreed with the Commission's proposal to end national pre-selection of programmes. There will now be a simplified one step application process with programmes submitted directly to the Commission, and selected by them. The Commission has undertaken to provide Member States (MS) with enhanced information on all stages of the process. Simplifying the administrative process fits with UK Government views on removing red tape for Small & Medium Enterprises (SMEs).

Following the general political agreement at Council, a Special Committee on Agriculture (SCA) was convened to finalise the negotiating mandate ahead of trilogues. The Greek Presidency has set a very rapid timetable for this dossier and intends to have a first reading in the European Parliament between 14-18 April.

There are still a few areas yet to be finalised, for instance the scope of eligible products. We have continued to resist the inclusion of fishery and aquaculture products (strongly supported by Spain and Italy) as we feel that they are adequately represented by existing funding measures under their own Common Organisation of the Markets (CMO) regime. An area of concern to the UK and some other MS was the issue of national quality schemes: it has now been agreed that these will be retained in the new measures.

Although we still have reservations about the budget, we have little support from other MS on this issue. The Commission has confirmed that the proposed increase in budget will not have an impact on the Multi-annual Financial Framework and that there is sufficient room within the market measures element of the CAP budget between 2014 and 2020 to fund the increase.

As you can see there has been a fairly rapid movement to get a consensus on the Proposal and we are continuing to make our views heard in negotiations. I will write to you again as soon as I have further substantive news.

1 April 2014

Letter from the Chairman to George Eustice MP

Your letter of 1 April 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

We note that the Council's position has shifted towards that of the UK, particularly on the end to co-financing by Member States and the simplified application process.

Clearly, the negotiations are still moving at a fast pace. We are content to release the Proposal from scrutiny and look forward to a further update on progress in due course.

10 April 2014

Letter from George Eustice MP to the Chairman

Thank you for your letter of 10 April 2014 advising that the Committee has now released the above proposal from scrutiny. You also said that you would be pleased to receive further progress reports.

Since I last wrote to you there has been a meeting of the European Parliamentary Committee on Agriculture & Rural Development (ComAgri). At their meeting on 7 April MEPs endorsed the compromise text agreed at the trilogue discussion of 1 April by a qualified majority.

The compromise amendment was adopted at the European Parliament plenary session of 15 April. The file should now be formally adopted as an "A" point at a future Council meeting which is likely to take place within the next month or so.

Having considered carefully, we have decided that the UK will vote against the revised Presidency proposal because it has moved too far from some of the Commission's original reform measures. This is really as a matter of principle: we are well aware that the proposal has majority support among other Member States (MS).

Our main points of disagreement are the increased EU co-funding rates (up to 80% in some cases on Internal Market), a weakening of emphasis on third country campaigns, and the inclusion of fishery products and some non-food products (e.g. cotton) where there are other existing measures for their promotion. We are also opposed to the inclusion of wine on similar grounds.

On the positive side, we are pleased with the simplification of the administrative process, the retention of national quality schemes, and the intention to incentivise third country programmes, albeit at a cost.

As I mentioned to you before, we have reservations about the revised budget, but had little support from other MS on this issue. However, the Commission has confirmed that the proposed increase in budget will not have an impact on the Multi-annual Financial Framework and that there is sufficient room within the market measures element of the CAP budget between 2014 and 2020 to fund the increase.

8 May 2014

NANOMATERIALS (14869/12)

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

Your letter of 20 November 2013 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 4 December 2013.

Thank you for your helpful and informative reply as regards the current status of this Communication.

Of course, the Committee looks forward to scrutinising any proposal of a regulatory nature should they come forth but, in the meantime, please consider this strand of correspondence as closed.

5 December 2013

NUCLEAR SAFETY OF NUCLEAR INSTALLATIONS (15030/13, 11064/13, 14450/11, 17752/11)

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 28th November. In your letter you raised a number of issues relating to Explanatory Memorandum (EM) I submitted on 5th November. I have sought to address these issues in the order you raised them below.

Since the EM was submitted the European Affairs Committee has cleared the UK's negotiating mandate for this proposal. As the proposal is largely unchanged from the version published by the Commission in June it will come as no surprise that the Government's position is also largely unchanged.

As a result I can confirm that the position being adopted by the Government during the negotiations is that nuclear safety must remain a top priority for nuclear power to have a future as a low carbon energy source. Therefore, the Government is happy to continue to work with the Commission and other likeminded Member States to ensure the EU nuclear safety legislative framework remains appropriate and embraces the objective of continuous improvements to nuclear safety. The Government's position therefore remains that any EU nuclear safety legislation should:

- Be evidence based and lead to proportionate improvements to nuclear safety;
- Ensure the balance of competencies between the Commission and Member States is maintained; and,
- Not be overly prescriptive so as to limit Member States' scope for implementation.

As negotiations at official level have already begun my officials are using these principles as the basis of their negotiations so as to ensure that any unnecessary detailed and prescriptive text is removed, and that any potential shift in competence to the Commission from Member States is avoided. The Government's position also seeks to ensure that where benefits can be gained – in terms of greater clarity of the obligations of Member States – that these opportunities are taken.

In your letter you asked whether all other Member States were in a similar position to the UK in terms of their ability to react to events at Fukushima. On this issue I must make three important

points. First, the Stress Test did not identify the need to shut down any of the EU's 143 nuclear power plants due to safety concerns. This indicates a high level of safety already present within the EU. Secondly, following the completion of the EU Stress Test exercise all Member States produced action plans to address the 'beyond design basis' issues identified by the Stress Test exercise. These action plans were peer reviewed to ensure they adequately addressed any safety concerns. Member States are now working to deliver these action plans. Thirdly, the current nuclear safety framework already requires Member States to act on the lessons learned from Fukushima as part of the general obligation to ensure nuclear safety. In particular, the current Nuclear Safety Directive (Article 4.2) states:

"4.2. Member States shall ensure that the national framework is maintained and improved when appropriate, taking into account operating experience, insights gained from safety analyses for operating nuclear installations, development of technology and results of safety research, when available and relevant."

This objective is also reflected in very similar terms in the Convention on Nuclear Safety which sets the international nuclear safety framework. There is therefore alignment between national, EU and International frameworks for nuclear safety already in place. As referred to above, the Government is committed to a culture of continuous improvement of nuclear safety and we can therefore support measures that are evidence based and proportionate to the risks they aim to address.

Prior to the Commission's proposal being put to the Council for adoption DECC Ministers met in March 2013 with twelve civil nuclear power Member States to discuss the Commission's approach. It was clear from that meeting, as has become clearer still now that negotiations have begun, that the UK has strong support to address concerns with the Commission's proposal. As you will no doubt appreciate while there is broad support for the principles of both the Commission's proposal (ie improving nuclear safety) and the UK's concerns around the level of prescription and possible shift of competence, agreeing text that satisfies all Member States and the Commission will take time and careful negotiation to achieve. For this reason I do not expect the negotiations to be completed until around March 2014 though I will of course, as you have requested, keep you updated on any significant developments.

9 December 2013

Letter from the Chairman to the Baroness Verma of Leicester

Over the past 18 months we have had several exchanges of correspondence on dossiers relating to nuclear safety and radiation protection. You requested that I keep you up to date on significant developments and, where appropriate, provide you with information so that you can consider giving scrutiny clearance to the one dossier still under negotiation at the Council's Atomic Questions Group.

I therefore thought that now was a good time to write to you on each of the dossiers and therefore have outlined information in this letter on:

- 15030/13 - Proposal for a Council Directive amending Directive 2009/71/EURATOM establishing a Community framework for the nuclear safety of nuclear installations (which superseded EM 11064/11).
- 17752/11 - Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia.
- 14450/11 - Proposal for a Council Directive laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation.

I have set out information below for each of these dossiers in the order they are listed above.

AMENDMENT TO THE NUCLEAR SAFETY DIRECTIVE

As stated in my earlier letter of 9th December 2013 the Government position was to negotiate changes to the Commission's proposal so that any changes to the current Nuclear Safety Directive are evidence based, proportionate to the risks they address and are not so prescriptive so as to undermine Member States' competence. Negotiations at official level are now well advanced and my officials have used these principles as the basis of their negotiations. As the current draft stands my officials have been successful in addressing the key issues around the unnecessary prescriptive nature of the text and, importantly, have removed any potential for a shift in competence to the Commission

from Member States. This has been achieved while being mindful of the need to ensure that where benefits can be gained – in terms of greater clarity of the obligations of Member States – that these opportunities are taken.

As you will appreciate there has always been broad support for the principles of the Commission's proposal (ie improving nuclear safety) and the UK's concerns around the level of prescription and possible shift of competence. Nevertheless, agreeing text that satisfies all Member States and the Commission has taken some time develop. Following negotiations at official level it is now expected that, subject to the agreement of some further refinements, the Council will be asked to adopt the proposal sometime around the end of May 2014. That said, while my officials are confident that suitable text can be agreed the fact remains that until everything is agreed – nothing is agreed. As a result they will continue to very carefully analyse any changes to the text to ensure it offers an acceptable compromise.

