



Northern Ireland  
Assembly

## Common Frameworks

Common Frameworks are being developed in policy areas which were previously governed by EU law and which intersect with policy areas under devolved competence. The principles for establishing Common Frameworks, agreed by the UK and devolved governments, aim to ensure a common approach is taken by devolved administrations in these areas. Frameworks are being established to:

- Enable the functioning of the UK internal market, while acknowledging policy divergence;
- ensure compliance with international obligations;
- ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- enable the management of common resources;
- administer and provide access to justice in cases with a cross-border element;
- safeguard the security of the UK.

[\[Joint Ministerial Committee \(EU Negotiations\) \(JMC\(EN\)\) communiqué, October 2017\]](#)

The JMC(EN) agreed that Common Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules;

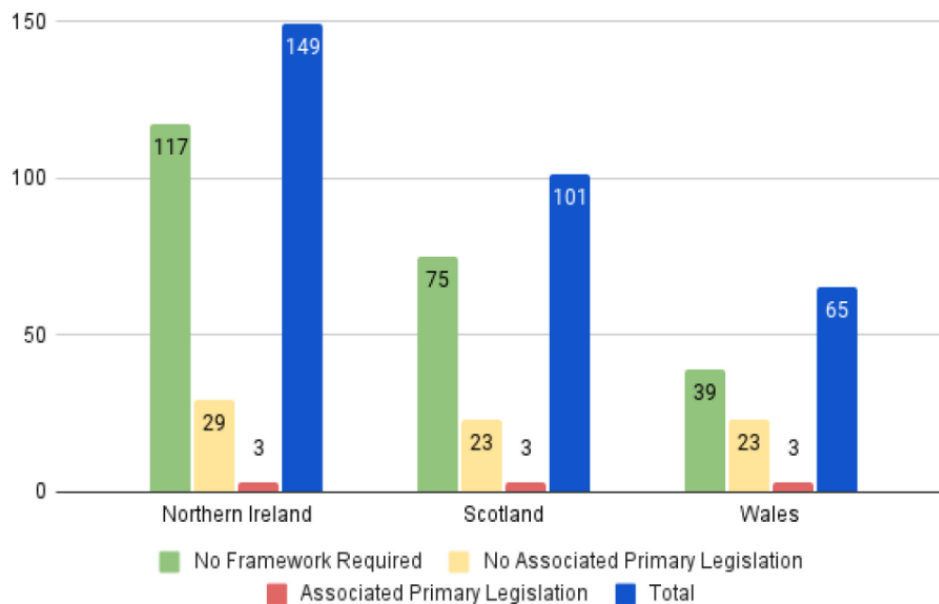
- lead to a significant increase in decision-making powers for the devolved administrations

The principles also state that frameworks will recognise the “economic and social linkages between Northern Ireland and Ireland”, noting that Northern Ireland “will be the only part of the UK which shares a land frontier with the EU”.

Responsibility for the Common Frameworks process lies with the Department for Levelling Up, Communities and Housing, and the Minister for Intergovernmental Relations.

### Northern Ireland and Common Frameworks

Due to the differing devolution settlements, each devolved administration will participate in a different number of Common Frameworks. Out of the three devolved administrations, the largest number of Frameworks apply to Northern Ireland. In addition, given the provisions of the Windsor Framework (WF) for Northern Ireland, the development of each Common Framework must take the WF and any potential for NI-GB divergence into account.



***Number of areas of EU law, which intersect with devolved competence***

Text has been added to Frameworks to ensure that policy changes in Northern Ireland, which are a consequence of the Windsor Framework, are considered in the same way as divergent policies.

**Example of the standard text on the Windsor Framework [previously the Protocol on Ireland/Northern Ireland] in common frameworks (as it applies to the Food Compositional Standards and Labelling (FCSL) Common Framework):**

The Agreement on the Withdrawal of the United Kingdom from the EU sets out the current arrangements where, although remaining within the UK's custom territory, Northern Ireland will remain aligned with the EU.

The following paragraphs of Annex 2 of the Northern Ireland Protocol are relevant to FCSL.

