13 February 2019

Dear Edward,

DEFRA AND DEVOLVED ADMINISTRATIONS MINISTERIAL MEETING

This letter updates the Committee on the key points from the Defra and Devolved Administrations Ministerial meeting held in London on 14 January.

For the Scottish Government, the meeting was attended by the Cabinet Secretary for the Rural Economy and the Minister for Rural Affairs and the Natural Environment. Other attendees included: Michael Gove, Secretary of State for Environment, Food and Rural Affairs; Lord Duncan of Springbank, Parliamentary Under Secretary of State for Scotland and Northern Ireland, Nigel Adams, Parliamentary Under Secretary of State, Wales Office; Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, Welsh Government. The Northern Ireland Executive was represented by officials.

The main items discussed were civil contingency planning; domestic preparedness; future economic partnership negotiation plans; intergovernmental arrangements; primary and secondary legislation; and funding.

On civil contingency planning and domestic preparedness, we emphasised the catastrophic impact that a no deal Brexit would have on Scotland. This included highlighting the very significant concerns raised by businesses in Scotland about issues such as punitive tariffs on red meat exports, the impact of price falls on the livestock sector, customs delays and the impact of these on highly perishable products such as seafood, and the risk of delay to the UK securing “third country” status which could prevent exports entirely; all of which could result in significant economic hardship, particularly for small businesses.

In view of these impacts, we again called for the UK Government to take a “no deal” option off the table; either by seeking the EU’s agreement to extending the Article 50 period, or by unilaterally revoking the Article 50 notification. We also called upon the UK Government to honour previous commitments to meet any costs that may arise in the event of a no deal.
As regards future economic partnership negotiation plans, we expressed our frustration about Defra’s approach the development of the so-called “Common Rule Book”; particularly their refusal to send copies of relevant documents to the Devolved Administrations for consideration, and their insistence on Devolved Administration officials travelling to London to view such documents in person. We took the opportunity to highlight that we do not regard this as an effective use of official time and that such an approach was not conducive to meaningful Devolved Administration involvement in policy development.

On legislation, we again reiterated our ongoing concerns about aspects of the UK Agriculture and Fisheries Bill; most especially our disagreement about Defra’s interpretation of provision relating to the WTO in the former Bill, and provision relating to quota and effort in the latter. We also reiterated our support for an amendment to the Fisheries Bill to devolve the Seafish Levy. As regards the Environment Bill, while we noted the draft clauses that had been shared, we called for much greater sharing of information relating to the Bill, and further clarification on the background and rationale to it, and of the reserved issues that Defra plan to include.

On funding, we welcomed assurances that had been given by the UK Government to date but again stressed that these do not go nearly far enough. We also highlighted ongoing uncertainties as to the scope of the assurances, such as what the the mechanism for LEADER and other CAP Pillar 2 schemes which are not “farm support” and called for greater clarity of the proposed “UK Shared Prosperity Fund”. We stressed the damaging effect this uncertainty over funding was having on the businesses’ willingness to invest; particularly for businesses with long project lead times such as forestry.

We also highlighted concerns about the manner in which the “Review of Intra-UK Allocation of Domestic Farm Support Funding to the End of this Parliament”, chaired by Lord Bew, was operating and called for further assurances from Defra that the review would be wholly independent; with, for example, scope for Devolved Administrations to have access to relevant panel papers and for original advice given to Scottish Ministers to be made available to the review panel to ensure clarity as to why particular decisions were made.

Under Any Other Business, we took the opportunity to highlight the critical importance of membership of Regional Fisheries Management Organisations (RFMOs), such as the North East Atlantic Fisheries Commission, to Scotland. We called for better engagement from Defra around securing UK membership of RFMOs and emphasised the critical importance of preventing delays in securing such membership for Scottish fishing interests.

The next meeting is to be held in Edinburgh on 18 February 2019.

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

Yours,

FERGUS EWING

MAIRI GOUGEON