



Bruce Crawford MSP
Convener, Finance and Constitution Committee
The Scottish Parliament

By Email: Finance.Constitution@parliament.scot

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Dear Bruce,

Thank you for inviting us to give evidence to the Finance and Constitution Committee on 8 November. We welcomed the opportunity to assist the Committee with its scrutiny of the European Union (Withdrawal) Bill, and we hope you and the other members found the session helpful.

During the session we committed to write to follow up on a couple of points raised by Committee members.

Frameworks Engagement

The Committee asked for further detail on the progress of our discussions with the devolved administrations to determine where common UK frameworks may or may not be needed after we have left the EU.

As we set out during our evidence session, we are making good progress in these discussions. At the last meeting of the JMC(EN) we had a positive discussion which led to the agreement of a set of principles that will underpin our work on frameworks. We are now working with the devolved administrations to make quick progress on the potential role for frameworks in some specific policy areas, in addition to ongoing engagement at departmental level. Detailed discussions are taking place in specific policy areas including agriculture, justice and home affairs and public health, to explore the issues, including governance, in more depth.

Discussions on future frameworks will cover a range of different options, from legislative, regulatory frameworks at one end of the spectrum, to informal, non-legislative working arrangements at the other, characteristic of inter-governmental engagement since the introduction of devolution within the UK. Different approaches will be appropriate in different areas. Progress will be discussed at the next meeting of JMC(EN), which is due to convene before Christmas.

Returning Powers – Northern Ireland

The Committee asked about the number of returning powers that are going to Northern Ireland.

There are 141 policy areas/powers returning from the EU that intersect with the devolution settlement in Northern Ireland. In the absence of Ministers, the Northern Ireland Civil Service has no mechanism to publish the list. However, it has been published on the Northern Ireland Assembly's website, alongside the equivalent lists for Scotland and Wales at: <http://www.niassembly.gov.uk/assembly-business/brexit-brief/>. I enclose a copy of the list for the Committee's information.

As we set out during the session, the Bill, and the work surrounding it on frameworks and to prepare our statute book for Exit, are of vital importance to deliver an orderly Exit from the European Union. The UK Government welcomes the Committee's continued contribution to this task and we look forward to the publication of your interim report.

**Rt Hon DAVID MUNDELL MP
SECRETARY OF STATE
FOR SCOTLAND**

**ROBIN WALKER MP
PARLIAMENTARY UNDER SECRETARY OF STATE
FOR EXITING THE EUROPEAN UNION**

Policy Areas/Powers returning from the EU which intersect with the devolution settlement in Northern Ireland

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1. Agricultural Support
2. Agriculture - Fertiliser Regulations
3. Agriculture - GMO Marketing & Cultivation
4. Agriculture - Organic Farming
5. Agriculture - Zootech
6. Animal Health and Traceability
7. Animal Welfare
8. Aviation Noise Management at Airports
9. Blood Safety and Quality
10. Carbon Capture & Storage
11. Chemicals regulation (including pesticides)
12. Civil judicial co-operation - jurisdiction and recognition & enforcement of judgments instruments in family law (including BIIa, Maintenance and civil protection orders)
13. Civil judicial co-operation - jurisdiction and recognition & enforcement of judgments in civil & commercial matters (including B1 rules and related EU conventions)
14. Civil judicial cooperation on service of documents and taking of evidence
15. Civil use of explosives
16. Clinical trials of medicinal products for human use
17. Company Law
18. Consumer law including protection and enforcement
19. Control of major accident hazards
20. Criminal offences minimum standards measures - Combatting Child Sexual Exploitation Directive
21. Cross border mediation
22. Data sharing - Eurodac
23. Data sharing - European Criminal Records Information System (ECRIS)
24. Data sharing - False and Authentic Documents Online (FADO)
25. Data sharing - passenger name records
26. Data sharing - Prüm framework
27. Data sharing - Schengen Information System (SIS II)
28. Driver Licensing Directive (roads). Also Driver Certificates of Professional Competence
29. Efficiency in energy use
30. Elements of Employment Law, including health and safety at work
31. Elements of reciprocal healthcare
32. Elements of the Network and Information Security (NIS) Directive
33. Elements of tobacco regulation
34. Energy Performance of Buildings Directive
35. Environmental Impact Assessment (EIA) Directive
36. Environmental law concerning energy planning consents
37. Environmental law concerning offshore oil & gas installations within territorial waters
38. Environmental quality - Air Quality
39. Environmental quality - Biodiversity - access and benefit sharing of genetic resources (ABS)
40. Environmental quality - Chemicals

