



Northern Ireland
Assembly

Committee for the Executive Office

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First Minister and deputy First Minister
The Executive Office
Stormont Castle
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Dear Arlene and Michelle

COMMITTEE SCRUTINY OF COMMON FRAMEWORKS

In recent months Assembly Committees have been engaging in the scrutiny process for common frameworks. As you are aware, this scrutiny is crucial for the development of the frameworks system, and the sharing of framework summaries and provisional frameworks with committees is key to the transparency of the system.

You will also be aware that Chloe Smith MP, Minister of State in the Cabinet Office, has responsibility for the common framework programme. In correspondence to the House of Lords Liaison Committee on 1 June 2020, the Minister shared the process developed by officials across the UK Government and devolved administrations to enable parliamentary scrutiny of common frameworks to happen in parallel across legislatures. A copy of the Minister's correspondence is attached for information.

Key points from the scrutiny process outlined by the Minister include:

- Throughout the scrutiny process the administrations will be sharing the same information at the same time with their own legislatures;
- At the same time as it is sent to stakeholders, the summary of the framework will be sent by the department responsible for the framework in each administration to their respective legislature for their information. This will be accompanied by an offer of a technical briefing by the policy team to answer any questions committee members might have at this stage. This will help inform preparation for future parliamentary scrutiny when the policy content of the agreement is more comprehensively developed. At this point the policy team responsible for the framework will consult with their respective committee clerks and discuss timings for the scrutiny process;

- After Joint Ministerial Committee (European Negotiations) (JMC(EN)) Ministers agree the provisional framework via correspondence, the policy teams responsible for the framework in each of the administrations will lay the provisional framework, together with any related implementation products such as any concordat associated with the framework, in its respective legislature.

While the expectations of this process are clear, Assembly committees have encountered difficulties as the process has not been followed by Executive departments. These difficulties have presented challenges to the scrutiny process and the ability of committees to scrutinise the frameworks in accordance with the agreed phases.

Examples of the issues experienced include:

- The Committee for Health received the Food and Feed Safety and Hygiene provisional framework documents almost two weeks after they were published on the UK Government website. This was also the case for the Nutrition Labelling, Composition and Standards provisional framework. We understand the Joint Ministerial Committee gave provisional confirmation to the latter framework more than a month prior to its publication.
- Regarding two further common frameworks for the Committee for Health (Blood Safety and Quality; and Organs, Tissues and Cells), we understand these were received by the Lords Common Frameworks Scrutiny Committee on 30 November but have yet to be received by the Committee for Health.
- The Committee for Finance received the Public Procurement provisional framework on 2 December. However, at this stage the Committee still had not received the summary framework document, despite this summary being issued to stakeholders in October.
- The Chemicals and Pesticides framework falls under the scope of two Committees; the Committee for Agriculture, Environment and Rural Affairs (CAERA) is the lead Committee, while the Committee for Economy is also engaged in the scrutiny process. The Committee for Economy received the provisional framework documents ahead of CAERA, which has still not received the documents, although it has already scrutinised the summary.
- Multiple frameworks will be considered by the Committee for Agriculture, Environment and Rural Affairs. The Committee is also scrutinising a high volume of secondary legislation relating to EU Exit. Much of the legislation the Committee has already considered relates to specific common frameworks, and often the Committee has undertaken this scrutiny without knowing that a piece of legislation is part of a common framework, which framework it corresponds to, and without having seen the framework.
- CAERA has also noted that stakeholders have published summaries e.g. for the Ozone depleting substances and F-gases framework, while the Committee has been instructed that it should not share or publish the framework documents it receives.
- The Committee for Infrastructure will scrutinise the Hazardous Substances Planning framework. This was published by the UK Government and sent to the Lords Common Framework Scrutiny Committee on 23 November. We

understand the corresponding Senedd Committee received the provisional frameworks document on 15 October, yet this was only received by the Committee for Infrastructure on 9 December.

- The Committee for Infrastructure received provisional framework documents for five transport-related common frameworks on 9 December. The summaries relating to these frameworks had been received by the Commons Transport Committee on 15 October, and the Lords Common Frameworks Scrutiny Committee on 27 October. However, to date, the Committee for Infrastructure has not received any of these summary documents.

It is important that the process for scrutiny of common frameworks is facilitated by departmental officials following the outlined process, including in relation to timely sharing of information across all institutions; in provision of summary documents and timely provision of provisional frameworks. It is also important that Assembly committees should be notified where any legislation brought forward to the committee relates to a common framework.

The Committee for the Executive Office would be grateful if you could clarify how the common frameworks scrutiny system should be working; why these issues have arisen; and the steps the Executive Office will take to ensure that all departments are following the Cabinet Office guidance issued in June 2020.

In relation to the third principle for the development of common frameworks, the Committee would also be grateful for details of how the Executive Office will monitor whether common frameworks recognise the economic and social linkages between Northern Ireland and Ireland; and adherence to the Belfast/Good Friday Agreement.

A copy of this correspondence will be sent to the House of Commons Public Administration and Constitutional Affairs Committee; the House of Lords Common Frameworks Scrutiny Committee; the Scottish Parliament Finance and Constitution Committee; and the Senedd European Affairs and Additional Legislation Committee.

Yours sincerely



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Chairperson, Committee for the Executive Office

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