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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-(P) CG/0824/19

David Rees AM,
Chair of the EAAL Committee
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01 March 2019

Dear David,

Thank you for the letter regarding the scrutiny of UK Common Frameworks. First, allow me to reconfirm the Welsh Government's commitment to transparency around Common Frameworks, both in their development and in their future operation, and the vital role of Assembly Committee scrutiny.

As we have previously discussed, the Common Frameworks programme operates on a longer term than much of the other Brexit related activity. These are structures and arrangements, which would need to be in place at the end of the transition period. It is disappointing to say the least that even at this late stage we are still required to make no-deal preparations due to the ongoing uncertainty in Westminster. This has had an effect on the resources available across all governments and timescales for the development of Common Frameworks.

In a number of policy areas, we are coming to the end of the current phase of Common Frameworks development, producing a broad outline agreements mutually developed between the Administrations. The next step will be to engage outside of the Administrations to help develop these outlines into the elements, which will function as the Common Framework, such as memoranda of understanding.

Good progress continues to be made in the 24 priority framework areas and we are hopeful that some of these outlines will be concluded in the near future to enable engagement with stakeholders to take place. Understandably, JMC(EN)'s current focus is on No-Deal planning.

The UK Government produced a provisional analysis of all of the Common Framework policy areas in March 2018. This analysis had been based on preliminary discussions but was produced by the UK Government alone. The governments are now jointly developing an updated analysis which will be published as a tool for scrutiny and further engagement and which is intended to provide details of all the priority policy areas and also to set out the approach we propose to take over a longer timeframe covering the other areas.

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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.

Resource pressures aside, the intergovernmental processes for developing the Frameworks have been broadly effective to date. The future operation of any individual Frameworks, once agreed will need to take into account the content and nature of that particular Framework. However, the current review of the machinery for intergovernmental cooperation will draw on the processes used to date in order to put in place mechanisms, which can work well for the sort of multilateral decision-making which the Frameworks will require and which can provide a basis for decisions to be scrutinised. From the start of the process we have emphasised the need for reporting mechanisms and scrutiny opportunities to be built into these structures. How this scrutiny is undertaken between the different legislatures, and the possible need for new inter-parliamentary structures which mirror those between Administrations, will be worthy of major consideration.

I will be raising the issue of proper parliamentary scrutiny at the next JMC(EN) and would be happy to write back to the Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremy Miles', with a stylized flourish at the end.

Jeremy Miles AM

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