

Agenda – Legislation, Justice and Constitution Committee

| | |
|----------------------------|--|
| Meeting Venue: | For further information contact: |
| Committee Room 4 | P Gareth Williams |
| Meeting date: 20 June 2022 | Committee Clerk |
| Meeting time: 13.00 | 0300 200 6565 |
| | SeneddLJC@senedd.wales |

1 Introductions, apologies, substitutions and declarations of interest

13.00

2 Scrutiny session with the Counsel General and Minister for the Constitution

13.00–14.30

(Pages 1 – 31)

Mick Antoniw MS, Counsel General and Minister for the Constitution

Piers Bisson, Director, European Transition, Constitution and Justice – Welsh Government

Adam Turbervill, Senior Lawyer, Legal Services – Welsh Government

Robert Parry, Deputy Director, Constitution and Welsh Tribunals – Welsh Government

Attached Documents:

LJC(6)–18–22 – Paper 1 – Briefing

LJC(6)–18–22 – Paper 2 – Letter from the Counsel General and Minister for the Constitution, 17 June 2022

LJC(6)–18–22 – Paper 3 – Letter to the Counsel General and Minister for the Constitution, 20 May 2022

Break

14.30–14.45



3 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

14.45–14.50

(Pages 32 – 34)

Attached Documents:

LJC(6)–18–22 – Paper 4 – Draft report

Made Negative Resolution Instruments

3.1 SL(6)205 – The Transition from Primary to Secondary School (Wales) Regulations 2022

[Regulations](#)

[Explanatory Memorandum](#)

3.2 SL(6)208 – The Food and Feed (Fukushima Restrictions) (Revocation) (Wales) Regulations 2022

[Regulations](#)

[Explanatory Memorandum](#)

Affirmative Resolution Instruments

3.3 SL(6)206 – The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022

[Regulations](#)

[Explanatory Memorandum](#)

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

14.50–14.55

Made Negative Resolution Instruments

4.1 SL(6)207 – The Novel Foods (Authorisations) and Smoke Flavourings (Modification of Authorisations) (Wales) Regulations 2022

(Pages 35 – 37)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-18-22 – Paper 5 – Draft report

4.2 SL(6)209 – The Meat Preparations (Wales) (Amendment) Regulations 2022

(Pages 38 – 39)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-18-22 – Paper 6 – Draft report

5 Common frameworks

14.55–15.00

5.1 Correspondence from the Chair of the Health and Social Care Committee to the Deputy Minister for Mental Health and Wellbeing: Food Compositional Standards and Labelling provisional common framework

(Pages 40 – 56)

Attached Documents:

LJC(6)-18-22 – Paper 7 – Letter from the Chair of the Health and Social Care Committee to the Deputy Minister for Mental Health and Wellbeing, 14 June 2022

5.2 Correspondence from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services: Provisional common frameworks

(Pages 57 – 63)

Attached Documents:

LJC(6)-18-22 – Paper 8 – Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services, 14 June 2022

6 Inter-Institutional Relations Agreement

15.00–15.05

6.1 Correspondence from the Counsel General and Minister for the Constitution: Inter-Ministerial Standing Committee

(Pages 64 – 65)

Attached Documents:

LJC(6)-18-22 – Paper 9 – Letter from the Counsel General and Minister for the Constitution, 17 June 2022

LJC(6)-18-22 – Paper 10 – Letter from the First Minister, 9 June 2022

6.2 Correspondence from the Minister for Finance and Local Government: Finance Inter-ministerial Standing Committee

(Page 66)

Attached Documents:

LJC(6)-18-22 – Paper 11 – Letter from the Minister for Finance and Local Government, 14 June 2022

6.3 Correspondence from the Minister for Finance and Local Government: Outcome of the Interministerial Group meeting for Housing, Communities and Local Government

(Pages 67 – 69)

Attached Documents:

LJC(6)-18-22 – Paper 12 – Letter from the Minister for Finance and Local Government, 15 June 2022

LJC(6)-18-22 – Paper 13 – Written Statement by the Minister for Finance and Local Government, 14 June 2022

6.4 Correspondence from the Minister for Economy: Provision of written summaries of issues discussed at interministerial meetings

(Pages 70 – 71)

Attached Documents:

LJC(6)-18-22 – Paper 14 – Letter from the Minister for Economy, 15 June 2022

LJC(6)-18-22 – Paper 15 – Letter to the Minister for Economy, 19 May 2022

7 Papers to note

15.05–15.10

7.1 Written Statement by the Counsel General and Minister for the Constitution: Independent Commission on the Constitutional Future of Wales – Appointment of Expert Panel

(Page 72)

Attached Documents:

LJC(6)-18-22 – Paper 16 – Written Statement by the Counsel General and Minister for the Constitution, 13 June 2022

7.2 Correspondence from the Parliamentary Under-Secretary of State for Justice: Invitation to attend the Committee

(Page 73)

Attached Documents:

LJC(6)-18-22 – Paper 17 – Letter from the Parliamentary Under-Secretary of State for Justice, 15 June 2022

8 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

15.10

9 Scrutiny session with the Counsel General and Minister for the Constitution – consideration of evidence

15.10–15.25

10 The EU–UK Trade and Cooperation Agreement

15.25–15.40

(Pages 74 – 84)

Attached Documents:

LJC(6)–18–22 – Paper 18 – Key issues paper

11 International agreements considered on 6 June 2022 – consideration of draft report

15.40–15.55

(Pages 85 – 89)

Attached Documents:

LJC(6)–18–22 – Paper 19 – Draft report

12 Forward work programme

15.55–16.10

(Pages 90 – 94)

Attached Documents:

LJC(6)–18–22 – Paper 20 – Correspondence from the Llywydd, Chair of the Business Committee, 15 June 2022

Document is Restricted

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

17 June 2022

Dear Huw,

Thank you for your letter of 20 May in which you sought information on which UK Bills the Welsh Government is seeking, or may seek, provision for Wales in devolved areas. As set out in my Written Statement of 13 May, our fundamental position is that primary legislation in devolved areas should normally be enacted by the Senedd. However, there can be some circumstances when it is sensible for provision, which is in the Senedd's legislative competence, to be included in UK Parliamentary Bills, with the explicit consent of the Senedd. I have previously shared with you our principles for considering consent for devolved provisions in UK Bills, and we continue to follow these principles in relation to these issues.

It is important to note that the reality of circumstances surrounding UK Bills which, at the point of introduction, contain devolved provision can vary significantly. Regrettably, in some instances, the current UK Government does not share any information on the Bill prior to its introduction – as was the case very recently with both the Northern Ireland Protocol Bill and the Genetic Technology (Precision Breeding) Bill. This is wholly unacceptable and is something which we are pursuing with UK Government.

At times, there can be some sharing of information in advance of introduction, but not necessarily with sufficient opportunity to reach agreement at governmental level as to whether the provision is necessary or desirable, or whether it is drafted in a way that is acceptable. This was the case with the Levelling up and Regeneration Bill. As you will be aware following the letter from the Minister for Climate Change to the Llywydd to which you were copied, this has resulted in us being unable to lay a legislative consent memorandum within the normal two week period whilst we continue to explore these issues.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Mick.Antoniw@llyw.cymru
Correspondence.Mick.Antoniw@gov.Wales

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.

How it should work, of course, is that there is substantial engagement in advance of introduction which enables the Bill as introduced to reflect provision which has been agreed between the governments.

I would also note that it is not the case that the Welsh Government commonly approaches the UK Government to actively seek devolved provisions to be contained in UK Bills. Often, where devolved provision is made in a UK Bill, this reflects either UK Government offering an opportunity to the Welsh Government to include such provision (as was the case on the Procurement Bill), or where UK Government in its own view believes it is necessary to do so (for example, the Subsidy Control Bill, to which the Senedd refused consent). In relation to the latter category, this can create particular challenges in seeking to identify whether there is an acceptable approach which reflects our principles for UK Bills.

In relation to the new UK legislative programme, to date we have laid three legislative consent memoranda. We have recommended consent be withheld in relation to the Trade (Australia and New Zealand) Bill as currently drafted. In relation to the UK Infrastructure Bank Bill, our final position on consent is subject to the outcome of ongoing discussions with UK Government.

These Bills can be distinguished from the position on the Procurement Bill, where the Welsh Government has been able to have a greater role in the development of provisions following the offer of inclusion from UK Government. This was outlined in the Minister for Finance and Local Government's [Written Statement](#) on 18 August 2021, and was similarly reflected in our legislative consent memorandum for the Procurement Bill, which noted the close working between Welsh Government and Cabinet Office officials. However, notwithstanding this active engagement, whilst outstanding matters remain in relation to that Bill, we are not currently in a position to recommend the Senedd give consent to the Bill.

In my Written Statement, I outlined 12 Bills that UK Government had indicated were of particular relevance and may require an LCM. In addition to the above three Bills that have now had LCMs, you are aware that the Animal Welfare (Kept Animals) Bill and Online Safety Bill have been subject to legislative consent memoranda in the last session. We are continuing to explore the remaining Bills referred to in my statement with the UK Government; however, it is too early to confirm if devolved provisions will be included, and whether and to what extent we would recommend the Senedd give consent to such provisions.

The Northern Ireland Protocol Bill and the Genetic Technology (Precision Breeding) Bill were not specifically noted in my Written Statement, again reflecting the lack of information from UK Government in relation to those Bills. Welsh Government officials are urgently considering the impacts of those Bills, and we will update the Senedd as soon as possible, but I have deep concerns about these Bills and the lack of prior engagement from UK Government on these.

I remain concerned that a similar approach will be adopted in relation to the Bill of Rights, again despite the constitutional importance of such legislation. I am continuing to call on UK Government to ensure early engagement with that Bill, and we will again ensure updates are shared with the Senedd as soon as possible.

In relation to the Brexit Freedoms Bill, which is of significant potential relevance to us, I met with the UK Government Minister for Brexit Opportunities and Government efficiency on 23

May. Officials are continuing discussions in relation to this Bill, and it will be important for us to consider the detailed drafting of this Bill carefully.

I would again reiterate my commitment to working collaboratively with the Senedd on legislative consent matters. I hope that this update is useful in this spirit and I look forward to discussing these issues with you throughout the current UK legislative programme.

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniw". The signature is written in a cursive style. Below the signature, there is a short horizontal blue line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Mick Antoniw MS

Counsel General and Minister for the Constitution

20 May 2022

Dear Mick

UK Government's proposed legislation for the new session

At our meeting on 16 May 2022, my Committee discussed our exchange of correspondence on 12 May and 13 May 2022 and your written statement to the Senedd regarding the UK Government's Legislative Programme.

We noted the information you set out which indicates that the UK Government had previously indicated 12 policy areas in which "legislation of particular relevance to devolved interests" may be included in its legislative programme. We also noted that, more recently, the Secretary of State for Wales said that 27 of the 38 Bills which the UK Government intends to bring forward in the Third Session of the UK Parliament are likely to extend and apply in Wales.

In my letter to you on 12 May I asked that you confirm in which Bills the Welsh Government is seeking, or may seek, provision for Wales in devolved areas. While such detail was not included in your letter of 13 May, we note that you hope to have more information on the Bills referred to in your written statement ahead of our meeting on 20 June.

You will appreciate that timely receipt of this information will help to inform the Senedd's consideration of any subsequent legislative consent memoranda, as well as specifically helping my Committee to plan its work programme. For these reasons, I would be grateful if an updated position could be shared with my Committee as soon as possible.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

Agenda Item 3

Statutory Instruments with Clear Reports 20 June 2022

SL(6)205 – [The Transition from Primary to Secondary School \(Wales\) Regulations 2022](#)

Procedure: Made Negative

Section 198 of the Education Act 2002 provides a power for the Welsh Ministers to require governing bodies of maintained secondary schools in Wales to have a transition plan with feeder primary schools. It also provides a power for the Welsh Ministers to make regulations in relation to those transition plans. The purpose of the transition plans is to facilitate the transition of pupils from the primary schools to the secondary school.

These Regulations make provision in respect of transition plans. That provision includes the content to be covered, the timing for drawing up plans, to whom transition plans apply, and details the review and publication requirements of a transition plan.

These Regulations revoke and replace the Transition from Primary to Secondary School (Wales) Regulations 2006.

Parent Act: The Education Act 2002

Date Made: 23 May 2022

Date Laid: 26 May 2022

Coming into force date: 01 July 2022



Statutory Instruments with Clear Reports

20 June 2022

SL(6)208 – The Food and Feed (Fukushima Restrictions) (Revocation) (Wales) Regulations 2022

Procedure: Made Negative

These Regulations revoke, in relation to Wales, retained Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station. They also revoke two further retained EU Regulations, which originally amended Regulation (EU) 2016/6 and which contain transitional provision.

These Regulations also revoke Declaration OFFC 2019/W/04, which was originally issued by the Food Standards Agency to part implement Regulation (EU) 2016/6 in relation to Wales.

Parent Act: Regulation (EC) No. 178/2002 of the European Parliament and of the Council.

Date Made: 27 May 2022

Date Laid: 30 May 2022

Coming into force date: 01 July 2022



Statutory Instruments with Clear Reports

20 June 2022

SL(6)206 – The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022

Procedure: Affirmative

These Regulations make consequential amendments to primary legislation arising from the implementation of the Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”). The government rationale for this, as provided in the Explanatory Memorandum to these Regulations (at paragraph 4.2), is that they “are necessary in consequence of, and for giving full effect to, the 2021 Act.”

Regulation 3 provides for Schedule 1, which contains minor corrections to sections 13 to 16 of the 2021 Act.

Regulation 4 provides for Schedule 2, which contains consequential amendments to other primary legislation. For example, amendments within Schedule 2 amend terminology in primary legislation so that their provisions align with the 2021 Act, including removing references to “National Curriculum” and the “key stages”, and inserting (separately) references to “Religion, Values and Ethics” and “the four purposes of a curriculum”. The Regulations also amend the Education Act 1997 to extend the age range of certain persons for whom a programme of careers education must be provided.

Regulation 1 provides for the commencement of these Regulations by year group. This mirrors the planned roll out of the new Curriculum for Wales which will be phased in over a period of time by year group from September 2022.

Parent Act: The Curriculum and Assessment (Wales) Act 2021

Date Made:

Date Laid:

Coming into force date:



SL(6)207 – The Novel Foods (Authorisations) and Smoke Flavourings (Modification of Authorisations) (Wales) Regulations 2022

Background and Purpose

These Regulations amend retained EU legislation to make provision on regulated food product authorisations in relation to Wales.

Part 2 and the Schedules to the Regulations update the list of authorised novel foods in the Annex to Commission Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods (the “**2017 EU Regulation**”). The provisions authorise a series of novel foods for use in milk-based drinks and similar products intended for young children, food supplements, infant formula and follow-on formula and other specified food categories.

Part 3 of the Regulations contains modifications to existing authorisations for five smoke flavouring primary products in the Annex to Commission Implementing Regulation (EU) 1321/2013 establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods (the “**2013 EU Regulation**”). The amendments change the names and addresses of the authorisation holders of the respective product authorisations.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Schedules 2 and 3 to these Regulations insert new entries in the Annex to the 2017 EU Regulation, which have the effect of (amongst other things) authorising the placing on the market of “*Schizochytrium sp. (FCC-3204) oil*” and “*Schizochytrium sp. (WZU477) oil*” as novel foods for use in the specified food category of infant formula and follow-on formula.



For both of those novel foods, the Annex to the 2017 EU Regulation (as amended by these Regulations) specifies "Maximum levels of DHA" in accordance with "Regulation (EU) No 609/2013", the effect of which is not immediately clear.

We ask the Welsh Government to clarify how maximum levels of DHA are to be identified by reference to Regulation (EU) No 600/2013 for the specified food category of infant formula and follow-on formula for these novel foods.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Paragraph 1 of Schedule 2 to these Regulations authorises "*Food Supplements as defined in the Food Supplements (Wales) Regulations 2003, excluding food supplements for infants and children under 3 years of age*" [emphasis added] as a specified food category for the novel food "*Schizochytrium sp. (FCC-3204) oil*".

Similarly, paragraph 1 of Schedule 4 and paragraph 1 of Schedule 5 to these Regulations authorise (amongst other things) "*Food supplements as defined in the Food Supplements (Wales) Regulations 2003, excluding food supplements for infants and young children*" [emphasis added] as a specified food category for the novel foods "*3'-Sialyllactose (3'-SL) sodium salt (microbial source)*" and "*6'-Sialyllactose (6'-SL) sodium salt (microbial source)*" respectively.

We ask the Welsh Government to clarify the distinction (if any) between "*children under 3 years of age*" and "*young children*" in these authorisations.

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The headings in Schedules 2 and 3 to these Regulations each refer to the "*Authorisation of...*" specific foods as novel foods. However, the headings in Schedules 4 and 5 to these Regulations each refer to the "*Authorisation for the placing on the market of...*" specific foods as novel foods.

We ask the Welsh Government to clarify the distinction (if any) between "Authorisation of" and "Authorisation for the placing on the market of" in the context of the Schedules to these Regulations.

4. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Paragraph 2 of Schedule 5 to these Regulations inserts a specification for the novel food "*6'-Sialyllactose (6'-SL) sodium salt (microbial source)*" in the 2017 EU Regulation.

In the specification, under the heading "Description", there is a reference to that novel food containing "*6'-sialyl-lactulose*". However, also in that specification, under the heading "Characteristics/Composition", the same term is referred to as "*6'-Sialyl-lactulose*".



This error appears in the corresponding English version of these Regulations (the Novel Foods (Authorisations) and Smoke Flavourings (Modification of Authorisations) (England) Regulations 2022 (S.I. 2022/560)) and was subsequently corrected by the UK Government pursuant to the Novel Foods (Authorisations) and Smoke Flavourings (Modification of Authorisations) (Amendment) (England) Regulations 2022 (2022/619), which replaced the term "6'-sialyl-llactulose" with "6'-sialyl-lactulose".

5. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Regulations 6 and 7 of these Regulations seek to amend the 2013 EU Regulation in relation to smoke flavouring primary products "SmokEz C-10" and "SmokEz Enviro-23" respectively.

However:

- regulation 6 and the associated heading refers to product "SmokEz C-10" as "SmokeEz C-10"; and
- regulation 7 and the associated heading refers to product "SmokEz Enviro-23" as "SmokeEz Enviro-23" [**emphasis added**],

which do not reflect those terms as listed in the Annex to the 2013 EU Regulation.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

Paragraphs 11 and 12 of the Explanatory Memorandum accompanying these Regulations refers to the determination of "six novel food applications in favour of authorisation" by the Welsh Ministers – three "human-identical milk oligosaccharides (HiMOs)" and three "Docosahexaenoic acid (DHA) rich oils".

However, Part 2 and the Schedules to these Regulation appear to authorise (or amend an existing authorisation) of 5 novel foods only. We ask the Welsh Government to clarify whether all of the applications referred to in the Explanatory Memorandum are authorised by these Regulations.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

15 June 2022



Agenda Item 4.2

SL(6)209 – The Meat Preparations (Wales) (Amendment) Regulations 2022

Background and Purpose

The Meat Preparations (Wales) (Amendment) Regulations 2022 (“the Regulations”) are made in exercise of the powers conferred by paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379).

The Regulations extend the existing temporary suspension of the requirement for meat preparations, imported into Wales from EEA member states, the Faroe Islands, Greenland or Switzerland, to be deep frozen. This is achieved by amending the date of expiry of the transitory modification of Commission Decision 2000/572/EC, in regulation 3 of the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1) (“the 2021 Regulations”).

In accordance with the Regulations, the new expiry date for the transitory modification will be 31 December 2022. This date has been extended previously as follows:

- to 30 September 2021 by the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) Regulations 2021 (S.I. 2021/376);
- to 31 December 2021 by the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/977); and
- to 30 June 2022 by the Official Controls (Extension of Transitional Periods and Miscellaneous Amendment) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1480).

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.



1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

By convention, amending regulations are generally given the title of the principal SI, plus “(Amendment)”. Previous regulations amending the expiry date of the transitory modification in the 2021 Regulations have followed this convention (the exception is S.I. 2021/1480, which required a different title because it also made provision for amendments to other legislation).

The Regulations do not follow this pattern and, in particular, the words “Transitory Modification” have been dropped from the title. While this is not a technical defect it has the potential to cause confusion for anyone seeking to trace the various amendments to the transitory modification.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No public consultation has been carried out by the Welsh Ministers in respect of the Regulations. The Explanatory Memorandum provides the following explanation:

No consultation requirement arises under the Trade in Animals and Related Products (Wales) Regulations 2011. The Welsh Ministers have therefore not consulted in respect of this instrument. However, there has been GB-wide extensive stakeholder engagement with the Agri-Food industry and with delivery partners with responsibilities over border controls (such as local border authorities, the Animal and Plant Health Agency and the Foods Standards Agency), since January 2021.

Additionally, in relation to the UK Regulations, a short, targeted consultation exercise was undertaken by UK Government from 25 – 30 May 2022. It summarised the changes to be made by those Regulations and invited comments. The consultation was targeted at key stakeholders in the Agri-Food sector, including those in Wales, such as representative trade and industry organisations, interest groups and competent authorities.

The consultation acknowledged that an amendment made by the UK Regulations to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (the effect of which mirrors that of the 2022 Regulations) does not apply in relation to Wales, but also that the Welsh Ministers would introduce equivalent amendments in Wales-only legislation.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 June 2022



—
**Health and Social Care
Committee**

Lynne Neagle MS

Deputy Minister for Mental Health and Wellbeing

Welsh Government

14 June 2022

Dear Lynne

Food Compositional Standards and Labelling provisional common framework

Thank you for your letter of 21 April 2022 regarding the Food Compositional Standards and Labelling provisional common framework.

Our views on the provisional common framework are set out in the annex.

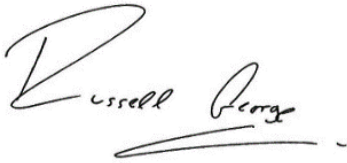
I note that the Minister for Health and Social Services has recently provided a holding response in respect of the Committee's recommendations in respect of the Public Health Protection and Health Security; Blood Safety and Quality; and Organs, Tissues and Cells (apart from embryos and gametes) provisional common frameworks, stating that "until all legislatures in the UK have had the opportunity to complete scrutiny, [the Welsh Government] will be unable to address these recommendations formally".

In my response to the Minister of 14 June 2022 I note that the Committee's view is that while it is reasonable for the Welsh Government to send a holding response in respect of recommendations that relate to matters that are subject to ongoing intergovernmental negotiations and scrutiny by other UK legislatures, where matters are specific to Wales and the Welsh Government we do expect to receive substantive responses without unnecessary delay.



I look forward to receiving your response by **29 July 2022**.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal stroke at the end.

Russell George MS
Chair, Health and Social Care Committee

cc Emily Miles, Chief Executive, Food Standards Agency

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee, Welsh Parliament

Baroness Andrews, Chair, Common Frameworks Scrutiny Committee, House of Lords

Geraint Davies MP, Interim Chair, Environment, Food and Rural Affairs Committee, House of Commons

Lesley Hogg, Clerk and Chief Executive, Northern Ireland Assembly

Gillian Martin MSP, Convenor, Health, Social Care and Sport Committee, Scottish Parliament

William Wragg MP, Chair, Public Administration and Constitutional Affairs Committee, House of Commons

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

Annex: Food Compositional Standards and Labelling provisional common framework

Risks and benefits of the common framework approach

- 1.** The purpose of common frameworks is to establish common approaches in some areas that were previously governed by EU law, but that are within areas of competence of the devolved governments or legislatures.¹ They are a key tool for intergovernmental working and discussion on approaches to law and policy now that the UK is no longer a member of the EU.
- 2.** The Food Compositional Standards and Labelling (FCSL) common framework sets out how the governments will work together and make decisions on regulatory alignment and divergence in the post-Brexit context.
- 3.** The structures provided by common frameworks could enhance joint working and promote a shared approach to tackling common challenges. They could offer opportunities for the Welsh Government to influence and inform decisions taken by other governments, as well as providing defined routes for engagement at an international level.
- 4.** However, common frameworks also present potential risks, such as relinquishing regulatory freedom in favour of a common approach, making it harder for Welsh stakeholders to influence decisions, and risking blurring accountability to individual Parliaments.
- 5.** Such benefits and risks are not unique to the common frameworks that we have considered, but cut across the whole common frameworks programme. In February 2022, the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee concluded that:

"260. [...] Common Frameworks [...] have the potential to resolve the tensions within the devolved settlement through managing regulatory divergence on a consensual basis while facilitating open trade within the UK internal market.

