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Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LG/2635/20

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

I wish to provide an update to the Climate Change, Environment and Rural Affairs Committee on a number of changes to the common frameworks which fall within my portfolio.

The UK Government published the latest version of their Frameworks Analysis on 24 September 2020. The analysis was first published in 2018 and was updated in 2019. The latest version is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919729/Frameworks-Analysis-2020.pdf

To inform this publication, the four governments of the UK recently undertook a reclassification exercise to determine:

- whether two or more frameworks should be merged into a single framework;
- whether one framework should be split into two separate frameworks;
- where no framework is required; and
- whether a framework is potentially legislative or non-legislative.

The outputs from the reclassification exercise relating to frameworks in my portfolio are detailed below.

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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.

Merged frameworks

A number of frameworks were listed as separate areas in the original 2018 analysis but subsequent policy discussions have indicated they should be developed together due to all having a common theme. These are:

Previous framework classification	New merged framework classification
Animal health and traceability	Animal health and welfare
Animal welfare	
Chemicals	Chemicals and pesticides
Chemicals regulation (including pesticides)	
Pesticides	

Split frameworks

For this category, developing separate frameworks is considered to be administratively more efficient and convenient and has no significant policy or delivery implications. The separate policy areas will remain within scope of the Common Frameworks Programme. However, because they involve different issues, and different or largely different structures and processes, they can be dealt with more efficiently as discrete areas. These are:

Previous framework classification	New split framework classification
Plant health, seeds and propagating material	Plant health
	Plant varieties and seeds
Air quality	Air quality
	Best available techniques

No framework required

As part of policy discussions during the development of individual frameworks, there are some areas where the four governments have agreed no framework is required. This was either if the existing arrangements between the four governments are viewed as being sufficient or no framework is needed. These frameworks are:

Framework area	UK Government Department
Natural Environment – Biodiversity	Defra
Biodiversity – Access and Benefit Sharing of Generic Resources	Defra
Spatial Data – Infrastructure Standards	Defra
Marine Environment	Defra
Energy Efficiency	BEIS
Strategic Environment Assessment	MHCLG

One further area, namely agriculture – GMO marketing and cultivation, has also been agreed as no framework required, however, it was not included in the UK Government's revised analysis.

Legislative or non-legislative frameworks

The original analysis listed potential frameworks based on whether they were expected to be underpinned by legislation or were likely to be established through non-legislative means.

Welsh Government and counterparts in Defra, Scottish Government and the Northern Ireland Executive are continuing to work through the practical legislative implications of the Northern Ireland Protocol and the link to trade, as well as the potential impact of the UK Government's Internal Market. This includes the impact on the legislative / non-legislative classification of frameworks. It has therefore been agreed for the purposes of the revised analysis, no changes were made at this stage to the legislative/ non-legislative categories of EFRA-related areas. However, they continue to be kept under review.

Next steps / forward look

Following the reclassification exercise the following 14 frameworks in my portfolio will be taken forward:

- Animal health and welfare
- Chemicals and pesticides
- Fisheries management and support
- Plant health
- Plant varieties and seeds
- Agricultural support
- Fertiliser regulations
- Organic farming
- Zootech
- Ozone depleting substances and F-gases
- Air quality
- Best Available Techniques
- Emission Trading Scheme
- Radioactive substances

There is one further, related framework on waste management. This falls within the responsibility of Hannah Blythyn MS, Deputy Minister for Local Government and Housing, but is led by officials in the Environment and Rural Affairs department. It is also considered by the Inter-Ministerial Group-EFRA on which I represent Welsh Government.

The above frameworks will continue to be developed in line with the revised delivery plan. Jeremy Miles MS, Counsel General and Minister for European Transition wrote to the Chair of the External Affairs and Additional Legislation Committee of 2 July 2020 to provide further detail on the frameworks programme. The letter outlined the aim for all frameworks to have achieved at least a Framework Outline Agreement by the end of 2020 which has received provisional confirmation from Ministers and is operable in draft form.

This would include at a minimum: a delivery timeline, clear governance across the relevant governments (including how divergence might be managed), a dispute avoidance and resolution mechanism, and a Statement of Purpose to confirm our shared commitment to bring this to early resolution. This will ensure the minimum level of operability, whilst recognising frameworks still have to undertake the full scrutiny phase by legislatures.

I hope this update is useful to the Committee.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AS/MS

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