

Eluned Morgan MS
Minister for Health and Social Services
Welsh Government

17 December 2021

Dear Eluned

Provisional common frameworks: Blood Safety and Quality, and Organs Tissues and Cells (apart from embryos and gametes)

To inform our consideration of the Blood Safety and Quality, and Organs Tissues and Cells (apart from embryos and gametes) common frameworks, we would welcome the views of the Welsh Government on the matters set out in the annex to this letter **by Thursday 13 January 2022**.

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 Blood Safety and Quality, and Organs Tissues and Cells (apart from embryos and gametes) common frameworks, we would welcome further information on the matters listed below. We would be grateful to receive your response **by Thursday 13 January**.

General

1. Why are common frameworks needed for these policy areas?
2. The Welsh Government has taken on new functions in these policy areas following the UK's exit from the EU. How has the Welsh Government ensured that it has the resources and expertise to exercise these functions effectively?
3. What role does the Welsh Government have in oversight of the work of the Independent Advisory Committee on the Safety of Blood, Tissues and Organs and the Joint UK Blood Transfusion and Tissue Transplantation Services Professional Advisory Committee?

Managing divergence

4. The frameworks state that they will allow for 'necessary divergence' within the UK. Could you set out what 'necessary' means in this context?
5. Do you consider that the frameworks give the Welsh Government and the Senedd appropriate scope to make law and policy for Wales?
6. Will the frameworks have any impact on any existing or planned Welsh legislation or policy?
7. How would the frameworks affect the Welsh Government's ability to respond to urgent situations, such as emerging new diseases?
8. The European Commission intends to adopt changes to legislation on blood, tissues and cells in early 2022. Does the framework allow sufficient scope for the Welsh Government to make equivalent changes for Wales, and do you plan to do this?
9. As part of its review of retained EU law, the UK Government is asking UK Government departments to consider whether such law should be amended or repealed by 'an accelerated process'. Would such changes be considered through the framework processes, and (if so) how?
10. Can the Welsh Government confirm that neither framework will interact with the UK Internal Market Act?

International obligations

11. What international obligations are there in these policy areas?
12. How does the framework take international obligations into account?
13. How will the framework be amended in future to reflect a new international obligations?

Governance and dispute resolution

14. Do you consider the dispute resolution mechanisms for the frameworks to be robust enough for their intended purpose?
15. Who will be the final arbiter in the event of a dispute, and will there be a right of appeal in the event that one of the parties is dissatisfied with the resolution of a dispute?
16. Will the Welsh Government notify the Senedd of disputes raised through the framework?

The development of the frameworks

17. How did the Welsh Government engage with stakeholders on the development of the frameworks? How does each framework reflect the responses of stakeholders in Wales?

Review and revision

18. How will the Senedd and stakeholders be updated on the continuing operation of the frameworks?
19. How will the Senedd and stakeholders be able to contribute to the review and amendment process for the frameworks?
20. If changes are made in future, how will the Senedd be notified? What scrutiny procedure will apply to the changes?