



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

London

SW1A 0PW

Tel: 020 7219 8664

hlcommonframeworks@parliament.uk

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The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
Department for Environment Food & Rural Affairs
Seacole Building
2 Marsham St
London
SW1P 4DF

Dear George,

Thank you for the summaries of the Fertilisers, ODS and F-gas, and Resources and Waste Frameworks which were considered by the Committee on 22 June. I would like to confirm the Committee's intention to scrutinise all three frameworks. However, given the uncertainty of when the provisional frameworks will be published, and how many other frameworks might be published at the same time, we reserve the right to extend our scrutiny beyond 21 sitting days if required. We also continue to acknowledge your letter of 14 May that stated interactions between the frameworks and the significant crosscutting issues are still being worked through. We look forward to receiving more detail on these issues in due course. However, there are a few areas within the summaries where we would welcome additional clarity before receiving the Provisional Frameworks.

We note that in comparison to the ODS and F-gas and Resources and Waste summaries, we are concerned that the Fertilisers framework summary lacks significant detail on how the processes featured in the Framework will operate. This is information we would expect to receive in a summary, and it suggests that the Framework is immature in its development. The letter sent to us by Chloe Smith MP of 17 December stated that she had emphasised to departments the importance of maintaining the "quality and fullness" of framework summaries. Can you confirm whether this lack of detail is because this Framework is further behind in its development? If so, can you explain the reason for the lack of progress?

In light of this lack of detail, we would appreciate further clarification on the operational elements of the Framework. Can you clarify how exactly decisions will be made and outline exactly what the "other relevant bodies" are, as stated in Section 3 of the Summary? The Summary also sets out that it will "establish bodies, where required, to ensure effective and efficient legislative and administrative arrangements". Is this just referring to the establishment of the FRC or will further bodies also be created? Will the FRC also be responsible for the implementation and monitoring of the Framework or will there also be a senior official level working group overseeing the operation of this Framework? The

summary also suggests that the UK FRC is yet to be established. Can you confirm when the Committee will be established and when it can expect to conclude developing the rest of the Framework? Further, we note with concern the absence of Ulster Farmers Union from the list of stakeholders consulted on this Framework. As a representative of Northern Ireland farmers, they have expressed concern to us that they are not being consulted enough on frameworks, and the NFU should not be expected to speak on behalf of all farming unions in the UK. What was the rationale for not consulting the Ulster Farmers Union; and how are Northern Ireland farmers being sufficiently represented in stakeholder consultation?

On a more general point concerning stakeholder consultation, we note the brevity of the list of stakeholders consulted on the fertiliser framework summary. Regarding all framework summaries, what was the rationale behind selecting organisations to be consulted? Did the devolved administrations undertake separate stakeholder consultation to ensure the views from organisations within their nations are sufficiently represented or is there another reason for the lack of names of organisations from Scotland and Wales?

Regarding the ODS and F-gas Summary, we note the establishment of single F-gas and ODS systems to be administered by the Environment Agency. We would appreciate clarification on what these systems will involve, and how these systems will interact with the structures outlined within this Framework. Will the administration and delivery of these systems be a part of this Framework, and will the Working Group and/ or Governance Group have responsibility for the delivery of these systems?

Finally, we note that within the Resources and Waste framework summary, it sets out that certain areas of waste policy will be considered for inclusion within the Framework's scope based on whether it is "necessary or appropriate." Can you clarify how this will be assessed and monitored going forwards; and how will these decisions be made? Will this be determined by the Working Group established as part of this Framework? Further, we note the issue raised within the summary of the UK losing access to the advisory groups and research reporting it had access to as a member state of the EU. What interim measures do you have in place, if any, to fulfil those functions to facilitate the operation of the Framework, and does the Working Group have any provisional plans for how the Framework might be expanded in the future to fill these gaps?

We look forward to receiving your response within 10 working days.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee