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Llywodraeth Cymru  
Welsh Government

Llyr Gruffydd MS,  
Chair, Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

4 March 2022

Dear Llyr

Thank you for your letter of 10 February in relation to an update on Frameworks.

The Committee requested clarification on a previous Welsh Government commitment not to finalise Frameworks until Committees had completed scrutiny. I can confirm the Welsh Government position continues to be that Frameworks will be finalised only when each legislature has had the opportunity to complete the scrutiny process and provide recommendations.

The Committee also raised a number of queries in regards to the Radioactive Substances Framework. Please see my responses below.

## **General**

### **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?***

Since the end of the transition period, the four governments has been working closely on policy matters which are covered under the provisional framework. Alongside this, work is ongoing to finalise the relevant governance arrangements which underpin the framework. Historically, the majority of policies for radioactive substances have been undertaken on a joint basis, be that with England or the other GB or UK nations. However, where considered appropriate Welsh policy may differ from those of the other nations.

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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.

**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?**

The Framework will be amended to reflect the IGRR during the post scrutiny review process, prior to finalisation. This process is likely to be managed centrally to ensure a consistent approach.

**Development of the provisional framework**

**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?**

The four governments agreed the Radioactive Substances Policy Group (RSPG) would be the most appropriate forum for stakeholder engagement during the development of the Framework. The RSPG is made up of regulators and key stakeholders in this policy sphere including Natural Resources Wales and meets up to three times a year.

Views and feedback from the group on the scope and principles of the Framework during the early stages of development were taken into account in the drafting and are reflected in the published documents.

The four governments will continue to engage with stakeholders via the RSPG, when appropriate, during the operation of the Framework.

Alongside this, there are review points scheduled which present additional opportunities to engage with stakeholders in the further development and evolution of 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?**

The Framework does not impinge upon the ability of Welsh Government to make separate policy or legislation for Wales. Divergence in policy or legislation in devolved areas will continue to be possible, and the Framework will provide a more formal route for early discussion of either joint or separate policy making. However, the dispute resolution mechanism can be utilised should an administration consider another administration's policy to be damaging e.g. not compliant with international standards or have significant deleterious impacts in other countries.

**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?**

Currently the Framework will not impact upon planned Welsh legislation or policy within devolved competence. However, it is important to retain the ability to diverge from other parts of the UK if deemed appropriate in the future, even if the circumstances of that divergence are as yet unforeseen.

## **International obligations**

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

The policy area covered by this Framework intersects with the EU-UK Trade and Cooperation Agreement. Therefore topics relevant to the Framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council.

Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, the UK Government should facilitate Devolved Government attendance of a similar level to that of the UK Government representatives with final discretion as to the UK delegation a matter for the UK co-chair. The UK Government should engage with the Welsh Government and the other Devolved Governments as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.

### **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?***

Policy teams and Welsh Government representatives work closely together in the preparation for specialised committees, working groups, etc. This will include liaising on suggested agenda items, and input into the positions the UK Government proposes to take on the issues being covered at the meetings. Where policy teams wish to attend the meetings, we work with the UK Government to facilitate this.

### **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?***

While the Common Frameworks are not designed to influence foreign policy, we would expect policy teams will assert Welsh interests in these areas through the Framework governance groups. The development of Frameworks has increased the scope for interaction between the relevant policy teams of the four governments.

## **Resolving disputes**

### **9. *What risks, if any, has the Welsh Government identified with this approach [actions under dispute should be paused pending resolution through the dispute resolution mechanism]?***

The pausing of any actions under dispute is an agreed part of the dispute resolution mechanism in frameworks. We see this as a sensible approach to preserve the integrity of the frameworks system.

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

I will notify the appropriate Senedd committees in writing if disputes are raised through the Framework.

## **Transparency and accountability**

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

There is a commitment to consistent reporting on Frameworks post-finalisation. The details are currently being worked through by the four governments.

However, 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.

Alongside raised disputes and review points, there is a commitment to also inform the Senedd of:

- new legislation affecting the Frameworks; and
- applications for an exclusion under UKIMA.

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

Review points are scheduled into each Framework which give both the Senedd and stakeholders additional opportunities to engage in the development and evolution of Frameworks.

Once finalised, the Radioactive Substances Framework will be reviewed every 12 months. Third parties can be used by any Party to the Framework to provide advice at any stage in the process. This may include seeking views from relevant stakeholders as appropriate.

If changes are made to the Framework then these will be notified to Senedd committees in order for them to carry out the level of scrutiny they deem appropriate and necessary.

## **The UK's radioactive substances regulatory system**

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

Currently in the UK, there are a range of organisations involved in advising the four governments on developing and implementing policy, and enforcing regulatory requirements. This includes government delivery bodies, government advisory bodies and independent regulators. These organisations are brought together in a variety of fora, for example the Nuclear Decommissioning & Strategy Policy Group, the Radioactive Substances Policy Group and the Radioactive Safety Working Group.

### ***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?***

The UK continues to regularly participate in international assurance campaigns, for example the International Atomic Energy Agency (IAEA) International Regulatory Review Service (IRRS) mission.

Prior to the UK's exit from the EU, Euratom representatives periodically inspected and verified the effectiveness of systems which monitor emissions from nuclear sites. The four governments are working together to consider options and arrangements for the external verification of these systems.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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