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Baroness Andrews OBE
Common Frameworks Scrutiny Committee
House of Lords
London
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24 May 2021

Dear Baroness Andrews,

Thank you for your letter of 20 April to the Minister of State for the Constitution and Devolution, noting the ongoing work being carried out by the Cabinet Office on the cross-cutting issues which impact on Common Frameworks. I am replying on the Minister's behalf.

This update is provided in parallel to the Government's response to the House of Lords Common Frameworks Scrutiny Committee's recent report, *Common Frameworks: building a cooperative Union*. The Government welcomes the Committee's report, which also sets out some updates on cross-cutting issues and the Government's aim to ensure maximum consistency and to develop commonly agreed approaches to dealing with these issues. As with the Government's response, the contents of this letter represent the UK Government's views on the development of cross-cutting issues. In some cases, the devolved administrations have set out their own views on these matters elsewhere.

In the annex to this update is a table setting out the ways in which we consider that the individual cross-cutting issues intersect with each of the active Common Frameworks.

Trade

The Principles for Common Frameworks agreed at JMC(EN) in October 2017 and endorsed by the Northern Ireland Executive in June 2020, set out the potential role of Common Frameworks in the facilitation and implementation of trade agreements. This has given rise to the recognition that Common Frameworks should mention international trade in some form. We recognise, and the devolved administrations agree, that not every Common Framework touches on international trade considerations to the same extent and, therefore, the same level of detail on trade intersections is not required for each framework. Engagement between all administrations on this matter is ongoing.

EU-UK Trade and Cooperation Agreement (TCA)

The TCA is the defining agreement for the UK's future relationship with the EU. Around 20 frameworks will intersect with the TCA. The process for ensuring that these intersects are fully captured is advancing well, with policy teams from across UKG confirming that the Common Frameworks for which they are responsible cover the TCA relationship satisfactorily. For instance, following Minister Argar's recent letter in relation to the Public Health Protection & Health Security Common Framework, Department for Health and Social Care officials have worked closely with their counterparts in the devolved administrations to further develop the Common Framework and to confirm that it accurately reflects the UK-EU health security arrangements agreed as part of the TCA. In parallel, a form of words has been agreed with the devolved administrations for inclusion in those Frameworks that do not have an intersect with the TCA.

UK Internal Market Act

The UK Internal Market Act and the Common Frameworks programme will continue to work in tandem. Common Frameworks will provide the structures through which the UK Government and the devolved administrations could consider whether to exclude regulations from the market access principles (as per Sections 10 and 18 of the Act). As well as providing a forum for considering exclusions, Common Framework will also provide a means to evidence agreements made between their different parties. In line with the Common Frameworks principles, any decision making will be collaborative and transparent between the UK Government and the devolved administrations.

Ireland / Northern Ireland Protocol

The Ireland/Northern Ireland Protocol applies a limited group of EU rules to Northern Ireland for as long as it is in force. The Protocol is a unique solution to complex challenges, aimed at upholding the Belfast ("Good Friday") Agreement in all its dimensions, safeguarding Northern Ireland's integral place in the UK, and preventing a hard border on the island of Ireland. A significant proportion of these regulations falls within the purview of Common Frameworks, therefore there is scope for policy divergence between Northern Ireland and GB. The likelihood of divergence between Northern Ireland and GB increases as new EU regulations come into force in relevant areas, as retained EU law is amended or repealed, and as UKG and/or individual devolved administrations amend or replace existing legislation. The Protocol provides for fora in which forthcoming EU legislation can be discussed, including whether new areas of law should be applied.

The Government is mapping which EU legislation is likely to amend the Protocol. I stand ready to provide a more detailed update to the Committee once this work has concluded, and its findings tested with policy officials and applied to some Frameworks which have a particularly strong intersect with the Protocol. This work will consider scenarios where divergence is both Protocol-driven and UKG-driven.

The Common Frameworks programme provides the governance mechanisms to manage Protocol-driven divergence. This has been tested during Phase 3 review and assessment and

will be tested further during the review and assessment, which each Framework will undergo prior to the end of Phase 4.