For your information I attach the very latest Presidency draft text which is still under negotiation and is therefore subject to further refinement (see appendix I [not printed]). You will note that it has moved on significantly from the original proposal and is now broadly in line with the UK position. The outstanding issue to be resolved is the mechanism for peer review. These discussions are taking place during May at official level.

I expect that following the conclusion of the officials discussions that the Commission will move quickly in seeking the adoption of the proposal. I see no reason, based on the current draft, to not support this objective. I would therefore welcome the views of the Lords Scrutiny Committee at the earliest opportunity so that the UK is in a position to fully participate in discussions during May on the adoption of the dossier.

UNION SUPPORT FOR THE NUCLEAR DECOMMISSIONING ASSISTANCE PROGRAMMES

As you will know there are now two Council Regulations on the EU's contribution to the decommissioning programmes in Bulgaria, Lithuania and Slovakia rather than the one covering all three Member States that was originally proposed. This is because the initial agreement with Lithuania was made under a different legal basis to the agreement with Bulgaria and Slovakia.

Nevertheless, both Regulations were adopted by Council on 13th December 2013. The first Regulation (Regulation 2013/1369) establishes a programme for the implementation of Union financial support for the decommissioning of Units 1 and 2 of the Ignalina Nuclear Power Plant (NPP) in Lithuania. The second Regulation (Regulation 2013/1368) establishes the programmes for the implementation of Union financial support for the decommissioning of Units 1 to 4 of the Kozloduy NPP in Bulgaria and Units 1 and 2 of the Bohunice VI NPP in Slovakia.

The financial envelope for the implementation of the decommissioning programmes in these Member States covers the period 2014 to 2020. The final agreement set the level of financial support at 450,818,000 euros (around £371 million) for Lithuania, 293,032,000 euros (around £241 million) for Bulgaria, and 225,410,000 euros (around £185 million) for Slovakia. These figures are in line with the original accession agreements and, while lower than the amounts originally requested by the Member States concerned, they take into account the financial shortfall reported by them to the Commission.

To qualify for this financial assistance the Member States must meet certain conditions including fully transposing the EU Nuclear Safety Directive into their national legislation and submitting detailed decommissioning plans to the Commission. Also, to ensure that the effective, efficient and economical use of EU funds are in place, the European Parliament has proposed that the Commission should review the performance of the three decommissioning programmes and assess their progress by the end of 2017.

DIRECTIVE LAYING DOWN BASIC SAFETY STANDARDS FOR PROTECTION AGAINST THE DANGERS ARISING FROM EXPOSURE TO IONISING RADIATION (THE BASIC SAFETY STANDARDS DIRECTIVE – BSSD)

As stated in my earlier letter of July 2013 this dossier was adopted by Council in June 2013. Following the adoption of the proposal my officials, in conjunction with colleagues across Government, the Devolved Administrations and regulatory bodies, undertook a 'gap analysis' of the proposal as compared to the current UK regulatory regime. This work is now complete and found, as expected, that the UK regulatory regime will require some amendment to bring it in line with the international dose reference levels and some other new, but evidence based, requirements of the Directive. For example, there is a need to consider the requirements for off-site emergency preparedness and response arrangements – though this work was being undertaken already in light of the lessons learned from the Fukushima Dai-ichi nuclear power plant accident.

The transposition of this Directive is due to have been completed by 2018 – I therefore propose that the time available is used to identify the best way of showing transposition while at the same time ensuring that the UK regime remains efficient and fit for purpose as part of the Government's on-going commitment to better regulation principles. My officials are now working on a programme plan to deliver the dual objectives of transposition and ensuring the robustness of the UK regime.

2 May 2014

Letter from the Chairman to the Baroness Verma of Leicester

Your letter of 2 May 2014 on the above dossiers and your letter of 9 December 2013 on the Nuclear Safety Directive specifically were considered by our Sub-Committee on Agriculture, Fisheries, Environment and Energy at its meeting of 13 May 2014.

It was regrettable that we did not receive your letter of 9 December 2013 until 11 April. We are, however, content with your approach to negotiation of the Nuclear Safety Directive and, on that basis, we are content to release the Proposal (15030/13) from scrutiny. We look forward to an update on the progress of discussions as they move towards agreement.

You observe that the Proposal supersedes dossier 11064/13. Please consider that strand of correspondence to be closed.

The additional information that you provided on dossiers 17752/11 and 14450/11 was helpful, although we would have expected to have been updated on these dossiers at an earlier stage. The earlier letter of July 2013 to which you refer was, in fact, addressed to the Chairman of the House of Commons European Scrutiny Committee. Please consider the strand of correspondence on dossier 14450/11 to be closed.

As regards the decommissioning proposal (17752/11), however, we would welcome information on the level of available analysis that supports the need to decommission plants in Bulgaria, Lithuania and Slovakia. We understand that, in some instances at least, substantial improvements have been made to power plants. It has been suggested that the operational lives of such plants could be extended as a result. The risk that safe and functional plants will be taken out of service at a time of energy insecurity, and at a cost to the public purse, is one that we trust you have considered. Your position would be welcome and we look forward to a response by 4 June.

14 May 2014

ORGANIC FOOD PRODUCTION (7956/14)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above Proposal and Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

The Commission's objectives are sound. As you note, the introduction of a risk-based approach and a specific policy on export are welcome. You raise a number of concerns, notably in relation to the potential impact of removing the existing exemptions. We would welcome information from you on the current scale of these exemptions in the UK.

You also query the proposal that holdings must be exclusively organic with no conventional activity taking place on them. We would agree with your concern.

The Proposal (7956/14) includes a significant chapter on labelling, but you offer no view. WE would welcome your view on how workable you consider the labelling provisions to be, from both a producer and a consumer perspective. Given the experience of the Food Standards Agency in advising on labelling that is acceptable to consumers, we would be interested to know whether that FSA has had a chance to comment on these proposals.

We are concerned to ensure that effective measures are in place to ensure the traceability of products, particularly those entering the EU from third countries. From an examination of the legislation, the adoption of detailed requirements to support traceability is delegated to the European Commission. How confident are you that the legislation provides a sufficiently robust traceability framework that will be effectively developed by the European Commission through Delegated Acts?

You are supportive of the Action Plan (8194/14). We would be interested to learn about the actions that you intend to take to encourage the engagement of the organic farming sector in the European Innovation Partnership on Agricultural Productivity and Sustainability. More generally, what plans do you have to encourage the use of EU research policy to support organic agriculture and aquaculture in the UK?

It is clear that the dossier is at a relatively early stage. You note that industry focus groups and sector specific stakeholder meetings will be held on the basis of a summary document outlining the key changes to the Regulation. We would welcome information in due course on the key points arising from that process of consultation.

While negotiations have yet to begin, we would nevertheless be interested in any information that you may have on the emerging views of other Member States. As the Proposal is no doubt of interest to the Devolved Administrations, we would also ask that you report on any specific concerns raised by those Administrations.

We shall retain both the Proposal and the Action Plan under scrutiny and we look forward to your response in due course.

7 May 2014

PLANT REPRODUCTIVE MATERIAL LAW (9527/13)

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

I wrote to you on 30 June 2013 about the above proposal. I am writing now to update you on the negotiations.

Following the launch of the Commission's proposal in May 2013 for changes to the EU regime, there have been a number of Council Working Groups (CWG) to read through the proposal, to hear Commission explanations of its thinking and to comment on the content.

The first meeting under the Greek Presidency was held on 13 January. The read through has almost completed the Articles and Annexes for species other than forestry reproductive material (FRM). 20 Member States have expressed opposition to the inclusion of FRM in the proposal with two, including the UK, undecided. The Greek Presidency has planned several further meetings, beginning with a CWG on 19 February where the read through will continue and a Presidency compromise proposal is to be examined.

The Commission appears to have accepted UK led concerns regarding their proposed requirement for companies to provide an officially recognised description for all ornamental plants sold by variety name. This would be a huge increased burden on producers and the Commission has indicated that it will accept a Council amendment to drop this requirement.

They have also accepted that their proposed separation of the evaluation of the value for cultivation and use (VCU) of varieties of agricultural crops into two overlapping categories at EU level is unworkable.

However, we still have concerns. The Commission wish to over-regulate marketing of varieties specifically suited to gardeners, for example.

There is still a wish to have a large number of overly prescriptive requirements which do not recognise modern industry needs and which will lead to increased costs and burdens for businesses. The majority of businesses in the sector are micro, small or medium sized enterprises.

The proposal is also undergoing European Parliament scrutiny. Proposed amendments to the ComAgri and ComEnvi draft rapporteurs' reports were published with translations on 13 January. These range from complete rejection, to minor drafting details. We have been working with UK stakeholders and MEPs and all of the amendments proposed by Defra and UK stakeholders have been made. Many of Defra's initial drafting suggestions have been further developed as a result of input from stakeholders, MEPs and their assistants. However, it is too early to say what the final outcomes will be.

