



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

London

SW1A 0PW

Tel: 020 7219 8664

hlcommonframeworks@parliament.uk

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The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
Department for Environment Food & Rural Affairs
Seacole Building
2 Marsham St
London
SW1P 4DF

Dear George,

Thank you for the Fisheries Management and Support Provisional Framework that was published on 17 February and considered by the Committee on 1 March. We appreciate this framework being privately shared with our secretariat before its publication so we could prepare for scrutiny in a timely fashion. We note that this was a clearly drafted framework, and that it is only one part of a wider network of legislative and non-legislative arrangements that make up the wider UK Fisheries Framework. We also welcome the acknowledgement of the principle that fisheries management is a devolved area in this common framework and the accompanying Memorandum of Understanding (FFMoU). However, we agree that a wider UK approach is also needed so the UK can adhere to its international obligations. Whilst I want to confirm the Committee's intention to produce a full set of recommendations, there are a few areas where further clarity is required to assist with our scrutiny.

We would appreciate some detail on why a common framework was considered necessary to add to the package of the wider UK Fisheries Framework. This is especially the case considering the multiple layers, and complexity, of the arrangements already in place. When the Committee considered the Frameworks Analysis 2021 report, a common reason cited for why officials assessed that common frameworks would not be needed in certain devolved areas with a previous EU intersect was that there were already "existing intergovernmental arrangements in place to ensure coherence and manage risk of divergence."¹ Considering this common framework is part of a complex network of arrangements that establish a wider UK fisheries management regime, including the Fisheries Act 2020, the Joint Fisheries Statement (JFS), and the FFMoU, it could be considered that these qualify as sufficient intergovernmental arrangements to manage any risk of divergence.

¹ Page 15, [Frameworks Analysis 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Could you explain why officials assessed that a common framework was additionally necessary for this policy area?

Regarding the working groups cited in the framework, we note that the text is not definite in stating what type of group would be required. The framework's text states that senior official discussion would take place via the Senior Steering Group (SSG) "or a similar forum". It would be helpful to get confirmation on what forum is currently being used as we understand the common frameworks are currently in operation.

It also refers to two levels of senior official working groups, including the SSG "or a similar forum", as well as another group of senior officials to which matters can be escalated: the Senior Officials Programme Board (SOPB). It is not clear what the difference is between these two levels of senior official working groups. Could you clarify what the difference is?

We also note that the framework states the FFMoU will be regularly reviewed, but that "it is not considered necessary to review the FOA in itself as the framework documents themselves are actively managed and have robust and dynamic review processes." However, we consider that as the FOA is also a component of the Common Frameworks Programme, its operation should also be kept under review and amended if necessary, as part of any ongoing evaluation of the Programme. Could you provide any further rationale for why it has been decided that reviewing the FOA itself is not necessary?

We again also note with concern the absence of any reference to the UK Internal Market Act's exclusions process. However, we acknowledge we are following up on this issue in separate correspondence with your department.

We again note the reference in this provisional framework to engagement with the Crown Dependencies. As asked in our recent letter on the Animal Health and Welfare Provisional Framework, we are unclear why they are referenced in your department's frameworks when they have not been included in others we have considered to date. Can you set out their role in relation to the Common Frameworks Programme, and why they are mentioned in this framework and others?

From recent correspondence with yourself, you are also aware that the Committee is scrutinising how the Subsidy Control Bill could interact with common frameworks. We understand that the devolved administrations have withheld granting legislative consent to the Bill. This is also of particular concern to us given the Bill has clear implications for the policy area covered by this framework, and considering the future Operational Agreement (OA) on Subsidies Grants and Future Funding. We note that page 37 of the provisional framework states that "The OA on funding will take full account of the Devolution Settlements and set out how the fisheries policy authorities will work together on the division and allocation of subsidies and grants in the UK." Considering the devolved administrations have withheld legislative consent to the Subsidy Control Bill because they believe it has concerning implications for devolved areas, can you clarify how you envision reconciling this commitment within the OA with the Bill? What are the implications of the Bill for the Subsidies Grants and Future Funding OA? Can you also provide detail on any discussions concerning the Subsidy Control Bill taking place within the framework?

It would also be helpful to get an update on a publication date for these OAs.

In order to facilitate the swift scrutiny of this framework, we ask that you respond within 5 working days.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee