

Agenda – Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Fideogynhadledd drwy Zoom	P Gareth Williams
Dyddiad: Dydd Llun, 29 Tachwedd 2021	Clerc y Pwyllgor 0300 200 6565
Amser: 13.30	SeneddDCC@senedd.cymru

Rhag-gyfarfod anffurfiol (13.00 – 13.30)

1 Cyflwyniad, ymddiheuriadau a dirprwyon

13.30

2 Rhaglen codau cyfraith Cymru a chynigion o ran hygyrchedd cyfraith Cymru: Sesiwn dystiolaeth gyda'r Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad

(13.30 – 14.30)

(Tudalennau 1 – 47)

Mick Antoniw AS, Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad

Claire Fife, Cynghorydd Polisi i'r Cwnsler Cyffredinol

Dylan Hughes, y Prif Gwnsler Deddfwriaethol

Dogfennau atodol:

LJC(6)-15-21 – Papur briffio

LJC(6)-15-21 – Papur 1 – Dyfodol cyfraith Cymru: Rhaglen ar gyfer 2021–
2026

LJC(6)-15-21 – Papur 2 – Llythyr oddi wrth y Llywydd, 22 Medi 2021

3 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3

14.30 – 14.35

Offerynnau'r Weithdrefn Penderfyniad Gwneud Negyddol



3.1 SL(6)086 – Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Chyfyngiadau) (Cymru) (Diwygiadau Amrywiol) 2021

(Tudalennau 48 – 50)

[Rheoliadau](#)

[Memorandwm Esboniadol](#)

Dogfennau atodol:

LJC(6)-15-21 – Papur 3 – Adroddiad drafft

4 Adroddiad Rheol Sefydlog 30B: Deddf yr Undeb Ewropeaidd (Ymadael) a Fframweithiau Cyffredin a Dadansoddiad o Fframweithiau 2021

5 munud

(Tudalennau 51 – 138)

Dogfennau atodol:

LJC(6)-15-21 – Papur 4 – Datganiad ysgrifenedig: Deddf yr Undeb Ewropeaidd (Ymadael) a Fframweithiau Cyffredin a Dadansoddiad o Fframweithiau 2021

LJC(6)-15-21 – Papur 5 – Adroddiad: Deddf yr Undeb Ewropeaidd (Ymadael) a Fframweithiau Cyffredin [Saesneg yn unig]

LJC(6)-15-21 – Papur 6 – Dadansoddiad o Fframweithiau 2021 [Saesneg yn unig]

5 Papurau i'w nodi

14.40 – 14.45

5.1 Gohebiaeth oddi wrth y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad: Cyfarfod Gweinidogol pedairochrog ar Fframweithiau Cyffredin

(Tudalennau 139 – 142)

Dogfennau atodol:

LJC(6)-15-21 – Papur 7 – Llythyr oddi wrth y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad, 25 Tachwedd 2021

LJC(6)-15-21 – Papur 8 – Llythyr oddi wrth y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad, 19 Tachwedd 2021

5.2 Gohebiaeth oddi wrth y Gweinidog Cyllid a Llywodraeth Leol: SL(6)072 – Rheoliadau Priso ar gyfer Ardrethu (Cymru) (Coronafeirws) 2021

(Tudalennau 143 – 147)

Dogfennau atodol:

LJC(6)–15–21 – Papur 9 – Llythyr oddi wrth y Gweinidog Cyllid a Llywodraeth Leol, 20 Tachwedd 2021

LJC(6)–15–21 – Papur 10 – Llythyr at y Gweinidog Cyllid a Llywodraeth Leol, 16 Tachwedd 2021

5.3 Gohebiaeth gan y Gweinidog Cyllid a Llywodraeth Leol: Y Bil Ardrethu (Coronafeirws) ac Anghymhwysu Cyfarwyddwyr (Cwmnïau a Ddiddymwyd) 2021

(Tudalennau 148 – 150)

Dogfennau atodol:

LJC(6)–15–21 Papur 11 – Llythyr gan y Gweinidog Cyllid a Llywodraeth Leol at Aelodau'r Senedd, 22 Tachwedd 2021

5.4 Gohebiaeth gan y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd: Ymateb Llywodraeth Cymru i Adroddiad y Pwyllgor ar Femoranda Cydsyniad Deddfwriaethol Llywodraeth Cymru ar Fil Lles Anifeiliaid (Anifeiliaid a Gedwir)

(Tudalennau 151 – 152)

Dogfennau atodol:

LJC(6)–15–21 – Papur 12 – Llythyr gan y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, 24 Tachwedd 2021

6 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

14.45

7 Rhaglen codau cyfraith Cymru a chynigion o ran hygyrchedd cyfraith Cymru: Trafod y dystiolaeth

14.45 – 14.55

Dogfennau atodol:

**8 Memorandwm Cydsyniad Deddfwriaethol ar y Bil Diwygio Cyfraith
Lesddaliad (Rhent Tir) – Trafod yr adroddiad drafft**

14.55 – 15.05

(Tudalennau 153 – 174)

Dogfennau atodol:

LJC(6)-15-21 – Papur 13 – Adroddiad drafft

LJC(6)-15-21 – Papur 14 – Llythyr oddi wrth y Gweinidog Newid Hinsawdd at
y Pwyllgor Llywodraeth Leol a Thai, 22 Tachwedd 2021

LJC(6)-15-21 – Papur 15 – Llythyr oddi wrth y Pwyllgor Llywodraeth Leol a
Thai at y Gweinidog Newid Hinsawdd, 18 Tachwedd 2021

**9 Memorandwm Cydsyniad Deddfwriaethol y Bil Diogelwch
Adeiladau – Trafod yr adroddiad drafft**

15.05 – 15.15

(Tudalennau 175 – 188)

Dogfennau atodol:

LJC(6)-15-21 – Papur 16 – Adroddiad drafft

**10 Memorandwm Cydsyniad Deddfwriaethol Atodol: Bil yr Asiantaeth
Ymchwil a Dyfeisio Blaengar**

15.15 – 15.25

(To Follow)

[Memorandwm Cydsyniad Deddfwriaethol Atodol – Bil yr Asiantaeth Ymchwil a
Dyfeisio Blaengar](#)

[Adroddiad ar Femorandwm Cydsyniad Deddfwriaethol Llywodraeth Cymru ar
gyfer Bil yr Asiantaeth Ymchwil a Dyfeisio Blaengar](#)

Dogfennau atodol:

LJC(6)-15-21 – Papur 17 – Nodyn cyngor cyfreithiol

11 Nodyn briffio ar gytundebau rhyngwladol

15.25 – 15.35

(Tudalennau 189 – 199)

Dogfennau atodol:

LJC(6)-15-21 – Papur 18 – Nodyn briffio

LJC(6)-15-21 – Papur 19 – Llythyr oddi wrth y Prif Weinidog, 23 Tachwedd

2021

LJC(6)-15-21 - Papur 20 - Llythyr at y Prif Weinidog, 9 Tachwedd 2021

Mae cyfyngiadau ar y ddogfen hon



Llywodraeth Cymru
Welsh Government

Dyfodol cyfraith Cymru

RHAGLEN AR GYFER 2021-2026



Tudalen y pecyn 28

“A thrwy gyngor a chytundeb y doethion a ddaeth yno, archwiliwyd yr hen gyfreithiau, gadawyd rhai ohonynt i barhau, diwygiwyd eraill, a dilëwyd eraill yn gyfan gwbl, a gosodwyd rhai eraill o’r newydd.”

Llyfr Iorwerth 1240

Cynnwys

- 1** Rhagair gan y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
- 2** Crynodeb
- 2** Datblygu'r rhaglen
- 3** Y rhaglen
- 4** Dosbarthu cyfraith Cymru
- 4** Cydgrynhoi cyfraith Cymru
- 7** Codeiddio
- 7** Cyfathrebu ac egluro
- 9** Prosiectau eraill
- 9** Adrodd ar y rhaglen

Tudalen y pecyn 30



MICK ANTONIW AS

Y CWNSLER CYFFREDINOL
A GWEINIDOG Y
CYFANSODDIAD

Rhagair

Yn 2019 cymerodd Llywodraeth Cymru a'r Senedd gam pwysig ar ein taith i ddatblygu casgliad o gyfreithiau modern, hygyrch a dwyieithog ar gyfer Cymru drwy basio Deddf Deddfwriaeth (Cymru) 2019. O dan y Ddeddf hon rhaid i'r Llywodraeth lunio rhaglen sy'n disgrifio'r camau y bydd yn eu cymryd dros gyfnod o bum mlynedd tuag at y nod o wneud y gyfraith yn fwy hygyrch, yn arbennig drwy gydgrynhoi a chodeiddio'r gyfraith sy'n bodoli.

Pleser o'r mwyaf yw cyflwyno'r rhaglen ar gyfer 2021 i 2026.

Gwyddom nad tasg hawdd sydd o'n blaenau, ac na fydd hyn yn digwydd dros nos, ond rhaid inni gychwyn yn rhywle, a chychwyn fel y bwriadwn barhau. Mae'r rhaglen hon yn cynnwys tri Bil i gydgrynhoi'r gyfraith (dod â hi ynghyd), ac yn nes ymlaen yn ystod tymor y Senedd hon rwy'n bwriadu diweddarau'r rhaglen i gynnwys Biliau cydgrynhoi pellach. Nid dim ond ymarfer tacluso cyfreithiol yw cydgrynhoi'r gyfraith, fel sy'n digwydd ar hyn o bryd ym maes cynllunio. Bydd hyn yn dod â manteision ymarferol go iawn drwy wneud cymhwyso'r gyfraith, er enghraifft gweithdrefnau gweinyddol, yn fwy effeithiol ac eglur. Ac yn y bôn mae'n helpu dinasyddion Cymru i ddeall eu hawliau cyfreithiol a'u rhwymedigaethau cyfreithiol.

Yr un mor bwysig yw'r prosiectau ehangach i wella'r ffordd y mae pobl yn cyrchu'r gyfraith, a'u dealltwriaeth ohoni drwy well dulliau cyhoeddi a darparu mwy o ddeunyddiau esboniadol. Bwriad prosiectau fel gwefan Cyfraith Cymru/Law Wales yw helpu pobl i ddod o hyd i'r gyfraith sy'n gymwys iddyn nhw a'u helpu i'w deall.

Rwyf hefyd yn hynod falch y bydd y gwaith hwn yn golygu y bydd mwy o'r gyfraith ar gael yn ddwyieithog. Mae llunio mwy o gyfreithiau yn Gymraeg, yn ogystal â deunyddiau esboniadol ac ategol, yn ei gwneud yn haws i bobl ddefnyddio'r Gymraeg ym maes y gyfraith ac mewn gweinyddiaeth gyhoeddus yng Nghymru.

Crynodeb

1. Bydd y rhaglen gyntaf i wella hygyrchedd cyfraith Cymru yn cynnwys prosiectau i:
 - a. Paratoi tacsonomeg o bynciau cyfraith Cymru.
 - b. Ehangu ymarferoldeb gwefan legislation.gov.uk fel y gall defnyddwyr gyrchu cyfraith Cymru yn ôl pwnc.
 - c. Drafftio Biliau cydgrynhoi i ddod â'r gyfraith ar y pynciau canlynol ynghyd mewn statudau unigol:
 - i. Yr Amgylchedd Hanesyddol;
 - ii. Cynllunio.
 - d. Gweithredu'r is-ddeddfwriaeth sydd ei hangen i gefnogi'r gwaith o gydgrynhoi'r gyfraith ar yr amgylchedd hanesyddol a chynllunio.
 - e. Paratoi Bil cydgrynhoi i ddileu darpariaethau sydd wedi darfod, wedi dod i ben, neu nad ydynt bellach o ddefnydd ymarferol yng Nghymru.
 - f. Pennu cwmpas meysydd pwnc ychwanegol gyda'r bwriad o nodi o leiaf ddau brosiect cydgrynhoi arall i'w drafftio yn ystod tymor y Senedd hon.
 - g. Sicrhau bod cyfraith Cymru ar gael ar ffurf gyfoes ar wefan legislation.gov.uk, a sicrhau bod modd gweld testunau Cymraeg a Saesneg deddfwriaeth Cymru ochr yn ochr arni.
 - h. Ehangu a gwella gwefan Cyfraith Cymru/Law Wales.
 - i. Nodi cyfleoedd i wella hygyrchedd digidol deddfwriaeth.
 - j. Adolygu'r ffordd y mae'r Llywodraeth yn datblygu deddfwriaeth ddwyieithog.
 - k. Archwilio'r potensial ar gyfer defnyddio dysgu peirianyddol a deallusrwydd artiffisial i wneud cyfraith Cymru yn fwy hygyrch.
 - l. Diweddarau canllawiau ar ddrafftio deddfwriaeth, yn ôl yr angen, yn ogystal â llunio a chyhoeddi canllawiau ychwanegol ar y prosesau a'r gweithdrefnau sy'n gysylltiedig â llunio Biliau cydgrynhoi.

Datblygu'r rhaglen

Tua diwedd 2019 cyhoeddodd y Llywodraeth ymgynghoriad, *Dyfodol Cyfraith Cymru*, a oedd yn nodi'r ffordd y bwriadwn fynd ati i wella hygyrchedd y gyfraith. Roedd yn esbonio bod angen cymryd y camau canlynol ar yr un pryd er mwyn gwneud cynnydd –

- a. **dosbarthu** deddfwriaeth yn ôl pwnc fel bod gennym strwythur ar gyfer gwaith yn y dyfodol a dull i ddefnyddwyr ddod o hyd i deddfwriaeth a'i defnyddio;
- b. **cydgrynhoi'r** gyfraith bresennol: mae hyn yn cymryd llawer o amser ac yn gymhleth, ond bydd yn gwneud y cyfraniad mwyaf arwyddocaol at wneud y gyfraith yn hygyrch;
- c. bydd **codeiddio'r** gyfraith yn cynnal y drefn a sefydlir gennym drwy ddsbarthu a chydgrynhoi;
- d. bydd **egluro a chyfathrebu'r** gyfraith yn arwain at gyhoeddi effeithiol, testunau cyfredol, esboniadau, canllawiau a deunyddiau eglurhaol.

Cymeradwyodd y Senedd uchelgais y Llywodraeth drwy basio Deddf Deddfwriaeth (Cymru) 2019. O dan y Ddeddf, rhaid i Weinidogion Cymru a'r Cwnsler Cyffredinol lunio a gosod rhaglen i wella hygyrchedd cyfraith Cymru.

Rhaid i bob rhaglen wneud darpariaeth i gydgrynhoi a chodeiddio cyfraith Cymru, cynnal cyfraith wedi'i chodeiddio, hybu ymwybyddiaeth a dealltwriaeth o gyfraith Cymru, a hwyluso'r defnydd o'r Gymraeg.

Y rhaglen

Rydym wedi ystyried ymrwymadau presennol wrth lunio'r rhaglen – er enghraifft i gydgrynhoi'r gyfraith ar yr amgylchedd hanesyddol, ac i symleiddio a moderneiddio cyfraith gynllunio – ac wedi ceisio nodi prosiectau pellach sy'n bodloni un neu ragor o'r meini prawf a ganlyn:

- a. mae'r prosiect yn ymwneud ag un o feysydd y gyfraith y mae angen ei gydgrynhoi fwyaf am fod y gyfraith yn y maes mor gymhleth;
- b. byddai'r prosiect yn cael effaith sylweddol ar y dinesydd oherwydd natur y gyfraith dan sylw;
- c. mae'r prosiect yn ymarferol o ystyried yr hyn y gellir ei gyflawni yng nghyd-destun blaenoriaethau deddfwriaethol sy'n cystadlu â'i gilydd, yr adnoddau sydd ar gael a'r setliad datganoli presennol;
- d. mae'r prosiect yn amserol neu'n gysylltiedig mewn rhyw ffordd â gwaith disgwylidig y Llywodraeth yn ystod tymor nesaf y Senedd.

Nodir manylion pob prosiect yn y rhaglen isod.

Dosbarthu cyfraith Cymru

Yn y ddogfen *Dyfodol Cyfraith Cymru* (2019), nododd y Llywodraeth ei bwriad i drefnu'r ddeddfwriaeth sy'n gymwys i Gymru yn ôl pwnc, a sefydlu ffordd i ddefnyddwyr ddefnyddio dulliau technolegol i ddod o hyd i ddeddfwriaeth Cymru. Mae dosbarthu'r gyfraith yn y modd hwn yn bwysig yn y lle cyntaf i helpu defnyddwyr i ddod o hyd i ddeddfwriaeth yn haws, ac yn ail, i ddarparu strwythur drefnus ar gyfer gwaith cydgrynhoi a chodeiddio yn y dyfodol.

Yn ystod tymor y Senedd hon byddwn yn:

- adolygu a diwygio'r dactonomeg ddrafft bresennol o bynciau (a luniwyd ac yr ymgynghorwyd arni yn wreiddiol yn 2019) er mwyn canfod pa ddeddfiadau ym meysydd datganoledig y gyfraith a ddylai berthyn i bob haen o'r dactonomeg.
- gweithio gyda'r tîm sy'n gyfrifol am legislation.gov.uk yn yr Archifau Gwladol i ddarparu swyddogaethau ychwanegol ar y safle hwnnw fel y gall defnyddwyr gyrchu cyfraith Cymru yn ôl pwnc.

Cydgrynhoi cyfraith Cymru

Diben cydgrynhoi deddfwriaeth yw diwygio deddfwriaeth sydd wedi dyddio a'i diwygio'n drwm, ac sydd felly'n anrhefnus. Mae'r ddeddfwriaeth ar y rhan fwyaf o bynciau wedi lluosogi dros amser ac mae'r ffaith fod cymaint o Ddeddfau ac Offerynnau ar y pwnc yn aml yn ei gwneud hi'n anodd dod o hyd iddi, heb sôn am ei deall. Mae cydgrynhoi'n golygu dod â'r holl ddeddfwriaeth (sylfaenol fel rheol) ar bwnc penodol, neu'r rhan fwyaf ohoni, ynghyd fel y gellir dod o hyd iddi'n hawdd, a'i gwneud yn haws ei deall a'i chymhwyso drwy foderneiddio ei ffurf a'r modd y'i drafftwyd. Bydd cydgrynhoi yn aml yn dod â nifer o Ddeddfau presennol ar bwnc ynghyd, gan ddiweddarau a chysoni'r darpariaethau i greu un Ddeddf newydd ar y diwedd.

Mae'r Llywodraeth yn bwriadu llunio nifer o Ffiliau cydgrynhoi yn ystod tymor y Senedd hon, er mwyn i Senedd Cymru graffu arnynt; os cânt eu cymeradwyo byddant yn dod yn Ddeddfau Senedd Cymru. Byddwn yn datblygu:

- Bil cydgrynhoi sy'n dod â'r gyfraith ar yr **amgylchedd hanesyddol** ynghyd.

Disgwylir y bydd y Bil hwn yn cydgrynhoi darpariaethau perthnasol o Ddeddf Adeiladau Hanesyddol a Henebion 1953; Deddf Henebion ac Ardaloedd Archeolegol 1979; Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990; a Deddf yr Amgylchedd Hanesyddol (Cymru) 2016.

Mae'r ddeddfwriaeth bresennol wedi mynd yn fwy a mwy astrus yn ystod y blynyddoedd diwethaf oherwydd diwygiadau mynych (sy'n aml yn wahanol ar gyfer Cymru, Lloegr a'r Alban), ac mae bellach yn cyflwyno dipyn o her i berchennog heneb gofrestrdig neu adeilad rhestredig, ac yn ddigon â drysu ambell weithiwr cyfreithiol proffesiynol hefyd. Yn ogystal â bod yn anodd eu dilyn, fodd bynnag, mae iaith y statudau weithiau'n hen ffasiwn, ceir rhai darpariaethau sydd wedi darford, ac ar y cyfan, dim ond yn Saesneg y maent ar gael.

Bydd cydgrynhoi'r gyfraith bresennol yn ffurfio corff trefnus o gyfraith ar gyfer amgylchedd hanesyddol Cymru. Y nod fydd gwneud y darpariaethau mor hygyrch a dealladwy â phosibl, a bydd y ddeddfwriaeth newydd yn gwbl ddywieithog. Bydd hyn yn arwain at ddeddfwriaeth ar wahân ar gyfer Cymru, heb ddarpariaethau sy'n ymgorffori cyfeiriadau at Loegr a'r Alban.

b. Bil cydgrynhoi sy'n symleiddio ac yn moderneiddio'r gyfraith ym maes **cynllunio**.

Mae'r Bil hwn yn rhan bwysig o welliannau ehangach, mwy hirdymor, sydd eu hangen ar y system gynllunio. Mae angen y Bil ers tro byd, fel y dangoswyd yn glir pan ddaeth adroddiad Comisiwn y Gyfraith ar Gyfraith Cynllunio yng Nghymru i'r casgliad ei fod yn faes o'r gyfraith sydd angen sylw brys. Tynnodd yr adroddiad sylw at effeithiau niweidiol ac aneffeithlonrwydd diffyg hygyrchedd, diffyg ansawdd a chymhlethdod y gyfraith ar weithrediad y system gynllunio. Derbyniwyd yr angen i gydgrynhoi'r maes hwn o'r gyfraith a chwmpas bwriedig y Bil gan Lywodraeth flaenorol Cymru yn ei hymateb interim i'r Adroddiad a gyhoeddwyd ym mis Mai 2019¹, a chyhoeddwyd ymateb manwl ym mis Tachwedd 2020 yn amlinellu safbwynt y Llywodraeth ar bob un o'r 192 o argymhellion yn yr Adroddiad².

