



Ein cyf/Our ref: MA/JMHSC/0449/26

Peter Fox MS
Chair Health & Social Care Committee

23 March 2026

Dear Peter

I write further to the letter of 21 March 2022 regarding the Public Health Protection and Health Security (PHPHS); Blood Safety and Quality (BSQ); and Organs, Tissues and Cells (apart from embryos and gametes) (OTC) provisional Common Frameworks annexing the views of the Health and Social Care Committee.

As set out in correspondence of 9 May 2022 a formal response to committee recommendations was not possible before scrutiny had been undertaken by all four UK legislatures.

Two of these Common Frameworks have now received final approval from relevant Ministers in all four UK Governments. The approved versions have been published by the UK Government here: [BSQ](#) and [OTC](#). I am now pleased to be able to reply to the Committee's recommendations, which I address in turn, in respect of the BSQ and OTC Common Frameworks. A further response will be provided to your Committee upon the publication and final approval of the PHPHS Common Framework. This will include responses to recommendations 11 through to 17 which related specifically to that framework.

Risks and benefits of the Common Framework approach

Recommendation 1: The Welsh Government should explain how it will identify and manage risks associated with and arising from the PHPHS, BSQ and OTC frameworks on an ongoing basis, including how information about such risks will be shared with Senedd committees.

With regard to the Common Framework for OTCs and BSQ, the UK Government convenes regular meetings of the four governments to discuss any matters relating to OTCs & BSQ, and additional meetings to consider urgent issues. This format is already being applied to consider emerging issues and to coordinate the responses of the respective governments.

Implications for making Welsh law and policy

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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.

Recommendation 2: *The Welsh Government should set out how it will ensure that the PHPHS, BSQ and OTC frameworks will maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as was afforded by current EU rules.*

Recommendation 3: *The Welsh Government should seek intergovernmental agreement that the PHPHS, BSQ and OTC common frameworks will lead to no dilution of public consultation or of parliamentary scrutiny in policymaking or the legislative process.*

Recommendation 4: *The Welsh Government should explain how it will ensure that these common frameworks will not limit the role of the Welsh Government, the Senedd, or stakeholders in Wales when making law and policy for Wales. This should include how the Welsh Government will facilitate the engagement of committees or Members of the Senedd with the common frameworks if required, to ensure that frameworks do not represent a barrier to the operation of the Senedd's legislative procedures.*

Like other Common Frameworks, the BSQ and OTC Common Frameworks are voluntary intergovernmental agreements that supports policy development, draw on the expertise of each of the UK's Governments, and establishes effective post-EU Exit governance arrangements. These Common Frameworks facilitate collaboration, including on shared work programmes agreed on a four nations basis, and which are regularly reviewed and subject to governance through the structures established under each Common Framework.

The BSQ and OTC Common Frameworks retain each Governments' flexibility and ability to tailor policies to the specific needs of the territory and does not impinge on their ability to diverge from other UK Governments. These Common Frameworks therefore allow scope for policy and legislative divergence. All legislation remains subject to the scrutiny of the Senedd and the Senedd's legislative procedures. These Common Frameworks do not act to dilute public consultation or parliamentary scrutiny in policymaking or the legislative process. Even if legislation is agreed on a four-nation basis, we would expect any proposed legislation to follow the usual public consultation process.

The Welsh Government remains committed to engaging with the Senedd, consulting with stakeholders, and to keeping the Senedd updated on the progress and activities of the Common Frameworks programme. The Senedd will be updated via an annual report and after each review of the BSQ and OTC Common Frameworks.

Transparency

Recommendation 5: *In line with the recommendations made by the House of Lords Common Framework Scrutiny Committee, the Welsh Government should secure intergovernmental agreement to update the PHPHS, BSQ and OTC common frameworks to include a commitment to update legislatures on the ongoing functioning of the frameworks after the conclusion of each review.*

If this commitment is not included in the frameworks, the Welsh Government should confirm that joint reports on the frameworks will nevertheless be published in line with its stated expectation.