- 8 Goods – General provisions
- 29 Food – General
- 31 Food – Ingredients, Traces, Residues, Marketing Standards
- 33 Food – Other

The FOA [Framework Outline Agreement] reflects the specific circumstances in NI that arise as a result of the Protocol and remains UK wide in its scope. As such decision making and information sharing will always respect the competence of all parties to the Framework and in particular the provisions in Article 18 of the Protocol on democratic consent in Northern Ireland.

Where one or more of UK Government, the Scottish Government or the Welsh Governments propose to change rules in a way that has policy or regulatory implications for the rest of the UK, or where rules in Northern Ireland change in alignment with the EU, the Framework is intended to provide governance structures and consensus-based processes for considering and managing the impact of these changes.

As rules evolve to meet the emerging regulatory needs of the UK, Scottish and Welsh Governments, this Framework will ensure the full participation of Northern Ireland in discussions such that the views of the relevant Northern Ireland Executive Minister(s) are taken into account in reaching any policy or regulatory decision by the UK, Scottish or Welsh Governments.

Where rules in Northern Ireland change in alignment with the EU, the Framework will form the basis of a mechanism to ensure consideration by the four governments of any changes and will enable them to determine any impacts and subsequent actions arising from these changes.

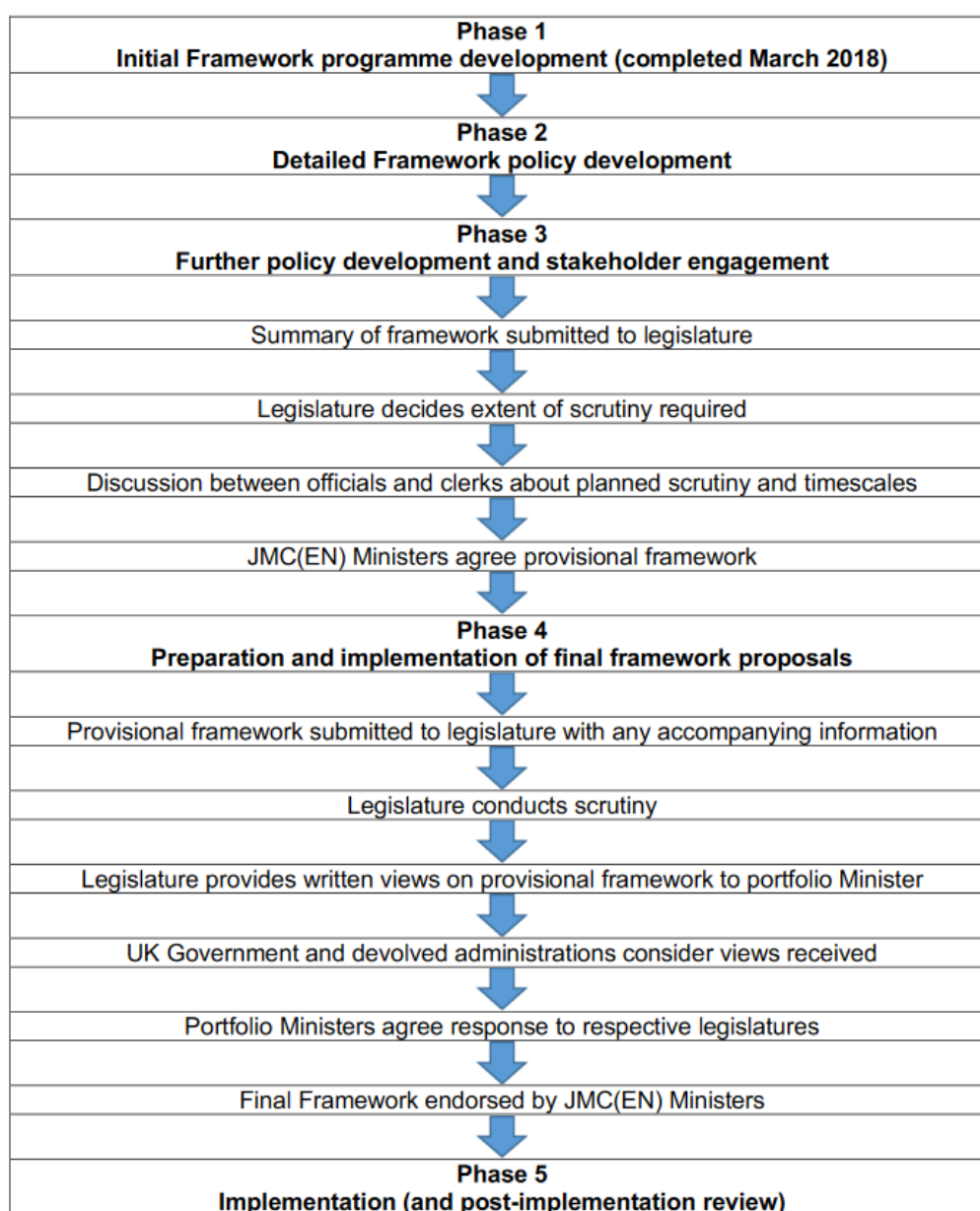
Where issues or concerns raised by the relevant Northern Ireland Executive Minister(s) in respect of GB-only proposals have not been satisfactorily addressed, they will have the right to trigger a review of the issue as set out in the dispute resolution process at section 12 of the FOA.