261. But the Committee believes there is a risk that the emphasis on managing regulatory divergence at an inter-governmental level may lead to less transparency and Ministerial accountability and tension in the balance of regulations between the Executive and the Legislature".²

¹ Joint Ministerial Committee (EU Negotiations), [Communique](#), 16 October 2017

² Scottish Parliament Constitution, Europe, External Affairs and Culture Committee, [UK Internal Market inquiry](#), 22 February 2022, p.42

6. The correspondence we have received from the Welsh Government in respect of common frameworks has not always clearly articulated the risks and benefits of working through those frameworks, or how they might be managed.

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

Implications for making Welsh law and policy

7. The FCSL common framework requires governments to discuss and agree approaches to law and policy, and set out processes for resolving any disputes or disagreements that arise. As such, the framework could, in practice, limit the exercise of devolved competence.

8. This will not only affect the Welsh Government as it makes policy or prepares legislation, but will also affect the development of Senedd Bills. For example, Members who wish to table amendments to Bills passing through the Senedd, or committees that plan to introduce committee Bills, may need to consider the implications of relevant common frameworks, and potentially how to engage with these intergovernmental arrangements.

9. It could also make it more difficult for stakeholders in Wales to influence the development of Welsh law and policy.

10. When the governments agreed principles for common frameworks, they agreed that they should “maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules.”³ We regard this as an important principle.

11. In its report in February, the Scottish Parliament Constitution, Europe, External Affairs and Culture Committee recommended that:

“...there should be a similar agreement between the Scottish Government and Scottish Parliament that, as a minimum, there should be no dilution of public consultation or of parliamentary scrutiny.”⁴

12. Thought should be given to whether such an agreement between the Senedd and the Welsh Government would be helpful.

³ Joint Ministerial Committee (EU Negotiations), [Communique](#), 16 October 2017

⁴ Scottish Parliament Constitution, Europe, External Affairs and Culture Committee, [UK Internal Market inquiry](#), 22 February 2022, p.36

Recommendation 2: The Welsh Government should confirm that the FCSL framework will lead to no dilution of public consultation or of parliamentary scrutiny in policymaking or the legislative process.

Recommendation 3: The Welsh Government should explain how it will ensure that the FCSL framework 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 framework if required, to ensure that framework does not represent a barrier to the operation of the Senedd's legislative procedures.

Transparency

13. We recognise that the process of reaching four-Government agreement on common frameworks is necessarily iterative and can be complex. It was helpful that an initial draft version of the FCSL provisional common framework was published in March 2021. However, it is far from ideal that the final provisional framework was not published for scrutiny until February 2022, especially as it had already been in operation since the end of the transition period on 31 December 2020.

14. The framework will, rightly, remain under review. However, it includes limited information about ongoing reporting to Parliaments and stakeholders, engagement with stakeholders, or scrutiny of changes proposed during review and amendment processes. We explore each of these issues below.

Reporting on the operation of frameworks

15. Our letter of 21 March 2022 to the Minister for Health and Social Services (Minister for HSS) in respect of the Public Health Protection and Health Security (PHPHS), Blood Safety and Quality (BSQ), and Organs, Tissues and Cells (other than embryos and gametes) (OTC) provisional common frameworks,⁵ in late 2021, the House of Lords Common Framework Scrutiny Committee noted its disappointment that those frameworks did not include commitments to ongoing engagement with Parliament.⁶

16. In a letter to the Fifth Senedd's External Affairs and Additional Legislation Committee in January 2020, the then Counsel General and Brexit Minister committed to "lay a report before the Senedd at

⁵ [Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services](#), 21 March 2022

⁶ [Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health](#), 23 November 2021; [Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health](#), 14 December 2021

least annually, which provides an assessment of the functioning of each Common Framework”.⁷ We welcome this commitment from the Welsh Government.

17. In November 2021, the Counsel General told the Senedd’s Legislation, Justice and Constitution Committee that the four governments had “committed to future reporting on the frameworks as part of the process for the oversight of the frameworks within the Intergovernmental Relations Review”, and that this would assist Senedd committees in monitoring frameworks in the longer term.⁸

18. In January 2022, in response to questions about how the Senedd and stakeholders would be updated on the continuing operation of the frameworks, including any changes, the Minister for HSS told us that:

*“The **expectation** is that reports on frameworks will be public documents once they are signed off by portfolio Ministers and will be made available to the relevant committees in the four nations as well as relevant stakeholders.”⁹ [emphasis added]*

19. The Counsel General repeated this ‘expectation’ in oral evidence to the Legislation, Justice and Constitution Committee on 31 January 2022.¹⁰ In a letter to that Committee in March 2022, he stated that the “exact format of the annual reporting mechanism is currently being worked through at an official level”.¹¹

20. We appreciate that common frameworks and associated reporting are intergovernmental arrangements, and that the Welsh Government may not be able unilaterally to guarantee that these joint reports will be published. Nevertheless, we are concerned that full agreement has not yet been reached on this important point of transparency, and that a commitment to publishing reports is not included in the FCSL framework.

Recommendation 4: In line with the recommendation we made in respect of the PHPHS, BSQ and OTC frameworks, the Welsh Government should secure intergovernmental agreement to update the FCSL framework to include a commitment to update legislatures on the ongoing functioning of the framework after the conclusion of each review.

If this commitment is not included in the framework, the Welsh Government should confirm that joint

⁷ [Letter from the Counsel General and Brexit Minister to the External Affairs and Additional Legislation Committee](#), 23 January 2020

⁸ [Letter from the Counsel General and Minister for the Constitution to the Legislation, Justice and Constitution Committee](#), 19 November 2021

⁹ Letter from the Minister for Health and Social Services (BSQ and OTC common frameworks), 17 January 2022

¹⁰ Legislation, Justice and Constitution Committee, RoP [paragraph 54], 31 January 2022

¹¹ Letter from the Counsel General and Minister for the Constitution to the Legislation, Justice and Constitution Committee, 2 March 2022

reports on the framework 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.

Stakeholder engagement

21. Like the PHPHS, BSQ and OTC common frameworks, the FCSL framework offers limited commitments in respect of meaningful ongoing stakeholder engagement. In our letter to the Minister for HSS on 21 March 2022 about the PHPHS, BSQ, and OTC provisional common frameworks¹² we noted that the House of Lords Common Framework Scrutiny Committee had similar concerns on this matter.¹³

22. In this context, we welcome the Welsh Government's commitment that "if changes are proposed to the scope or functioning of the FCSL Framework, stakeholders will be consulted in advance of Ministerial agreement".¹⁴

23. However, we continue to agree with our colleagues in the House of Lords that there must be ongoing, open and meaningful engagement with stakeholders on the operation of common frameworks. We believe that this should be provided for within the frameworks themselves.

Recommendation 5: In line with the recommendation we made in respect of the PHPHS, BSQ and OTC frameworks, the Welsh Government should secure intergovernmental agreement to update the FCSL common framework to include:

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

¹² [Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services](#), 21 March 2022

¹³ [Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health](#), 23 November 2021; [Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health](#), 14 December 2021

¹⁴ [Letter from the Minister for Health and Social Services \(BSQ and OTC common frameworks\)](#), 17 January 2022; [Letter from the Minister for Health and Social Services \(PHPHS common frameworks\)](#), 17 January 2022

24. We welcome the commitment in the Deputy Minister for Mental Health and Wellbeing's (Deputy Minister for MHW) letter to us on 21 April 2022 that "The Senedd will be informed of upcoming review periods in order to feed into the process".¹⁵

Recommendation 6: The Welsh Government should clarify when the first review of the FCSL framework is anticipated to take place, and how far in advance of an upcoming review period the Senedd will be informed.

25. We also reiterate the recommendation we made in respect of the PHPHS, BSQ and OTC frameworks, that to avoid duplication, it would be helpful for such notification to include information about how and when stakeholders will be engaged in any particular review, and how and when any consultation responses will be made public.

Recommendation 7: When notifying the Senedd of upcoming reviews of common frameworks, the Welsh Government should also provide information about how it proposes to consult with stakeholders, including how and when any consultation responses will be made public.

Dispute resolution

26. We welcome the Welsh Government's commitment to notify the relevant Senedd committee(s) of disputes raised under common frameworks. As we noted in our letter to the Minister for HSS in respect of the PHPHS, BSQ and OTC frameworks, our view is that, to ensure proportionality, the Welsh Government need only notify Senedd committees of disputes that are escalated to Ministerial level.¹⁶

27. The initial draft of the FCSL common framework was published before the Intergovernmental Relations Review was completed, but noted that it would be updated to reflect the Review's outcomes. The Review was completed in January 2022, including a revised inter-ministerial dispute resolution process through which disputes over common frameworks can be escalated.¹⁷ However, the final provisional FCSL common framework published in February 2022 does not reflect the revised inter-ministerial dispute resolution process.

