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Llywodraeth Cymru  
Welsh Government

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Dear Mike

Thank you for your letter of 19 July requesting information on UK-wide common policy frameworks emerging from the Brexit Process. Within the Housing and Local Government portfolio, there are two frameworks in development relevant to the Environment and Rural Affairs Committee's remit. These are the Hazardous Substance Planning Framework and the Waste Framework. In respect of common framework development on these, I have provided the information requested by the Climate Change, Environment and Rural Affairs Committee in the attached annex.

Yours sincerely

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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.

## **Annex 1**

### ***What steps have been taken to develop frameworks within your portfolio areas, and at what stage of development those frameworks are;***

Policy officials have been engaged with their counterparts from the UK Government, Scottish Government and Northern Irish Civil Service since November 2017. Over this time all policy areas have been able to establish where Frameworks will be required and an initial position on the type of Framework required. The progress of this work was most recently reflected in the UK Government's Framework Revised Analysis on April 2019.

An outline framework for Hazardous Substances Planning was published on 3 July and work continues to take the framework through detailed development.

In terms of the Waste Framework, an initial 'deep dive' meeting was conducted with counterparts from the UK Government, Scottish Government and Northern Irish Civil Service in February 2018. A second Common Frameworks Deep Dive on waste was held on 17 July. We are awaiting a revised framework agreement from the UK Government following the discussions at the meeting.

### ***The evidence base to support decisions on frameworks;***

Decisions on whether a Framework would be necessary in an area were taken on the basis of discussions between policy officials. These discussions took into account the impact and likelihood of divergence in the area; the volume of work which the Framework would consider; and the benefits derived from formalised cooperation.

None of these decisions are final as consultations with counterparts from the UK Government, Scottish Government and Northern Irish Civil Service continue. Some policy areas that had initially considered a framework necessary have, on further consideration, decided that informal cooperation would be sufficient.

### ***Intergovernmental structures that have been or are being established, e.g. Ministerial forums etc;***

The Joint Ministerial Committee (EN) was established in October 2017 and acts as the Ministerial oversight for the Frameworks Programme.

Some Ministerial Quadrilateral meetings have also been established to consider policy specific issues as they arise. They consider, but are not limited to, issues arising from Frameworks. For example, progress on the Hazardous Substance Planning framework has been monitored through an officials' working group involving policy leads from the UK Government and Devolved Administrations, which has generally met once a month.

### ***What end output(s) are anticipated from the frameworks, both legislative and non-legislative;***

Frameworks will develop an intergovernmental system for cooperation between the Welsh Government, counterparts in UK Government, Scottish Government and Northern Irish Civil Service. These systems will provide formalised procedures for decision-making and communication.

For those frameworks where a non-legislative approach has been pursued, they are anticipated to result in a memorandum of understanding/concordat supported by a Framework Outline Agreement, setting out principles of engagement and co-operation between policy leads of each administration. At this stage it's likely that the frameworks being developed within my portfolio will be taken forward on a non-legislative basis.

***How the frameworks link with existing or proposed Welsh Government action, both legislative and non-legislative (including where frameworks cross-over with other portfolios); and***

Frameworks are being developed with ongoing policy developments in No-Deal preparation and Future Economic Partnership work in mind. The Frameworks and related bodies will be flexible to future decisions in relation to EU and international discussions and will provide a platform for these discussions in a way which provides for parity of participation and decision-making, protection of devolved competence.

***How each framework area will be managed in the event of the UK leaving the EU without a deal.***

Departments have undertaken no-deal approaches to governance, with a number including interim Working Level Arrangements (WLA). These set out intergovernmental approaches to imminent issues which might arise as a result of no-deal. These WLAs operate under some of the same structures as Frameworks, such as Ministerial Quadrilaterals. Within some policy areas, an interim WLA could overlap with a particular Framework and its development may have drawn upon the Framework discussions that have already taken place. No deal arrangements are short term and interim, so do not set any precedent for Frameworks. In the case of a no deal situation, the Welsh Government would expect the Frameworks programme to be priority to ensure properly considered and scrutinised arrangements are in place as soon as possible.