## Parliamentary Scrutiny

The Cabinet Office set out a five-phase delivery plan for Common Frameworks. During this process, parliaments in the devolved administrations, as well as stakeholders, have an opportunity to scrutinise the Common Frameworks and

provide their views to the responsible Minister. Northern Ireland Assembly Committees began scrutinising Common Frameworks in 2020. The Committee for the Executive Office has oversight of the Common Frameworks programme, while various statutory committees scrutinise frameworks in their relevant areas.

In September 2020, the House of Lords appointed the Common Frameworks Scrutiny Committee to scrutinise and consider matters relating to Common Frameworks. It published two reports, evidence, and correspondence with Ministers. The Committee agreed to disband on 26 October 2023 when Parliament was prorogued.



*Parliamentary scrutiny process flowchart - mapped against phases of framework development*

Common Frameworks which apply to Northern Ireland:

| Assembly Committee | Common Framework   | Type            |
|--------------------|--|-----------------|
| AERA               | <a href="#">UK Emissions Trading Scheme (ETS)</a>                          | Legislative     |
| AERA               | <a href="#">Agricultural support</a>                                       | Legislative     |
| AERA               | <a href="#">Agriculture - fertiliser regulations</a>                       | Non-legislative |
| AERA               | <a href="#">Agriculture - organic farming</a>                              | Non-legislative |
| AERA               | Agriculture - Zotech   | Non-legislative |
| AERA               | <a href="#">Animal health and welfare</a>                                  | Non-legislative |
| AERA               | <a href="#">Fisheries management &amp; support</a>                         | Legislative     |
| AERA               | <a href="#">Ozone depleting substances and F-gases</a>                     | Non-legislative |
| AERA               | <a href="#">Plant Health</a>   | Non-legislative |
| AERA               | <a href="#">Plant varieties and seeds</a>                                  | Non-legislative |
| AERA               | <a href="#">Resources and Waste</a>  | Non-legislative |
| AERA               | <a href="#">Radioactive substances</a>                                     | Non-legislative |
| AERA               | <a href="#">Air Quality</a>  | Non-legislative |
| AERA               | <a href="#">Best available Techniques</a>                                  | Non-legislative |
| AERA/Economy       | <a href="#">Chemicals and Pesticides</a>                                   | Non-legislative |
| Economy            | Mutual Recognition of professional qualifications (MRPQ)                   | Non-legislative |
| Economy            | Services Directive   | Non-legislative |
| Economy            | <a href="#">Company law</a>  | Non-legislative |
| Economy            | Specified quantities and packaged goods                                    | Non-legislative |
| Economy            | <a href="#">Late payment (commercial transactions)</a>                     | Non-legislative |
| Finance            | <a href="#">Public procurement</a>   | Non-legislative |
| Health             | <a href="#">Organs, tissues and cells (apart from embryos and gametes)</a> | Non-legislative |
| Health             | <a href="#">Public Health Protection and Health Security Framework</a>     | Non-legislative |
| Health             | <a href="#">Blood Safety and Quality</a>                                   | Non-legislative |
| Health             | <a href="#">Food Composition and Standards and Labelling</a>               | Non-legislative |
| Health             | <a href="#">Food and feed safety and hygiene law</a>                       | Non-legislative |
| Health             | <a href="#">Nutrition Labelling, Composition and Standards</a>             | Non-legislative |
| Infrastructure     | <a href="#">Hazardous substances planning</a>                              | Non-legislative |
| Infrastructure     | <a href="#">Commercial Road Transport and Operator Licensing</a>           | Non-legislative |
| Infrastructure     | <a href="#">Rail technical standards (interoperability)</a>                | Non-legislative |
| Infrastructure     | <a href="#">Driver licensing</a>   | Non-legislative |
| Infrastructure     | <a href="#">Roads - Motor Insurance</a>                                    | Non-legislative |