Several MEPs, including some from the UK have rejected the entire PRM proposal. A large number of the proposed amendments say the proposals are geared towards big commercial companies only and object to the impact on biodiversity and farmers' rights to save and even market their own seed.

Many of the other amendments make similar points to the UK on ornamentals and PRM sold to gardeners, although not necessarily in the same way. A further concern for MEPs is the large number of delegated and implementing acts, giving the Commission more power. This is a horizontal issue across the package.

There are no UK MEP amendments on forest reproductive material. Most of those made by other MEPs simply reject the inclusion of FRM.

Representatives of the political groupings met on 13 January to discuss rejection of the entire PRM proposal. ComEnvi voted on 30 January to reject the proposal. ComAgri meet again in mid-February when we expect them to vote on it.

If the EP rejects the proposal this does not force the Commission to withdraw. Under the terms of the Treaty the Council would continue preparing its position. At the second reading there would then be an EP position calling for rejection and a Council position of a fully worked up alternative. This could all lead to considerable delays. An alternative scenario is that the EP will carry out an impact assessment and avoid taking a decision this parliament.

We will also keep a close eye on the use of delegated and implementing acts and update you as requested. I hope this serves to keep the Committee informed but do let me know if there are any areas where further information would be useful. I will write again to provide a further update when first readings have been completed in Council, following developments in the European Parliament and we have a clearer idea about the future shape of the proposals.

31 January 2014

Letter from the Chairman to Lord de Mauley

Your letter of 31 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your helpful and informative response as regards the current progress on negotiations of this Proposal.

We would agree with the Governments' position that it is important to ensure that the Proposal is not unnecessarily prescriptive, particularly as regards SMEs.

We look forward to a further update following Council and discussions in the European Parliament in due course. In the meantime, we will retain the Proposal under scrutiny.

12 February 2014

POLICY FRAMEWORK FOR CLIMATE AND ENERGY IN THE PERIOD FROM 2020 TO 2030 (5644/14)

Letter from the Chairman to 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 11 March 2014.

We consider this to be an extremely important Communication. You will be aware that it and covers many of the issues considered in our report last year on EU energy policy, No Country is an Energy Island. We were pleased to see a high degree of convergence between our recommendations and the proposals from the Commission.

The Commission proposes a binding renewable energy target at the EU level until 2030, as we recommended. The Commission did not, though, consider that Member States should be subject to binding national targets. Although the Communication states that such a target would be "fulfilled through clear commitments decided by the Member States themselves", it is not clear how such a target would be delivered, or the consequences should the desired level not be reached. We would welcome your comment on this, and your view on whether the proposal would offer investors in renewable energy sufficient clarity.

In our report, we recommended a 2030 power decarbonisation target if a renewable target was not set. We would welcome information from you as to whether there has been any discussion of such a decarbonisation target.

An innovative new mechanism to improve EU energy policy governance is proposed, which is closely aligned to the Committee's own recommendation that Member States be required to report annually to the Commission on their national energy policies, with assessments to be conducted by the Commission on the implications of national policies for neighbouring countries and for the EU as a whole. We welcome your support for the proposal, which could have far-reaching consequences for national energy policies.

You offer no comment on many of the issues raised in the Communication. We would welcome comment from you on each of the following topics and the approach that you intend to take on them when the document is discussed with other Member States:

- The renewal of the carbon leakage list;
- A boost for innovation, supported by ETS auctioning revenues and the EIB;
- CCS, including the strengthened use of auctioning revenues to boost research and demonstration efforts; and
- The inclusion of agriculture in the greenhouse gas reduction effort.

We also noticed that there is no mention of nuclear energy within the Communication. We would be grateful for the Governments' views on how they see nuclear energy sitting within the 2030 climate and energy framework.

You state that you have not consulted on this Communication, and do not plan to do so unless legislative proposals are put forward. We would welcome clarification as to why no consultation has occurred, or is planned, particularly given the importance of the nature of the Communication.

Finally, we are grateful to your officials who have provided our Secretariat with a useful update further to publication of the EM, particularly as regards discussions among Member States in the Environment and Energy Councils. We support the Governments' ambition to secure agreement to an EU position at the March European Council in order to provide investor certainty and to prepare the way for international discussions. Agreement will clearly be challenging to deliver. In our report, we recommended that the future framework should be seen and articulated primarily as an economic opportunity for all Member States.

We will retain the Communication under scrutiny, but are content to provide a waiver for the 20-21 March European Council. We look forward to your initial response within 10 working days further to the European Council meeting.

13 March 2014

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

Thank you for your letter following my department's Explanatory Memorandum on the above Communication, in which you emphasised your Committee's view on the importance of the Communication and requested further information. I have noted your decision to retain the Communication under scrutiny. I am grateful for your continued interest in the Commission's proposals and share your views on their importance. I very much welcomed your Committee's report on EU energy policy last year and so was pleased to see that the Commission's proposals reflected a number of the report's recommendations. You will now have seen that the March European Council agreed that work should be taken forward with a view to securing an agreement on the 2030 framework no later than October 2014.

You asked for my views on the Commission's proposals for renewable energy. You will be aware from my letter of 10 March that the Government has indicated that it is willing to support an EU-wide renewable energy target of 27% on the condition that this is not translated into binding targets for renewable energy at Member State level. I am clear that renewable energy will play a significant role in Europe's future decarbonised energy mix and I note the Commission's analysis that a greenhouse gas reduction target of 40% should by itself encourage a share of renewable energy in the EU of at least 27%. This is broadly consistent with analysis by Enerdata, which was commissioned by my department and published earlier this year. In my view, the EU-wide renewable energy target provides an acceptable balance between sending a strong signal to renewable energy investors on the long term outlook for renewables in Europe and the need to avoid constraining the options available to Member States to decarbonise in the most cost-effective way, in accordance with their specific circumstances.

The Government will continue to engage with the Commission on its governance proposals as they develop and we will keep the Committee informed. In my view, the arrangements should focus on

increasing the coherence of Member States' efforts on emissions reductions; supporting energy security and delivery of the internal energy market; and creating a more stable investment climate. The Government will make clear that the governance arrangements must recognise that national governments retain responsibility for determining their own energy mix and that their competence in this area must not be eroded. In particular, the drawing up of national plans should not result in de facto binding national renewable energy targets. I must emphasise though that at this stage the Commission's proposals are still in an early stage of development and it unclear exactly what form they will take.

You asked whether there has been discussion of a power decarbonisation target for 2030. As you know, the Energy Act 2013 enables a 2030 binding decarbonisation target range to be set for the UK's electricity sector, although I am clear that we should not make a decision on whether to set this target range before 2016, once we have decided the level of economy-wide emissions reductions that we will have to achieved by 2030 under the 5th Carbon Budget. In fact, there has been little discussion of a power sector decarbonisation target at EU level, largely because a significant number of Member States either do not support sectoral targets or do not support nuclear power and perceive such a target as tacit support for nuclear.

You also asked for further comment on and an indication of the Government approach to the renewal of the carbon leakage list; a boost for innovation, supported by ETS auctioning revenues and the EIB; CCS, including the strengthened use of auctioning revenues to boost research and demonstration efforts; and the inclusion of agriculture in the GHG reduction effort.

The Government recognises the risk of carbon leakage as a result of costs related to the EU Emissions Trading System and strongly supports measures to minimise it. We are concerned that unless existing rules are reformed, industrial sectors most at risk of carbon leakage may no longer receive sufficient compensation to mitigate this risk because of the declining number of allowances available under the overall cap. We therefore welcome the Commission's proposal to maintain a system of free allocation after 2020, but with a more focused approach on those sectors at highest risk. We recognise however that further analysis is required to ensure that these provisions are effective, evidence-based, and well-targeted. The Commission is currently reviewing the current carbon leakage list and we expect to see proposals applicable for the period from 2015 to 2019 shortly.

The Government considers there is a clear need for increased innovation effort to reduce the cost of a range of low carbon energy technologies so that they can be deployed as quickly and as economically as possible. Co-operation with the European Investment Bank in the context of the EU's research and development funding programmes is already happening and more is being encouraged, which we support. However, the use of ETS revenues for this purpose raises issues that are a matter for the Treasury to consider. As I am sure you will be aware, the Government has a longstanding policy against hypothecation of funding streams towards specific areas of spending. A move away from this position would require careful consideration and is ultimately a matter for my Treasury colleagues.

The Government remains committed to encouraging the development of cost-competitive Carbon Capture and Storage in the UK and abroad. The Commission has set out a framework for 2030 which allows Member States to meet GHG reduction targets in a flexible way specific to national circumstances - including their preferred energy mix. CCS is a key element of the UK's energy strategy - reducing emissions and securing low carbon energy at least cost to consumers. Ultimately, investment in CCS will be driven by the price of carbon. We have long called for urgent reform of the EU Emissions Trading System (ETS) to provide a stronger, more certain low-carbon investment signal and allow emissions reductions to be delivered at least cost. A reformed EU ETS will play a pivotal role in delivering 2030 objectives; the legislative proposals for structural reform issued by the Commission in January are a step in the right direction, though not the comprehensive reform we would like to see.

