

**Pwyllgor yr Economi,  
Masnach a Materion Gwledig**

—

**Economy, Trade and  
Rural Affairs Committee**

**Senedd Cymru**

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Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

30 March 2022

Dear Minister,

**Provisional Common Framework on Fertilisers**

Thank you again for attending the Committee's meeting on 17 March for general scrutiny and answering some questions from me on the common frameworks process. The Committee is also grateful for the attendance of Welsh Government officials to provide private technical briefing on certain frameworks that the Committee has prioritised for scrutiny. The briefing was very useful. Given the complex and technical nature of the frameworks, Members agreed that it would be helpful to set out the questions they asked in private again in correspondence, so that the questions and responses can be noted for the public record and to inform stakeholders. The questions are set out under headings below, including some that we did not get to during the briefing, and we look forward to your written response on all these points:

**Scope of the Framework**

- To clarify the scope of the framework and whether it relates solely to the management of regulation previously governed by the EU or all fertiliser regulation and policy?
- If all, to explain how this differs from how fertilisers law and policy was governed prior to the UK's exit from the EU?



- To confirm if the Welsh Government has the same flexibility to develop fertilisers law and policy it had before the end of the transition period?
- To set out what other frameworks this framework interacts with and how those interactions will be managed?
- To confirm whether regulations related to the control of agriculture pollution would come within the scope of the common framework?

### Decision-making in the framework

- To provide examples of the kinds of decisions on policies and laws that will be taken through the framework?
- To clarify which will be the main groups involved in decision making and why the framework makes inconsistent references to them?

### Managing divergence through the framework

- Different terms are used to describe divergence in the framework. On what basis will parties to the framework decide whether any proposed divergence is 'acceptable' or 'harmful'?
- The descriptions of who will be involved in dispute resolutions are unclear. Can you set out which structures and groups will be involved in dispute resolution?
- Can you explain how divergence between Great Britain and Northern Ireland will be managed through the framework, given that Northern Ireland will be required to follow new EU regulatory structures on fertilisers?
- Can you clarify the role of the UK Fertilisers Regulatory Committee (UKFRC) versus the role of the Fertilisers Liaison Group? Who will chair the UKFRC?
- To give an example of how the six objectives outlined in the framework will be used to make decisions under the framework?
- To explain why the framework doesn't provide timeframes for decision making and if there is a risk this could delay decision making processes?
- Other frameworks outline that the parties should consult each other on proposed policy changes even before they conduct stakeholder engagement on proposed changes. Is this the case for this framework?

- The Welsh Government has said they expect the MoU on Devolution to become 'dormant' as new IGR structures are put in place. Can you explain implications of this for this framework?

### Dispute resolution

- No timescales are set for dispute resolution. Is there a risk this could impact delivery of policy and law in Wales?
- In which circumstances will parties be able to 'agree to disagree'? What risks have you identified with this approach?

### UK Internal Market Act 2020

- How does the framework interact with the UK Internal Market Act?
- Does the Welsh Government intend to seek an exclusion for this framework from the UK Internal Market Act?

### Impact on Law and Policy

- Will the Agriculture Bill contain provisions on fertilisers? If so, have these proposals been through the framework process? If not, is this because of decisions taken through the framework?
- If provisions are being made in the Bill, how will these align with the commitment in the framework to use regulatory powers on fertilisers in line with the frameworks principles?

### Transparency and accountability

- Did you consult stakeholders in the development of the framework?
- Stakeholder engagement is included as a key objective for the framework but no processes are contained within it for stakeholders to be involved in decision-making, evidence gathering or review and amendment. Can you explain why and how this will be addressed?
- The framework outlines that wholesale reform of fertilisers regulation is forthcoming and the framework will be reviewed in light of this. How will you involve the Senedd in any review and amendment process?



## Other Questions

- The framework consists of a number of errors, unexplained and inconsistent terms. Can you explain why these were not addressed through internal sign off processes prior to publication?

We look forward to discussing common frameworks with you again in the near future, but in the meantime thank you in advance for providing the additional information requested above. A response by 29th April would be helpful to the Committee.

Kind regards,

A handwritten signature in black ink that reads "Paul Davies". The signature is written in a cursive style with a large initial 'P'.

Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.