41. Environmental quality - Flood Risk Management
42. Environmental quality - International timber trade (EUTR and FLEGT)
43. Environmental quality - Marine environment
44. Environmental quality - Natural Environment and Biodiversity
45. Environmental quality - Ozone depleting substances and F-gases
46. Environmental quality - Pesticides
47. Environmental quality - Spatial Data Infrastructure Standards
48. Environmental quality - Waste Packaging & Product Regulations
49. Environmental quality - Waste Producer Responsibility Regulations
50. Environmental quality - Water Quality
51. Environmental quality - Water Resources
52. Equal Treatment Legislation
53. EU agencies - EU-LISA
54. EU agencies - Eurojust
55. EU agencies - Europol
56. EU social security coordination
57. Fisheries Management & Support
58. Food and Feed Law (Food and feed safety and hygiene; food and feed law enforcement (official controls); food labelling; Commission consents.
59. Food Compositional Standards
60. Food Geographical Indications (Protected Food Names)
61. Food Labelling
62. Forestry (domestic)
63. Free movement of healthcare (the right for EEA citizens to have their elective procedure in another MS)
64. Genetically modified micro-organisms contained use (i.e. rules on protection of human health and the environment during the development)
65. Good laboratory practice
66. Harbours
67. Hazardous Substances Planning (Seveso III Directive)
68. Health and safety at work
69. Heat metering and billing information
70. High Efficiency Cogeneration
71. Implementation of EU Emissions Trading System
72. Inland transport of dangerous goods and transportable pressure equipment
73. Ionising radiation
74. Land use
75. Late payment (commercial transactions)
76. Legal aid in cross border cases
77. Maritime Employment and Social Rights
78. Medical devices
79. Medicinal products for human use
80. Medicine prices
81. Migrant access to benefits
82. Minimum standards -housing & care, regulates the use of animals
83. Minimum standards legislation - child sexual exploitation
84. Minimum standards legislation - cybercrime
85. Minimum standards legislation - football disorder

86. Minimum standards legislation - human trafficking
87. Mutual recognition of criminal court judgments measures & cross border cooperation - European Protection Order, Prisoner Transfer Framework Directive, European Supervision Directive, Compensation to Crime Victims Directive
88. Mutual recognition of professional qualifications
89. Non-food product design and labelling
90. Nutrition health claims, composition and labelling
91. Onshore hydrocarbons licensing
92. Operator licensing (roads)
93. Organs
94. Passenger Rights (rail)
95. Plant Health, Seeds and Propagating Material
96. Practical cooperation - Asset Recovery Offices
97. Practical cooperation - European Investigation Order
98. Practical cooperation - implementation of European Arrest Warrant (dealing with requests etc.)
99. Practical cooperation - Joint Action on Organised Crime
100. Practical cooperation - Joint investigation teams
101. Practical cooperation - mutual legal assistance
102. Practical cooperation - mutual recognition of asset freezing orders
103. Practical cooperation - mutual recognition of confiscation orders
104. Practical cooperation - Schengen Article 40
105. Practical cooperation - Swedish initiative
106. Practical cooperation- European judicial network
107. Private cross border pensions
108. Procedural rights (criminal cases) - minimum standards measures
109. Product safety and standards
110. Provision in the 1995 Data Protection Directive (soon to be replaced by the General Data Protection Regulation) that allows for more than one supervisory authority in each member state
111. Provision of legal services (temporary and permanent basis)
112. Public health (serious cross-border threats to health) (notification system for pandemic flu, Zika etc)
113. Public Sector Procurement
114. Radioactive Source Notifications - Transfrontier shipments
115. Radioactive waste treatment and disposal
116. Rail franchising rules
117. Rail markets and operator licensing (governance, structure, track access & charging)
118. Rail Markets: safety rules and régimes
119. Rail Markets: technical standards
120. Rail Markets: Train driving licenses and other certificates directive
121. Rail Workers Rights Directive
122. Recognition of insolvency proceedings in EU Member States
123. Renewable Energy Directive
124. Roads - Motor Insurance (minimum required levels of insurance and various compensation schemes, not insurance, financial and prudential regulation, which is reserved)
125. Roadworthiness Directive
126. Rules on applicable law in civil & commercial cross border claims (includes RI and II Regs)

127. Security of supply (emergency stocks of oil)
128. Security of supply (gas)
129. Sentencing - taking convictions into account
130. Single energy market/ Third Energy Package
131. State Aid
132. Statistics (where production is devolved)
133. Strategic Environmental Assessment (SEA) Directive
134. The Rental and Lending Directive (concerning library lending)
135. Tissues and cells (apart from embryos and gametes)
136. Transporting dangerous goods by rail, road and inland waterway Directive
137. Uniform fast track procedures for certain civil and commercial claims (uncontested debts, small claims)
138. Vehicle registration (roads)
139. Vehicle standards - various type approval Directives (roads)
140. Victims rights measures (criminal cases) - minimum standards
141. Working Time Rules and Harmonisation of Hours Directive and regulations on tachographs