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Chair
Economy, Trade and Rural Affairs Committee
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Dear Chair

Re the Senedd Economy, Trade and Rural Affairs Committee's Scrutiny of Common Frameworks consultation

The Farmers' Union of Wales launched its [Filling the Void - Steps towards a post-Brexit UK policy framework](#) discussion document in July 2018, copies of which were sent to all Welsh Assembly members at the time. A copy of the document is attached for the Committee's information.

The document highlighted how the loss of EU frameworks, particularly in relation to agricultural support, would create an unprecedented legislative void, and that appropriate mechanisms should be established by which political agreement on frameworks can be reached and the political gulfs which exist within and between parties and national governments bridged.

The document set out for discussion broad principles for a post-Brexit UK agricultural and rural framework and the mechanisms by which these should be agreed, comprising:

1. The establishment of a governance framework comprising decision making bodies which fully respect devolved powers while agreeing, enforcing and arbitrating agreed common rules
2. Agreement on the shared common objectives which should underpin all agricultural and rural policies
3. A fair funding formula which properly reflects national needs
4. Multiannual budgets which minimise annual uncertainty for businesses and administrations
5. Financial frameworks which allow flexibility in terms of spending in key areas within set thresholds and
6. Legislative frameworks which ensure relative commonality while respecting the different needs and priorities of UK nations

The FUW welcomes the progress made during the subsequent four years in terms of meeting or partially meeting a number of these objectives, but remains concerned regarding a range of issues and political developments since the paper was published.

Specifically:

1. While the agricultural support provisional framework published in February 2022 emphasises the need to respect devolution, and sets out ways of working and mechanisms for dispute resolution, the only true agricultural policy frameworks relied upon appear to be those already defined under the World Trade Organisation's Agreement on Agriculture and the Northern Ireland Protocol. This stands in stark contrast to the detailed frameworks in place across the four nations since before the 1947 Agriculture Act.
2. As such, given that more defined frameworks relating to agricultural policies are largely absent, this may result in perverse outcomes and make disputes more likely given how integrated markets in the four nations and particularly Great Britain are.
3. Notwithstanding this concern, it must be noted that policies and legislation that have emanated from Whitehall and Westminster that may undermine devolved powers over agriculture and agriculture in general may be a far greater concern; for example, the Subsidy Control Bill may place restrictions in relation to agriculture on all UK administrations that are far stricter than those applied in other countries, where WTO limits are relied upon; similarly, the Internal Market Act includes sections that are of concern in terms of impacts on devolved areas of competence, including agriculture.
4. In a similar context, had the UK Government had significant influence over a more defined and detailed framework for UK agriculture, there is ample evidence to suggest that this would have placed restrictions on devolved powers over agriculture that would have placed Welsh farmers at a significant disadvantage compared with their counterparts in, for example, the EU.
5. It is noted that the Welsh Government is one of the Parties to have agreed to the non-legislative framework for UK collaboration, coordination and cooperation on agricultural support, but to our knowledge the Welsh Government did not seek the views of key Welsh stakeholders before the framework was drafted and agreed.
6. The FUW believes this is an oversight and that greater engagement with stakeholders may have led to a framework that better protects Welsh interests. It is therefore hoped that the provisional nature of the framework documents means there will be an opportunity for greater consultation in terms of further development of such frameworks.
7. In terms of the range of issues covered in the Animal health and welfare, Fertilisers, Plant health, Plant varieties and seeds and Organics provisional frameworks, it must be hoped that divisive or concerning diversion in these areas is unlikely.
8. However, it should be noted that a key factor in ensuring this is the retention of EU legislative frameworks, and it is the view of the FUW that these should be developed into domestic frameworks which respects devolution while also protecting the UK's access to key markets in the EU.

I trust that the above observations are of interest to the Committee in terms of its work on common frameworks.

Yours sincerely


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Head of Policy