

7 May 2019

Jeremy Miles AM  
Counsel General and Brexit Minister

Dear Jeremy,

### **Revised frameworks analysis**

Thank you for your letter, dated 4 April 2019, that drew our attention to the UK Government's *Revised Frameworks Analysis*.

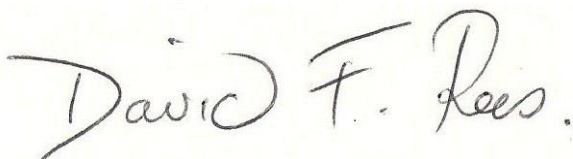
After considering your letter, and the substance of the *Revised Frameworks Analysis*, we would be grateful for some further information from you on the Welsh Government's position in relation to each of the 70 areas identified as intersecting with Welsh devolved competence.

Enclosed with this letter is an annex that poses a number of questions to which we would appreciate a response. We would be grateful for a written response to the questions set out in the annex by Wednesday 22 May 2019, to allow us to consider them as we prepare for your appearance before us on 3 June 2019.

We are also grateful for your offer of a technical briefing. I have asked the Clerk to the Committee to arrange this with your officials. Provisionally, we would like to offer a slot on Monday 20 May 2019.

Thank you for considering our request. I look forward to receiving your response.

Yours sincerely,



David Rees AM



Chair of the External Affairs and Additional Legislation Committee

*Croesewir gohebiaeth yn Gymraeg neu Saesneg.*

*We welcome correspondence in Welsh or English.*



# 1 Annex: Questions arising from consideration of the UK Government's *Revised Frameworks Analysis*

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## 2 General

1. Can you please confirm that the Welsh Government is content with the analysis as published? For example, are you content that the policy areas have been framed appropriately?
2. Does the categorisation of policy areas in the document reflect the Welsh Government's position in all cases?

## 3 Policy areas where **no further action** to create a common framework is required

3. In relation to the 27 areas that intersect with Welsh devolved competence that have been identified as requiring no further action, can you please describe (for each area):
  - how the Welsh Government arrived at its decision to agree that no further action is required;
  - how cooperation between Governments will be managed in the future, in the absence of a framework; and
  - the level of Welsh policy flexibility compared to that available under EU arrangements.

## 4 Policy areas where the UK Government thinks that common rules or ways of working will be needed and it expects to implement this through a **non-legislative common framework agreement**

4. In relation to the 22 areas that intersect with Welsh devolved competence that have been identified as requiring non-legislative frameworks, can you describe how the Welsh Government arrived at its decision in each of these areas?
5. Whilst we understand that you are currently unable to offer certainty on the forward programme for common frameworks, due to the situation in Westminster, are you able to give a broad indication of the likely timeframe for engagement on these frameworks and whether there are certain areas that are being prioritised?

We note that the revised frameworks analysis document suggests that broader engagement will start 'from March 2019'.

6. Can you identify the policy areas where legislative action has occurred, or is planned, to make 'consistent fixes' to retained EU law? Where applicable to a policy area, please provide details of the legislation that has been used to make the 'consistent fixes' referred to.
7. Can you provide an assessment of the level of Welsh policy flexibility compared to that available under current EU policy frameworks?



## 5 Policy areas where future legislation may be needed

- 8.** In relation to the 21 areas that intersect with Welsh devolved competence that have been identified as requiring legislation, can you please (for each of these areas):
- describe how the Welsh Government arrived at its decision to agree the need to legislate;
  - identify any legislative actions that have been taken to date to prepare for the establishment of legislative frameworks e.g. through EU Exit statutory instruments, UK Bills or other legislative means;
  - provide details of any future legislative means that have been identified for the establishment of legislative frameworks e.g. future Assembly Bills, UK Bills, or other legislative means; and
  - an assessment of the level of Welsh policy flexibility compared to that available under current EU policy frameworks.

## 6 Policy areas that the UK Government believes are reserved

- 9.** What is your position on legislative competence in relation to the policy areas listed on page 40 of the *Revised Frameworks Analysis*?

State Aid and Food Geographical Indications are policy areas of particular interest to us.

## 7 Crosscutting issues

- 10.** What progress has been made to develop:
- governance arrangements for future frameworks, including decision making and dispute resolution mechanisms;
  - a shared understanding of the UK internal market, including underpinning principles and governance structures which could be applied;
  - an understanding of the intersection between the work on frameworks with EU negotiations, involvement in future free trade agreements, and international obligations; and
  - the evidence base to underpin the need for frameworks.

## 8 Scrutiny

We are currently considering a possible model for Assembly scrutiny of frameworks, and hope to consult on this soon.

- 11.** In the meantime, what discussions have taken place within the Welsh Government, and with the other governments in the UK, about how intergovernmental work on legislative and non-legislative frameworks can be opened for scrutiny by the UK's legislatures?

