

**Pwyllgor Newid Hinsawdd,  
yr Amgylchedd a Seilwaith**

—  
**Climate Change, Environment,  
and Infrastructure Committee**

**Senedd Cymru**

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Julie James MS, Minister for Climate Change

Date: 10 February 2022

Dear Julie,

Thank you for your letters, dated 17 December 2021 and 3 February 2022 in relation to , drawing the Committee's attention to the publication of provisional Common Frameworks.

You will be aware that many of the remaining provisional frameworks fall within the remit of this Committee. It will not be possible for us to undertake scrutiny on all of these, given our other work commitments. On the basis of available information, we have agreed to prioritise scrutiny of the provisional frameworks for Air Quality, Chemicals and Pesticides, Emissions Trading System, and Resources and Waste.

We understand it is unlikely that all of four of the above will be published in time for our scrutiny session with you on 17 February 2022. If that is the case, we may wish to arrange an additional scrutiny session with you following their publication. I have asked the Clerking team to liaise with your officials on this matter, if needs be.

We are aware that the governments had been aiming to complete delivery of the Common Frameworks Programme in March 2022 ahead of the pre-election period for the Northern Ireland Assembly elections. Given the ongoing delay in the publication of some of the provisional frameworks, and the need to provide adequate time for committee scrutiny, we question whether this is achievable. The previous Welsh Government committed not to finalise frameworks until committees had scrutinised the provisional frameworks. *It would be helpful if you could confirm that this commitment stands.*

Although the Radioactive Substances provisional Common Framework is not one we have prioritised for scrutiny, there are several matters that we believe would benefit from further explanation. We would therefore be grateful for a response to the questions below.

## General

Most Common Frameworks have been in operation on an interim basis since the end of the Brexit transition period.

*1. Can you clarify whether the Radioactive Substances provisional Common Framework is one of these? If so, what assessment has been made of how effectively it has been operating?*

According to the latest European Union (Withdrawal) Act and Common Frameworks statutory report (December 2021), the completion of the Intergovernmental Relations Review (IPRR) “will necessitate some small amendments to the Common Frameworks to reflect the role of new structures in the mechanisms of the Common Frameworks”. The review was concluded in January 2022.

*2. Can you explain how and when the Framework will be revised to reflect the new dispute resolution process agreed as part of the IPRR?*

## Development of the provisional framework

Phase 2 (Policy development) and Phase 3 (Review and consultation) of the Common Framework delivery plan set out expectations and/or commitments in relation to stakeholder engagement.

*3. What work has been undertaken to engage with stakeholders in Wales during the development of the Framework? How have stakeholders' views been reflected in the Framework?*

## Decision making

*4. To what extent are you content that the Framework gives the Welsh Government and the Senedd appropriate scope to make law and policy for Wales within this area of devolved competence?*

5. Can you clarify whether and how the Framework will impact on any existing or planned Welsh legislation or policy within this area of devolved competence?

## International obligations

The Framework acknowledges that UK-EU decisions may be taken at various joint forums established by their new relationship.

*6. Will the devolved governments attend relevant Trade and Cooperation Agreement (TCA) meetings?*

*7. How will UK-EU decisions taken in devolved areas by the UK Government be reconciled with the Framework's commitment to consensus between the governments?*

*8. What opportunities does the Framework provide for increased Welsh Government involvement in the development of UK foreign policy in devolved matters within scope of the Framework? How does this differ from arrangements when the UK was a member of Euratom?*

## Resolving disputes

The Framework retains the right of each party to 'agree to disagree' on matters in scope. It also states that actions under dispute should be paused pending resolution through the dispute resolution mechanism.

*9. What risks, if any, has the Welsh Government identified with this approach?*

*10. How will the Welsh Government notify the Senedd of disputes raised through the Framework?*

## Transparency and accountability

The Framework does not require the governments to update parliaments and stakeholders on how it is working, or to involve parliaments and stakeholders in its review and amendment.

*11. How will the Senedd and stakeholders be updated on the continuing operation of the framework?*

*12. How will the Senedd and stakeholders be able to contribute to the review and amendment process for the framework?*

## The UK's radioactive substances regulatory system

According to the Framework, "...there will be no arrangements to reproduce notification and reporting requirements to the European Commission to test compliance and adequacy with respect to the [relevant] Directives".

The Framework goes on to state that "future assurance of the effectiveness of the UK's radioactive substances regulatory system is part of the wider discussions of future environmental governance following exit from the EU and Euratom Community". It also states governments are considering options and arrangements for the external verification of UK systems, as Euratom representatives no longer inspect and verify their effectiveness in monitoring emissions from nuclear sites.

*13. What governance arrangements are currently in place to ensure the effectiveness of the UK's radioactive substances regulatory system?*

*14. Can you provide an update on the wider discussions taking place between governments on future environmental governance following exit from the EU and Euratom?*

I should be grateful if you could provide a response by 3 March 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Llyr', is centered on a light yellow rectangular background.

Llyr Gruffydd MS,  
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.