¹⁵ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

¹⁶ [Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services](#), 21 March 2022

¹⁷ UK Government, [Policy paper: review of intergovernmental relations](#), 13 January 2022

Recommendation 8: The Welsh Government should confirm that, before it is finalised, the FCSL framework will be updated to reflect the new inter-ministerial dispute resolution process set out in the review of intergovernmental relations published in January 2022.

28. We note that the framework does not specify any timelines or time limits for dispute resolution. We asked the Deputy Minister for MHW about this in March 2022. Responding in April 2022, she said:

"It is recognised that disputes may vary in nature, complexity and operational context and therefore a set time limit would not be conducive to reaching the best outcomes for all governments".¹⁸

29. While we recognise that disputes will vary as the Deputy Minister suggests, a lack of time limits could result in delays to Welsh Government legislation or policy decisions until the dispute has been resolved, with knock on implications for the time available for scrutiny, implementation or spending.

30. In addition, in response to our questions about the dispute resolution process, the Deputy Minister for MHW stated:

"It will be imperative, however, that consumers, industry bodies and business are consulted in a timely manner to influence decision making on any proposed changes to food compositional standards and labelling policy, due to the significant impact changes could have on business".¹⁹

31. We agree. However, there is no provision for stakeholder engagement in dispute resolution in the FCSL common framework.

Recommendation 9: The Welsh Government should seek intergovernmental agreement to update the dispute resolution process in the FCSL framework to provide for engagement with and input from stakeholders including consumers, industry bodies and businesses.

Scope of the FCSL common framework

32. The FCSL framework sets out that changes will be in scope if a government proposes a change to law or policy:

- In an area of returning powers;

¹⁸ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

¹⁹ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

- In an area where EU law allows different domestic legislation to achieve common outcomes (such as national rules for curds and mincemeat in the Jam and Similar Products Regulations); or
- For requirements for establishments based in, or products circulated in, only one part of the UK.

33. This means that the FCSL framework requires joint decision-making in some areas where the four governments previously had autonomy to regulate differently when the UK was in the EU.

34. The FCSL framework is broader in scope than other related frameworks. For example, the Food and Feed Safety and Hygiene (FFSH) framework provides that changes will be in scope in areas of returning powers, and only in certain circumstances. It is not clear to us why different approaches have been taken for the different frameworks.

35. The Deputy Minister for MHW told us in April 2022 that changes to the law in areas where the EU allowed national measures to achieve common outcomes (for example the rules for curds and mincemeat in Jam and Similar Products Regulations) will be within the scope of the framework as it relates to joint working, but will not be bound by dispute resolution.²⁰ However, this position does not appear to be reflected in the FCSL framework itself. Such changes are outside the scope of the FFSH framework.

Recommendation 10: The Welsh Government should set out how it will ensure that the FCSL framework will maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as was afforded by current EU-derived rules.

Recommendation 11: The Welsh Government should seek intergovernmental agreement to amend the FCSL framework to provide that changes to the law in areas where the EU allowed national measures to achieve common outcomes are not subject to requirements for joint decision-making or bound by the dispute resolution process.

36. In response to our question about why changes to the law that apply only to businesses established or products circulated in Wales would be within the scope of the framework, the Deputy Minister for MHW responded that the inclusion of such changes within the scope of the framework would ensure that Ministers were “informed of the approaches recommended in other nations, and that consensus should be sought on the approaches to take, whether consistent across nations or different”.²¹ We note, however, that under the common framework on food safety, such changes are

²⁰ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

²¹ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

subject only to notification and are not within the scope of the joint working or decision-making arrangements.

Recommendation 12: The Welsh Government should seek intergovernmental agreement to amend the FCSL framework to provide that changes to the law that apply only to businesses established or products circulated in Wales are not subject to requirements for joint decision-making or bound by the dispute resolution process.

37. The FCSL framework provides that changes to non-EU derived law on food composition (such as rules on products containing meat) will be subject to discussion through the framework, but not bound by the dispute resolution process. In evidence submitted to the Scottish Parliament Health, Social Care and Sport Committee, Quality Meat Scotland called for more clarity on what will happen if there is a disagreement.²² We agree that it would be helpful for stakeholders to have clarity on how such matters, which fall outside of the dispute resolution processes, would be resolved.

Recommendation 13: The Welsh Government should explain the process that would be followed if there is a disagreement on a change to the law that is subject to joint working through the FCSL framework but not bound by the dispute resolution mechanism.

Role of the Foods Standards Agency

38. The Deputy Minister for MHW told us that staffing capacity for the Food Standards Agency (FSA) in Wales has been increased, which “allows the FSA in Wales to contribute to developing policy in relation to food labelling and compositional decisions for Wales”. She adds that staffing capacity will be kept under review, but notes that the review of FSA Wales announced in June 2021 has not been progressed because it has not been possible to procure a suitable contractor to undertake the work. A further procurement exercise will be run later in 2022.²³

39. We welcome the assurance that there is appropriate capacity and expertise in the FSA in Wales to deliver policy that works effectively for Wales, but are disappointed to note that the planned review of the FSA in Wales has not yet taken place.

Recommendation 14: The FSA in Wales should continue, through its annual report and such other means as may be appropriate, to keep the Senedd updated on its staffing and policy development capacity, including its assessment of whether it has sufficient capacity to deliver policy that works for Wales through the FCSL framework.

²² Quality Meats Scotland, *Written submission to the Scottish Parliament Health, Social Care and Sport Committee*, April 2022

²³ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

Recommendation 15: The Welsh Government should provide an update before the end of 2022 on progress made on the proposed review of the FSA in Wales, including steps that have been taken to procure a suitable contractor to undertake the work.

Review of retained EU law

40. The UK Government has set out its intention to legislate to enable retained EU law to be amended more easily.²⁴

41. In her letter of 17 January 2022, the Minister for HSS stated that any proposed amendment or repeal of retained EU law would be undertaken through a “separate process” to the frameworks.²⁵

42. However, the UK Government has subsequently said that it is:

*“...committed to the proper use of Common Frameworks and will not seek to make changes to retained EU law within Common Frameworks without following the ministerially-agreed processes in each framework”.*²⁶

43. Managing divergence between different parts of the UK in areas covered by retained EU law is a core purpose of the common frameworks programme. It is therefore important that any amendment or repeal of retained EU law in common framework areas be taken through the relevant common frameworks, not a “separate process”.

Recommendation 16: The Welsh Government should confirm that any proposed amendments or repeals of retained EU law within the scope of the FCSL framework will be undertaken through the common framework and not by a separate process.

Recommendation 17: 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 FCSL framework that applies to or affects Wales. Such notifications should include an explanation of the Welsh Government’s position on the proposal.

UK Internal Market Act 2020

44. Part of the purpose of the FCSL framework is to ensure the smooth functioning of the UK internal market.

45. The UK Internal Market Act 2020 (the 2020 Act) sets out new market access principles in law. In essence, the principles aim to allow goods permitted or imported into any one part of the UK to be

²⁴ UK Government, *The benefits of Brexit: how the UK is taking advantage of leaving the EU*, January 2022

²⁵ [Letter from the Minister for Health and Social Services \(BSQ and OTC common frameworks\)](#), 17 January 2022

²⁶ UK Government, *The benefits of Brexit: how the UK is taking advantage of leaving the EU*, January 2022, p.33

sold or supplied in any other part, with some exceptions. The UK and devolved governments have agreed a process for considering UK Internal Market Act exclusions in common framework areas.²⁷

46. The Welsh Government's view is that the 2020 Act implicitly diminishes the powers of the Senedd and the Welsh Government.²⁸

47. In her letter of 21 April 2022, the Deputy Minister for MHW confirmed that the FCSL common framework will "operate in the context of the UK Internal Market Act 2020 (UKIMA), where the effect will be determined on a case-by-case basis". She added that there were "no intentions to request an exclusion".²⁹

48. However, the framework does not include any reference to the 2020 Act or to the exclusion process.

49. As we noted in our letter to the Minister for HSS on 21 March 2022 about the PHPHS, BSQ, and OTC provisional common frameworks³⁰ we agree with our colleagues on the House of Lords Common Frameworks Scrutiny Committee that frameworks should be updated to reflect their interaction with the 2020 Act and to acknowledge the process for agreeing exclusions from that Act.³¹

Recommendation 18: In line with the recommendation we made in respect of the PHPHS, BSQ and OTC frameworks, the Welsh Government should secure intergovernmental agreement to update the FCSL framework to refer to their interaction with the UK Internal Market Act 2020 and acknowledge the process for agreeing exemptions from that Act.

