

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

30 March 2022

Dear Minister,

Provisional Common Framework on Animal Health and Welfare

Thank you again for attending the Committee's meeting on 17 March for general scrutiny and answering some questions from me on the common frameworks process. The Committee is also grateful for the attendance of Welsh Government officials to provide private technical briefing on certain frameworks that the Committee has prioritised for scrutiny. The briefing was very useful. Given the complex and technical nature of the frameworks, Members agreed that it would be helpful to set out the questions they asked in private again in correspondence, so that the questions and responses can be noted for the public record and to inform stakeholders. The questions are set out under headings below, including some that we did not get to during the briefing, and we look forward to your written response on all these points:

The Committee would welcome further information on the following:

Scope of the framework

- The framework states that the whole of animal health and welfare law and policy will be in scope. Why is it appropriate for all planned changes to animal health and welfare law and policy to be in scope of this framework, even where the Welsh Government would have had regulatory flexibility in the EU context?



- Can you set out what impact this will have on the way that the Senedd and Welsh Government can exercise their competence?
- Can you set out how the process for making changes to Welsh law and policy on animal health and welfare is different under the framework compared to during EU membership?

Decision-making in the framework

- To explain how you have been working through the common framework to consider and agree changes to animal health and welfare law, and how this is different from the policy development process when Wales was in the EU?
- The framework requires that the governments notify each other of any matters (including policy formation, proposal for legislation, public announcements and emergency responses) as soon as they are considered, so that joint discussions can take place before final decisions are taken. To explain what impact (if any) you anticipate this will have on the role of the Senedd and stakeholders in developing Welsh law and policy?

Managing divergence

- The framework requires that if a government is proposing to diverge, there should be an assessment of the implications for the UK internal market, the negotiation and implementation of international agreements, and biosecurity. How will this work in practice?
- To explain how the Welsh Government will continue to monitor changes to EU law on animal health and welfare and assess the risks and benefits of keeping pace with EU law?
- To explain how the impact of the UK Internal Market Act will be managed in the framework?
- The framework requires that the governments notify each other of any matters (including policy formation, proposal for legislation, public announcements and emergency responses) as soon as they are considered, so that joint discussions can take place before final decisions are taken. What impact will this have on the role of stakeholders in developing Welsh law and policy?

- The framework provides for relevant arm's length bodies to participate in decision-making groups. Some of these bodies (such as the APHA and the Fish Health Inspectorate) operate in Wales, but are not formally accountable to the Welsh Government or the Senedd. How will you ensure that the responsibilities and lines of accountability for different bodies are clear?
- The framework requires that if a government is proposing to diverge, there should be an assessment of the implications for the UK internal market, the negotiation and implementation of international agreements, and biosecurity. Why have these criteria been chosen, and what would happen if there was any perceived conflict between them?
- Who would carry out the assessment?
- Would stakeholders be involved in making the assessment?
- Would the results of the assessment be made public?

UK Internal Market Act 2020

- What impact could the UK Internal Market Act 2020 have on Welsh law on animal health and welfare?
- Do you intend to request any exclusions from the Act on animal health and welfare?

EU and Northern Ireland

- Can you provide an overview of how retained EU law on animal health and welfare in Wales has changed since the end of the transition period?
- Can you provide an overview of the main differences between current EU law on animal health and welfare and the law in Wales?
- How will you continue to monitor changes to EU law on animal health and welfare and assess the implications of divergence from the EU and Northern Ireland?
- How will you assess the risks and benefits of keeping pace with EU law compared to maintaining the status quo?



- Are you content that the framework will provide for adequate Welsh Government engagement in discussions through the UK-EU institutional framework on animal health and welfare?

International Obligations

- The framework provides that it will enable the governments to “consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework.” Do you consider that this gives the Welsh Government adequate involvement in UK positions on animal health and welfare during international trade negotiations?
- Could disagreements on UK positions in trade negotiations be escalated through this framework?

Governance and dispute resolution

- Do you consider the dispute resolution mechanism robust enough for its intended purpose?
- The framework provides that actions under disagreement or dispute should normally be paused pending resolution. Is there a risk that this could lead to delays to Welsh legislation?
- Why are no time limits for dispute resolution set?

How the framework was developed

- How did the Welsh Government engage with stakeholders on the development of the framework?
- How does the framework reflect the responses of stakeholders in Wales?

Review and amendment

- This framework does not include standard text found in other frameworks on how the review and amendment process should work. Why has this text been omitted?
- How will the Senedd be able to contribute to the review and amendment process for the framework?

International Affairs

- To confirm whether discussions on UK Government positions in trade negotiations relating to animal health and welfare will be taken through the framework.

Other Questions

- This framework is closely connected to other common frameworks, particularly food and feed safety and hygiene and public health protection and health security. How will the connections between these frameworks be managed?
- The House of Lords Common Frameworks Scrutiny Committee has drawn attention to numerous errors and inconsistencies in this framework. Can you explain how you ensure the quality of framework documents before Ministerial sign-off and Senedd scrutiny?

We look forward to discussing common frameworks with you again in the near future, but in the meantime thank you in advance for providing the additional information requested above. A response by 29th April would be helpful to the Committee.

Kind regards,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.