National Assembly for Wales Academic Fellowship scheme
2020 Directed Call: Project outline

Environmental governance and principles post EU-exit

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1 Description of the Project

The proposed project is on environmental governance and principles post-EU exit. The European Commission (EC), European Court of Justice (ECJ) and other European bodies have a role in implementing and enforcing environmental laws across the EU.

These governance structures will no longer apply after Brexit. There is wide concern across the environment sector that this will create a ‘governance gap’.

The Welsh Government has committed to legislating in this area, but no timescales have been provided. EU systems will apply in the UK for the duration of the Brexit transition period. However following December 2020 there will be an environmental governance gap if a domestic system is not in place.

The Welsh Government has published a consultation which included a gap analysis and asked for views on what domestic functions will be required post-Brexit. The Environment Minister has also convened a Stakeholder Task Group which is expected to provide recommendations to the Minister at the end of January 2020. Timescales for the Minister’s consideration of these recommendations and next steps are currently unknown.

The Climate Change, Environment and Rural Affairs (CCERA) Committee has carried out 2 inquiries into environmental governance and principles. The first inquiry (summer 2018) was an initial look at the issues. Committee membership has changed significantly since this inquiry. The second inquiry (summer 2019) followed the Welsh Government’s consultation.

This is a complex policy area that the Assembly has not considered prior to Brexit due to the EU systems being in place. Given that Welsh legislation is expected in this area the Committee is likely to be considering this issue multiple times, especially given that the Welsh Government’s proposals appear to be young in their development.

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This Fellowship project will therefore support the CCERA Committee’s scrutiny of the Welsh Government’s environmental governance proposals over the next year (and potentially beyond). It will also support Senedd Research in its understanding of the issues.

As this is a developing piece of work by the Welsh Government, the nature of the project will depend on the timing of its commencement:

1) If the project commences *before* the publication of the Welsh Government’s proposals, it could be a paper on what is needed for successful environmental governance in Wales, starting with a blank(ish) canvas. As well as looking at the gaps following EU exit, the project will look at what is needed for Wales specifically, to allow Wales to take advantage of the opportunities provided by Brexit, as well as the challenges. This piece of work could then be used to test the Welsh Government’s proposals against once they are published, providing an expert opinion.

2) If the project commences *following* the Welsh Government’s proposals, the project will be a critical analysis of what has been proposed.

3) If the Welsh Government’s proposals are published *during* the project, the Fellow and Senedd Research will have to make a judgement on the way forward—therefore flexibility is required.

4) Proposals are being developed concurrently across the UK. Therefore depending on timings, it may be appropriate to consider how a Welsh system will interplay with other UK countries’ proposed governance systems. There will also be scope to consider best practice from international examples.
Skills/expertise required

Subject knowledge:
Knowledge of the environmental governance and principles policy area is essential. It is a complex area that requires detailed knowledge of the existing EU systems to understand the gaps following Brexit.

Knowledge of the Welsh environmental legislative landscape (especially the Environment (Wales) Act 2016 and Well-being of Future Generations (Wales) Act 2015) is also essential to ensure understanding of what will be required for Wales specifically.

Knowledge of current accountability bodies in Wales is desirable to enable an analysis of existing structures and therefore the required functions of a future environmental governance system that avoids replication. This is a ‘desirable’ criteria as it could be learned during the project if needed.

Writing skills:
Experience in writing for a non-specialist / non-academic audience. The ability to write a short briefing paper that is accessible, evidence based and accurate is required.

Oral presentation skills:
Experience of presenting to a non-specialist / non-academic audience. The Fellow will be expected to present to the CCERA Committee and answer questions.

Ability to be flexible regarding the scope of the project:
As outlined in the project proposal, this is a developing policy area and therefore the scope of the project may change depending on the Welsh Government’s progress, to best support scrutiny.

Political sensitivity:
Experience of working with politicians is desirable. The Fellow must be politically impartial in their work.

Collaborative working:
The project will be a joint venture between the Fellow and Senedd Research. Therefore collaborative working is essential. Senedd Research will provide steer to ensure the outcomes of the project best support the Committee’s scrutiny of the Welsh Government’s proposals. This will involve steer with regards to scope as well as editing of writing to fit the Senedd Research style.
3 Expected Outputs

A written Research Briefing will be published as well as an oral presentation to CCERA Committee. Depending on timings of the Welsh Government’s proposals and the Committee’s work programme, the timing of the presentation may not directly follow the publication. A blog post could also be produced (a summary of the Research briefing), this will be assessed following the project.

4 Expected timescale

Given the unknown timings of the Welsh Government’s proposals there is no set time currently. However, given the current system of environmental governance will end with the Brexit transition period (December 2020) the Welsh Government is expected to publish proposals and potentially a white paper / legislation in 2020. If the Fellow is able to start in the middle of 2020 that would allow time for consideration of the issues in time for the end of 2020.

5 Working arrangements

It is envisioned that the Fellow will work on the project for about 2 days per week, resulting in a project that lasts for approximately 3 months. The Fellow will not need to be based in the Assembly’s offices in Cardiff. The Lead Researcher would meet the Fellow 3-4 times throughout the project in person and speak on the phone throughout its duration as required.