

## Agenda Supplement – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	<b>P Gareth Williams</b>
Meeting date: 21 March 2022	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

### Virtual – Supplementary pack

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Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

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### **3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**

(13.35–13.40)

#### **3.1 SL(6)173 – The Local Election Survey (Wales) (Amendment) Regulations 2022**

Attached Documents:

LJC(6)–10–22 – Paper 2a – Welsh Government response

### **4 Common frameworks**

(13.40–13.45)

(Pages 2 – 6)

Attached Documents:

LJC(6)–10–22 – Paper 18 – Letter to the Chair of the Common Frameworks Scrutiny Committee from the Chairperson of the Committee for the Executive Office, 18 March 2022

LJC(6)–10–22 – Paper 18a – Scrutiny of the common frameworks in the Northern Ireland Assembly Committee for the Executive Office, 11 March 2022

#### **4.3 Provisional food compositional standards and labelling common framework**

(Pages 7 – 10)



Attached Documents:

LJC(6)-10-22 – Paper 19 – Letter from the Chair of the Health and Social Care Committee to the Deputy Minister for Mental Health and Wellbeing, 18 March 2022

## **5 Inter-Institutional Relations Agreement**

### **5.1 Correspondence from the First Minister: Inter-Institutional Relations Agreement – Inter-Ministerial Standing Committee**

(Page 11)

Attached Documents:

LJC(6)-10-22 – Paper 20 – Letter from the First Minister, 18 March 2022

## **8 Welsh Tax Acts etc. (Power to Modify) Bill – consideration of draft report**

(13.50–14.20)

(Pages 12 – 85)

Attached Documents:

LJC(6)-10-22 – Paper 12 – Draft report

# Agenda Item 3.1

## **Government Response: *The Local Election Survey (Wales) (Amendment) Regulations 2022***

*Merit Scrutiny point 1:* It was not considered necessary to conduct a full equality impact assessment as there is no change in the policy underpinning these Regulations. As set out in the Explanatory Memorandum, the requirement to conduct the survey is prescribed in legislation, including the questions to be asked when undertaking the survey.

Whilst it would have been legally compliant to use the previous survey contained within the 2012 Regulations for the May 2022 elections, it was felt appropriate to test the questions to establish whether they remained appropriate.

As part of this engagement process, it was clear there were some issues in terms of the language used in that previous survey in respect of equality and diversity. This was explored further with stakeholders to ensure the language used in the survey reflected current appropriate language.

It is intended that there will be a full evaluation of the survey arrangements including the approach and contents following the completion of the 2022 survey. At this point a full set of impact assessments will be undertaken to inform future policy.

# Agenda Item 4



## Committee for the Executive Office

Baroness Andrews  
Chair  
Common Frameworks Scrutiny Committee  
House of Lords  
London  
SW1A 0PW

[hlcommonframeworks@parliament.uk](mailto:hlcommonframeworks@parliament.uk)

18 March 2022

Dear Baroness Andrews,

### **COMMON FRAMEWORKS PROCESS**

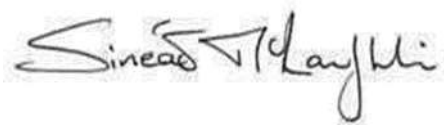
At its meeting on 27 January 2022 the Committee for the Executive Office agreed to write to those statutory committees of the Northern Ireland Assembly who have responsibility for the scrutiny of Common Frameworks asking for their experiences of this process. Three of the five affected committees responded covering 21 of the 32 Common Frameworks.

At its meeting on 16 March 2022, the Committee for the Executive Office considered a paper which constitutes a summary of those experiences by Northern Ireland Assembly statutory committees regarding the Common Frameworks process. The Committee agreed to forward a copy of this summary paper to you for reference.

I trust you will find this information useful.

I am copying this letter to the Convenor of the Constitution, Europe, External Affairs and Culture Committee, Clare Adamson MSP and the Chair of the Legislation, Justice and Constitution Committee, Huw Irranca-Davies MS.

Yours sincerely,

A handwritten signature in black ink that reads "Sinéad McLaughlin". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

**Sinéad McLaughlin MLA**  
**Chairperson, Committee for the Executive Office**

**Committee for the Executive Office**

**Room 375a, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX**

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## SCRUTINY OF THE COMMON FRAMEWORKS IN THE NORTHERN IRELAND ASSEMBLY

### COMMITTEE FOR THE EXECUTIVE OFFICE

11 March 2022

#### Introduction

On 27 January 2022 the Committee for the Executive Office wrote to those statutory committees of the Northern Ireland Assembly which had responsibility for the scrutiny of Common Frameworks asking for their experiences. The table in the Appendix summarises the state of scrutiny of frameworks at the time of writing to the Committees.

