

Introduction

- This evidence seeks to highlight the challenges with respect to environmental protection that exist as a result of the UK's impending exit from the European Union (EU).
- Much attention has already been focused on these challenges and significant progress has been made in recognising the problems and considering appropriate responses. Nevertheless, environmental protection should remain a key concern for Wales' in the preparations for our exit from the EU.

The Report on the Implications for Wales of Leaving the European Union

- The previous report of the External Affairs and Additional Legislation Committee on the Implications for Wales of Leaving the European Union published in January 2017 identified the following issues as particularly relevant to this field:
 - The work of the CCERA Committee on the future of sustainable land management in Wales, especially with regard to the arrangements for the replacement of the Common Agricultural Policy.
 - The significance of arrangements for scrutiny with respect to climate change.
 - The need to maintain current EU standards with respect to nature conservation.

One year on these continue to be very relevant issues.

Issues addressed in 2017

- The UK government has listened to concerns raised about the need for an independent body to hold government to account on issues of environmental protection and to consider the role of environmental principles. Perhaps most significantly, attention is also being given to the development of common frameworks for environmental protection. All of



these issues will, of course, have significant implications for devolved governments.

- There is much to be gained from working with Scotland and Northern Ireland in developing approaches to these issues, but it is also important to consider these challenges from a specifically Welsh perspective.
- For example:
- Any policy statement on the retention of EU environmental principles should be cognisant of the impact on the principles of sustainable natural resource management and their significance to policy making in Wales.
- The arrangements for an independent environmental body will have to address the relationship to the existing position of the Future Generations Commissioner for Wales.

The Importance of a Distinctly Welsh Perspective

- The political position and constitutional arrangements in Wales are clearly distinct as is the nature of the 'environment' itself particularly as it relates to sustainable land management. Perhaps most importantly the Well-Being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016 have created new structures for policy, law-making and environmental management that should be essential in considering our future approach.
- In a recent report I have noted that these legal frameworks will "provide a positive basis for strategic thinking around the challenges that will be presented in the future development of Welsh law. They also have the potential to create stability in what will undoubtedly prove to be a period of uncertainty." (Wales, Brexit and Environmental Law, UKELA 2017).
- The way in which these frameworks can help us to consider the future environmental challenges in Wales is clearly demonstrated in a recent paper by Wales Environment Link on a Sustainable Land Management Vision.

A Continuing Relationship with the EU

- Although much attention has focused on the position in the UK after Brexit it is important not to lose sight of the perspective from the European Union. The European Parliament as well as the other institutions of Europe, will have a significant role in establishing any future agreement. It is, therefore, particularly significant that the European Parliament has indicated that it will not agree to any future deal that does not ensure the UK's compliance with EU environmental laws (Resolution 13th December).

- The extent to which EU institutions might be willing to develop a continuing relationship with government and third sector institutions in Wales after Brexit is currently underexplored. This is also an area that might benefit from a distinctly Welsh approach. For example, Wales has adopted a proactive approach to the international agenda for sustainable development as is evidenced, in particular, by its work with the global Network of Regional Governments for Sustainable Development (NRG4SD).