

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee
Senedd Cymru/ Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

From: Office for the Internal Market

13 November 2024

Dear Mr Hedges MS

Re: Legislation, Justice and Constitution Committee, 30 September 2024

Thank you for your letter dated 24 October, and for the earlier opportunity for the OIM to speak at the Legislation, Justice and Constitution Committee. Tim Render has asked me to respond on behalf of the OIM.

The OIM has, at a high level, examined the Product Regulation and Metrology Bill and we believe, at this stage, that there is no interaction between the Bill itself and the UK Internal Market (UKIM) Act 2020 Market Access Principles (MAPs) as the Bill itself is designed to achieve regulatory alignment across the UK in certain policy areas. Consequently, if powers are exercised under the legislation, there would be no regulatory difference in these areas such that a business or other market participant could 'use' the MAPs to trade across the nations of the UK.¹ If there are particular issues that you think are relevant from an internal market MAPs perspective, please do let us know, and we would of course be happy to engage with Committee officials.

With respect to the OIM and the Windsor Framework more broadly, the OIM's remit has not changed since the OIM was officially launched in September 2021. The Windsor Framework, and any legislation necessary to give effect to it, falls outside the OIM's statutory remit. Specifically, it is beyond our statutory remit to consider a regulatory provision that is necessary to give effect to the Framework (as this would not fall within the relevant definition in the UKIM Act) nor does the OIM have any role in monitoring the implementation of the Framework.

However, some other UK internal market matters relating to Northern Ireland are within the OIM's remit: for example, those relating to trade in services, which are not covered by the Framework. Additionally, aspects of legislation which go beyond what is necessary to give effect to the Framework – for example, additional legal requirements introduced by the

¹ We acknowledge that, if powers are exercised under the legislation and then one (or more) of the nations were to pass (separate) legislation that diverged from the legislated standard, there could be a scenario where the MAPs would apply but this would depend on the specific context.

Northern Ireland Assembly that go further than EU standards in the relevant area – would also fall within the scope of the Act and the OIM's remit.

As regards your question on whether the UK Internal Market Act applies to the Channel Islands, the UKIMA only applies to the UK, and has not been extended to the Channel Islands.²

I hope that this information is helpful and has answered your questions, and we look forward to the OIM's continued engagement with you and the Committee.

Yours sincerely,

J D Waugh

James Waugh
Director
Office for the Internal Market

² Section 59(1) of UKIMA states that, 'This Act extends to England and Wales, Scotland and Northern Ireland.'