Bydd y Bil cydgrynhoi yn dod â darpariaethau sy'n ymwneud â chynllunio ynghyd o nifer o Ddeddfau, gan gynnwys Deddf Cynllunio Gwlad a Thref 1990; Deddf Cynllunio a Digolledu 1991; Deddf Llywodraeth Leol (Cymru) 1994; Deddf yr Amgylchedd 1995; Deddf Cynllunio a Phrynu Gorfodol 2004; Deddf Cynllunio 2008; Deddf Lleoliaeth 2011; a Deddf Cynllunio (Cymru) 2015.

Bydd symleiddio a chydgrynhoi cyfraith gynllunio drwy'r Bil hwn yn creu system gynllunio fwy effeithlon ac effeithiol sydd wedi'i chynllunio ar gyfer anghenion penodol Cymru. Gwneir hyn drwy greu fframwaith cynllunio sy'n galluogi'r holl randdeiliaid sy'n gweithredu, yn defnyddio neu'n cymryd rhan yn y system i gyrchu a deall y gyfraith sy'n effeithio'n uniongyrchol arnynt. Mae'n bwysig nodi hefyd y bydd yn ei gwneud yn haws i gyrff cyhoeddus a'r sector preifat ddefnyddio'r amrywiaeth o bwerau a dulliau sydd ar gael iddynt drwy ddeddfwriaeth cynllunio defnydd tir i hybu adferiad economaidd sy'n seiliedig ar werthoedd yn dilyn y pandemig.

c. Bil cydgrynhoi sy'n **diddymu neu'n datgymhwyso** darpariaethau deddfwriaethol sydd **wedi darfod, wedi dod i ben, neu nad ydynt bellach o ddefnydd ymarferol yng Nghymru** o bob cwr o'r llyfr statud.

Weithiau gelwir Biliau fel hyn yn Filiau 'diddymu cyfraith statud' ac maent wedi nodweddu deddfwriaeth Senedd y DU o dro i dro; disgwylir y bydd Bil o'r math hwn yn ymddangos yn y rhan fwyaf o raglenni i wella hygyrchedd cyfraith Cymru. Bydd y Bil hwn yn helpu i foderneiddio a symleiddio'r gyfraith. Mae dileu darpariaethau diangen yn helpu i dacluso'r llyfr statud, ac mae diwygio'r darpariaethau hyn fel nad ydynt bellach yn gymwys i Gymru yn helpu i greu eglurder ynghylch pa rannau o'r Statud sy'n gymwys (ac nad ydynt yn gymwys) i Gymru.

Bydd y Llywodraeth yn adolygu'r ddeddfwriaeth bresennol mewn nifer o feysydd er mwyn nodi dau brosiect cydgrynhoi arall i weithio arnynt yn ystod tymor y Senedd hon. Mae'r meysydd posibl ar gyfer eu cydgrynhoi sy'n cael eu hystyried yn cynnwys:

- a. Rhandiroedd;
- b. Rheoliadau Adeiladu;
- c. Cynllunio sylweddau peryglus;
- d. Tai;
- e. Iechyd y cyhoedd.

1 Ymateb dros dro i adroddiad Comisiwn y Gyfraith ar y Gyfraith Gynllunio yng Nghymru
llyw.cymru/ymateb-dros-dro-i-adroddiad-comisiwn-y-gyfraith-ar-y-gyfraith-cynllunio-yng-nghymru

2 Ymateb manwl i adroddiad Comisiwn y Gyfraith ar gyfraith cynllunio yng Nghymru
llyw.cymru/ymateb-manwl-i-adroddiad-comisiwn-y-gyfraith-ar-gyfraith-cynllunio-yng-nghymru

Byddwn hefyd yn ystyried y meysydd hynny o'r gyfraith yr effeithiwyd arnynt fwyaf gan ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd, er mwyn nodi pynciau lle mae'r angen mwyaf i gysoni cyfraith ddomestig a chyfraith yr UE a ddargedwir.

Bydd dau brosiect arall hefyd i ategu'r Biliau i gydgrynhoi cyfraith yr amgylchedd hanesyddol a chynllunio:

- a. disgwylir y bydd angen pecyn o is-ddeddfwriaeth i weithredu Bil yr amgylchedd hanesyddol.

Bwriedir gwneud hyn ar ôl i unrhyw Fil gael ei basio gan y Senedd.

- b. prosiect graddol o gydgrynhoi is-ddeddfwriaeth cynllunio gwlad a thref allweddol.

Mae angen cydgrynhoi rhywfaint o'r ddeddfwriaeth hon oherwydd ei hoed (sy'n golygu bod angen moderneiddio'r iaith a'r fformat), ond hefyd oherwydd nifer y diwygiadau a wnaed iddi dros y blynyddoedd sy'n effeithio ar ei hygyrchedd. Cynhelir dadansoddiad llawnach ar ôl gorffen drafftio'r Bil cydgrynhoi, ond mae'r blaenoriaethau presennol yn cynnwys:

- i. Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987;
- ii. Rheoliadau Cyffredinol Cynllunio Gwlad a Thref 1992;
- iii. Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992;
- iv. Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995;
- v. Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999; a
- vi. Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012.

Fel rhan o waith tymor y Senedd hon, byddwn hefyd yn ceisio nodi cyfleoedd eraill i gydgrynhoi a diweddarau is-ddeddfwriaeth. Er enghraifft:

- a. ail-wneud a diweddarau'r rheolau ar gyfer cynnal etholiadau llywodraeth leol yng Nghymru.

Bydd y prosiect hwn yn cynnwys tynnu'r darpariaethau ar gyfer Cymru allan o Reolau Etholiadau Lleol (Prif Ardaloedd) (Cymru a Lloegr) 2006 a Rheolau Etholiadau Lleol (Plwyfi a Chymunedau) (Cymru a Lloegr) 2006, a diweddarau'r darpariaethau i adlewyrchu newidiadau a wnaed drwy Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021. Bydd hyn yn arwain at ddwy eitem o ddeddfwriaeth ddwyieithog, benodol i Gymru, ar gynnal etholiadau lleol yng Nghymru.

- b. llunio 'Gorchymyn Cynrychiolaeth y Bobl' yn ddwyieithog cyn yr etholiad cyffredinol i'r Senedd yn 2026.

Ar hyn o bryd mae Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007, offeryn uniaith Saesneg, yn nodi'r modd y cynhelir yr etholiad a'r ymgyrch etholiadol ac yn cynnwys darpariaeth ar gyfer her gyfreithiol. Fe'i diwygiwyd dro ar ôl tro ac nid oes fersiwn wedi'i diweddarau ar gael yn rhwydd i'r cyhoedd. Caiff y ddeddfwriaeth hon ei chydgrynhoi a'i hail-wneud yn ddwyieithog cyn etholiad y Senedd.