Three of the five affected committees responded, encompassing 21 of the 32 frameworks. This paper constitutes a summary of those experiences.

#### Experiences of the Frameworks

Comments by Committees for their experiences of the common frameworks can be summarised as follows:

- Unclear or ambiguous timelines for publication: This has been problematic for planning scrutiny.
- Lack of consultation on the March 2022 deadline: The requirement that all scrutiny should be complete by the end of the mandate was not discussed with committees. Equivalent Welsh and Scottish committee colleagues have also expressed concerns about meeting this deadline.
- Poor quality of documentation: The documentation received for some frameworks has lacked detail or the information was to be made available elsewhere, making scrutiny difficult.
- Technical language in summaries: Some of the accompanying framework summaries cover very specific areas and use very technical language, which require further explanation.
- Lack of North-South engagement: There is little or no indication that the common frameworks take into account the circumstances of Northern Ireland in relation to the land border and north-south relationships.
- Lack of clarity: Only limited information could be provided in respect of some frameworks when further elucidation was sought from UK Departments, limiting the effectiveness of scrutiny.

**APPENDIX: COMMON FRAMEWORKS AT COMMITTEES OF THE NORTHERN IRELAND ASSEMBLY IN JANUARY 2022**

<b>Committee</b>	<b>Common Framework</b>	<b>Status/documents received by Committee</b>
<b>AERA</b>	Implementation of EU Emissions Trading System (ETS)	Awaiting provisional framework
<b>AERA</b>	Agricultural support	Awaiting provisional framework
<b>AERA</b>	Agriculture - fertiliser regulations	Awaiting provisional framework
<b>AERA</b>	Agriculture - organic farming	Awaiting provisional framework
<b>AERA</b>	Agriculture - Zootech	Awaiting provisional framework
<b>AERA</b>	Animal health and welfare	Awaiting provisional framework
<b>AERA</b>	Fisheries management & support	Awaiting provisional framework
<b>AERA</b>	Ozone depleting substances and Fgases	Awaiting provisional framework
<b>AERA</b>	Plant Health	Awaiting provisional framework
<b>AERA</b>	Plant varieties and seeds	Awaiting provisional framework
<b>AERA</b>	Resources and Waste	Awaiting provisional framework
<b>AERA</b>	Radioactive substances	Committee scrutiny stage
<b>AERA</b>	Air Quality	Awaiting provisional framework
<b>AERA</b>	Best available Techniques	Awaiting provisional framework
<b>AERA/Economy</b>	Chemicals and Pesticides	Awaiting provisional framework
<b>Economy</b>	Mutual Recognition of professional qualification (MRPQ)	Awaiting provisional framework
<b>Economy</b>	Services Directive	Awaiting provisional framework
<b>Economy</b>	Company law	Committee scrutiny stage
<b>Economy</b>	Specified quantities and packaged goods	Awaiting provisional framework
<b>Economy</b>	Late payment (commercial transactions)	Committee scrutiny stage
<b>Finance</b>	Public procurement	Committee scrutiny stage

<b>Health</b>	Organs, tissues and cells (apart from embryos and gametes)	Committee scrutiny stage
<b>Health</b>	Public health protection and health security	Committee scrutiny stage
<b>Health</b>	Blood Safety and Quality	Committee scrutiny stage
<b>Health</b>	Food Compositional Standards and Labelling	Awaiting provisional framework
<b>Health</b>	Food and feed safety and hygiene law	Committee scrutiny stage
<b>Health</b>	Nutrition Labelling, Composition and Standards	Committee scrutiny stage
<b>Infrastructure</b>	Hazardous substances planning	Implemented
<b>Infrastructure</b>	Commercial Road Transport and Operator licensing	Committee scrutiny stage
<b>Infrastructure</b>	Rail technical standards (interoperability)	Committee scrutiny stage
<b>Infrastructure</b>	Driver licensing	Committee scrutiny stage
<b>Infrastructure</b>	Roads - Motor Insurance	Committee scrutiny stage



Lynne Neagle MS  
Deputy Minister for Mental Health and  
Wellbeing  
Welsh Government

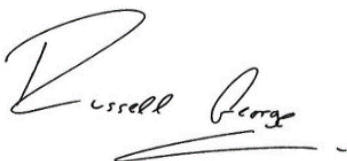
18 March 2021

Dear Lynne

**Provisional food compositional standards and labelling common framework**

To inform our consideration of the food compositional standards and labelling provisional common framework, we would welcome the views of the Welsh Government on the matters set out in the annex to this letter **by Friday 22 April**.