## Common Frameworks and the Internal Market Act

The UK Internal Market Act 2020 (IMA) operates on the basis of two market access principles: non-discrimination and mutual recognition. Non-discrimination means that regulations in one region of the UK should not discriminate against goods or services from another region of the UK. Mutual recognition ensures that any goods and services sold legally in one part of the UK can also be sold in any other part of the UK.

The IMA was amended during its passage through Parliament to acknowledge the role of Common Frameworks. Some laws brought forward by the UK, Scottish, or Welsh Governments, or the Northern Ireland Executive, may be excluded from the market access principles, if this is agreed through the Common Frameworks process. Each of the four governments can propose exclusions, as outlined in the [process for considering UK Internal Market Act exclusions in Common Framework areas](#).

### Ban on single use plastics

The first formal request to exclude a regulation from the market access principles was made by the Scottish Government for its ban on certain single use plastics from 1 June 2022. The UK Government made the [United Kingdom Internal Market Act 2020 \(Exclusions from Market Access Principles: Single-Use Plastics\) Regulations 2022](#) using the powers under Section 10 of UK IMA. This came into force on 11 August 2022. The devolved governments were asked for their consent before this regulation was made.

### Common Frameworks and Retained EU Law

Common Frameworks also interact with the Retained EU Law (Revocation and Reform) Act 2023. Most Frameworks are underpinned by some retained EU law, (now called assimilated EU law). Retained EU Law (REUL), refers to EU law (as it was on 31 December 2020) which was converted into UK domestic law. This aimed to provide legal certainty in the immediate period following the UK's exit from the EU. [The UK Government has said](#) that “where Common Frameworks are operating they are the right mechanisms for discussing retained EU law reform in the areas that they cover.”

The [House of Lords has been told](#) that 240 laws (out of the approximately 600 retained EU laws repealed at the end of 2023) refer to Common Frameworks.

### Transparency and monitoring

Work with devolved governments continues to agree the process for the monitoring and governance of Common Frameworks following their finalisation. Following the meeting of the Interparliamentary Forum in October 2023, parliamentarians wrote to the Minister for Intergovernmental Relations, and relevant Welsh and Scottish Ministers, requesting greater transparency on Common Frameworks for legislatures. The Minister responded stating that any decision to report to legislatures on provisional Common Frameworks would require the agreement of UK and devolved ministers and the NI Executive was not in place at that time to provide such agreement.

### Resources and references

- [UKG publications relating to the UK Common Frameworks programme:](#)
  - published Common Frameworks and provisional Common Frameworks
  - European Union (Withdrawal) Act and Common Frameworks Reports. Schedule 3 of EU (Withdrawal Act) 2018 required the UK Government to lay reports on the progress of Common Frameworks every three months
  - Frameworks Analysis - Breakdown of areas of EU law which intersect with devolved competence
- [UKG letter to the Commons Public Administration and Constitutional Affairs Committee](#) on the process for parliamentary scrutiny of Common Frameworks (June 2020)
- [Cabinet Office – update on Common Frameworks](#) (July 2019)
- [JMC\(EN\) communiqué](#) (October 2017)
- [Lords Common Frameworks Scrutiny Committee](#)
- [Senedd Research](#)
- [Senedd Committees' scrutiny of Frameworks](#)
- [Scottish Parliament Common Frameworks hub](#)
- [Scottish Parliament Research on 'Scotland's Ban on Single-Use Plastics: a case study of the impact of the UK Internal Market Act'](#)