

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Our ref: MA - P/LG/2813/19

Mike Hedges AM
Chair of Climate Change, Environment and Rural Affairs Committee

30 August 2019

Dear Mike

Thank you for your letter of 19 July regarding Common UK Policy Frameworks and the Committee's request for further information to assist with its planning of scrutiny work in the autumn term. I have provided further information on the areas highlighted by the Committee in the attached annex.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Annex 1

The steps that have been taken to develop frameworks on matters that relate to the Committee's remit, and at what stage of development those frameworks are.

Policy officials have been engaged with their counterparts from the UK Government, Scottish Government and Northern Irish Civil Service on this issue since November 2017.

To date this work has focussed on establishing where Common Frameworks will be required and developing an initial position on the type of Common Framework needed. The progress of this work was most recently reflected in the UK Government's Revised Framework Analysis published in April 2019.

A number of policy areas have been identified as potentially requiring legislation to underpin the Framework and have therefore been identified as needing priority consideration.

This is a complex process and policy teams continue to crystallise the scope for each potential Common Framework. This includes whether a legislative or non-legislative approach is required, identifying relevant operational detail and looking at proposed governance arrangements. The outcome of this work is being captured in Framework Outline Agreements.

The evidence base to support decisions on frameworks

Decisions on whether a Common Framework would be necessary in a particular policy area were taken on the basis of discussions between policy officials. These discussions took into account:

- the impact and likelihood of divergence in the area;
- the volume of work which the Framework would consider; and
- the benefits derived from formalised cooperation.

The development of Frameworks is an iterative process and therefore none of these decisions are final. In some instances, as part of the current scoping work, policy teams have subsequently concluded informal cooperation would be sufficient for a particular area where a Common Framework had been previously identified. In others, areas which have been identified as requiring legislation are now likely to be taken forward on a non-legislative basis.

Intergovernmental structures that have been or are being established, e.g. Ministerial forums etc

The JMC(EN) was established in October 2017 and acts as the ministerial oversight for the Frameworks Programme.

Given the large number of potential Framework areas which relate to environment, food and rural affairs, the approach was taken to establish clear governance at the portfolio level. An Inter-Ministerial Group for Environment, Food and Rural Affairs (IMG-EFRA) was therefore established in 2016 between the Devolved Administrations and Defra to co-ordinate and promote greater collaboration in areas of shared interest. A revised, more formalised terms of reference was agreed in February 2019 and the group currently meets approximately every 6 to 8 weeks, supported by a senior official level structure.

The IMG-EFRA provides the overarching ministerial oversight for Frameworks and as individual Frameworks are developed they will need to link into this structure. It can consider matters which are reserved and devolved, where either has the potential to impact upon other UK administrations. This group is responsible for other portfolio-wide matters including the resolution of policy disputes, the delivery of agreed joint activities and the development of UK-wide positions for further international and EU discussions.

Within the BEIS interface, there is a ministerial group which considers Climate Change and Energy matters which relate to my portfolio. The Minister for Economy and Transport and I continue to engage with ministers in BEIS and the other UK administrations to establish an Inter-Ministerial Group which will oversee the whole portfolio.

What end output(s) are anticipated from the frameworks, both legislative and non-legislative.

Frameworks will develop an intergovernmental system for cooperation between the four administrations. These systems will provide formalised procedures for decision-making and communication and as mentioned above, this will align with the existing mechanisms which have been put in place at a portfolio level. Determining which elements will require a legislative or non-legislative approach is part of the current scoping work conducted by policy teams.

Currently there are two frameworks within my portfolio (Agriculture Support and Fisheries Management and Support) where legislative elements are being addressed via primary legislation. Those legislative elements have been set out in the UK Agriculture Bill and a UK Fisheries Bill which are currently being considered by the UK Parliament.

Where a non-legislative approach is determined, many of these systems will be set out in formal agreements between the four UK administrations.

How the frameworks link with existing or proposed Welsh Government action, both legislative and non-legislative (including where frameworks cross-over with other portfolios)

Common Frameworks are being developed in parallel with ongoing discussions between the Welsh Government and the other UK administrations on a number of significant UK-wide matters. These includes No-Deal preparations and the negotiations around an UK-EU Future Economic Partnership.

This work will also need to reflect the action taken by the Welsh Government in setting out a number of future policy proposals. This includes managing our land and support for Welsh farming, the management of marine environment and fisheries and addressing the gaps in environmental principles and governance.

Therefore, Frameworks and related bodies or structures will need to be flexible to future decisions in relation to EU and international discussions and the ability of Welsh Government to implement and deliver policy for Wales in devolved areas. They will need to provide a platform for these discussions in a way which provides for parity of participation, decision-making whilst respecting devolved competence.

How each framework area will be managed in the event of the UK leaving the EU without a deal.

The Welsh Government has called on the Prime Minister to rule out a no deal Brexit. Our assessment is it threatens the future of Welsh businesses and the economy as a whole, as the First Minister underlined to the Prime Minister during their recent meeting. However, as a Government, we cannot ignore the very real prospect of an exit from the EU without a deal and, as a responsible Government, we need to prepare.

The development of Common Frameworks was established as a long term programme of work with implementation expected by the end of a transition period in December 2020. In the case of a no deal situation, the Welsh Government would expect the Frameworks programme to be prioritised to ensure properly considered and scrutinised arrangements are in place as soon as possible.

As an interim measure, officials have been working closely with the other UK administrations to scope and design interim governance arrangements to support the delivery of essential technical and operational matters where a UK-wide collaborative approach may be needed. Any interim arrangement would be just that and, whilst they may draw on some of the Common Framework discussions to date, it would not set any precedent for the shape of frameworks required to operate effectively in the longer term.