

Vaughan Gething MS  
Minister for Health and Social Services  
Welsh Government

23 October 2020

Dear Vaughan,

**Nutrition Labelling Composition and Standards Provisional Common Framework**

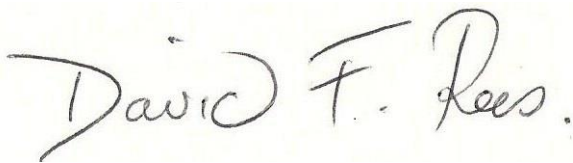
I am writing to confirm that the External Affairs and Additional Legislation Committee intends to scrutinise the Nutrition Labelling Composition and Standards Provisional Common Framework, that you shared with us on 9 October 2020.

To initiate the scrutiny process, I enclose a set of questions for you to consider. I would be grateful for a response to these questions by the 8 November 2020.

I look forward to engaging with you on the scrutiny of this common framework and to receiving your response to the initial set of questions enclosed.

I have copied this letter to Dai Lloyd MS, Chair of the Health, Social Care, and Sport Committee.

Yours sincerely,



David Rees MS  
Chair of the External Affairs and Additional Legislation Committee



## Questions

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### What the framework is

1. What form does the framework take, i.e. is it a Memorandum of Understanding, a concordat, a legislative framework or a combination of documents?
2. On what basis has the form for the framework been chosen?
3. Have all relevant framework documents (including documents that will be used by governments to apply and interpret the framework) been published?
4. Will the framework require any further legislation in future?
5. What impact will the form chosen have on the framework's operation?
6. How have the governments ensured the framework will be clear and accessible for citizens and Members?

### What the framework does

7. Why is a framework needed for this policy area?
8. The Joint Ministerial Committee agreed principles for when frameworks would be necessary in 2017, including enabling the functioning of the UK internal market and ensuring compliance with international obligations. Which of these principles apply to this framework?
9. What does EU law and policy in this area currently do? Does the framework replicate this/these function(s) in full or in part?
10. What are the policy objectives of the framework?
11. In what ways does the framework change the Welsh Government's executive competence? How is this different from the position under EU law?
12. In what ways does the framework change the Senedd's legislative competence? How is this different from the position under EU law?
13. What scope for divergence will the framework allow? Is this wider or narrower than the scope for divergence under EU law?



14. If the scope for divergence is different from the scope for divergence under EU law, why is that?
15. Will the framework have any impact on existing or planned Welsh legislation and/or policies?
16. What will the financial implications of the framework be?

### How the framework was developed

17. How did the governments engage with stakeholders in preparing the outline framework?
18. As part of that process, how did the Welsh Government itself engage with stakeholders?
19. How does the framework reflect the responses of stakeholders, including stakeholders in Wales?
20. Are there any ongoing negotiations in relation to any elements of the framework?

### Interaction with domestic law and policy

21. How does the framework interact with existing domestic legislation?
22. How does the framework interact with retained EU law in this policy area?
23. Does the framework interact with any existing intergovernmental agreements?

### Interaction with international law and international agreements

24. Does the framework interact with any existing international obligations or agreements?
25. If so, does the framework 'ensure compliance with international obligations'? How?
26. How will the framework interact with or be impacted by any future UK negotiations on trade or in other areas?
27. How does the framework interact with the Ireland and Northern Ireland Protocol?



**28.**What would happen if the framework conflicted with an international agreement?

**29.**If the framework needs to be amended to reflect a new international agreement, what revision process will be engaged?

**30.** How will the Senedd be able to contribute to that revision process?

### Interaction with the Internal Market Bill

**31.** What impact would the UK Government's Internal Market Bill (i.e. to enshrine in law the principles of mutual recognition and non-discrimination) have on the framework?

### Operation

**32.**What will the roles of the different governments in the operation of the framework be?

**33.**Will any other bodies, public or otherwise, be involved in the operation of the framework?

### Governance and dispute resolution

**34.**What will the roles of the governments be in the oversight and governance of the framework?

**35.**What will the roles of any other bodies be in the oversight and governance of the framework?

**36.**What is the dispute resolution mechanism for the framework? How does it compare to dispute resolution mechanisms in other frameworks?

**37.**Do you consider the dispute resolution mechanism to be robust enough for its intended purpose?

### Review and revision

**38.**What arrangements for regular review and revision of the framework will there be?

**39.**How will continued adherence to the framework principles be measured?



- 40.** How will the Senedd be able to contribute to the review and revision process for the framework?
- 41.** How will stakeholders be able to contribute to the review and revision process for the framework?
- 42.** What is the process for discussing and agreeing any future changes to the framework?
- 43.** If changes are made in future, how will the Senedd be notified? What scrutiny procedures will apply to the changes?