Yours sincerely



Russell George MS  
Chair, Health and Social Care Committee

cc Huw Irranca-Davies, Chair, Legislation, Justice and Constitution Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

## Annex: Common frameworks: request for further information

To assist our deliberations on the food compositional standards and labelling provisional common framework, we would welcome further information on the matters listed below. We would be grateful to receive your response **by Friday 22 April**.

### Reasons

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1. Why is a framework needed for this policy area?
2. The framework sets out that governments will be able to diverge under this framework “where evidence is clear that divergence is both necessary and proportionate to meet local needs”. How will you determine if divergence is “necessary and proportionate”?
3. This framework is closely linked to frameworks for food and feed safety and hygiene and nutritional labelling, composition and standards. How will the connections between these common frameworks be managed?

### Managing divergence

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4. The framework requires the Welsh Government not to take forward a policy proposal in scope until it has gone through a joint decision-making process. What impact could this have on the competence of the Senedd and Welsh Government?
5. The framework requires that Welsh Government not launch a public consultation, or progress in any other material way, with a policy proposal in scope, until it has been considered by the FCSL officials’ group. How will this affect the role of Welsh stakeholders in developing Welsh law and policy?
6. Why will changes to the law be in scope of the framework’s decision-making processes where EU law allows scope for national measures to achieve common outcomes?
7. Why will changes to the law be in scope of the framework’s decision-making processes that would only apply to businesses established or products circulated in Wales?
8. The UK Government intends to bring forward new proposals on food labelling as part of its upcoming National Food Strategy. What consideration have you given to these proposals and whether any changes should apply in Wales?
9. Are you content that the list of legislation in scope of the framework in Annex C is complete? For example, why are regulations on spreadable fats listed, but regulations on olive oil absent?

## Role of the Foods Standards Agency (FDA)

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10. How will the Welsh Government ensure the FSA has the expertise and capacity to make decisions and recommendations on future food labelling and compositional standards for Wales?
11. Will Welsh Government officials play any role in the work of the FCSL officials' group?
12. What progress has been made in the review of FSA Wales announced in June 2021?
13. When will the Welsh Government and Food Standards Agency publish an updated Concordat?

## UK Internal Market Act 2020

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14. What impact could the UK Internal Market Act 2020 have on Welsh law on food compositional standards and labelling?
15. Do you intend to request any exclusions from the Act in this common framework area?

## EU and Northern Ireland

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16. How will the Welsh Government continue to monitor changes to EU law on food compositional standards and labelling and assess the implications of divergence from the EU and Northern Ireland?
17. How will you assess the risks and benefits of keeping pace with changes to EU law on food compositional standards and labelling?

## International law and international agreements

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18. What international obligations are there in this policy area?
19. Will the governments work together to agree positions for international policy on food standards, and (if so) how?
20. Why does the framework make no reference to the UK-EU Trade and Cooperation Agreement?
21. The framework provides that it will enable the governments to "consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework." Do you consider that this gives the Welsh Government adequate involvement in UK positions on food compositional standards and labelling during international trade negotiations?

22. Do you consider the dispute resolution mechanism robust enough for its intended purpose?
23. If another government objects to a Welsh Government policy proposal through the dispute resolution mechanism, could that cause delays to Welsh legislation?
24. Why are no time limits for dispute resolution set?

How the framework was developed

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25. How did the Welsh Government engage with stakeholders on the development of the framework?
26. How does the framework reflect the responses of stakeholders in Wales?

Review and revision

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27. How will the Senedd be able to contribute to the review and amendment process for the framework?
28. How will stakeholders be able to contribute to the review and amendment process for the framework?

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

18 March 2022

Dear Chair

### **Inter-Institutional Relations Agreement: Inter-Ministerial Standing Committee**

I am writing in accordance with the inter-institutional relations agreement to notify you of the first meeting of the Inter-Ministerial Standing Committee, which will take place on the 23<sup>rd</sup> March.

The Standing Committee will be chaired by the Secretary of State for Levelling Up, Housing and Communities (and Minister for Intergovernmental Relations). The Counsel General and Minister for the Constitution and I will represent the Welsh Government at the meeting.

In this virtual meeting we will discuss the Ukraine crisis, UK legislation, the Levelling Up White Paper, and undertake a stocktake of IGR Review implementation.

I will provide an update after the meeting.

Yours sincerely



**MARK DRAKEFORD**

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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.

# Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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