Review of Intergovernmental Relations

The progress update on the joint Review of Intergovernmental Relations published on 24 March 2021 sets out a revised dispute avoidance and resolution process, which would provide a clear escalation route for disputes within the individual frameworks. Some frameworks will be fully implemented before the Intergovernmental Relations review recommendations have been implemented, some after the new structures are up and running. The required adjustments to framework documents would therefore be done through the Phase 4 policy development process in some cases and the post-implementation Review and Amendment process in others.

We also anticipate that the reformed structures set out in the Review will, once agreed, provide oversight for individual frameworks through the existence of portfolio-led Interministerial Groups. This will be clarified in Phase 5 guidance that will be agreed jointly between UKG and the DA. When this thinking is sufficiently developed, I would be happy to share it with the Committee.

I trust you find this update helpful, and look forward to providing you with further more detailed updates in due course.

With best wishes,

A handwritten signature in black ink that reads "Julia Lopez MP". The signature is written in a cursive, flowing style.

Julia Lopez MP

FRAMEWORKS INTERSECTS WITH CROSS CUTTING ISSUES

Key:

UKIM: UK Internal Market; IGR: Intergovernmental Relations; NIP: Northern Ireland Protocol; TCA: UK-EU Trade and Cooperation Agreement; IR: International Relations

x: there is an intersect between the framework and the cross-cutting issue

Blank: there is no intersect between the framework and the cross-cutting issue

STOFD: subject to ongoing framework development

Framework	UKG Department	Applicable cross-cutting issues				
		NIP	UKIM	TCA	IGR	IR
Emissions Trading System (ETS)	BEIS	x		x	x	
Radioactive Substances	BEIS	x	x	x	x	x
Mutual Recognition of Professional Qualifications (MRPQ)	BEIS	STOFD	STOFD	STOFD	STOFD	STOFD
Services Directive	BEIS	STOFD	STOFD	STOFD	STOFD	STOFD
Company Law	BEIS				x	
Late payment (commercial transactions)	BEIS		x		x	
Specified quantities and packaged goods legislation	BEIS	x	x		x	
Public Procurement	Cabinet Office				x	x
Agricultural Support	DEFRA	x	x	x	x	x
Agriculture - fertiliser regulations	DEFRA	x	x	x	x	x
Agriculture - organic farming	DEFRA	x	x	x	x	x
Agriculture - zootech	DEFRA	x	x	x	x	x
Animal Health & Welfare	DEFRA	x	x	x	x	x
Fisheries Management & Support	DEFRA	x	x	x	x	x
Plant health	DEFRA	x	x	x	x	x
Plant Varieties and Seeds	DEFRA	x	x	x	x	x
Air Quality	DEFRA	x	x	x	x	x
Best Available Techniques (BAT)	DEFRA	x	x	x	x	x
Food Compositional Standards and Labelling	DEFRA	x	x	x	x	x
Ozone Depleting Substances and F-gases	DEFRA	x	x	x	x	x
Chemicals and Pesticides	DEFRA	x	x	x	x	x
Resources & Waste	DEFRA	x	x	x	x	x

Operator Licensing and Commercial Transport (roads)	DfT	x*		x	x	
Driver Licensing	DfT	x*			x	
Rail technical standards (interoperability)	DfT	x			x	
Roads – Motor Insurance	DfT	x			x	
Nutrition Labelling, Composition and Standards	DHSC	x	x	x	x	x
Blood safety and quality	DHSC	x	x		x	
Public Health Protection and Health Security	DHSC			x	x	
Organs, Tissues and Cells (apart from embryos and gametes)	DHSC	x	x		x	
Food and Feed Safety and Hygiene	FSA	x	x	x	x	x
Equal Treatment Legislation	GEO	x			x	x
Hazardous Substances (Planning)	MHCLG				x	x

* - only insofar as Article 11 of the NI Protocol on North-South cooperation is relevant here. There is no specific regulatory intersect.

