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19 December 2018

George Eustice MP
Minister of State for Agriculture, Fisheries and Food
Department for Environment, Food and Rural Affairs
Seacole Block
2 Marsham Street
London, SW1P 4DF

Dear George

EM 9645/18: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (and ADD 1)

9646/18: COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposals for a - Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council - Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 - Regulation of the European Parliament and of the Council amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands (and ADD 1-2)

9634/18: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (and ADD 1)

9556/1/18 REV 1: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands

Thank you for your letter of 18 November on the above Proposals, which was considered by our Energy and Environment Sub-Committee at its meeting on 19 December.

We note your view that it would not be an appropriate use of Defra's resources to assess the impact on the UK of the Commission's proposals for the Common Agricultural Policy (CAP) post-2020, given the changes that are likely to arise during the negotiations. We would counter that, without carrying out some degree of assessment, you cannot know on what issues it may be appropriate to intervene, and thus lose a valuable influencing opportunity whilst still a Member State with full access to discussions. However, we note your statement that Defra officials have been closely monitoring developments at Commission meetings and Council Working Parties, and welcome your commitment to continue to consider whether more detailed analysis might be needed later in the process. If you conduct such analysis, please keep us informed regarding your conclusions.

Thank you for clarifying that the UK will not need exemptions from the Articles that are proposed to apply before January 2021 because Article 132 2(a) for the draft Withdrawal Agreement clarifies that the UK will be considered a third country for those purposes.

We note your clarification that the draft Withdrawal Agreement states that the UK would not be part of the CAP during any extension of the transition period. We also note that some Member States have requested an extended introduction of the next CAP which could mean it does not take effect until 2022 or 2023.

Thank you for your observations on the progress of negotiations on this dossier so far. Please keep us informed on any substantive changes as negotiations progress, and provide a high-level view on whether those changes would have an impact on the UK as a third country.

We have decided to retain the Proposals under scrutiny. We look forward to a reply to this letter in due course.

I am copying this letter to Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee; Jessica Mulley, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee