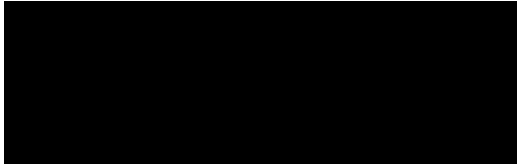


Stormont Castle
BELFAST
BT4 3TT



Michael Potter
Committee for TEO
Room 412
Parliament Buildings
Stormont
BELFAST
BT4 3SR

23 April 2021

Dear Michael

Thank you for your letter of 9 October, following the briefing provided by Departmental officials on Common Frameworks.

During the evidence session officials agreed to seek clarification from Department of Agriculture, Environment and Rural Affairs colleagues on whether the Northern Ireland Executive can ensure that there is a legal commitment to the principle of non-regression of nature and conservation laws following the UK's exit from the EU. The response from DAERA is set out below.

“Although raised during a briefing on common frameworks, this issue is not directly related to that topic. Mr Lunn highlighted a concern expressed by a conservation group that after the end of the transition period the UK Government could weaken existing EU-derived legislation (he gave the Habitats and Birds Directives as examples) and asked if it was possible for NI to ensure a legal commitment to the principle of non-regression for nature conservation laws.

The majority of EU environmental legislation that applied here when the UK was an EU Member State was translated into UK domestic law (as retained EU law) at the end of the transition period (in some cases with necessary modifications for operability outside the EU). The UK Government can, of course, amend or revoke existing legislation or introduce new legislation (which could be regressive or progressive) and it is for the UK Parliament to decide whether to pass such legislation. Where legislative competence is devolved to NI, as it largely is for the environment, the Assembly can

also amend or revoke existing legislation or introduce new legislation. Again, this could be regressive or progressive and could also be a specific provision making a commitment to non-regression.

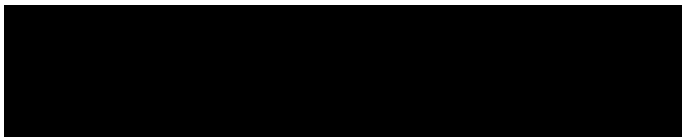
However, while a non-regression provision may well be viewed as a signal of intent, it could also be subsequently amended or revoked and so would not necessarily be a permanent legislative fixture. Both the UK Government and the DAERA Minister have made it clear that they have no plans to introduce regressive environmental legislation.

The UK in respect of NI is required to adhere to the EU environmental legislation specified in the NI Protocol (mainly concerning waste, emissions and chemicals). Divergence from EU legislation is not possible in these areas.

It is also worth noting that the ability of the UK Government (or any of the devolved administrations) to regress or diverge from EU law and/or standards is also affected by the EU/UK Trade and Cooperation Agreement which stipulates that the EU and UK may not regress from current environmental standards in a way which could distort trade.”

Yours sincerely

[signed]

A solid black rectangular redaction box covering the signature area.



Northern Ireland
Assembly

Committee for the Executive Office

Kerry Loveland-Morrison
Communications and Executive Support
SD20
Stormont Castle
Ballymiscaw
Belfast
BT4 3TT

9 October 2020

Dear Kerry

COMMON FRAMEWORKS

At its meeting on 7 October 2020, the Committee for the Executive Office received oral evidence from official on Common Frameworks.

During the evidence session officials agreed to seek clarification from Department of Agriculture, Environment and Rural Affairs colleagues on whether the Northern Ireland Executive can ensure that there is a legal commitment to the principle of non-regression of nature and conservation laws following the UK's exit from the EU.

I should be grateful for a response by 30 October 2020.

Yours sincerely

Marie Austin
Clerk to the Committee for the Executive