Codeiddio

Pan fyddwn wedi categoraiddio cyfraith Cymru drwy'r broses ddosbarthu, ac wedi gwneud cynnydd o ran chydgrynhoi rhai o feysydd y gyfraith, mae'n bwysig cadw'r drefn a fydd wedi'i sefydlu. I wneud hyn rydym yn bwriadu codeiddio'r gyfraith. Mae Deddf Deddfwriaeth (Cymru) 2019 yn esbonio bod 'codeiddio cyfraith Cymru' yn cynnwys –

- a. mabwysiadu strwythur ar gyfer cyfraith Cymru sy'n gwella ei hygyrchedd;
- b. trefnu a chyhoeddi cyfraith Cymru sydd wedi'i chydgrynhoi yn ôl y strwythur hwnnw.

Yn ymarferol, mae codeiddio yn golygu cyhoeddi'r gyfraith ar bynciau penodol gyda'i gilydd mewn un lle a chymryd camau i ddiogelu strwythur y deddfwriaeth ar bwnc penodol unwaith y bydd wedi'i rhoi mewn trefn. Felly, os oes gennym un Ddeddf ar bwnc penodol, naill ai am ei bod wedi'i chydgrynhoi neu am fod y gyfraith yn y maes hwnnw wedi'i diwygio drwyddi draw, dylem barhau i fod ag un Ddeddf. Os oes bwriad i newid y gyfraith ar y pwnc, dylid gwneud y newid hwnnw drwy ddiwygio'r Ddeddf honno, nid drwy wneud un newydd ochr yn ochr â hi, oni bai bod rheswm da iawn dros beidio â gwneud hynny.

Gan mai hon yw'r rhaglen gyntaf i wella hygyrchedd cyfraith Cymru, nid oes unrhyw fwriad i godeiddio cyfraith Cymru ar unwaith. Wrth i'r prosiectau i ddosbarthu a chydgrynhoi'r gyfraith ddwyn ffrwyth, bydd modd dechrau codeiddio'r gyfraith. Serch hynny, byddwn yn adolygu'r meysydd deddfwriaeth lle'r ydym eisoes wedi gwneud cynnydd sylweddol o ran datgan y gyfraith ar bwnc (fel gofal cymdeithasol) er mwyn pennu pa waith ychwanegol sydd ei angen i godeiddio'r gyfraith. Caiff y rhaglen ei diweddarau yn ôl yr angen yn ystod tymor y Senedd.

Cyfathrebu ac egluro

Ail-wneud y gyfraith y mae'r prosiectau a nodir uchod, ond mae technegau cyfathrebu modern, ynghyd â disgwyliadau defnyddwyr deddfwriaeth, yn golygu bod y gyfraith ei hun yn cael ei hategu fel mater o drefn gan wybodaeth ychwanegol sy'n helpu i egluro effaith ac ystyr y gyfraith.

Yn ystod tymor y Senedd hon byddwn yn ceisio gwella'r modd y caiff y gyfraith a gwybodaeth am y gyfraith eu cyhoeddi yn rhad ac am ddim. Byddwn yn:

- a. Gweithio gyda'r tîm sy'n gyfrifol am legislation.gov.uk i sicrhau bod Deddfau ac Offerynnau Statudol dwyieithog ar gael ar ffurf gyfoes yn y ddwy iaith.

Ar hyn o bryd dim ond testunau Saesneg y mae'r wefan yn gallu eu diweddarau, ond byddwn yn gweithio gyda hwy i sicrhau bod testunau cyfraith Cymru yn y naill iaith a'r llall yn cynnwys unrhyw ddiwygiadau a wnaed i'r deddfwriaeth ar ôl iddi gael ei gwneud yn wreiddiol.

- b. Ehangu a gwella cynnwys gwefan Cyfraith Cymru/Law Wales yn sylweddol er mwyn creu 'siop un stop' i gyrchu a deall cyfraith Cymru.

Fel rhan o'r gwaith hwn byddwn hefyd yn archwilio'r gwersi a ddaeth i'r amlwg wrth ddeddfu yn ystod pandemig y coronafeirws i wella'r ffordd yr ydym yn egluro'r gyfraith, er enghraifft drwy weithio ochr yn ochr ag arbenigwyr cyfathrebu i gynhyrchu canllawiau penodol a sicrhau eu bod yn cael eu diweddarau wrth i ddeddfwriaeth newid; drwy sicrhau bod fersiynau wedi'u diweddarau o ddeddfwriaeth allweddol (gan gynnwys nodiadau esboniadol) yn cael eu cyhoeddi'n ddwyieithog ar-lein; drwy gyhoeddi dogfennau "cwestiwn ac ateb", rhai wedi'u hanelu at grwpiau rhanddeiliaid penodol, gan sicrhau bod negeseuon syml, cyson a chyfreithiol gywir yn cael eu cyfleu.

- c. Archwilio ffyrdd o symud draw o fodel cyhoeddi deddfwriaeth yr 20fed ganrif, sy'n seiliedig ar fersiynau print, i system ddigidol fodern. Bydd hyn yn cynnwys ystyried datrysiadau technolegol ar gyfer gweld a dehongli deddfwriaeth ddwyieithog a symud i ffwrdd o fformat brint, colofn ddeuol Offerynnau Statudol. Rydym yn awyddus i bwysleisio bod deddfwriaeth yn cael ei gwneud yn ddwyieithog yng Nghymru, a bod statws cyfartal i'r naill destun a'r llall.
- d. Datblygu'r ffordd y mae'r Llywodraeth yn llunio deddfwriaeth ddwyieithog, gan ddefnyddio technoleg iaith i'w llawn botensial wrth inni geisio gwella effeithlonrwydd, parhau i sicrhau cywirdeb a defnyddio cystrawen naturiol ac 'iaith glir'. Byddwn yn:
- i. cyflymu'r broses o gyhoeddi terminoleg deddfwriaethol Gymraeg safonedig ychwanegol ar TermCymru;
 - ii. nodi sut y gall system gyfieithu a chyfieithu peirianyddol newydd arfaethedig y Llywodraeth ein galluogi i weithio'n fwy effeithlon, tynnu sylw at welliannau y gellir eu gwneud i'r testun gwreiddiol, a hwyluso gwell ymgynghori ar dermau technegol;
 - iii. adolygu'r canllawiau arddull mewnol i nodi cyfleoedd i wneud y testun yn gliriach ac yn fwy naturiol yn y ddwy iaith;
 - iv. cytuno ar brosesau i gyfieithwyr deddfwriaethol a chwmsleriaid deddfwriaethol gydweithio i wella'r drafft gwreiddiol yn ogystal â sicrhau bod y cyfieithiad yn gywir; a
 - v. mireinio sgiliau golygyddol drwy rannu arbenigedd rhwng cyfieithwyr deddfwriaethol a chwmsleriaid deddfwriaethol.
- e. Archwilio'r potensial ar gyfer defnyddio dysgu peirianyddol a deallusrwydd artiffisial i wneud cyfraith Cymru yn fwy hygyrch. Bydd hyn yn golygu cydweithio â Phrifysgol Abertawe ac eraill i archwilio'r cyfleoedd i ddefnyddio technoleg i wella a chyflymu'r broses o wneud y gyfraith yn fwy hygyrch.