International obligations

50. Part of the purpose of common frameworks is to ensure compliance with international obligations.

51. However, there is an inconsistent approach to international obligations across the FCSL framework and the frameworks that apply to food safety and nutrition. For example, the FCSL framework makes no reference to:

²⁷ UK Government, [*Guidance: process for considering UK Internal Market Act exclusions in common framework areas*](#), 10 December 2021

²⁸ Welsh Government, [*Written Statement: legal challenge to the UK Internal Market Act 2020*](#), 18 January 2021

²⁹ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

³⁰ [*Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services*](#), 21 March 2022

³¹ [*Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health*](#), 14 December 2021

- How governments will work together on the implementation of relevant international law or standards, as set out in the nutrition framework.
- Whether governments will seek to agree positions ahead of significant international summits on standards (as EU Member States do), as set out in the nutrition framework.

52. There are also inconsistencies in respect of the UK's representation on international bodies. For example, the nutrition framework provides for devolved representation at meetings of the Codex Alimentarius Commission, while the FFSH framework provides only for Defra/FSA attendance at these meetings.

Recommendation 19: The Welsh Government should secure intergovernmental agreement to update the FCSL framework to reconcile the inconsistencies in the approach to international obligations. This includes matters relating to the UK's representation and involvement in international bodies, and the inclusion in the FCSL framework of fewer references to international obligations when compared to frameworks relating to food safety and nutrition (which engage the same cross-cutting international obligations).

53. Responding to our question about how governments would work together to agree positions in relation to international food standards, the Deputy Minister for MHW told us that "the parties will automatically use any updated International Relations Concordat, and the wider outcomes of the Joint Intergovernmental Relations Review, as the basis for such international considerations".³² This is reflected in the framework. However, despite the Joint Intergovernmental Relations Review being completed in January 2022, the International Relations Concordat has yet to be updated.

Recommendation 20: The Welsh Government should confirm whether, in the absence of an updated International Relations Concordat, it is content with its role in the development of international policy within the scope of the FCSL framework.

UK-EU obligations

54. The UK Government has acknowledged that the FCSL framework intersects with the Trade and Cooperation Agreement (TCA).³³ The Deputy Minister for MHW told us in April 2022 that:

"The FCSL Framework was not intended to provide enhanced engagement on matters relating to the UK-EU Trade and Co-operation Agreement. The FCSL

³² Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

³³ [Letter from the Parliamentary Secretary to the Cabinet Office to the House of Lords Common Frameworks Scrutiny Committee](#), 24 May 2021

Framework is a mechanism for UK-wide co-operation in relation to the devolved matters of food compositional standards and labelling policy".³⁴

55. However, other common frameworks do provide for Welsh Government engagement in TCA committees—this is something we welcome, as it supports the aim of the common frameworks programme to ensure compliance with international obligations. The FCSL framework, conversely, makes no reference to the TCA, upon the terms of which the UK and EU currently trade, including in food products. Consequently, the FCSL framework does not provide for the possibility of Welsh Government engagement in relevant TCA committees.

Recommendation 21: The Welsh Government should seek intergovernmental agreement to ensure that the FCSL framework includes information to explain its interaction with the Withdrawal Agreement and the TCA, even where such information clarifies only that there is no expected impact. This would facilitate the understanding of the Senedd and stakeholders.

Recommendation 22: The Welsh Government should seek intergovernmental agreement to ensure that the FCSL framework includes provision for devolved engagement in UK-EU fora.

Northern Ireland Protocol

56. Under the Northern Ireland Protocol, any changes to EU law on food compositional standards and labelling must be applied in Northern Ireland.

57. The frameworks provide information about how governments will consider the implications of changes to law and policy in Northern Ireland and Great Britain for divergence, but offers limited detail about how this will work in practice.

58. As we noted in our letter to the Minister for HSS on 21 March 2022 about the PHPHS, BSQ, and OTC provisional common frameworks³⁵ we agree with our colleagues on the House of Lords Common Frameworks Scrutiny Committee that common frameworks should be updated to provide additional detail about when changes introduced in Northern Ireland through the Protocol will be considered in the relevant frameworks.³⁶

Recommendation 23: In line with the recommendation we made in respect of the PHPHS, BSQ and OTC frameworks, the Welsh Government should secure intergovernmental agreement to update the

³⁴ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

³⁵ [Letter from the Chair of the Health and Social Care Committee to the Minister for Health and Social Services](#), 21 March 2022

³⁶ [Letter from the Chair of the House of Lords Common Framework Scrutiny Committee to the Minister of State for Health](#), 14 December 2021

FCSL framework to include additional detail on when changes introduced in Northern Ireland through the Northern Ireland Protocol will be considered in this framework.

59. The Deputy Minister for MHW told us in April 2022 that:

"Horizon-scanning processes are in place to monitor upcoming EU changes that will need to be implemented in Northern Ireland. The FCSL Framework ensures that any proposals for divergence among the GB nations are subject to four-nation consideration and that Ministers in all four nations have the opportunity to raise a dispute with their counterparts".³⁷

60. She added that potential EU-driven legislative changes would be considered by the four-nation FCSL Officials Group, and noted that "divergence will emerge over time".³⁸ This is despite previous Welsh Government statements that it intends to maintain and improve upon EU standards. For example, the Counsel General told the Legislation, Justice and Constitution Committee in January 2022:

"One of the principles and positions the Welsh Government has taken throughout this process is that there should be no derogation from the standards that we actually hold to at the moment, and that the EU standards should be the very minimum that we should have. Of course, it has always been the case with EU law that they've always been minimum standards; they've never been something that have prevented any member of the European Union from wanting to go beyond. So, as far as, I think, Welsh Government is concerned, we want to maintain those standards. Where we can improve upon those standards, we want to improve upon those standards".³⁹

Recommendation 24: The Welsh Government should explain what role the FSA in Wales will play in horizon-scanning, and how the risks and benefits for Wales of keeping pace with changes in Northern Ireland and the EU in respect of food compositional standards and labelling will be assessed.

Recommendation 25: The Welsh Government should clarify its position on whether it intends to keep pace with EU standards in areas within the scope of the FCSL framework.

³⁷ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

³⁸ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

³⁹ Legislation, Justice and Constitution Committee, RoP [paragraph 118], 31 January 2022

Recommendation 26: Where changes are made to EU standards on matters that fall within the scope of the FCSL framework, the Welsh Government should assess the impact on Welsh trade. Such impact assessments should be shared with the Senedd.

International trade

61. Common frameworks aim to facilitate negotiation and implementation of international trade agreements. The Deputy Minister for MHW told us that the FCSL framework would provide opportunities for discussions of UK positions on FCSL policy issues, including where such issues may be relevant to the negotiation or implementation of a trade agreement.⁴⁰

Recommendation 27: The Welsh Government should explain how the FCSL framework's governance structures will interact with the inter-ministerial group on trade, and how these groups will engage with relevant stakeholders.

Recommendation 28: The Welsh Government should clarify whether disagreements on trade agreement negotiations in respect of food compositional standards and labelling could be addressed through the FCSL framework.

⁴⁰ Letter from the Deputy Minister for Mental Health and Wellbeing, 21 April 2022

Eluned Morgan MS
Minister for Health and Social Services
Welsh Government

14 June 2022

Dear Eluned

Provisional common frameworks

Thank you for your letter of 9 May 2022 regarding the Public Health Protection and Health Security; Blood Safety and Quality; and Organs, Tissues and Cells (apart from embryos and gametes) provisional common frameworks. I am writing to request that further consideration is given to the provision of a substantive Welsh Government response to those recommendations set out in my letter of 21 March 2022 that do not relate to matters that are the subject of ongoing intergovernmental negotiations and scrutiny by other legislatures in the UK (see annex).

Your letter of 9 May 2022 indicates that it is a holding reply, on the basis that “until all legislatures in the UK have had the opportunity to complete scrutiny, [the Welsh Government] will be unable to address these recommendations formally”.

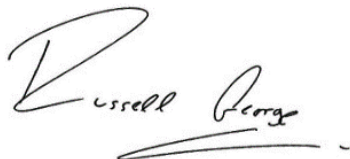
We considered your letter at our meeting on 19 May 2022. We accept that some of our recommendations relate to matters that are subject to ongoing intergovernmental negotiations and scrutiny by other UK legislatures. We agree that it is reasonable for the Welsh Government to send a holding response in respect of these recommendations.

However, a number of our recommendations relate to matters that are specific to Wales and to the Welsh Government. We are not persuaded that it should be necessary for us to wait for a substantive response to these recommendations, particularly as there is ongoing uncertainty as to when the Northern Ireland Assembly will be in a position to complete its scrutiny of these frameworks.

We have set out in the annex to this letter which recommendations we believe fall into which category.

I look forward to receiving your response by **29 July 2022**.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal stroke underneath.

Russell George MS
Chair, Health and Social Care Committee

cc Tracey Cooper, Chief Executive, Public Health Wales

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee, Welsh Parliament

Baroness Andrews, Chair, Common Frameworks Scrutiny Committee, House of Lords

Lesley Hogg, Clerk and Chief Executive, Northern Ireland Assembly

Gillian Martin MSP, Convenor, Health, Social Care and Sport Committee, Scottish Parliament

William Wragg MP, Chair, Public Administration and Constitutional Affairs Committee, House of Commons

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

Annex: Public Health Protection and Health Security; Blood Safety and Quality; and Organs, Tissues and Cells (apart from embryos and gametes) provisional common frameworks

Request for substantive responses

1. We request a substantive response to the following recommendations. We have outlined for each why we believe a response does not rely on the completion either of intergovernmental negotiations or scrutiny by other UK legislatures.

| Recommendation | Notes |
|---|--|
| Recommendation 1: The Welsh Government should explain how it will identify and manage risks associated with and arising from the PHPHS, BSQ and OTC common frameworks on an ongoing basis, including how information about such risks will be shared with Senedd committees. | The Welsh Government's approach to identifying and managing risks and sharing information with Senedd committees is not subject to scrutiny by other UK legislatures. |
| 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. | This recommendation relates to a unilateral Welsh Government commitment to notifying Senedd committees – this is not subject to intergovernmental negotiations or scrutiny by other legislatures. |
| 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. | This recommendation relates to a unilateral Welsh Government commitment to notifying Senedd committees – this is not subject to intergovernmental negotiations or scrutiny by other legislatures. |
| Recommendation 9: The Welsh Government should set out its views on whether any time limits should be specified within the dispute resolution process. | We note that the Deputy Minister for Mental Health and Wellbeing has already set out the Welsh Government's position on this principle in her letter to us of 21 April 2022 in respect of the Food Compositional Standards and Labelling provisional common framework. |

| Recommendation | Notes |
|--|--|
| <p>Recommendation 12: The Welsh Government and Public Health Wales should confirm whether they have any concerns about the potential resource or capacity implications associated with the work programmes of the UK Health Protection Committee or the Health Protection Oversight Group. This should include setting out the outcome of the assessment of resources referred to by the Minister for Health and Social Services in her letter of 17 January 2022, and, if the work programme is to be resourced from within existing budgets, details of where the funding and staff resource allocated to the work programme has been transferred from.</p> | <p>This recommendation relates to any concerns that either the Welsh Government or Public Health Wales have in relation to resource or capacity implications – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |
| <p>Recommendation 14: The Welsh Government and Public Health Wales should explain why there will not be a joint secretariat established for the UK Health Protection Committee or the Four Nation Health Protection Oversight Group. They should also indicate whether they intend to designate any supporting secretariat for either group.</p> | <p>This recommendation asks the Welsh Government and Public Health Wales to explain the rationale for a decision that has already been taken, and how they plan to engage with the structures within the common framework – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |
| <p>Recommendation 15: The Welsh Government should ensure that information about international activity within the scope of the PHPHS common framework is included in its regular reports to the Senedd on the operation of the common frameworks. This should include: Recent activity carried out by the Welsh Government or Public Health Wales. Details of common stances agreed with other parties to the framework for the purpose of international engagement. Information about upcoming international developments or obligations that would be within the scope of the framework.</p> | <p>This recommendation relates to information to be included by the Welsh Government in reports that it will unilaterally provide to the Senedd – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |
| <p>Recommendation 16: The Welsh Government and Public Health Wales should explain how they engaged in the process of developing and agreeing the Memorandum of Understanding with the European Centre for Disease Control, and how Wales will engage with the ECDC through the PHPHS common framework.</p> | <p>This recommendation asks the Welsh Government and Public Health Wales to explain what role they took in a process that has already happened, and how Wales in particular will engage with the ECDC through the framework – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |

| Recommendation | Notes |
|--|--|
| <p>Recommendation 17: The Welsh Government should confirm whether UK access to the EU’s Early Warning and Response System (EWRS) has been secured, and, if not, whether access will be requested through the PHPHS common framework.</p> | <p>This recommendation asks the Welsh Government to confirm a factual matter.</p> |
| <p>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.</p> | <p>This recommendation relates to a unilateral Welsh Government commitment to notifying Senedd committees – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |
| <p>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.</p> | <p>This recommendation relates to the Welsh Government’s interpretation of the impact of the UK Internal Market Act 2020, and whether it is considering requesting exclusions – this is not subject to intergovernmental negotiations or scrutiny by other legislatures.</p> |
| <p>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.</p> | <p>The Welsh Government’s approach to identifying and managing risks for Wales is not subject to scrutiny by other UK legislatures.</p> |

Holding response

2. We agree that it is reasonable for the following recommendations to be subject to a holding response at this stage, on the basis that they relate to matters that are the subject of ongoing intergovernmental negotiations and scrutiny by other legislatures in the UK.

| |
|---|
| <p>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.</p> |
| <p>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.</p> |
| <p>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</p> |

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.

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.

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.

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.

Recommendation 11: The Welsh Government should seek intergovernmental agreement that the UK Health Protection Committee should publish and provide regular updates on its shared work programme. This should include the publication of reports of its meetings.

Recommendation 13: The Welsh Government and Public Health Wales should ensure that the work programmes published by the UK Health Protection Committee and the Health Protection Oversight Group include details of which bodies will be responsible for carrying out which activities, and how such activities will be resourced.

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.

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.

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.

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.

Agenda Item 6.1

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies, MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

17 June 2022

Dear Huw

Inter-Institutional Relations Agreement: Inter-Ministerial Standing Committee

The First Minister wrote to you on 9th June, in accordance with the inter-institutional relations agreement to notify you of the second meeting of the Inter-Ministerial Standing Committee. This was due to take place on the 16th June, but will now be taking place on the 29th June instead.

The Standing Committee will be chaired by the Scottish Government's deputy First Minister and Cabinet Secretary for Covid Recovery John Swinney MSP. The Minister for Finance and Local Government and I will now represent the Welsh Government at the meeting.

In this virtual meeting I anticipate the discussion will focus on UK legislation and the cost of living crisis.

I will provide an update after the meeting.

Yours sincerely

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Mick.Antoniw@llyw.cymru
Correspondence.Mick.Antoniw@gov.Wales

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.



Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

9 June 2022

Dear Huw,

Inter-Institutional Relations Agreement: Inter-Ministerial Standing Committee

I recently wrote to you in accordance with the inter-institutional relations agreement to notify you of the second meeting of the Inter-Ministerial Standing Committee. This was due to take place on the 7th June, but will now be taking place on the 16th June instead.

The rest of the details for the meeting remain unchanged. The Standing Committee will be chaired by the Scottish Government's deputy First Minister and Cabinet Secretary for Covid Recovery John Swinney MSP. Welsh Ministers, including the Counsel General and Minister for Finance and Local Government will represent the Welsh Government at the meeting.

In this virtual meeting it is anticipated that the discussion will focus on UK legislation and the cost of living crisis.

A further update will be provided after the meeting.

Yours sincerely,

MARK DRAKEFORD

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

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.

Agenda Item 0.2

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: RE/715/22

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru

14 June 2022

Dear Huw,

I am writing to inform you that I will be hosting the next meeting of the Finance Inter-ministerial Standing Committee (F:ISC) on 15 June in Cardiff.

The focus of the meeting will be on the Government responses to the cost-of-living crisis. The agenda also includes an item on Net Zero which will consider progressive ways of investing in the net zero transformation of the energy system that ensures a sustained reduction in prices, particularly for lower income households and supports our energy security.

