



HOUSE OF LORDS

European Union Committee

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4 November 2020

Rt Hon George Eustice MP
Secretary of State
Department for Environment, Food and
Rural Affairs
Seacole Block
2 Marsham Street
London, SW1P 4DF

Dear George,

Environment and the Level Playing Field

Thank you for your letter of 6 October regarding Environment and the Level Playing Field, and for providing clarification in response to some of our questions.

Your letter said the EU's non-regression proposals include policy areas not specified in the Political Declaration (PD), such as sanitary and phytosanitary (SPS) policy, and that the PD does not envisage a dynamic non-regression commitment. We note that the PD does not list policy areas within the environment field. The high-level document would not necessarily be expected to single out particular areas, like SPS policy. We agree that the PD does not mention a dynamic non-regression commitment, though nor does it rule one out.

Your letter said the Government is continuing to seek to clarify whether the EU's non-regression proposals include 'provisions' and 'concepts' of EU law, and consequently might result in the Court of Justice of the European Union (CJEU) having a role in their interpretation with regard to the UK. It is unclear to us what has prevented a swifter clarification of this point.

We would be grateful for an update on Environment and the Level Playing Field once the outcome of the negotiations is clear.

The Committee looks forward to a response by 15 December 2020.

Yours sincerely,

Lord Teverson
Chair of the EU Environment Sub-Committee