

# Agenda – External Affairs and Additional Legislation Committee

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Meeting Venue:	For further information contact:
Video conference via Zoom	<b>Alun Davidson</b>
Meeting date: 24 September 2020	Committee Clerk
Meeting time: 14.00	0300 200 6565
	<a href="mailto:SeneddEAAL@senedd.wales">SeneddEAAL@senedd.wales</a>

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health.

This meeting will be broadcast live on [senedd.tv](http://senedd.tv).

## Registration period

(13.30–14.00)

### 1 Introductions, apologies, substitutions and declarations of interest

(14.00)

### 2 Scrutiny session with the Minister for International Relations and the Welsh Language

(14.00–15.30)

(Pages 1 – 16)

Eluned Morgan, Minister for International Relations and the Welsh Language

Emma Edworthy – Welsh Government

### 3 Papers to note

(15.30–15.35)

#### 3.1 Paper to note 1: Nutrition Framework Summary Report – 9 September 2020

(Pages 17 – 19)



- 3.2 Paper to note 2: Correspondence from the Counsel General and Minister for European Transition to the Chair regarding Inter-institutional Agreement – Intergovernmental Relations Review Ministerial Meetings – 17 September 2020**  
(Pages 20 – 21)
- 3.3 Paper to note 3: Correspondence from the Chair of the Legislation, Justice and Constitution Committee to the Secretary of State for Wales regarding the UK Internal Market Bill – 18 September 2020**  
(Pages 22 – 23)
- 3.4 Paper to note 4: Correspondence from the Minister for Housing and Local Government to all Committee Chairs regarding draft National Development Framework – 21 September 2020**  
(Pages 24 – 25)
- 4 Motion under Standing Order 17.42(vi) and (ix) to resolve to exclude the public from the remainder of the meeting**  
(15.35)
- 5 Scrutiny session with the Minister for International Relations and the Welsh Language – consideration of evidence**  
(15.35–15.50)
- 6 The UK Trade Bill 2020: Legislative consent – consideration of draft report**  
(15.50–16.05) (Pages 26 – 33)
- 7 Forward work programme**  
(16.05–16.20) (Pages 34 – 84)

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# Agenda Item 3.1

## **Nutrition Framework – a summary.**

### Common Frameworks – strategic overview

1. Following the UK's exit from the European Union, work is underway to ensure that following the end of the transitional period (TP), appropriate measures are put in place to maintain stability and security across the UK. Common frameworks are being developed under a set of principles agreed between the UK Government and Scottish and Welsh Governments at the Joint Ministerial Committee (European Negotiations) (JMC(EN)) in October 2017.
2. The JMC (EN) also agreed that all frameworks must respect the devolution settlements and the democratic accountability of the devolved legislatures. The intention is that frameworks will make it simple for businesses from different parts of the UK to trade with each other, whilst allowing the UK to fulfil its international obligations, enabling the UK to safeguard our common resources and ensure the functioning of the UK's internal market.

### Nutrition Framework– Scope and background

3. The Nutrition Framework: concerns retained EU legislation on the following areas:
  - nutrition and health claims made on foods;
  - the addition of vitamins, minerals, and certain other substances to foods;
  - the composition and labelling of food supplements;
  - the composition and labelling of food intended for infants and young children, food special medical purposes, and total diet replacement for weight control (“Foods for Specific Groups”);
  - and the mandatory nutrition declaration (food labelling), including additional forms of expression and presentation in which it may be given.
4. As food law is a devolved competence legislation was made, under the provisions contained within the European Union (Withdrawal) Act 2018, for the DAs to make regulations within their respective administrations by transferring to them powers previously held by the European Commission. This transfer of powers to the DAs carries with it the risk of divergence within nutrition policy across the UK. The UK, Scottish and Welsh Governments therefore agreed that a Nutrition framework is required to ensure a common approach after the end of TP. DHSC and DAs welcome the restoration of the Northern Ireland Executive, and will seek its agreement to the proposed arrangements at an appropriate juncture.
5. Engagement with nutrition industry representatives from across the UK has concluded that the proposed framework will be supportive of businesses that work across the UK and will help deliver consumer confidence. Stakeholders advised that they also felt

reassured by the proposals for joint decision making and dispute resolution mechanisms.

6. The Nutrition Framework has also been reviewed and assessed by the Cabinet Office Frameworks Board. The board concluded that subject to some minor amendment the Nutrition framework was as far developed as it could be at this stage (Phase 3) and was ready to proceed to Phase 4 and JMC clearance.
7. Officials now await clearance for Ministers across the UK for the Nutrition Framework to proceed to JMC.

### Nutrition Framework Proposals

8. Whilst Nutrition policy is a devolved area, the cross-border nature of the food industry requires close co-operation across the UK to provide clarity and assurance to business, enforcement and consumers. The implementation of the Nutrition Framework would support this aim helping to maintain existing standards and establish replacement mechanisms for current EU functions (such as authorising new claims and amending retained lists of permitted claims and substances).
9. The assessment of applications for new health claims requires a new body to provide scientific advice. Provision was therefore included in SI2019/651, together with procedures for the application and assessment process and decision-making.
10. It is proposed that at the end of the TP risk assessments should be undertaken on a UK-wide basis to deliver a consistent approach and process for businesses and enforcement authorities across the UK (with capacity maintained for non-UK wide assessments where appropriate). The risk assessment processes would replicate, as closely as possible, those currently undertaken by the European Food Safety Authority (EFSA) and be independent and free from undue influence.
11. Decisions based on both scientific opinion and wider risk management considerations should be made by the appropriate authority through the establishment of four-country working arrangements which build on existing consensus-based policy making.
12. Every effort would be made at working level to resolve any disagreements in difference of approach. Where a consensus cannot be reached by the four-country working arrangements (whether that is agreement to a UK wide approach or to divergence) a dispute resolution process would come into play. This process would be based on agreed principles set out in the framework e.g. evidence-based decision making, transparency and timely resolution.

13. Consideration of key cross-cutting issues such as domestic governance, functioning of the UK internal market and future funding will continue during the TP prior to finalisation of the framework.
14. A Concordat between DHSC, SG, WG and the Northern Ireland Executive is proposed to underpin this non-legislative framework. Adopting a non-legislative approach allows for maximum flexibility to adapt the framework as necessary and maintains a degree of trust and goodwill between the four administrations. The Concordat would provide the basis for managing and maintaining commonality in approach and minimum standards as well as surveillance and sharing of information.

#### Next steps

15. Subject to provisional confirmation by JMC(EN), the Nutrition Framework will be prepared for the necessary committee scrutiny across the UK parliaments and finally implementation.
16. Prior to implementation at the end of 2020, a reappraisal of the framework may take place based on the outcomes of any cross-cutting issues and feedback that DAs receive from their legislatures' committees.
17. The provisional framework may therefore need to undergo further collective agreement before final confirmation by JMC(EN), for example, if subsequent reappraisal of the framework leads to significant changes.
18. After implementation a review and amendment mechanism will ensure that the framework can adapt to subsequent policy developments. This periodic review is designed to focus on the governance structures and operational aspects of a framework and should take place every 3 years at a minimum.



David Rees MS  
Chair, External Affairs and Additional Legislation Committee  
Senedd Cymru

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17 September 2020

Dear David,

## Inter-institutional Agreement - Intergovernmental Relations Review Ministerial Meetings

I recently updated you on the Joint Ministerial Committee (EU Negotiations) mandate for, and agreement to, the ongoing work around the Intergovernmental Relations Review (IGRR).

I previously reported that Intergovernmental Relations (IGR) ministers met to discuss machinery and dispute avoidance and resolution on 12 August. Further meetings were scheduled for 8 and 10 September. These meetings were merged and took place on 10 September.

I chaired this meeting, and was joined by the Minister for the Constitution and Devolution, Chloe Smith MP, UK Government, Jenny Gilruth MSP, Minister for Europe and International Development, Scottish Government, and Ministers Gordon Lyons MLA and Declan Kearney MLA, Northern Ireland Executive.

Noting the significant impact and adverse implications of the UK Government's Internal Market Bill on intergovernmental relations, we nonetheless agreed the need to jointly progress the work on the IGR review within this forum.

We made further progress on dispute avoidance and resolution, and machinery, though there is more work to do and we asked officials to continue to collaborate on the proposals. I will provide further information in due course.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I have written similarly to the Chair of the Legislation, Justice and Constitution Committee,  
Mick Antoniw MS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JM', with a stylized flourish at the end.

**Jeremy Miles AS/MS**

Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd  
Counsel General and Minister for European Transition



The Rt Hon Simon Hart MP, Secretary of State for Wales

18 September 2020

Dear Simon

### **UK Internal Market Bill**

I am writing to seek the UK Government's understanding of the application of the Sewel Convention to the UK Internal Market Bill.

Paragraphs 87-89 and Annex A of the Explanatory Notes to the UK Internal Market Bill provide that legislative consent is required for every Part of the Bill and that it has been sought. As such, we would expect that the UK Government would not seek to pass the Bill without the consent of the Senedd.

To inform our consideration of the Bill and our wider inquiry on Wales' changing constitution, we would be grateful if you could confirm whether you share this assessment and confirm that, if the Bill remains with the same intention as introduced, this position will not change.

We raise the latter point because of the evidence you gave to us on **9 March** when you thought that, in the context of the European Union (Withdrawal Agreement) Bill, "in this particular instance, 'not normal' emerged as the theme as it became more obvious that the LCM wouldn't get through this place, and indeed through the Scottish Parliament."



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If you do not share our assessment, we would be grateful if you could tell us when and on what basis the UK Government will be able to advise whether the Bill, for the purpose of the Sewel convention, is “normal” or not.

Yours sincerely,



**Mick Antoniw MS**

Chair of the Legislation, Justice and Constitution Committee

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

cc.

Rt Hon Alok Sharma MP, Secretary of State for Business, Energy and Industrial Strategy

David Rees MS, External Affairs and Additional Legislation Committee, Senedd Cymru

Bruce Crawford MSP, Finance and Constitution Committee, Scottish Parliament

Colin McGrath MLA, Committee for the Executive Office, Northern Ireland Assembly

Rt Hon Stephen Crabb MP, Welsh Affairs Committee, House of Commons

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

Rt Hon the Baroness Taylor of Bolton, Constitution Committee, House of Lords



# Agenda Item 3.4

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref:

To: Committee Chairs

21 September 2020

Dear All,

Following extensive consultation on the draft National Development Framework (NDF) last year, I have today laid the draft NDF before the Senedd for a 60-day consideration period.

The NDF is accompanied by a consultation report setting out the issues raised during the consultation, a schedule of changes I intend to make following consideration of the consultation responses, and an updated integrated sustainability appraisal. They can be viewed [here](#).

To support the scrutiny process I have today published two documents. The first sets out how I intend to monitor the NDF after its publication; and the second is a version of the schedules of changes document that has been laid in the format of the draft NDF document that was consulted upon last year. These documents are available to view [here](#).

I will be tabling an amendable motion in government-time to provide an opportunity for the Senedd to express its views on (but not approve) the draft NDF. The debate will take place during the Senedd's 60-day consideration period so the Government can reflect on the issues raised together with any recommendations from Senedd Committees in a timely manner.

During last year's consultation on the draft NDF, Senedd members expressed to me the importance of everyone being able to understand what the NDF was and what it would mean for them. Some thought the name 'national development framework' did not set out what the NDF was or would do. I have reflected on this and asked Children in Wales to help develop a new title. They suggested the name 'Future Wales – The National Plan 2040'. On publication, the NDF will be known by this new name and referred to in short as Future Wales. You will see this new name appearing on some of the documents that will support the scrutiny process.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I look forward to working with the Senedd on the completion of Future Wales, our first National Development Framework.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive style with a large initial 'J'.

**Julie James AS/MS**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

# Agenda Item 6

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

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# Agenda Item 7

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

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

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