Turning to the inclusion of agriculture in the greenhouse gas reduction effort, the Commission has indicated that all sectors should contribute to EU mitigation efforts, and that agriculture, but also land use, land-use change and forestry (LULUCF) should be included in the EU greenhouse gas reduction target for 2030. These two sectors are treated differently under current EU climate policy: non-CO2 emissions from agriculture are included in the Effort Sharing Decision governing emissions from the non-EU ETS, ("non-traded") sector, while LULUCF emissions and removals are not included in the EU's 20% reduction target for 2020 at all. LULUCF emissions and removals are however accounted for under international commitments, although the agricultural LULUCF activities are accounted on a voluntary basis. The Commission has committed to undertake further analysis with the aim of assessing the mitigation potential and the most appropriate policy approach. We look forward to

seeing that further analysis, which will help inform the UK's position on the treatment of these important sectors.

You also asked for the Government's views on the role of nuclear energy within the 2030 Framework. As you know, the UK is clear that as a reliable, low carbon source of energy, nuclear power will have an important part to play in meeting the EU's long term objective of secure, competitive and sustainable energy supplies, including making a vital contribution to enabling the EU to meet its greenhouse gas emissions reduction target for 2030. I note that the Commission's proposals on governance anticipate that national energy plans would, where appropriate, reflect the role of nuclear energy in achieving these goals.

Finally, you queried why the Government has not consulted on this Communication. We have refrained from a formal consultation procedure at this stage as the dossier is not yet at the legislative proposal stage. However I should emphasise that we recognise the importance of this dossier; the need to seek the views of stakeholders to inform our policy in this area; and we will maintain regular and informal consultations with the full range of stakeholders as this work progresses.

30 March 2014

Letter from the Chairman to Edward Davey MP

Your letter of 30 March 2014 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 9 April 2014.

Thank you for your comprehensive and helpful response to our comments and queries.

We noted that the European Council did not take a position but, rather, committed to doing so by October.

As discussions progress, it may be helpful to meet with you. Our officials will be in contact with your Department to identify an appropriate date.

In the meantime, we would appreciate receipt of any relevant updates. In the meantime we shall retain the Communication under scrutiny.

10 April 2014

PROTECTIVE MEASURES AGAINST PESTS OF PLANTS (9574/13)

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

Further to my letter of 26 June I am writing to update you on the negotiations on the above proposal. While there have been a number of meetings held to date, discussions are still at the initial 'read through' stage with the Commission explaining its proposal and responding to preliminary comments from Member States. The Greek Presidency has planned several further meetings with a stated intention of completing the first read through and producing a first compromise text for consideration.

While the negotiations are still very much at an early stage there are some emerging issues which I would like to report on.

The use of tertiary legislation has been raised on a number of occasions, with Member States questioning the need for any such acts or, where the Commission text includes provision for a delegated act, suggesting a preference for use of an implementing act. This latter approach would exclude the need for involvement with the European Parliament. In line with this approach the UK is generally supportive of the Commission's proposal to list individual pests and diseases in implementing acts but with criteria for listing contained within the parent legislation. We believe this approach would help facilitate the UK's objective of achieving faster decision making by avoiding the need for separate consideration by the European Parliament on what are essentially detailed technical considerations on the application of the rules to a large number of pest and disease threats. Advice from the Council Legal Services in relation to the parallel proposal on animal health has suggested that the legal basis for the Commission's approach to listing pests and diseases in implementing acts rather than as part of the parent legislation may not be acceptable. It is not yet clear whether this is a definitive position which would also extend to plant health. There is currently an ongoing discussion between the Council and Commission Legal Services to clarify the issue.

You will also recall that key concerns for the UK were to ensure future biosecurity for our trees and other plants and in furtherance of the enhanced approach we are taking nationally, ensuring that EU action is properly focussed according to risk. The Committee previously expressed concern about the Commission's approach to identifying priority pests. You may recall that an upper limit of 10% of current listed pests was being proposed. A number of Member States, including the UK, have flagged the impracticalities of imposing such a limit and emphasised the need to stick to consistent application of criteria for identifying priority pests. Given the strength of opposition our expectation is that the Commission will agree to change its approach.

I also referred to the importance we and other Member States attached to addressing a failing in the current EU regime which allows new import trades to commence without prior assessment of risk and our reservations concerning the Commission's proposed approach. This issue has already generated considerable discussion both in the Council Working Groups and the European Parliament. UK is working with the Greek Presidency and other Member States to help identify a practical and proportionate solution which addresses the key risks but without unnecessarily disrupting trade. The Commission has continued to indicate its willingness to consider alternative approaches.

I hope this initial update serves to keep the Committee informed but do let me know if there are other specific points where further information would be welcome.

25 January 2014

Letter from the Chairman to Lord de Mauley

Your letter of 25 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your update regarding the progress of negotiations on this Proposal. We are particularly pleased to note your confidence regarding a change in approach to the issue of current listed pests.

We understand that negotiations are still at an early stage, and so we look forward to a further update in due course.

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

12 February 2014

QUALITY OF PETROL AND DIESEL FUELS AND RENEWABLE SOURCES OF ENERGY (15189/12)

Letter from the Chairman to the Baroness Kramer, Minister of State, Department for Transport

Your letter of 21 November 2013 on the above Directive was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee on 4 December 2013.

The analysis that you provided was helpful. We note the Government's move away from an approach based on ILUC factors to one that supports a cap-based approach, and that the change in your position is due to a desire to achieve a compromise with other Member States and, indeed, with the European Parliament.

We would welcome a clearer analysis from you of the impact of the agreed Presidency compromise on greenhouse gas emissions, particularly as your methodology was not clear. We would also wish to be clear as to the potential impact on other renewable technologies and the wider fuel mix, particularly as a result of increased multiple counting. Finally, we would like to be assured that the proposed solution will be sufficiently flexible in order to take into account new and sustainable technological developments without the need for further regulatory change.

We will retain the Proposal under scrutiny but agreement at the 12 December Council need not be withheld pending completion of scrutiny.

We look forward to an update on the discussion in Council in due course and, subsequently, information on progress towards an inter-institutional agreement before the European Parliament elections.

5 December 2013

Letter from the Baroness Kramer to the Chairman

Thank you for your letter of 5 December 2013 on the proposal to amend the Renewable Energy Directive (RED) and Fuel Quality Directive (FQD) to address the indirect impacts of biofuels. I am grateful to the Sub-Committee on Agriculture, Fisheries, Environment and Energy for granting a scrutiny waiver on the proposal for the proposed political agreement at the 12 December Energy Council. I write to update you on the outcome of the Council, and to respond to the queries you raised in your letter.

You will recall that at Energy Council the Lithuanian Presidency were seeking political agreement on a package of measures that included a cap on biofuels from food crops set at 7% and additional support for the most sustainable advanced biofuels. The Secretary of State for Energy and Climate Change, Ed Davey, represented the UK. He set out the importance of addressing Indirect Land Use Change (ILUC) and stated that whilst the cap was far higher than the UK preferred, we could accept the compromise. Other Member States also expressed concerns, but most stated they could accept the proposal as a compromise on a contentious dossier. The Commission also expressed concern about certain elements in the text but strongly encouraged Member States to allow for the compromise to be adopted in order to enter second reading negotiations with the European Parliament. However, agreement was narrowly blocked by a combination of countries who believed the proposal lacked environmental ambition and those who believed the proposal was too environmentally ambitious.

I am disappointed agreement was not reached as I judged that this deal, while not as ambitious as we had hoped, represented the best compromise possible given the range of Member States' positions and offered benefits to the UK relative to a scenario where no action is taken. I have urged the Greek Presidency to progress the ILUC negotiations during their term. The dossier is on the draft agenda for the Energy Council on 4th March and I hope it will be possible to reach a compromise then. I expect the Greek Presidency to start with the Lithuanian Presidency's proposal and make minor amendments to seek to move the position of the Member States who blocked the proposal. However it looks unlikely that there is sufficient time to reach inter-institutional agreement before the European Parliament elections.

You asked for further information on the impact of the Presidency proposal on greenhouse gas emissions; the potential impact on other renewable technologies and the wider fuel mix; and the flexibility of the proposed solution with regard to future technological developments. I have responded to these queries below.

GREENHOUSE GAS IMPACT OF PRESIDENCY PROPOSAL

As part of our analysis we modelled the impact of the Lithuanian Presidency's proposed compromise text and compared it to the current baseline which involved meeting the existing RED and FQD targets. We also included both the direct and indirect emissions from biofuels in order to determine any actual greenhouse gas (GHG) savings. The Lithuanian Presidency's proposal included a 7% cap on biofuels derived from food crops and a voluntary sub target on advanced biofuels. Under the current RED biofuels made from certain waste feedstocks count twice towards the 10% transport target and the Lithuanians also extended this towards the overall RED target.

Our modelling suggests that under the Lithuanian Presidency's proposal we would see a slight increase in average GHG emissions savings relative to the baseline of RED and FQD targets. This increase in savings is due to a combination of increased advanced biofuel supply (which have higher greenhouse gas savings than first generation biofuels) and lower crop biofuel supply (especially biodiesel from oil crops which have high ILUC emissions).

POTENTIAL IMPACT ON OTHER RENEWABLE TECHNOLOGIES AND FLEXIBILITY OF PROPOSED SOLUTION

The proposed compromise offers several incentives for the development of renewable technologies. Multiple counting certain advanced biofuel feedstocks offers technologically neutral incentives for their development, whilst also recognising the increased cost of producing and supplying these new fuels. The optional sub target provides a market for these fuels, supporting investment in new production technologies, whilst also recognising that different Member States are at different stages of development and are endowed with different levels of these feedstocks. Furthermore the proposal contains a list of advanced biofuel and other feedstocks which can be multiple counted, several of which are sufficiently broad in their description to allow future feedstock developments. Advanced fuels are often chemically identical to their fossil equivalents and so can be blended up to any level. This means they don't offer the same challenges on the fuel mix and vehicle blend walls as conventional biofuels.

I was also pleased that the UK successfully negotiated the inclusion of a mechanism for new feedstocks to be included on the multiple counting list, where the feedstocks meet certain sustainability criteria. This ensures that new and more efficient technologies are not discouraged from being developed, and removes the need to make future amendments to the legislation. Finally, the proposal includes increased multiple counting of electricity in road (five times) and rail (two and a half times) towards the RED target, which incentivises further electrification of surface transport.

Whilst, as you know, the proposed compromise is not as ambitious as I would have liked, it does offer a range of support for the development of these renewable fuels. I see this as an opportunity for UK companies to take a world lead in fuels needed for the future. This is also why Norman Baker announced a £25 million demonstration plant competition¹³ in August last year and why I launched a call for evidence¹⁴ in December to better understand these fuels and needs of the market.

I will, of course, write again to update you on developments ahead of any further proposed political agreement.

27 January 2014

Letter from the Baroness Kramer, Minister of State, Department for Transport to the Chairman

I am writing to provide you with an update on the progress of negotiations on implementing measures for Article 7a of the Fuel Quality Directive (98/70/EC, as amended by Directive 2009/30/EC), which relates to the implementing measures required to measure the lifecycle greenhouse gas intensity of fossil fuels. Norman Baker last updated your Committee on these negotiations in a letter dated 8th February 2013.

As you may recall, the Commission's proposal for implementing measures under Article 7a of the Fuel Quality Directive (FQD) received a vote of "No Opinion" at a meeting on 23 February 2012. In response to requests by the UK and others, the Commission undertook to carry out an impact assessment prior to publication of a revised proposal.

The Commission had previously intended to publish the impact assessment and revised proposal in the autumn. However they have not yet done so and it is now unclear when they will be in a position to bring forward a proposal. The issue is complicated by the clear links with the ongoing discussion on the Indirect Land Use Change Directive (EM 15189/12) and, in the longer term, the 2030 Climate and Energy Framework.

However, we expect that the Commission will seek to conclude the process before the end of the current session of the European Parliament. This would require the proposal to be published by early 2014. The Council would then have to complete its consideration of the proposal within two months of publication.

This is of course a tight timetable and my officials will stay in touch with the Committee Clerks as more information on the timing and content of the proposal becomes available, to ensure that your Committee has sufficient opportunity to scrutinise it before it is put to a vote in the Council of Ministers.

My Department remains engaged across Whitehall, with the Commission, and with key Member States, in order to ensure that the UK Government is well placed to contribute to the ongoing debate on reducing emissions from fuels used in transport.

31 January 2014

Letter from the Chairman to the Baroness Kramer

Your letter of 27 January 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee on 12 February 2014.

Thank you for your helpful response, updating us on the December Council and addressing the concerns raised in our previous letter.

¹³ <https://www.gov.uk/government/news/25-million-for-advanced-biofuel-demonstration-projects>

¹⁴ <https://www.gov.uk/government/consultations/advanced-fuels-call-for-evidence>

We share your disappointment that an agreement was not reached as regards ILUC negotiations. Given the pending uncertainties regarding negotiations, we are content to provide a scrutiny waiver for the upcoming Council. We would, however, be grateful for an update on developments following the March Council in due course.

12 February 2014

Letter from the Chairman to the Baroness Kramer

Your letter of 31 January 2014 on the above Directive was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 12 February 2014.

Thank you for your update. We understand that although the Commission had intended to publish the impact assessment and revised proposal in the autumn, it is now unclear when these documents will be published.

We are grateful for your assurances and for offering to keep us informed of any progress on this dossier. We look forward to a response in due course.

12 February 2014

Letter from the Baroness Kramer to the Chairman

In my letter of 27th January I promised to update you on developments on the above dossier, ahead of any further proposed political agreement. I am grateful to your Committee for providing a scrutiny waiver in February, however the Greek Presidency did not put the dossier on the March Energy Council agenda as I had anticipated. Following further negotiations they have included it on the agenda for the Energy Council on June 13th.

You will recall that in December the Lithuanian Presidency's proposed compromise was blocked by a minority of Member States. This proposal included a cap on biofuels from food crops set at 7%, an ILUC factors reporting requirement, extension of multiple counting of advanced fuels towards both the RED transport and overall targets, and a voluntary advanced biofuel sub-target.

My letter of 27 January said that we hoped it would be possible for agreement to be reached at the 4 March Energy Council. The Greek Presidency concluded that it would not be in a position to seek agreement by then but has since built on the Lithuanian Presidency's proposal and has sought to find a compromise which would remove the blocking minority by amending the terms of the advanced biofuel sub-target.

The Presidency has now put forward a proposed compromise, under which Member States would be required to set an advanced biofuel sub-target. The proposed 'reference value' for the sub-target is 0.5% of total transport energy. As all 'advanced' feedstocks are double counted, this would represent one percentage point of the 10% renewable transport energy target. Member States are permitted to set a lower sub-target if any of the three broad categories of reasons for doing so, which are set out in the amendment, are applicable. Reasons could include concerns on cost, sustainability, or if national fuel standards are breached; effectively providing Member States with considerable discretion.

I am keen to support the development of these kinds of alternative fuels and believe a sub-target is a good way to help create the right kind of environment for investment. However, given the uncertainty around the availability and cost of these feedstocks, I believe it is crucial that Member States retain the flexibility to set the sub-target at an affordable level and I am satisfied that this proposal provides that flexibility.

Our modelling for the cost of the Lithuanian Presidency's December proposal included a 0.5% contribution from advanced biofuels, and therefore this latest proposal has the same anticipated costs. As previously, our modelling indicates that the net impact of the proposal in the transport sector is to reduce the fuel price premium compared to the existing RED/FQD legislation.

There remains a fragile balance of views between those Member States who wish the proposal was more ambitious in terms of restricting crop based biofuels and promoting advanced biofuels, and those who wish it were less so. However, the Greek Presidency has concluded that there is sufficient support for a political agreement to be reached at the Energy Council meeting on 13th June.

As explained in my previous letter, whilst the overall proposal is not as ambitious in addressing ILUC as we had hoped, it does offer significant environmental and cost benefits over the current situation. There appears to be very little prospect of achieving more in these negotiations and a real risk at this stage of not achieving any agreement. Therefore, I would very much like to be in a position to

support the package, and would be grateful if the Committee could provide a further scrutiny waiver for the 13th June Energy Council.

2 June 2014

RECOVERY OF THE STOCK OF EUROPEAN EEL (12989/12)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

Thank you for your letter of 8 May 2014 about the new EU Forest Strategy and related forestry issues.

PRINCIPLES AND VISION

As I said at the hearing, we are committed to the principles of sustainable forest management set out in the UK Forestry Standard (UKFS).

The UKFS also aligns with the principles of sustainable forest management enshrined in the vision for forests in Europe, agreed at the Forest Europe Ministerial conference in Oslo in 2011:

“To shape a future where all European forests are vital, productive and multifunctional. Where forests contribute effectively to sustainable development, through ensuring human well-being, a healthy environment and economic development in Europe and across the globe. Where the forests’ unique potential to support a green economy, livelihoods, climate change mitigation, biodiversity conservation, enhancing water quality and combating desertification is realised to the benefit of society.”

GOVERNANCE

EU Member States work closely and cooperatively with the Commission to improve policy coherence, whilst ensuring that competence for forests is respected. This is reflected by the role of the Standing Forestry Committee (SFC), through which forestry experts from Member States act as an advisory and management committee for Commission-led forestry activities.

We believe that the Commission could do more to promote internal coherence between their Directorates General and have pressed for Council Conclusions on the new EU Forest Strategy to embody this approach. In implementing the Strategy we will therefore encourage the Commission to make better use of their inter service working group of forestry.

The Council Conclusions also promote a strengthened role for the SFC in providing advice and improving communication on forest-related policies. In practice, a strengthened role for the SFC would require it to be involved from the outset on policy initiatives and consultations so that forestry can be considered appropriately. Currently, the SFC is often consulted once policy development is well underway, meaning it can be too late to influence the overall direction of policy.

With regards to leadership, the UK and other Member States are in the driving seat within Forest Europe, and in ensuring that Forest Europe and the EU are mutually supportive. We want to avoid duplication of Forest Europe work within the EU, for example, by developing separate criteria and indicators for sustainable forest management, particularly in areas of Member State competence.

Defra agrees the UK negotiating position with other Government Departments, the Devolved Administrations, and the Defra Network, including the Forestry Commission, Natural England and the Environment Agency. The Devolved Administrations were fully consulted about the EU Forest Strategy and its associated Council Conclusions.

Similarly, for negotiations on the Common Agricultural Policy (CAP) negotiations, Defra agreed the UK position working closely with the Forestry Commission, and the Devolved Administrations. The objectives of the four countries were closely aligned and the UK worked to ensure that support could be available to encourage afforestation and the sustainable management of existing woodland in accordance with the UKFS. The negotiations successfully delivered support to enhance forest biodiversity, encourage afforestation and develop supply chains which may include use of forest products as a source of renewable energy.

INFORMATION

Forest Research, an agency of the Forestry Commission, provides innovative applied research, development, monitoring and scientific services to forestry stakeholders and is responsible for transferring research knowledge directly, and/or in partnership with others, to UK and international audiences.

In addition, the Forestry Commission holds regular scientific update seminars and publishes a wide range of research papers, advice and information notes, practice guides and UKFS Guidelines.

The Farming Advice Service (FAS) focusses on providing (CAP-mandated) advice on cross-compliance; however, the National Skills Framework under the Rural Development Programme for England (RDPE) offers training, advice, information, facilitation and knowledge transfer activities on farming and forestry. The Framework recognises the importance of farmers understanding the value of managing their woodland assets, and has provided assistance to 1,000 farmers since December 2012.

IMPLEMENTATION

The Council agreed Conclusions on the new EU Forest Strategy on 19 May 2014. In the UK, implementation is undertaken in the Devolved Administrations by the relevant forestry authorities and by the state forest sector.

TIMBER REGULATION

My officials are encouraging the Commission to publish a format and timeline for the review. Defra held a stakeholder event in March 2014 to gather initial views on the review from industry, civil society, Government, international partners, and independent consultancies.

We will continue to develop our position in cooperation with stakeholders. However, initial priorities include:

- Uneven implementation. The majority of Member States are not yet implementing the EU Timber Regulation fully. This undermines the Regulation's effectiveness, and may disadvantage compliant countries;
- Product Scope. There are some obvious loopholes in the legislation. We will consider how the current range of products covered could be improved;
- Linkages with related policies. Linkages with other international agreements, for example the Convention on International Trade in Endangered Species (CITES), require further clarification; and
- Due diligence requirements. We will consider the effectiveness of the current requirements for companies placing timber or timber products on the market.

RURAL DEVELOPMENT PROGRAMME

In your letter of 10 January 2014 to Lord de Mauley, you also asked for additional information on plans to evaluate the effectiveness of support under the Rural Development Programme to improve the economic value of forests.

The effectiveness of the use of Measure 122 (the measure that is specifically designed to support improvements in the economic value of forests) under the RDPE will be addressed primarily in the ex-post evaluation of the whole programme. However, a more limited piece of work looking at some of the issues raised in the EU Court of Auditors report will be commissioned to report by the end of this year. This will concentrate on whether the activity supported was appropriate for the measure. It will also examine the extent to which forest management plans were required and provided the necessary justification for the support provided. The aim of the study will be to ensure that lessons are learnt over appropriate use of measures and that guidance on the preparation of management plans is adequate.

13 February 2014

Letter from the Chairman to George Eustice MP

Your letter of 13 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your reply regarding the development of this Proposal.

We would maintain the position we have previously expressed, which is that we are concerned about the overall sustainability of the stock of European eel. We look forward to the new Proposal from the Commission to that effect in the course of 2014.

We shall continue to retain this Proposal under scrutiny and look forward to an update in due course.

13 March 2014

Letter from George Eustice MP to the Chairman

Further to your letter of 13 March 2014, I am now writing to update you on the proposal to amend the EU Eel Regulation.

The Presidency recently published a 'compromise document' which, if agreed, would form the basis of their position for future negotiations on the proposal with the Parliament and the Commission. The compromises outlined in the document support the amendments that were originally proposed to align the Regulation with the Lisbon Treaty; suggested amendments that go beyond that scope are not supported.

The proposed position is as such in line with the UK's position, i.e. that the proposal should be limited to the remit of the Lisbon update. We have argued that any substantive amendments would be better considered as part of a further regulatory proposal, supported by a robust evidence base; this position is also supported by the Commission. The key change, which we have considered and are content with, is to support the use of implementing acts rather than delegated acts in order to realign the Regulation.

The Council's Fisheries Working Party met on 9 April to discuss the compromise document and gave it their broad support. As such the Presidency now has a mandate to formally agree this as the Council position at COREPER I. Further discussion with the European Parliament to secure a first reading deal will not take place until after the upcoming elections.

Under the current Presidency there has been a focus on ensuring progress with this and other 'Lisbon alignment' proposals. As the Presidency and the Commission have taken a position on the proposals which we fully support, I am very confident that the negotiations are going in the right direction; I hope this provides you with the information you require to clear this proposal from scrutiny.

Eel stock recovery remains the objective of the Regulation. The Commission is due to report in the next few weeks on their evaluation of the first round of Member States' Eel Management Plan progress reports, i.e. on how effectively the Regulation has been implemented by Member States and on progress in effecting eel stock recovery. This will help inform consideration of what, if any further, substantive amendments to the Regulation are required, and would form the basis for the publication of any further regulatory proposal. Timing for this will be influenced by the change in the Parliament and the subsequent appetite for taking it forward; we do not however expect a proposal to be published until 2016.

22 April 2014

Letter from the Chairman to George Eustice MP

Your letter of 22 April 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

We note the developments in Council and we are content on that basis to release the proposal from scrutiny. We look forward to further information on negotiations with the European Parliament later in the year.

It is helpful to know that the Commission will be reporting shortly on the first round of eel management plan progress reports, with a view to informing discussion of possible substantive amendments to the Regulation.

8 May 2014

REDUCING CATCHES OF SEA BIRDS IN FISHING GEAR (16518/12)

Letter from George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs, to the Chairman

I am writing to update you on our progress taking forward the EU Action Plan for Reducing Incidental Catches of Seabirds in Fishing Gears.

In May 2013 Defra officials attended a workshop organised by the European Commission. This workshop was intended to provide an opportunity for the Commission to discuss approaches to implementing the Plan of Action with Member States and Stakeholders. Representatives from Birdlife and the Royal Society for the Protection of Birds (RSPB) participated along with two of the seven Regional Advisory Councils (Baltic Sea and Mediterranean) and six Member States (Belgium, Denmark, Germany, Ireland, Sweden and the UK).

The workshop generated fruitful discussions and highlighted good support for taking forward the EU Action Plan amongst those present. We know that other Member States, particularly those where seabird bycatch has already been identified as an issue, have concerns about what this Plan means practically, so there will inevitably be challenges for the EU Commission in taking this forward. However, from the workshop, the EU Commission took away a number of important actions, including ensuring that:

- When developing the new Technical Measures Framework and future Multiannual Plans, appropriate measures to address seabird bycatch should be considered;
- Data collection on bycatch of seabirds should be included in the new Data Collection Framework (now called the Data Collection Multi-Annual Programme or DCMAP): we understand that the EU will publish a consultation on proposals for DCMAP later this year;
- The Commission should access sources of European funding and assist Member States in accessing the European Maritime Fisheries Fund) for bycatch mitigation research;
- The Commission should review monitoring and mitigation measures to protect seabirds in the Regional Fisheries Management Organisations (RFMOs) and work with Member States to continue to press for action to be taken in these forums;
- The Commission should raise awareness and ensure buy-in in the Regional Advisory Councils not able to attend the workshop.

While this moves forward at a European level, work is also underway in the UK. For example, research funded by Defra and led by the Joint Nature Conservation Committee (JNCC) and the Wildfowl and Wetlands Trust (WWT) is progressing well. This work, which also involves experts from the RSPB, will help to identify any potential hotspots of seabird bycatch in UK waters, underpinning our development of a UK Plan of Action and the UK indicator for seabird bycatch under the Marine Strategy Framework Directive (MSFD). The first draft of the UK Plan of Action should be ready by the end of 2014. We will then work with all relevant stakeholders to agree a final plan in the first half of 2015.

With regard to the MSFD, in January this year the UK government launched its consultation on monitoring the marine environment to meet our commitment to achieve Good Environmental Status (GES) by 2020, including proposals for how to monitor seabirds. This will be supplemented by work the JNCC is currently undertaking to identify options for monitoring seabird populations in future to meet all EU requirements, including under the Birds Directive.

Following these developments, I hope to be in a position to update the Committee of our progress towards the end of 2014 but will write sooner if further developments are made within the EU.

24 February 2014

Letter from the Chairman to George Eustice MP

Your letter of 24 February 2014 on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 11 March 2014.

Thank you for your very helpful update. It is clear that progress has been made on identifying actions that can be taken to reduce the incidental catches of seabirds in fishing gear.

We are content to release the Communication from scrutiny. We look forward to further information in due course, as you propose.

13 March 2014

REDUCING PLASTIC CARRIER BAG USE (15845/13)

Letter from the Chairman to Michael Fallon MP, Minister of State, Department of Energy and Climate Change

Your Explanatory Memorandum (EM) on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 4 December 2013.

We agree with you that there is a strong case to amend the Packaging Directive to include an explicit policy on reduction of plastic bags, particularly in the framework manner proposed by the Commission.

We note the Commission's statement that the proposed definition of a lightweight plastic bag reflects existing experience among Member States and at international level and has been endorsed by relevant stakeholders such as European Plastic Converters, European Plastic Films, Eurocommerce, European Association of Plastic Recycling and Recovery, Plastics Europe, European Bioplastics and European Plastic Recyclers. We would be interested to know if the Government have received any response from stakeholders to the proposed common definition.

We note that the Proposal was due to be presented to a Council Working Group on 21 November, but that substantive progress on the dossier is not expected until the Greek Presidency next year. We would welcome confirmation that the dossier is unlikely to be prioritised for agreement between the Council and European Parliament before the elections for the latter next year.

We look forward to an update on the progress of negotiations in due course, including responses to the queries raised above. In the meantime, we shall retain the Proposal under scrutiny.

5 December 2013

SHIPMENTS OF WASTE (12633/13)

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

Thank you for your letter of 10 October 2013 about the European Commission's proposal to amend the Waste Shipments Regulation. The proposal is intended to improve compliance across the EU by requiring more rigorous inspection planning by Member States. You requested an update as the negotiations proceeded and we had also offered to provide some more detailed statistics on the extent of illegal exports and a summary of our findings on impacts. The negotiations are now well advanced. The UK will need to give an indication of its voting intentions in early March prior final agreement of the text in Council, so I am writing now to update you and to ask whether you can clear scrutiny on this proposal as a matter of urgency.

Ministers exchanged preliminary views at Environment Council in October. They welcomed the proposal and recognised the need to improve measures to address illegal shipments of waste. While they broadly supported inspection planning, they also underlined the need to consider further the level of detail to be included in the plans in order to strike the right balance between costs and objectives. Furthermore, Ministers expressed doubts about the publication of inspection plans since this could be an advantage to those involved in illegal shipments.

The negotiations have generally been moving in a positive direction, although it is looking as though a significant number of Member States prefer a requirement for inspection plans with a minimal list of mandatory requirements. We can accept this as long as we are content that it will not significantly impact on the way we operate already and are negotiating on this basis. To address concerns that such requirements might promote bureaucracy, we are seeking a review clause to assess the impact of the regulation.

In terms of statistics, illegal shipments are, by their very nature, difficult to quantify. In 2012, our competent authorities found 380 shipments to be illegal. The majority were exports from the UK. Our Competent Authorities issued only 7 notices to overseas authorities requesting that they take back waste illegally imported into the UK.

We have prepared a checklist of the impacts of this proposal. Our findings can be summarised as follows:

- Whilst the UK has an effective system of enforcement, the inclusion in the EU Regulation of a requirement to prepare inspection plans will sharpen the focus of our Competent Authorities. Since the repatriation of illegal shipments to the UK can cost thousands of pounds and must be funded by Government where the person responsible for the shipment cannot be traced, a sharper focus has the potential to reduce the costs of enforcement;
- There may be some benefits for legitimate business. The Commission's proposal is intended to result in an improvement of the enforcement of the controls in the Waste Shipments Regulation. This should provide a more level playing field with consequent benefits for legitimate businesses;
- There will be environmental and health benefits at global level with better enforcement. The illegal shipment of waste can result in the waste being managed in a way that does not represent environmentally sound management or even dumped in the receiving country and so pose a risk to the health of the local population and to the environment. Countries and citizens suffering from the environmental and health impacts from dumping or mismanagement of waste may be expected to benefit from this proposal; and
- Whilst a long mandatory list of issues for inclusion in plans might entail Competent Authority resource amounting to tens of thousands of pounds and might mean them having to take resource away from more direct enforcement activity, a minimal list of mandatory requirements would take significantly less resource. A review clause, obliging the Commission to assess the impacts in due course would address concerns that such an approach might promote bureaucracy.

I would like to reassure you that the negotiations appear to be going in the right direction and we feel we have the scope to influence an outcome on planning proposals that will not be overly burdensome on UK competence authorities. I hope this provides you with the information you require to clear this proposal from scrutiny.

17 February 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 17 February 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 26 February 2014.

Thank you for your helpful and informative response.

We understand that negotiations have advanced rapidly and that the Government will need to give an indication of its voting intentions in early March. We are therefore content to release this Proposal from scrutiny.

We would be grateful for an update on this dossier in due course.

26 February 2014

SPREAD OF INVASIVE ALIEN SPECIES (13457/13)

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

Your request for a scrutiny waiver on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 29 January 2014.

Further to our last letter of 8 November 2013, we understand that negotiations on the Proposal have been rapid, with an expected vote at COREPER on Friday 7 February.

We are grateful for the helpful information provided by your officials regarding this update, and on that basis, we are content to provide a scrutiny waiver for the forthcoming COREPER meeting. We will, however, maintain a strong interest in this dossier, and look forward to an update of the negotiations in due course.

29 January 2014

Letter from Lord de Mauley to the Chairman

Thank you for your response to contact from my officials on 28 January. As was indicated then, we were about to enter into an intense period of negotiation and we planned to write to you after the trilogues between the European Parliament, Commission and Presidency had concluded. I am pleased to report that agreement has been reached in Brussels on a text to be presented to the European Parliament and the European Council, and that on balance I can recommend that it should be supported. I expect the European Parliament to vote on it in the week of 14 April, with the Council consideration taking place after that in late April or early May, so I am writing now to update you and to ask whether you can clear scrutiny on this proposal as a matter of urgency.

As indicated previously, including in the Explanatory Memorandum submitted on 23 September 2013, and the Government's position as agreed by the Cabinet European Affairs Committee, the UK supports the general principles of the proposed Regulation. The Regulation seeks to introduce a consistent approach across the EU rules in this area, similar to that which we already operate under a GB Invasive Non-Native Species Framework Strategy. Measures introduced will provide additional security to the UK's biodiversity and economic interests by establishing precautionary measures across the Union and barriers to the introduction of invasive alien species into the UK, as well as reciprocal measures being required of the UK.

The text on which agreement is now being sought addresses all of our objectives, albeit to varying degrees. Even in those areas where we would have preferred a different outcome we have achieved a satisfactory result. We did not get as much flexibility as we would have liked on the requirements for invasive alien species that are incapable of becoming established in the UK, so we will have to consider the listing of any such species on a case-by-case basis, should they be proposed. The last minute changes to the wording on authorisations (the 'mink' clause) were less than ideal but we have nevertheless succeeded in setting a high test for the authorisation to be granted and that it should be the Commission that takes the decision and not a Member State that self approves such an authorisation.

Compared to the Commission's original proposal the text now:

- Provides an opportunity for native species to be subject to many of the provisions of the regime and in particular for enhanced regional cooperation;
- Removes the originally suggested numerical cap on any list;
- Ensures that more stringent national restrictions are allowed;
- Secures appropriate transitional measures for non-commercial owners and for commercial stock owners;
- Improves language on selection criteria;
- Avoids singular focus on the ballast water pathway and a de-facto application of the Ballast Water Convention before the UK has signed it;
- Improves language on border checks and official controls and enforcement mechanisms that recognise existing mechanisms and the principles of subsidiarity;
- Provides more urgency on the Commission's information support system; and
- Ensures that implementing deadlines are generally linked to the production of the list of species as opposed to the earlier entry into force date of the Regulations.

An article by article summary of the provisions is attached [not printed] for information.

Overall, therefore, the regime which this framework Regulation seeks to establish represents a considerable improvement on the current disjointed situation across Europe where Member States

demonstrate varying degrees of rigour in tackling invasive alien species, and I hope that this letter provides you with the information you require to clear this proposal from scrutiny.

This framework Regulation does not itself set out the species which should be the subject of preventative and management measures. These will be proposed by the European Commission in 12 to 18 months following a risk assessment process set out in the Regulation. The actual impact of the regime will not be known until those proposals have been considered and agreed, and I will write to you again when that list and its implementing Regulation is proposed.

The Regulation does though make it clear that the Commission shall, when presenting species for listing under the regime, shall give priority to species yet to have arrived or at an early stage of invasion, take account of the implementation costs for the Member States, the cost of non-action, and the cost effectiveness and the socio-economic aspects. These considerations apply in relation to many aspects of the regime including the management measures envisaged for species that are widespread and no longer suitable for eradication. With these considerations I am satisfied that the regime is proportionate and fit for purpose by ensuring that a cost benefit analysis of the listing of species takes place so that those species that can or do have the most significant adverse effects can be subject to the regime.

12 March 2014

Letter from the Chairman to Lord de Mauley

Your letter of 12 March 2014 on the above Proposal was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 March 2014.

The successful negotiation of a text to establish common rules across the EU on the prevention and management of the introduction and spread of invasive alien species is welcome.

We note in particular the conditions applicable to species that are listed as species of Union concern under the new Regulation. We trust that rigorous application of those conditions will avoid any of the unintended impacts on UK gardeners to which the UK media has recently alluded.

At this stage we are content to release the Proposal from scrutiny and look forward to confirmation from you in due course of the outcome of the final votes in the European Parliament and Council.

21 March 2014

SUSTAINABLE USE OF PHOSPHORUS (12242/13)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Thank you for your letter of 10 October requesting further information on the points raised by the Commission in the above consultation.

The UK has been very successful in increasing the amount of biodegradable waste that is recycled into compost and anaerobic digestate. The most recent industry survey of the organics sector estimated that more than 7.5 million tonnes of organic waste were processed through composting and anaerobic digestion in 2012, compared with an estimated 1.7 million tonnes processed in 2001. The development of end of waste criteria in the form of Quality Protocols has played an important part in developing domestic markets for compost and digestate and therefore in supporting the growth of these sectors in recent years. However, our experience in developing these criteria leads us to question the conclusions in the EC Consultative Communication. There is very little trade between EU countries in these materials, and because the products are high volume, low value such trade is unlikely to develop. The benefits of EU criteria are therefore less clear than for other widely traded products.

The ongoing revision of EC fertiliser regulations should improve the efficiency of use of phosphorus. This will be achieved by widening the scope of existing legislation to include recycled materials in organic and organo-mineral fertilisers, thus ensuring that such products are uniformly labelled, with mandatory declarations and tolerances on nutrient content. This will enable farmers and land managers to better plan for the use of such products in conjunction with mineral fertilisers, so that phosphorus is neither under nor over-applied. Animal By-Products Regulations are not considered a barrier to nutrient recycling, as they are simply concerned with ensuring that everything is

pathogenically safe and not a risk to public or animal health. Food waste will be category 3 animal by-products and is already permitted to be used for composting, anaerobic digestion, and other forms of processing, such as rendering, with the outputs recycled to land as fertiliser.

Numerous scientific studies agree that the large majority of phosphorus that is mined annually is used to produce fertilisers and animal feeds at a global scale. It is estimated that about 90% of the global use of phosphorus is for food production, predominantly from fertilisers, and also animal feed and a relatively small amount in food additives. The remaining 10% is used in a wide range of industrial applications, such as detergents, matches, flame retardants, toothpastes, to name a few. In Europe, a recent study estimated that the net annual import of phosphorus into the EU in 2006 was in the order of 1.83 million tonnes, of which 1.6 million tonnes were in the form of manufactured fertilisers and fertiliser raw materials and 0.19 million tonnes in foods and other agricultural products. I am therefore satisfied that the balance in the Communication between agricultural and non-agricultural uses and activities is appropriate.

The European Innovation Partnership (EIP) on agricultural productivity and sustainability has been set up by the European Commission to build innovation in European agriculture. Delivery of the EIP's aims is through Operational Groups (OGs), comprising farmers, researchers, advisers and others.

OGs will come together and draw up plans for innovative projects that meet the EIP objectives, implement these projects and disseminate their results to the wider EIP network. OGs are likely to exist largely at national level, but could involve participants in more than one Member State. In England, we support the aims and objectives of the EIP for Agriculture to foster innovation and knowledge transfer of research, and we are now considering whether to support OGs and how best to ensure their fit with existing programmes to support innovation in agriculture, such as the implementation of the UK Agricultural Technology strategy. Operational Groups may offer a good vehicle for examining a range of issues and developing new solutions, for instance more efficient use and conservation of phosphorus in agriculture. The European Commission has stressed that the impetus for the activities of the Groups should come primarily from the farmer and farm advisers i.e. 'bottom up'. If we decide to support OGs, it is possible that those involved will have a key role in deciding the topic to be examined.

A copy of the final UK government response document to the European Commission on the consultation is attached [not printed] with this letter as requested, which addresses these points in more detail.

10 December 2013

Letter from the Chairman to George Eustice MP

Your letter of 10 December on the above Communication was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 18 December 2013.

We read your letter with interest, including your comments on UK developments in the recycling of biodegradable waste into compost and anaerobic digestate, as well as your response to the Commission Consultation.

On the Agricultural European Innovation Partnership (EIP), you note that the Operational Groups (OGs) established under the EIP may be in a position to develop new solutions to improve the efficient use and conservation of phosphorus in agriculture. We are pleased to learn that the Government are considering whether to support OGs. We would be keen for an update on that particular issue as your plans develop.

We are content to release the Communication from scrutiny and look forward to an update on the above issue in due course.

19 December 2013

WASTE STATISTICS AND THEIR QUALITY (6806/14)

Letter from the Chairman to Dan Rogerson 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 meeting of 19 March 2014.

We were interested to read this Report as issues regarding data collection have arisen in our recent inquiry into the EU contribution to food waste prevention, the report of which is due to be published on 6 April. While there is no explicit reference to food waste data, we noted that one of the issues identified as showing differences in data coverage across the EU was "animal and vegetal waste". This, it is argued, is due to different approaches to defining waste and by-products.

As referenced in your EM, the Commission indicates that differences in data coverage are being tackled by means of workshops. We would welcome clarification from you as to whether the workshops are covering differences in data coverage for animal and vegetal waste, including food waste, and, if so, whether the UK Government are engaged in those discussions and what stage any relevant discussions have reached.

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

21 March 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 21 March in which you asked about the comparability of animal and vegetal wastes and how this was being addressed.

In 2013 Eurostat organised two workshops, one focusing on the validation of waste statistics and one on food waste statistics.

The validation of waste workshop was about the general approach to validation and not specific to food. It focused upon the convergence of methods and the improvement of data quality. The workshop was looking to agree an approach on standardised data validation checks where aspects were addressed around:

- Sharing information about the activities at Eurostat;
- Exchange of knowledge about validation routines;
- Identification of possible overlaps;
- Starting a discussion on a possible shared responsibility regarding defined validation routines and
- Reach a better understanding of validation, its potential and limitations and better idea of how to progress.

A workshop on food waste workshop took place on 10 April 2013 about a programme on data collection on Food Waste linked to the data collection under the Waste Statistics Regulation. This has introduced additional data on detailed categories of food waste by industry that can be reported as an optional extension, or "plug-in" of the data delivery in June 2014.

There is a follow-up food waste workshop planned for November this year to review the project, draw the 'lessons learned', and discuss the dissemination of the data resulting from the project as well as possible further activities.

The UK is fully engaged and we will continue to be going forward. The UK is updating its estimates of household food waste by type of food in conjunction with Waste and Resources Action Programme (WRAP) and will publish them as official statistics. These new estimates will not be ready in time to meet the waste statistics regulation timetable. There is no statutory obligation to provide this data to the European Commission.

3 April 2014

Letter from the Chairman to Dan Rogerson MP

Your letter of 3 April 2014 on the above Report was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 7 May 2014.

We found your letter interesting. It is particularly helpful to know about the new “plug-in” of food waste data. Could you confirm the UK approach to including that food waste data in its reporting on waste statistics this year?

We look forward to your response within 10 working days.

8 May 2014

Letter from Dan Rogerson MP to the Chairman

Thank you for your letter of 8 May where you asked for confirmation of the UK approach to including food waste data in its reporting on waste statistics this year.

The UK is updating its estimates of household food waste by type of food in conjunction with Waste and Resources Action Programme (WRAP) and will publish them as official statistics. These new estimates will not be ready in time to meet the waste statistics regulation timetable.

The UK is fully engaged with providing this additional, optional data on food waste. The UK is exploring how this can be taken forward for the next waste statistics report, which will take place in 2016 reporting on 2014 data. It is intended that the UK will attend the workshop planned for November this year to see what issues have emerged and lessons learned around data dissemination.

21 May 2014

ZOOTECHNICAL LEGISLATION (6444/14)

Letter from the Chairman to George Eustice MP, Parliamentary Under-Secretary of State for Natural Environment, Water and Rural Affairs, Department for Environment, Food and Rural Affairs

Your Explanatory Memorandum (EM) on the above proposals was considered by our Agriculture, Fisheries, Environment and Energy Sub-Committee at its meeting of 19 March 2014.

We share your support for the proposed simplification of what is currently a very complex web of applicable legislation.

You note that you require more time to assess the implications of the Regulation (6445/14). We look forward to receiving that assessment once completed. In addition, we would welcome clarification as to how this proposed Regulation aligns with the parallel proposals on animal health and official controls governing animal and plant health. There would appear, for example, to be some overlap in terms of controls on trade.

We are content to release Proposal 6444/14 from scrutiny, whilst retaining Proposal 6445/14. We look forward to your response in due course.

21 March 2014