The Committee will meet at 10.00 am in the Robert Burns Room (CR1) and then in the Sir Alexander Fleming Room (CR3).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.

2. **Implications for Scotland of the UK’s departure from the EU – environmental:** The Committee will take evidence from—

   The Rt Hon Michael Gove MP, Secretary of State for Environment, Food and Rural Affairs, UK Government (via video conference).

3. **Implications for Scotland of the UK’s departure from the EU – environmental:** The Committee will consider evidence heard earlier in the meeting.

   Lynn Tullis
   Clerk to the Environment, Climate Change and Land Reform Committee
   Room T3.40
   The Scottish Parliament
   Edinburgh
   Tel: 0131 348 5240
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The papers for this meeting are as follows—

**Agenda Item 2**

Environmental implications for Scotland of the UK leaving the EU cover note

ECCLR/S5/18/22/1

PRIVATE PAPER

ECCLR/S5/18/22/2 (P)
Environment, Climate Change and Land Reform Committee

22nd Meeting, 2018 (Session 5)

Wednesday 27 June 2018

Implications for Scotland of the UK’s departure from the EU – environmental

Introduction

1. The Committee has been engaged in considering the environmental implications for Scotland of the UK leaving the EU. The session with Mr Gove MP, UK Secretary of State for the Environment, Food and Rural Affairs provides an opportunity to discuss progress in the approach to environmental principles, the development of frameworks and environmental governance post Brexit. Following the evidence session with the Environment, Climate Change and Land Reform Committee, Mr Gove MSP will be giving evidence to the Rural Economy and Connectivity Committee on issues within their remit.

Background

EU Environmental and Animal Welfare Principles

2. At its meeting of 6 March, the Committee took evidence from the Minister for UK Negotiations on Scotland’s Place in Europe and the Cabinet Secretary for Environment, Climate Change and Land Reform, on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill and EU environmental and animal sentience principles (Official Report). The Committee issued a call for evidence on the EU principles which closed on 29 March.

3. At its meeting of 24 April, the Committee considered the written submissions received on its inquiry and agreed to explore the issues raised with stakeholders. On 1 May the Committee heard from the UK Environmental Law Association, Client Earth and Professor Gavin MacLeod Little (Official Report). On 8 May the Committee then heard from the Cabinet Secretary for Environment, Climate Change and Land Reform (Official Report).

Common Frameworks

4. At its meeting on 14 March 2017, the Committee heard from a panel of environmental experts on the UK decision to leave the EU and its possible impact on Scotland. The Committee subsequently met with officials from the European Commission, third country representatives in Brussels and with committees in the Welsh Assembly, House of Commons and House of Lords.
5. The Committee then heard from environmental lawyers/experts on the UK decision to leave the EU and the development and implementation of common/shared frameworks associated with Brexit on 23 January (Official Report).

6. At its meeting of 20 February, the Committee agreed to invite the Cabinet Secretary for Environment, Climate Change and Land Reform and the Minister for UK Negotiations on Scotland's Place in Europe to an evidence session to explore progress and the implications for environmental protections (including the development of common frameworks, environmental governance and EU principles). The Committee wrote to the Cabinet Secretary and received a response on 22 February, they subsequently discussed this with the Cabinet Secretary at its meeting of 8 May.

7. The UK and devolved governments have agreed on broad principles to guide the establishment of common frameworks that might be required when the UK leaves the EU. SPICe has prepared a briefing on Common UK Frameworks After Brexit.

8. On 9 March 2018, the UK Government published provisional analysis that covering 153 areas where EU laws intersect with devolved competence. There are 24 policy areas that are subject to more detailed discussion to explore whether legislative common framework arrangements might be needed, in whole or in part and 82 policy areas where non-legislative common frameworks may be required.

Environmental governance and the Scottish Government Roundtable on the Environment and Climate Change

9. The Scottish Government consulted on environmental justice in 2016, and as part of this sought views on environmental courts/tribunals. The 12-week consultation period ended on 10 June 2016 although extensions were granted until 21 June 2016. The Consultation analysis and Scottish Government response (Sept 2017) had a section on Brexit.

10. The UK Government announced proposals to “consult on a new, independent body that would hold Government to account for upholding environmental standards in England after we leave the European Union.”

11. In a letter to the ECCLR Committee on 8th January the Cabinet Secretary referred to the establishment of a group to provide advice to the Scottish Government on environmental governance. The Roundtable on Environment and Climate Change published its report on 1 June.

12. On 5 June, the Committee took evidence from the Scottish Government Roundtable on Environment and Climate Change on its report on environmental governance (Official Report).
Background Briefing

13. To inform the Parliament, the Scottish Parliament Information Centre (SPICe) has prepared briefings on the implications of leaving the EU for:

- Environment
- Climate Change

14. Related to the remit of the ECCLR Committee, SPICe has also prepared a number of other briefings in relation to leaving the EU for:

- Agriculture
- Forestry
- Energy policy

SPICe also produce a weekly update on the UK’s exit from the EU

SPICe has produced a useful timeline of the UK’s withdrawal from the European Union

Finally, SPICe has created an information hub which provides external materials covering the UK’s decision to leave the European Union

Clerks
Environment, Climate Change and Land Reform Committee