



Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

24 March 2026

Dear Mike,

The Welsh Government welcomed the Committee's [detailed scrutiny](#) of the cross-cutting recommendations relating to the programme of Common Frameworks. I am pleased to confirm that, following further detailed work by officials and scrutiny by all four legislatures of the UK, the UK Government and the devolved governments have agreed to publish a number of Common Frameworks.

The documents have now been finalised by all four governments and are available here. Policy committees have also been notified of their publication. With this initial group of Common Frameworks now published, I am pleased to respond formally to the Committee's recommendations.

Divergence

1. The Welsh Government should explain how it will ensure common frameworks will not limit the role of the Welsh Government, the Senedd, or stakeholders in Wales when making law and policy for Wales.

Accept. Common Frameworks do not limit the role of the Welsh Government in formulating policy or making law. Common Frameworks support UK-wide policy development and implementation where desirable and are managed with reference to the 2017 JMC(EN) principles.

Similarly, Common Frameworks do not limit the role of the Senedd, and they will not change the way that we engage with the Senedd or consult stakeholders in Wales.

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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.

2. The Welsh Government should seek intergovernmental agreement to amend each common framework to clarify that changes to law and policy, in areas where the Welsh Government had flexibility while the UK was an EU Member State, should not be bound by requirements for joint decision-making or by the dispute resolution process.

Reject. Common Frameworks do not decrease the flexibility of the Welsh Government to diverge from other UK governments. They are voluntary intergovernmental agreements that support policy development, drawing on the expertise of each of the UK's governments and they establish effective post-EU Exit governance arrangements. Each framework already sustains the principles of the JMC Communiqué (October 2017) including "as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules".

3. The Welsh Government should seek intergovernmental agreement so that each common framework clearly sets out in which areas divergence will not be acceptable.

Reject. Common Frameworks are voluntary intergovernmental agreements which are designed to help intergovernmental collaboration for managing policy divergence. They are designed to respect the devolution settlement, and it remains the Welsh Government's view that expressly seeking to outline areas where divergence would be unacceptable is neither necessary nor helpful to inter-governmental relations.

Stakeholder engagement

4. The Welsh Government should ensure that each common framework clearly sets out when and how stakeholders will feed into its decision-making process.

Accept. The Welsh Government, jointly with the UK Government and the other devolved governments, has engaged with interested technical stakeholders throughout the development of Common Frameworks.

We have seen varied levels of interest from stakeholders, with more interest shown towards associated policy, rather than the intergovernmental working arrangements outlined in the Framework. We are nevertheless committed to continued stakeholder engagement.

Review and operation of the Frameworks

5. The Welsh Government should make it clear to the Senedd and stakeholders when policy is being developed through a common framework, and if proposals for legislation or policy changes arise from a common framework's decision-making process.

Accept. The core purpose of Common Frameworks is to facilitate intergovernmental discussion and intergovernmental working to facilitate policy development and manage intra-UK divergence. I would expect relevant committees to receive updates on significant policy developments by the Welsh Government under a Common Framework area as part of general scrutiny, just as they would for policy developments falling outside of a Common Framework area.

6. The Welsh Government should seek intergovernmental agreement to ensure that stakeholder consultation is undertaken during the review of each common framework and its subsequent amendment.

Accept. Longer term engagement will form part of business-as-usual policy review work, or formal reviews, as stipulated in the Framework Outline Agreements.

Quality of Common Frameworks

7. The Welsh Government should ensure that a full quality assurance exercise is undertaken ahead of the publication of each finalised common framework.

Accept. The Welsh Government agrees that there should be a robust quality assurance and proofreading exercise before final publication of the Common Frameworks. The four governments have agreed the arrangements for this.

Retained EU Law

8. The Welsh Government should provide the Senedd with information about the process for proposed changes to retained EU law which fall within the scope of each common framework.