An action was agreed at the last F:ISC meeting in March for officials to work together to consider whether it is possible to strengthen processes to provide greater end of year funding certainty supported by appropriate budget flexibilities. The agenda includes an item for a progress update.

This will be followed by an update from the Devolved Governments on matters of shared interest, where I will provide information on the Independent Commission on the Constitutional Future of Wales.

There will also be the opportunity to reiterate our concerns in regards to the UK Government's approach to EU Replacement funding and the impact of COVID and inflationary pressures on the health service.

I will report to the Committee on the outcome of the meeting.

Yours sincerely,

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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.

Rebecca Evans AS/MS
Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

15 June 2022

Dear Chair

Outcome of the Interministerial Group meeting for Housing, Communities & Local Government

In accordance with the inter-institutional relations agreement, I can report that the Minister for Climate Change and I represented the Welsh Government at the inaugural meeting of the Interministerial Group (IMG) for Housing, Communities and Local Government on 24 May 2022.

Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP and the Minister for Social Security and Local Government, Ben Macpherson MSP attended for the Scottish Government. Minister for Communities, Deirdre Hargey MLA and the Minister of Finance, Conor Murphy MLA represented the Northern Ireland Executive. Rt Hon Michael Gove, Secretary of State for Levelling Up and Minister for Intergovernmental Relations chaired the virtual meeting. He was accompanied by the Minister for Levelling Up, the Constitution and the Union, Neil O'Brien MP; and the Minister for Building Safety and Fire, Lord Greenhalgh.

The group discussed their future ways of working, based on the agreed outcomes of the Review of Intergovernmental Relations, agreed to meet quarterly and I confirmed the Welsh Government would host the next meeting.

Building Safety was the substantive item on the agenda and the group recognised that it is a shared issue affecting all governments around a joint aim to hold industry accountable and protect residents. Given the broad similarities across systems the Minister for Climate Change reinforced the need for better joint working on the reserved aspects of building safety, including on insurance and lending. She highlighted previously expressed concerns about the need for the Welsh Government's inclusion in industry talks taking place between

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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.

the UKG and property developers to get their agreement to fund and fix all buildings over 11 metres that they have played a role in developing.

Secretariat officials will now work on a four nations basis to agree the focus and content of the next meeting to be held in the autumn.

Further information on what was discussed during the meeting can be found [here](#).

Yours sincerely

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS
Minister for Finance and Local Government



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Outcome of the Interministerial Group meeting for Housing, Communities & Local Government

DATE 14 June 2022

BY Rebecca Evans, Minister for Finance and Local Government

In accordance with the inter-institutional relations agreement, I can report that the Minister for Climate Change and I represented the Welsh Government at the inaugural meeting of the Interministerial Group (IMG) for Housing, Communities and Local Government on 24 May 2022.

Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP and the Minister for Social Security and Local Government, Ben Macpherson MSP attended for the Scottish Government. Minister for Communities, Deirdre Hargey MLA and the Minister of Finance, Conor Murphy MLA represented the Northern Ireland Executive. Rt Hon Michael Gove, Secretary of State for Levelling Up and Minister for Intergovernmental Relations chaired the virtual meeting. He was accompanied by the Minister for Levelling Up, the Constitution and the Union, Neil O'Brien MP; and the Minister for Building Safety and Fire, Lord Greenhalgh.

The group discussed their future ways of working, based on the agreed outcomes of the Review of Intergovernmental Relations, agreed to meet quarterly and I confirmed the Welsh Government would host the next meeting.

The group recognised that Building Safety is a shared issue affecting all governments around a joint aim to hold industry accountable and protect residents. Given the broad similarities across systems the Minister for Climate Change reinforced the need for better joint working on the reserved aspects of building safety, including on insurance and lending. She highlighted previously expressed concerns about the need for the Welsh Government's inclusion in industry talks taking place between the UKG and property developers to get their agreement to fund and fix all buildings over 11 metres that they have played a role in developing.

It was agreed there was a need for the governments to work together to intensify building safety engagement and information sharing, and to join up communications. It was proposed this work would be divided into strands of activity including the developer pledges, the levy and financial institutions.



Eich cyf/Your ref VG/0717/22

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

15 June 2022

Dear Huw,

Thank you for your letter of 19 May.

The meeting on 27 April, to which I referred in my oral statement of 3 May, was a meeting of the UK Government's Global Britain (Operations) Cabinet Committee. This committee is one of the internal structures of the UK Government. Devolved Ministers do not have membership of the committee, though they are invited to attend on occasion, depending on the agenda items.

Post the GB(O) meeting, I issued both a Written Statement and an Oral Statement to the Senedd that provided a summary of the meeting but, unfortunately there was no further detail to add.

The Welsh Government will continue to share updates with the Senedd and its Committees in line with the Inter-Institutional Relations Agreement. We will also continue to provide wider updates on key developments in a timely way to reflect our commitment to transparency and accountability more broadly, which was the spirit underpinning my written statement issued on 28 April.

Yours sincerely,

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

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.

Vaughan Gething MS

Minister for Economy

19 May 2022

Dear Vaughan

Provision of written summaries of issues discussed at interministerial meetings

At our meeting on 9 May, we noted your written statement of 28 April, Update on Border Controls, which was followed by your oral statement on the subject in Plenary on 3 May.

We understand that you do not intend to write to the Committee to provide a summary of the issues discussed at the interministerial meeting you refer to in your statement. We believe it would be appropriate for you to do so, in line with First Minister's commitment at paragraph 13 of the Inter-institutional Relationship Agreement between Senedd Cymru and the Welsh Government.

We note that your oral statement says that you are unlikely to be able to respond to requests for detailed additional information at this stage. However, we believe that a lack of detailed information to share should not preclude Ministers from writing to the Committee in line with the Agreement and then providing more information if it comes to light. Such correspondence is important in enabling the Committee to undertake its scrutiny of these matters, including the relationship between the Welsh and UK governments.

Yours sincerely,



Huw Irranca-Davies

Chair



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Independent Commission on the Constitutional Future of Wales
– Appointment of Expert Panel**

DATE **13 June 2022**

BY **Mick Antoniw MS, Counsel General and Minister for the
Constitution**

In my previous announcement of the establishment of the Independent Commission on the Constitutional Future of Wales, I indicated the Commission would be able to commission research, analysis and expert opinion through a Panel of Experts established for this purpose and I undertook to inform you when the panel had been appointed.

I am now able to update you on their appointment. The panel will comprise the following members:

Jess Blair - Director of the Electoral Reform Society Cymru

Prof Emyr Lewis - Head of Department of Law and Criminology at Aberystwyth University

Auriol Miller - Director of the Institute of Welsh Affairs

Akash Paun - Head of Institute for Government's devolution programme

Dr Hugh Rawlings – Former Director of Constitutional affairs at the Welsh Government

Prof Mairi Spowage - Professor of Practice and Director of the Fraser of Allander Institute

Prof Diana Stirbu - Professor of Policy and Governance at London Met University

Gareth Williams (Chair) – Former Special Adviser to the Welsh Government on European Transition

The members of the Expert Panel were selected in consultation with the Commission, reflecting their assessment of topics where the Commission would benefit from access to specialist expertise. I would like to place on record my sincere thanks to all those who have agreed to support the Commission in its work through participating in its Expert Panel. I will update Senedd Members on any future appointments to the Expert Panel.



Ministry
of Justice

Lord Bellamy **Agenda Item 7.2**
Parliamentary Under-Secretary of State for
Justice

Huw Irranca-Davies,
Chair,
Legislation, Justice, and Constitution Committee,
Senedd Cymru,
Cardiff Bay,
Cardiff,
CF99 1SN

MoJ ref: SUB97404

15 June 2022

Dear Huw (if I may)

INVITATION TO ATTEND THE LEGISLATION, JUSTICE, AND CONSTITUTION COMMITTEE

I wanted to take this opportunity to write in my capacity as newly appointed Parliamentary Under Secretary of State at the Ministry of Justice, with responsibility for a range of areas of interest to the Welsh Government including devolution and the Bill of Rights.

I know that Lord Wolfson was due to attend the Legislation, Justice, and Constitution Committee on 13 June to discuss key justice issues.

Like him I believe that it is important that the Ministry of Justice engages with the Committee and I would like to accept your invitation to attend on 19 September. I understand that your clerks have been in contact with my office to make the arrangements.

I look forward to meeting you.

Yours sincerely

Christopher Bellamy

LORD BELLAMY, QC

Agenda Item 10

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Document is Restricted

Agenda Item 12

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted