

# European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

9 July 2020

Rebecca Pow MP  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs  
Seacole Building  
2 Marsham Street  
London SW1P 4DF

## **6766/20: Commission Communication —A new Circular Economy Action Plan "For a cleaner and more competitive Europe" (41133)**

We have considered your Explanatory Memorandum (EM) dated 25 March 2020 on the above document. We welcome the comprehensive information and analysis that you provided, articulating issues to be aware of for the UK post-Brexit.

In particular, you rightly highlighted the relevance of the Ireland/Northern Ireland Protocol attached to the Withdrawal Agreement and, as you note, the Commission is suggesting changes to a number of pieces of legislation already included in the Protocol and with which Northern Ireland must continue to comply. You identified several explicitly, but we note that the list of affected legislation is potentially greater.

We also see that — since your EM — the Government has written to various House of Commons Select Committees explaining the process for scrutiny of the common frameworks to be put in place to help the nations of the United Kingdom cooperate post-Brexit on a subset of devolved policies. We note that a framework on waste policy is expected. Northern Ireland will be part of that framework but will naturally be constrained in how flexible it can be by its obligations under the Protocol. As such, EU law will essentially come into the equation of managing the UK internal market. Furthermore, as you note in your EM, the UK will wish to maintain awareness of EU policy developments in this area given that manufacturers and suppliers will want to see a degree of consistency.

In consequence, it seems to us that this document is likely to have a direct impact on Northern Ireland and an indirect impact across the UK as a whole. That begs the question as to whether the Government intends to cooperate with the EU as it develops its policies and, if so, how. We would welcome your views on how you see that process.

Finally, one piece of legislation mentioned in the document was the Sustainable Use of Plastics Directive. As you will be aware, the EU recently proposed that the Directive be inserted into Annex 2 of the Ireland/Northern Ireland Protocol. While the Cabinet Office submitted an Explanatory Memorandum to us covering the Commission's proposal, the Government has not — to date — set out a view on inclusion of that Directive. We would ask for clarification of the Government's position on that matter. We look forward to a response within ten working days.

We are copying this letter to Philip Dunne MP, Chair of the Environmental Audit Committee and Lloyd Owen, Clerk of the Committee; Neil Parish MP, Chair of the Environment, Food and Rural Affairs Committee and Ian Bradshaw, Clerk of the Committee; Simon Hoare MP, Chair of the Northern Ireland Affairs Committee and Nicholas Beech, Clerk of the Committee; Rt Hon. Hilary Benn MP, Chair of the Future Relationship with the EU Committee and Gordon Clarke, Clerk of the Committee; the Earl of Kinnoull, Chair of the EU Select Committee in the House of Lords and Christopher Johnson, Clerk of the Lords EU Select Committee; your Departmental EU Scrutiny team; and Les Saunders and Donald Harris in the Cabinet Office.

**CHAIR**