If intergovernmental agreement on this point cannot be secured, the Welsh Government should explain the reasons why intergovernmental reports will not be published and confirm that it will nevertheless publish unilateral annual reports in line with its previous commitment.

The Welsh Government agrees that legislatures should be updated as and when significant changes are made to Common Frameworks. Following a significant amendment, updated frameworks will be published on gov.uk. The frequency and substance of these updates will be dependent upon ongoing discussions between the UK Government and Devolved Governments. The Welsh Government agrees to report to the Health and Social Care Senedd Committee on the functioning of the frameworks, including the shared work programme, after the first joint review, and following subsequent periodic reviews.

During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the frameworks are working effectively, and whether decisions made over the previous three years need to be reflected in an updated non-legislative agreement. The review process will give consideration to the robustness of procedures for parliamentary scrutiny in decision-making through the framework.

On 3 February 2023, all four administrations at a meeting of the Interministerial Standing Committee (IMSC) reaffirmed the importance of reporting to legislatures on the operation of Common Frameworks. The IMSC has agreed an annual reporting template which will be used to inform the Senedd and other stakeholders of key developments once the Frameworks have been finalised.

More generally, the Welsh Ministers are answerable to the Senedd as a legislature, and Ministers will make themselves available to give oral evidence as part of the general scrutiny process.

Recommendation 6: *In line with the recommendations made by the House of Lords Common Framework Scrutiny Committee, the Welsh Government should secure intergovernmental agreement to update the PHPHS, BSQ and OTC common frameworks to include:*

- *Provision that the first review of each framework should include an open consultation process with stakeholders.*
- *Commitment to ongoing stakeholder engagement.*

Should either of these outcomes not be secured, the Welsh Government should explain the reasons why not, and outline what will be done instead to ensure that there is ongoing, open and meaningful engagement with stakeholders across the UK.

Jointly with the Devolved Governments, the UK Government engaged with interested technical stakeholders throughout the initial development of the Common Frameworks. There were varied levels of interest from stakeholders, with more interest shown towards associated policy, rather than the intergovernmental working arrangements outlined in the framework. Therefore, we will approach future engagement post implementation on a case-by-case basis.

The Welsh Government acknowledges the committee's suggestion that an open stakeholder consultation may be beneficial and will work together with Cabinet Office and devolved Governments to explore a process for future engagement.

This commitment to continued stakeholder engagement will be met via the provision of an open process for any interested stakeholders to provide comments on the final published Framework as part of the first review process. This is reflected in the revised text of the Common Frameworks (Parliamentary and stakeholder communication and engagement).

Recommendation 7: *The Welsh Government should confirm that it will notify Senedd committees in advance of reviews of the PHPHS, BSQ and OTC common frameworks and ensure that committees have an opportunity to scrutinise any proposed changes. Notifications should include information about the proposed approach to consultation with stakeholders.*

Please refer to the reply to Recommendations 5 and 6.

Dispute Resolution

Recommendation 8: *To ensure proportionality, the Welsh Government need only notify Senedd committees of disputes arising under the common frameworks that are escalated to Ministerial level.*

Recommendation 9: *The Welsh Government should set out its views on whether any time limits should be specified within the dispute resolution process.*

Recommendation 10: *The Welsh Government should confirm that, before they are finalised, the PHPHS, BSQ and OTC common frameworks will be updated to reflect the new inter-ministerial dispute resolution process set out in the review of intergovernmental relations published in January 2022.*

The Welsh Government agrees to update the committee on disputes escalated to Ministerial level. The development of a standard template for reporting includes a specific section for policy teams to report on divergence and disputes raised during the course of the year.

In terms of timings for the dispute resolution process, these will vary as they depend on the complexity and scope of dispute at hand and will be considered on a case-by-case basis. The timeframes for each escalation stage for the dispute resolution process are outlined in the [jointly operationalised ways of intergovernmental working](#) (IGR) published on gov.uk and incorporated into the revised text of the common frameworks.

Overall, the aim is to resolve disagreements as quickly as possible and at the lowest possible level. The dispute process is managed by the impartial IGR Secretariat which has a specified timeframes in which to facilitate each stage and which can only be deviated from by mutual agreement.

