

**Pwyllgor Newid Hinsawdd,
yr Amgylchedd a Seilwaith**

**Climate Change, Environment,
and Infrastructure Committee**

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Julie James MS
Minister for Climate Change

10 May 2022

Dear Minister,

Exclusion to the UK Internal Market Act for single use plastics

I am writing following the Minister for Rural Affairs, and North Wales, and Trefnydd's letter to the Legislation, Justice and Constitution Committee, dated 28 March 2022, in which she refers to the UK Government's decision to grant an exclusion to the UK Internal Market Act ('the UKIMA') for single use plastics ('SUPs').

Given our ongoing interest in the proposed ban on SUPs, and our continuing calls for clarity on the outcome of intergovernmental discussions concerning a possible exclusion to the UKIMA, we are disappointed not to have received an update from you. To this end, we would be grateful if you could address the questions set out in this letter.

It is our understanding that the exclusion would have been considered and agreed in line with established processes set out in the Resources and Waste Common Framework ('the Framework'). We note that the Framework has yet to be published or made available for parliamentary scrutiny and is the subject of ongoing delay. We are concerned about the lack of transparency in the decision making process, and the reliance on an unpublished provisional Framework as a basis for consideration and agreement of the exclusion.

1. Can you provide an indication of when the provisional Framework for Resources and Waste will be made available for scrutiny and explain the reason for the ongoing delay in its publication?

2. While we acknowledge the request for the exclusion originated from the Scottish Government, it appears the Welsh Government will be relying on the exclusion to progress its proposals to ban SUPs. Can you confirm that this is the case?

3. In the absence of the Resources and Waste Common Framework, can you outline the processes for considering and agreeing the exclusion?

In her letter, the Minister for Rural Affairs, and North Wales, and Trefnydd refers to the Welsh Government's disappointment at the "narrow nature of the exclusion".

4. Can you provide details of the exclusion and explain in what way it is narrower than you and your counterpart in the Scottish Government had hoped for?

The [Process for considering UK Internal Market exclusions in Common Framework areas](#) sets out that the four governments are able to engage the dispute resolution mechanism within the relevant Framework if desired.

5. Can you clarify whether the dispute resolution mechanism was utilised with a view to securing a wider exclusion? If not, why was this?

6. Can you explain whether and how the "narrow nature of the exclusion" will impact on the scope of the proposed ban on SUPs in Wales?

Under the Act, amendments to the schedules containing exclusions require the approval of both Houses of the UK Parliament. The Secretary of State is responsible for ensuring that draft regulations are put before the UK Parliament. Before making regulations, the Secretary of State must seek the consent of the devolved administrations.

7. What discussions have you had with the UK Government about the timing of draft regulations that will give effect to the exclusion?

8. Can you confirm that you will notify the Senedd when the draft regulations are laid before the UK Parliament?

9. Can you confirm that you will seek the views of the Senedd before deciding on whether to give consent to the Secretary of State making the regulations? If so, can you provide an indication of when this is likely to be and what process you intend to follow?

In September 2021, you told us the Welsh Government's response to the consultation on the proposed ban on SUPs, including next steps, would be published in October 2021. Again, in December 2021, you said the response would be published in January 2022. The response is still to be published.

10. Can you confirm the timing of the publication of the response and explain the reason for the ongoing delay?

I should be grateful if you could respond to the above as soon as possible, and by 24 May at the latest.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitutional Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Llyr', is centered on a light yellow rectangular background.

Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee