

This paper provides a general update to the TEO Committee on Common Frameworks.

On 24th September, the UK Government published its eighth EU Withdrawal Act and Common Frameworks statutory report and Common Frameworks analysis setting out an overview of the development of common frameworks arrangements for areas of returning EU law that are within the competence of the NI Assembly. Copies of the reports were sent to the First Minister, deputy First Minister and Speaker of the Assembly.

There are currently 40 active frameworks that relate to Northern Ireland; 22 areas where a non-legislative frameworks such as a Memorandum of Understanding may be required and 18 policy areas where a legislative common framework may be implemented. As noted in the Common Frameworks Analysis there are a further 115 policy areas which were identified in 2018 as potentially requiring a common framework arrangement but have since been reclassified as requiring no further action due to pre-existing working arrangements between the 4 administrations. Details of the 40 active frameworks are attached as an appendix to this briefing paper.

The redeployment of staff to respond to Covid-19 across the four administrations has had a significant impact on the delivery of the Common Frameworks programme. Currently five frameworks are considered as fully implementable by the End of the Transition Period:

- Hazardous Substances Planning;
- Nutrition Labelling, Composition and Standards;
- Emissions Trading Scheme;
- Food & Feed Safety and Hygiene; and
- Radioactive Substances.

The first four are included in the previously advised list of ten priority frameworks identified by the Common Frameworks Project Board as essential for implementation by 31 December 2020.

Hazardous Substances Planning and Nutrition received Provisional Confirmation at JMC (EN) on 3 September, following which they will be submitted to the relevant Assembly Committee for scrutiny before final confirmation by JMC (EN) before 31 December.

There is a significant cross over between the work on the development of common frameworks and other workstreams such as the negotiations on the future relationship, the UK Internal Market Proposals and the outworkings of the Protocol. Officials are engaging at every opportunity to establish how the UK Government's response to these will impact upon Northern Ireland and the commitments in the NDNA on ensuring unfettered access.

Development of those frameworks that are not considered implementable by 31 December is continuing, with review assessment process taking place throughout October, alongside stakeholder engagement. It is anticipated that they will be considered by JMC (EN) before the end of the year as provisional frameworks, prior to scrutiny by the Assembly and implementation in 2021. This will include the remainder of the priority frameworks.

Monitoring of the delivery of Common Frameworks is undertaken by the Common Frameworks Project Board which has representatives of TEO, Cabinet Office, Scottish Government and Welsh Government at senior official level which meets at least monthly and which is supported by a series of sub groups drawing appropriate expertise from across the 4 jurisdictions. Locally, a the NICS Common Frameworks forum brings together all Departments to identify any barriers to progress, disseminate guidance and learning, including on preparing consistent documentation for Assembly scrutiny. The aim of these groups is to keep Ministers informed of progress and to ensure that effective interim arrangements are in place for those policy areas where a full framework cannot be realistically be implanted by the end of the year.

Legislative Common Frameworks

Implementation of EU Emissions Trading System (ETS)

Mutual Recognition of Professional Qualifications (MRPQ)

Services Directive

Agricultural Support

Agriculture – fertiliser regulations

Agriculture – GMO marketing and cultivation

Agriculture – organic farming

Agriculture – zootech

Animal health and welfare

Chemicals and pesticides

Fisheries management and support

Food Compositional Standards and Labelling

Ozone depleting substances and F-Gases

Plant Health

Plant varieties and seeds

Resources and Waste

Reciprocal and cross-border healthcare

Food and Feed safety and hygiene law

Non-Legislative Common frameworks

Company Law

Late Payment (commercial transactions)

Radioactive Substances

Recognition of insolvency proceedings in EU member states

Specified quantities and packaged goods legislation

Public procurement

Statistics

Air Quality

Best available Techniques

Commercial Transport

Intelligent transport systems

Operator licensing (roads)

Rail technical standards (interoperability)

Driver licensing

Roads- Motor Insurance

Nutrition Labelling, Composition and Standards

Blood Safety and Quality

Organs, tissues and cells (apart from embryos and gametes)

Public health (serious cross-border threats to health)(notification system for pandemic flu, Zika etc)

Equal Treatment Legislation

Hazardous substances planning

Strategic Environmental Assessment (SEA) Directive