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

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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.


To inform this publication, the four governments of the UK recently undertook a recategorisation 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 recategorisation exercise relating to frameworks in my portfolio are detailed below.
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:

<table>
<thead>
<tr>
<th>Previous framework classification</th>
<th>New merged framework classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal health and traceability</td>
<td>Animal health and welfare</td>
</tr>
<tr>
<td>Animal welfare</td>
<td></td>
</tr>
<tr>
<td>Chemicals</td>
<td>Chemicals and pesticides</td>
</tr>
<tr>
<td>Chemicals regulation (including pesticides)</td>
<td></td>
</tr>
<tr>
<td>Pesticides</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Previous framework classification</th>
<th>New split framework classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant health, seeds and propagating material</td>
<td>Plant health</td>
</tr>
<tr>
<td></td>
<td>Plant varieties and seeds</td>
</tr>
<tr>
<td>Air quality</td>
<td>Air quality</td>
</tr>
<tr>
<td></td>
<td>Best available techniques</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Framework area</th>
<th>UK Government Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Environment – Biodiversity</td>
<td>Defra</td>
</tr>
<tr>
<td>Biodiversity – Access and Benefit Sharing of Generic Resources</td>
<td>Defra</td>
</tr>
<tr>
<td>Spatial Data – Infrastructure Standards</td>
<td>Defra</td>
</tr>
<tr>
<td>Marine Environment</td>
<td>Defra</td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>BEIS</td>
</tr>
<tr>
<td>Strategic Environment Assessment</td>
<td>MHCLG</td>
</tr>
</tbody>
</table>

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

Lesley Griffiths

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Minister for Environment, Energy and Rural Affairs