In summary, the timescales are as follows:

- For stage one, the relevant Secretariat will coordinate a meeting of the Senior Officials' Group within 10 working days.
- If necessary, stage two makes provision for convening a meeting of the relevant ministers within 10 working days.
- Finally, stage three states that, following third-party advice (if relevant), the dispute will then escalate to the Prime Minister and Heads of Devolved Governments Council for consideration of the dispute and the third-party advice within a month.

It has been agreed by all four governments that the Common Frameworks will be updated to incorporate the outcomes of the review of Intergovernmental Relations.

Provisional BSQ and OTC Common Frameworks

Recommendation 18: *The Welsh Government should confirm that any proposed amendments or repeals of retained EU law within the scope of the BSQ or OTC common*

frameworks will be undertaken through the common frameworks and not by a separate process.

The Welsh Government intends to use the Common Framework process for this purpose.

Recommendation 19: *The Welsh Government should commit to notifying the Senedd, including the relevant committee(s), of any proposals to amend or repeal retained EU law within the scope of the BSQ or OTC frameworks that would affect Wales or Welsh patients.*

The Welsh Government intends to notify the relevant Committee of any formally proposed amendments to OTC and BSQ related legislation.

Recommendation 20: *The Welsh Government should explain the impact of the UK Internal Market Act 2020 on the movement of blood, organs, tissues and cells, including any risks to the practical effect of Welsh legislation and policy, and whether it is considering requesting any exclusions from the Act.*

The impact of the UK Internal Market Act on the movement of blood, organs, tissues and cells has been assessed at the UK level as limited due to the highly aligned nature of policy and standards across the UK to permit the controlled movement of these substances of human origin across the UK.

Recommendation 21: *In line with the recommendation made by the House of Lords Common Framework Scrutiny Committee, the Welsh Government should secure intergovernmental agreement to update the BSQ and OTC common frameworks to refer to their interaction with the UK Internal Market Act 2020 and acknowledge the process for agreeing exemptions from that Act.*

The updated Common Framework for both the OTC and BSQ refers to the working of the UK Internal Market Act. The Common Framework will form the basis of a mechanism to ensure consideration by the four governments of any changes and will enable them to determine any impacts and subsequent actions arising from these changes.

Recommendation 22: *In line with the recommendation made by the House of Lords Common Framework Scrutiny Committee, the Welsh Government should secure intergovernmental agreement to update the BSQ and OTC common frameworks to include additional detail on when changes introduced in Northern Ireland through the Protocol on Ireland/Northern Ireland will be considered in these frameworks.*

The updated Common Framework for both the OTC and BSQ refers to the impact and operation of the Windsor Framework.

Recommendation 23: *The Welsh Government should explain how it will assess the risks and benefits for Wales of keeping pace with changes in Northern Ireland and the EU, as opposed to maintaining the status quo in Great Britain, and what position it will take in intergovernmental discussions on these matters.*

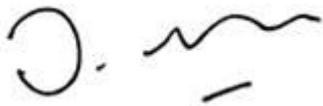
The Welsh Government's starting position will be to ensure the unfettered movement of substances of human origin across the UK in accordance with minimum compatible standards of safety. Any significant changes introduced in Northern Ireland as a result of the Windsor Framework will result in consideration of the implications of those changes for the rest of the UK through the Common Framework process. In some circumstances the UK Internal Market Act would ensure continued movement.

Recommendation 24: *The Welsh Government should secure intergovernmental agreement to update the BSQ and OTC common frameworks to include detail of how Governments in the UK will work together on international and UK-EU obligations relating to blood, organs, tissues and cells. This should include how Wales will be represented in relevant discussions at the WHO and at UK-EU forums.*

In line with the JMC (EN) principles in Section 2 of this Common Framework, the four governments will continue to work together on international engagement and in meeting the relevant international obligations.

I hope this information is helpful.

Yours sincerely,

A handwritten signature in black ink, consisting of a large 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care