Accept. All proposed legislative changes arising from the Retained EU Law (Revocation and Reform) Act 2023 should use the governance mechanisms outlined in the specific Framework Outline Agreements. It is the Welsh Government's intention that this continues, and we will update the committee should there be any change in this position.

Dispute Resolution Mechanisms

9. The Welsh Government should seek intergovernmental agreement to update each common framework to reflect the Dispute Avoidance and Resolution Process set out in the outcome of the review of intergovernmental relations.

Accept. It has been agreed by the four governments that Common Frameworks will be updated to reflect the outcomes agreed in the Review of Intergovernmental Relations, which includes the Dispute Avoidance and Resolution process.

10. The Welsh Government should set out its view on whether time limits should be specified in the dispute avoidance processes contained within each common framework.

Accept. The Welsh Government, and the other governments, do not believe that is possible to predict the scale or complexity of a dispute. As such, we believe it is unwise to set a general timescale for resolution in the dispute process. We will continue to review this position through discussions with the other governments.

Transparency

11. The Welsh Government should seek intergovernmental agreement to ensure that each common framework provides that legislatures are notified of a dispute which have been escalated to ministerial level, and are notified of the outcomes of a dispute.

Accept in principle. The Welsh Government agrees that, where possible, it is important to update the Senedd when a dispute under a Common Framework is escalated to ministerial level. However, the Welsh Government considers confidentiality to be a critical component of effective dispute resolution. There will be occasions where the details of disputes must remain confidential until the conclusion of the dispute process in order to enable candid dialogue, the full and frank exchange of information, and the protection of sensitive ministerial and official-level discussions. This approach reflects the principles underpinning the 2022 Review of Intergovernmental Relations and is essential to securing timely and constructive resolution of disputes.

Reporting and review

12. The Welsh Government should seek intergovernmental agreement to ensure the regular reporting to legislatures on the operation of each common framework. If such agreement is not secured, the Welsh Government should regularly report to the Senedd on the ongoing operation of each common framework.

Accept. All four governments are committed to ensuring that their legislatures have the information they need to properly scrutinise activities in these areas. The Welsh Government is committed to updating the Senedd. We anticipate that once Frameworks are finalised, this will form a routine part of general scrutiny from portfolio committees on specific Frameworks.

In addition, the Interministerial Standing Committee (IMSC) has agreed an annual reporting template which will be used to inform the Senedd and other legislatures of key developments once the frameworks have been finalised.

13. The Welsh Government should seek intergovernmental agreement to ensure that each common framework provides for engagement with legislatures during its review and subsequent amendment, and for reporting to legislatures on the conclusion of a review.

Accept in principle. The Welsh Government agrees that legislatures should be updated as and when significant changes are made to Common Frameworks. However, we do not believe it is necessary to make textual changes to the Frameworks. The Senedd will be updated of the outcomes of review processes.

The Welsh Government is also committed to continuing engagement and providing a transparent process by which stakeholders are able to comment on final Frameworks. Stakeholders, including the Senedd, will be notified of any scheduled reviews and invited to comment.

14. The Welsh Government should regularly report to the Senedd on the delivery of the recommendations made in this report, in particular those which require intergovernmental agreement.

Accept. The Welsh Government will update on progress in relation to common frameworks as part of wider reporting and scrutiny of intergovernmental relations.

Protocol on Ireland-Northern Ireland

15. The Welsh Government should seek intergovernmental agreement to include the following text as part of the standard wording on the Protocol across each common framework: “If Northern Ireland has to diverge in order to maintain parity with the EU, the same review process will be followed and the same assessments are made as whether it would be in the best interests of GB to follow suit or to allow divergence.”

Reject. The Welsh Government agrees that where regulatory divergence arises in Northern Ireland as a result of the Windsor Framework, it is important that the Common Framework governance processes are used to ensure structured discussion and assessment of impacts across the four governments.

However, Common Frameworks already provide agreed mechanisms for considering such changes. The Welsh Government does not consider it necessary to seek the insertion of additional standardised wording across all Frameworks, and decisions on alignment or divergence are taken on a case-by-case basis, having regard to devolved competence and the interests of Wales.

The Welsh Government does not consider it necessary or appropriate to seek to amend all Frameworks to include additional standardised wording. Decisions on whether to align with, or diverge from, developments affecting Northern Ireland are taken on a case-by-case basis, having regard to the interests of Wales.

16. The Welsh Government should set out how it will assess the risks and benefits for Wales of ‘keeping pace’ with relevant legislative changes in Northern Ireland and the EU.

Accept in principle. The Welsh Government routinely monitors relevant legislative developments at UK and EU level, including in other devolved legislatures. There is no automatic policy of “keeping pace” with such developments. Instead, decisions are taken on a case-by-case basis, having regard to the particular circumstances, risks and benefits for Wales. Where appropriate, proposals may be brought forward to the Senedd in light of those considerations.

17. The Welsh Government should seek intergovernmental agreement to ensure that each common framework which intersects with the Protocol is updated to ensure frequent information-sharing between parties to the framework on forthcoming EU legislation.

Accept in principle. We anticipate that the impact of the Windsor Framework on the functioning of Common Frameworks will be covered in annual reporting to legislatures, once the Frameworks have been finalised.

However, Common Frameworks already provide mechanisms for information-sharing and discussion of relevant policy and legislative developments, including those arising from the Protocol and Windsor Framework where they intersect with devolved competence. The Welsh Government will continue to use those structures to ensure appropriate engagement between the parties and will keep arrangements under review in light of experience.

The UK Internal Market Act

18. The Welsh Government should seek intergovernmental agreement to amend each common framework to include a reference to the United Kingdom Internal Market Act 2020 and the process for considering and agreeing exclusions from the Act in areas covered by a common framework.

Accept in principle. The Welsh Government recognises the importance of clarity regarding how the United Kingdom Internal Market Act 2020 (UKIMA) interacts with Common Framework areas, including the process for considering exclusions. As part of the UK Government's review of UKIMA, which is a first step towards meaningful reform of the Act, officials from all four governments are developing internal guidance for proposing and agreeing exclusions. This guidance will be intended for internal use within each government rather than for formal publication or incorporation into Common Framework texts.

While this work represents a step towards improving the consistency and operation of the exclusions process, it would not be appropriate at this stage to amend all Common Frameworks to include standardised references to that process. Not least because, some Frameworks have no interaction with UKIMA. We will keep this position under review.

More broadly, the Welsh Government continues to advocate for repeal of UKIMA to be replaced by a governance model based on Common Frameworks as the primary means of managing regulatory divergence within the UK. We have repeatedly advocated for a more transparent, collaborative and respectful approach towards devolved competence.

The Subsidy Control Act

19. The Welsh Government should keep the Senedd informed of the impact of the Subsidy Control Act 2022 on relevant common frameworks.

Accept. The Welsh Government will update the Senedd of any impact that the Subsidy Control Act 2022 has on Common Frameworks via the annual reporting process.

International obligations and policy

20. The Welsh Government should seek intergovernmental agreement to amend each relevant common framework to include detail on how the governments of the UK will work together on international obligations and policy.

Accept. Relevant Common Frameworks already include provision setting out how the governments will work together in relation to international obligations and international policy, consistent with the JMC (EN) Common Frameworks Principles.

21. The Welsh Government should set out the arrangements which exist to ensure effective representation for Wales in the development of UK international policy in relevant common framework areas.

Accept. It is expected that the EU-UK Trade and Cooperation Agreement (TCA), and other trade agreements, will have an impact on certain Common Frameworks. I would expect the UK Government to engage with us through the appropriate Common Framework areas in these circumstances. The Committee will note that we have already included wording in relevant Common Frameworks for engagement in this area. For example, see paragraph 4.2 and 5.2 of the Fertilisers Common Framework.

The Committee will also note that an operational UK–EU Relationship Inter-Ministerial Group already exists to facilitate engagement on matters arising from the UK–EU relationship.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language