

European Scrutiny Committee

House of Commons, London, SW1A 0AA

Tel (020) 7219 3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

11 May 2022

Rt Hon. Lord Goldsmith of Richmond Park
Minister of State
Department for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London SW1P 4DF

14151/21: Proposal for a Regulation on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (42035)

We considered your Explanatory Memorandum (EM) on the above document at our meeting of 11 May 2022, along with the recent letter from your colleague, the Minister for Europe (Rt Hon. James Cleverly MP) responding to our letter to him dated 16 March.

Your EM was helpful in setting out where you see the important differences to be between the draft Regulation and the existing EU Timber Regulation, an assessment which is directly relevant to the consideration of how the draft Regulation interacts with the Northern Ireland Protocol. We appreciate that the Government's analysis concerning that interaction is ongoing. We look forward to an update on the Government's analysis and remain interested in the areas that we raised in our letter to the Minister for Europe, where we requested the following information:

- whether, within the Joint Consultative Working Group, the EU has informed the UK of the draft Regulation as a planned EU act within the scope of the Protocol;
- whether the Government considers the draft Regulation to fall — in full or in part — within the scope of the Protocol;
- whether the Government considers that the draft Regulation replaces the EU Timber Regulation or would be a new EU law to be added to the Protocol through a decision of the Withdrawal Agreement Joint Committee;

- how the Government is working to resolve any uncertainty over the interaction of this proposal with the NI Protocol; and
- the degree to which Northern Ireland's application of the Regulation in full or in part would affect the UK's preparation of regulations under the Environment Act.

We are aware that there is also an interaction between the draft EU Regulation and international efforts in this area, following the 'Glasgow Forest Declaration'. Considering the provisions in the Environment Act and those in the draft Regulation, it strikes us that the UK and EU approaches are similar, and very much in line with international ambition, but that there are important differences which could combine to hinder their success. We would therefore also welcome the following information:

- how the UK is engaging with international partners as a follow-up to the Glasgow Forest Declaration;
- what risks the Government sees of divergent approaches being adopted to tackling deforestation through supply chain measures, including the apparent differing approaches to illegality; and
- whether the Government has had any discussions with the EU and others to reach consensus on the design of supply chain measures designed to tackle deforestation and forest degradation.

We would welcome a response to our letter within eight weeks, updating us on progress with your analysis and responding to our points to the extent that you are able at that time.

We are copying this letter to Darren Jones MP, Chair of the Business, Energy and Industrial Strategy Committee and Rebecca Davies, Clerk of the Committee; the Chair of the Environment, Food and Rural Affairs Committee and Ben Williams, Clerk of the Committee; Philip Dunne MP, Chair of the Environmental Audit Committee and Martyn Atkins, Clerk of the Committee; Simon Hoare MP, Chair of the Northern Ireland Affairs Committee and Stephen Habberley, Clerk of the Committee; the Earl of Kinnoull, Chair of the European Affairs Committee in the House of Lords and Nick Boorer, Clerk of the Committee; your Departmental EU Scrutiny team; and Les Saunders in the Cabinet Office.

CHAIR