Mae'r Llywodraeth eisoes wedi paratoi canllawiau ar ddatblygu deddfwriaeth sylfaenol. Er mai canllawiau mewnol ar gyfer Gwasanaeth Sifil Llywodraeth Cymru yw'r rhain, fe'u cyhoeddwyd i helpu pobl i ddeall y broses ddeddfu a'r ffordd y caiff deddfwriaeth ei datblygu a'i drafftio. Yn ystod tymor y Senedd hon mae'r Llywodraeth yn bwriadu adolygu a diweddarau, yn ôl yr angen:

- a. Y Llawlyfr Deddfwriaeth ar Filiau'r Senedd;
- b. *Common Legislative Solutions* (canllawiau sy'n helpu swyddogion cyhoeddus i ddeall materion sy'n codi'n fynych a dysgu o'r hyn a wnaed yn y gorffennol i'w datrys);
- c. Drafftio Deddfau i Gymru (canllawiau drafftio deddfwriaethol Swyddfa'r Cwnsleriaid Deddfwriaethol).

Byddwn hefyd yn llunio ac yn cyhoeddi canllawiau ychwanegol ar y prosesau a'r gweithdrefnau sy'n gysylltiedig â llunio Biliau cydgrynhoi.

Prosiectau eraill

Byddwn yn parhau i weithio gyda Chomisiwn y Gyfraith Cymru a Lloegr i nodi un neu fwy o brosiectau sy'n ymwneud â chyfraith Cymru i'w cynnwys yn ei Bedwaredd Rhaglen ar Ddeg o Ddiwygio'r Gyfraith a fydd yn dechrau yn 2022. Gallai hyn gynnwys prosiectau diwygio'r gyfraith neu adolygiadau o feysydd technegol y gyfraith, megis y gyfraith etholiadol sy'n sail i etholiadau lleol ac etholiadau'r Senedd, neu'r gyfraith sy'n llywodraethu cyhoeddi statudau ac offerynnau statudol ar-lein. Dim ond enghreifftiau yw'r rhain o feysydd o'r gyfraith ble y gallai Comisiwn y Gyfraith gefnogi uchelgais y Llywodraeth i symleiddio a moderneiddio'r gyfraith. Caiff y rhaglen hon ei diweddarau i gynnwys prosiectau perthnasol Comisiwn y Gyfraith ynddi, os bydd angen.

Adrodd ar y rhaglen

O dan Ddeddf Deddfwriaeth (Cymru) 2019, mae'n ofynnol i'r Cwnsler Cyffredinol adrodd yn flynyddol i'r Senedd ar gynnydd y rhaglen. Caiff yr adroddiad cyntaf ei gyflwyno yn 2022.

Huw Irranca-Davies AS

Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

22 Medi 2021

Hygyrchedd Cyfraith Cymru

Annwyl Huw

Ysgrifennodd y Cwnsler Cyffredinol ataf yn ystod yr haf i nodi ei fwriad i gymryd camau yn ystod tymor y Senedd hon i wneud cyfraith Cymru yn fwy hygyrch. Atododd bapur a baratowyd gan Swyddfa'r Cwnsleriaid Deddfwriaethol, sef 'Proposal to modernise the structure and presentation of Welsh law'. Mae'r llythyr gan y Cwnsler Cyffredinol dyddiedig 24 Mehefin 2021 a'r papur ynghlwm.

Fel Llywydd, mae Rheol Sefydlog 26.3 yn gwneud darpariaeth i mi benderfynu ar ffurf briodol Biliau'r Senedd. I'm helpu wrth ystyried y penderfyniad nesaf, hoffwn ofyn am farn pobl ynghylch y ffordd orau o wneud cyfraith Cymru yn fwy hygyrch, gan gynnwys y syniadau a nodwyd ym mhapur Swyddfa'r Cwnsleriaid Deddfwriaethol. Hoffwn ofyn am farn y rhai sy'n cymryd rhan yn y broses graffu ddeddfwriaethol a'r rhai a fydd yn defnyddio'r ddeddfwriaeth derfynol. Yn ei gyfarfod yr wythnos diwethaf, cytunodd y Pwyllgor Busnes y dylid gwahodd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad i gyflawni'r dasg hon.

Byddwn yn ddiolchgar pe gallai eich Pwyllgor gynnal ymchwiliad byr i'r mater hwn a chyflwyno adroddiad ar eich casgliadau. Nid yw'r Pwyllgor Busnes wedi gosod dyddiad cau ar gyfer y gwaith hwn, ond byddai'n ddefnyddiol i'r adroddiad fod ar gael mor gynnar yn y tymor hwn â phosibl i lywio fy mhenderfyniad ac i ddrafftio'r rhaglen ddeddfwriaethol yn y dyfodol. Byddem yn croesawu awgrym cynnar o'r amserlen ar gyfer ymchwiliad y Pwyllgor.

Yn gywir



Elin Jones AS

Y Llywydd a Chadeirydd y Pwyllgor Busnes

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Elin Jones AS/MS
Llywydd Senedd Cymru
Comisiwn y Senedd
Bae Caerdydd

24 Mehefin 2021

Hygyrchedd Cyfraith Cymru – Accessibility of Welsh law

Wrth i ni ddechrau tymor newydd yn y Senedd a pharatoi i fabwysiadu system drafftio a rheoli deddfwriaeth newydd, hoffwn awgrymu rhai gwelliannau i'r ffordd y cyflwynir deddfwriaeth Cymru. Rwy'n deall fod nifer o ddiwygiadau posib wedi cael eu trafod ar adegau dros y blynyddoedd, ond er nad oes neb wedi codi unrhyw wrthwynebiad o sylwedd iddynt, nid ydynt wedi'u rhoi ar waith.

Fodd bynnag, mae pasio Deddf Deddfwriaeth (Cymru) 2019 gan y Senedd, a'r rhwymedigaeth ar y Llywodraeth o dan Ran 1 i hyrwyddo rhaglen o weithgareddau i wneud cyfraith Cymru yn fwy hygyrch, wedi fy ysbrydoli i roi mwy o ystyriaeth i'r materion hyn. Rwy'n gobeithio y bydd y Ddeddf hefyd yn rhoi mwy o ysgogiad i sicrhau newid y tro hwn.

Fel yr esbonia'r papur amgaeedig a baratowyd gan Swyddfa'r Cwnsler Deddfwriaethol, mae ffurf a strwythur Deddfau'r Senedd wedi'i seilio'n bennaf ar ffurf a strwythur Deddfau Senedd y DU, sydd yn ei dro yn deillio o gannoedd o flynyddoedd o hanes. Credaf y dylem ailystyried sut i gyflwyno deddfwriaeth Cymru, gan seilio hyn nid ar weithdrefn seneddol, ond ar anghenion defnyddwyr deddfwriaeth. Dylem ganolbwyntio, yn bennaf oll, ar wneud deddfwriaeth yn haws i'w darllen a'i deall.

Felly, byddwn yn ddiolchgar pe gallech ystyried y cynnig amgaeedig, y byddwn, wrth gwrs, yn hapus iawn i'w drafod.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

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.





Cynnig i foderneiddio strwythur a chyflwyniad cyfraith Cymru

Mae'r ffordd y cyflwynir deddfwriaeth Cymru wedi'i seilio i raddau helaeth ar y ffordd y cyflwynir deddfwriaeth y DU. Ac, yn ei dro, mae'r ffordd y cyflwynir deddfwriaeth y DU yn deillio o gannoedd o flynyddoedd o hanes. Mae ffurf, strwythur ac iaith deddfwriaeth wedi datblygu'n raddol dros nifer o flynyddoedd, yn deillio'n bennaf o'r weithdrefn Seneddol yn hytrach nag ystyried sut y gellid ei gwneud yn haws ei darllen a'i deall. Ychydig o ystyriaeth a roddwyd i'r ffordd orau a mwyaf hygrych o gyflwyno a chyhoeddi deddfwriaeth.

Teitlau "hir" a "byr"

Efallai taw'r amlygiad cliraf o effaith y gorffennol yw'r syniad rhyfedd o gael dau deitl i Ddeddf. Yn hanesyddol, nid oedd teitl gwirioneddol i Ddeddf, yn hytrach trefnwyd deddfwriaeth drwy gyfeirio at rif a dyddiad ei chyfres. Yn y pen draw, daeth teitl o fath i'r amlwg, ond roedd hwn yn ddisgrifiad hir yn aml o gynnwys y Ddeddf dan sylw – yr hyn y cyfeiriwn ato'n awr fel y teitl "hir". Mae'r teitl "byr" i Ddeddf yn ddatblygiad cymharol fodern, a ddefnyddiwyd i gyfeirio at deddfwriaeth yn haws, yn arbennig yn y llys (a dyna pam y defnyddir y geiriau "This Act may be cited as [beth bynnag yw'r teitl byr]").

Yn ein barn ni, mae gwahaniaethu hwn rhwng teitl byr a theitl hir yn gymhlethdod diangen na ddylem barhau. Yn hytrach dylai pob Deddf gael un teitl yn unig (sef yr hyn y mae'r rhan fwyaf o bobl, mae'n siŵr, yn credu yw'r teitl – y teitl byr i'r Ddeddf).

Darpariaethau "trosolwg"

Mae'n werth cael testun mwy disgrifiadol ar ddechrau Deddf fel y gall y darllenydd ddeall yr hyn y mae'n ei gynnwys yn gyflym, ond nid defnydd o deitl hir yw'r ffordd orau o wneud hyn. Mae'r teitl hir yn ddiffygiol oherwydd ei fod yn "deitl" arall ac oherwydd y ffordd y mae wedi'i ddrafftio fel un frawddeg hir. Byddai trosolwg byr i Ddeddf – wedi'i drafftio a'i strwythuro yn unol ag arfer modern – yn ffordd llawer mwy effeithiol o helpu'r darllenydd i ddeall beth sy'n dilyn.

Rydym wedi ymgorffori darpariaethau trosolwg yn rheolaidd yn ein Deddfau am y rheswm hwn. Yn gyffredinol, mae'r rhain wedi cael derbyniad da ac, ar y cyfan, maent wedi cyflawni eu diben. Mae'n hanfodol, fodd bynnag, eu bod yn cael eu cadw'n fyr, sy'n golygu, yn achos Deddfau hir, ein bod yn ystyried mabwysiadu trosolwg ar gyfer pob rhan o ddeddf – rhywbeth sy'n galluogi i ni gadw'r prif drosolwg yn gryno iawn. Mae'n hanfodol hefyd mai dyna'n union yw'r trosolwg, ac nad yw'n cynnwys darpariaethau cyfreithiol sylweddol.

Yn ddiweddar, rydym wedi defnyddio'r trosolwg cryn dipyn yn llai. Y prif reswm am hyn yw bod bodolaeth y teitl hir, yn enwedig mewn Deddf fer, yn gwneud i'r trosolwg ymddangos fel ailadrodd diangen. Rydym yn ymwybodol hefyd bod cwmsleriaid seneddol mwy traddodiadol yn gwrthwynebu'r defnydd o unrhyw ddeunydd diangen mewn deddfwriaeth am ddau reswm – yn gyntaf, oherwydd bydd ychwanegu trosolwg fel adran i Ddeddf yn golygu y bydd defnyddwyr deddfwriaeth (gan gynnwys, yn bwysig, y llysoedd) yn dueddol o dybio ei fod yn cael effaith sylweddol fel cyfraith (mewn geiriau, mae'n golygu ychwanegu rhywbeth), ac yn ail oherwydd y risg y

bydd y ddarpariaeth yn mynd o'i le os oes methiant i'w ddiwygio i fod yn gyson â gweddill y Bil wrth i welliannau eraill gael eu gwneud i Fil.

Am y rhesymau hyn rydym yn awgrymu y dylai trosolwg gael statws tebyg i benawdau. Byddai'r trosolwg yn rhan o Fil ond gan taw ei bwmpas yw helpu pobl i ddefnyddio'r ddogfen yn hytrach na sicrhau newid yn y gyfraith byddai dim modd ei diwygio wrth basio Bil (ac eithrio, pam fo angen, wrth gwneud newidiadau argraffu rhwng camau deddfu). Eto yn yr un ffordd â phenawdau byddai modd eu diwygio'n ddiweddarach drwy ddefnyddio deddfwriaeth wahanol (wedi i'r Bil perthnasol gael ei basio).

Mae teitlau hir wedi datblygu swyddogaeth benodol yn Senedd San Steffan oherwydd eu cynnwys yw'r ddarpariaeth bwysicaf ar gyfer pennu cwmpas Bil. Fodd bynnag, ni fyddai dileu teitlau hir yn arwain at broblem yn hyn o beth yn Senedd Cymru. Mae hyn yn rhannol oherwydd bod y prawf yn y Senedd (yn synhwyrol) yn un mwy eang sy'n seiliedig ar p'un ai yw'r gwelliant yn "berthnasol", o ystyried cynnwys y Bil, ac yn rhannol oherwydd y byddai'r teitl hir, beth bynnag, yn cael ei ddisodli gan drosolwg mwy modern ac haws ei ddeall (a fyddai'n helpu i bennu perthnasedd).

Geiriau o ddeddfiad

Mater arall sy'n deillio o hanes arall yw'r geiriau o ddeddfiad a ddefnyddiwn ar ddechrau Bil Cymreig. Mae'r rhain yn dilyn y "fformiwla ddeddfu" a gafodd ei mabwysiadu yn San Steffan o'r 15fed ganrif ymlaen. Mae gan Filiau'r DU 5 fformiwla ddeddfu wahanol yn dibynnu ar eu cynnwys a'r broses a fabwysiadwyd ar gyfer pasio'r bil ond yng ngeiriau Halsbury's Laws "The enacting formula is now purely formal". Yng Nghymru dim ond un fformiwla sydd ond mae'r geiriau hynny hefyd yn gwbl seremonïol gan nad ydynt yn angenrheidiol o safbwynt cyfreithiol. Mae'r geiriad a ddefnyddir yn ceisio cyfleu'r ffaith bod yn rhaid i Ddeddf, er mwyn dod yn gyfraith, gael ei phasio gan y Senedd a chael asesiad Ei Mawrhydi:

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad gan Ei Mawrhydi, deddfir fel a ganlyn:

Ond nid yw'r geiriad hwn yn syml a gellid ei ddrafftio yn fwy syml (gan osgoi'r llais goddefol), er enghraifft:

Mae Senedd Cymru, gyda chydsyniad Ei Mawrhydi, yn deddfu fel a ganlyn:

Fodd bynnag, ein dewis fyddai hepgor y geiriau hyn yn gyfan gwbl.

Nid yw Biliau'r Alban yn cynnwys geiriau o ddeddfiad, yn hytrach maent yn dechrau drwy ddarparu gwybodaeth bwysicach a nodir yn glir (dyddiadau pasio a Cydsyniad Brenhinol) fel a ganlyn:

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 23rd March 2021 and received Royal Assent on 5th May 2021

Dyddiadau

Mae Deddfau'r Senedd yn ychwanegu dyddiad y Cydsyniad Brenhinol mewn cromfachau sgwâr (fel sy'n ofynnol yn ôl y gyfraith) ond nid ydynt yn rhoi unrhyw esboniad pellach. Mae'n werth nodi hefyd na chyfeirir yn y naill achos na'r llall at y dyddiad pwysicaf, sef y dyddiad y daw'r Ddeddf i rym. I ddefnyddwyr deddfwriaeth, mae cyfeirio at y dyddiad y paswyd Deddf a dyddiad Cydsyniad

Brenhinol y Ddeddf heb gyfeirio at y dyddiad y daw i rym yn debygol o’u drysu. Felly rydym awgrymu y byddai rhywbeth fel hyn yn well:

Pasiwyd gan Senedd Cymru: 23 Mawrth 2021
Yn dod i rym: 6 Mai 2021

Cydsyniad Brenhinol: 5 Mai 2021

Pan ddaw'r Ddeddf i rym fesul cam neu drwy Orchymyn gellid cyfeirio at yr adran sy'n gweithredu hyn, fel y gwneir eisoes yn achos Offerynnau Statudol.

Ffontiau

Er i benderfyniad gael ei wneud yn 2007 i fabwysiadu ffont wahanol ym Miliâu Cymru i'r un a ddefnyddiwyd yn Senedd San Steffan, roedd y ffont a ddewiswyd yn ffont debyg, draddodiadol, "serif". Mae rhai pobl yn ei chael hi'n anodd darllen ffontiau serif, oherwydd eu bod yn tynnu sylw'r llygaid a'r ymennydd o siâp cyffredinol y llythyr – gweler yr linc isod:

https://reciteme.com/uploads/articles/accessible_fonts_guide.pdf

Ystyr "sans serif" yw "heb y llinell addurniadol" ac yn ein barn ni dylem ystyried mabwysiadu ffont "sans serif" gan ei fod yn fwy hygyrch ac (fel mater eilradd) yn edrych yn fwy modern. Mae bellach yn arferol defnyddio ffontiau "sans serif", yn arbennig ar unrhyw ddeunydd a ddarllenir ar y sgrin, sy'n bwysig o gofio nad yw pobl bellach yn prynu copïau papur o ddeddfwriaeth a bod y mwyafrif llethol o bobl yn darllen deddfwriaeth ar-lein.

Cymorth llywio

Hoffem hefyd fabwysiadu'r arfer a ddefnyddir yn Neddfau'r Alban (ac yn rhannol yn Neddfau'r DU) o gynnwys pennyn ar y ddogfen sy'n eich hysbysu y mha Ran neu Atodlen o'r Ddeddf yr ydych ynddynt. Rhywbeth bach a hawdd i'w wneud yw hwn sy'n helpu pobl i lywio deddfwriaeth sydd yn ddefnyddiol yn enwedig pan fo'n hir iawn. Gweler yr enghraifft:

https://www.legislation.gov.uk/asp/2021/8/pdfs/asp_20210008_en.pdf

Enghraifft

Ceir enghraifft o'r cynllun presennol yn Atodiad 1 a dewis amgen yn Atodiad 2.

Offerynnau Statudol

Yn olaf, er gwybodaeth rydym hefyd yn ystyried y ffordd y mae Offerynnau Statudol a wneir gan Weinidogion Cymru wedi'u gosod allan, yn enwedig y defnydd o fformat y golofn ddeuol. Yn fy marn i, hwn oedd peth iawn i'w wneud 20 neu fwy o flynyddoedd yn ôl pan ddechreuon ni wneud is-ddeddfwriaeth Gymreig am y tro cyntaf ond mewn oes lle mae bron pawb yn darllen deddfwriaeth ar-lein, mae'n gymhlethdod diangen a drud yn y broses gyhoeddi. Fy mwriad yw disodli'r golofn ddeuol gan ateb technolegol sy'n eich galluogi i ystyried y ddwy iaith ochr yn ochr yn hawdd ar y sgrin.

Swyddfa'r Cwnsleriaid Deddfwriaethol

Esiampl o'r gosodiad presennol

Deddf Rheoli Ceffylau (Cymru) 2014

Deddf gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer gweithredu mewn perthynas â cheffylau sydd mewn manau cyhoeddus heb awdurdod cyfreithlon neu sydd ar dir arall heb ganiatâd, ac mewn cysylltiad â hynny. [27 Ionawr 2014]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

1 Trosolwg

Mae'r Ddeddf hon yn gwneud darpariaeth i awdurdodau lleol ymafael mewn ceffylau, cadw ceffylau a gwaredu ceffylau sydd –

- (a) mewn manau cyhoeddus heb awdurdod cyfreithlon, neu
- (b) ar dir arall heb ganiatâd meddiannydd y tir.

2 Pŵer awdurdod lleol i ymafael mewn ceffylau

- (1) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw briffordd, neu mewn unrhyw fan cyhoeddus arall, yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol dros gredu bod y ceffyl yno heb awdurdod cyfreithlon.
- (2) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw dir arall yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol i gredu –
 - (a) yn achos tir y mae'r awdurdod lleol yn feddiannydd arno, bod y ceffyl yno heb ganiatâd yr awdurdod lleol, neu
 - (b) yn achos tir arall yn ardal yr awdurdod lleol, bod y ceffyl yno heb ganiatâd meddiannydd y tir a bod y meddiannydd yn caniatáu i'r awdurdod lleol ymafael ynddo a'i gadw.

...

10 Cychwyn ac enw byr

- (1) Daw'r Ddeddf hon i rym y diwrnod ar ôl y diwrnod y caiff Gydsyniad Brenhinol.
- (2) Enw byr y Ddeddf hon yw Deddf Rheoli Ceffylau (Cymru) 2014.

ATODIAD 2

Gosodiad amgen posibl

Deddf Rheoli Ceffylau (Cymru) 2014

Pasiwyd gan Senedd Cymru: 10 Rhagfyr 2013
Yn dod i rym: 28 Ionawr 2014

Cydsyniad Brenhinol: 27 Ionawr 2014

Trosolwg Mae'r Ddeddf hon yn gwneud darpariaeth i awdurdodau lleol ymafael mewn ceffylau, cadw ceffylau a gwaredu ceffylau sydd—
(a) mewn mannau cyhoeddus heb awdurdod cyfreithlon, neu
(b) ar dir arall heb ganiatâd meddiannydd y tir.

1 Pŵer awdurdod lleol i ymafael mewn ceffylau

- (1) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw briffordd, neu mewn unrhyw fan cyhoeddus arall, yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol dros gredu bod y ceffyl yno heb awdurdod cyfreithlon.
- (2) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw dir arall yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol i gredu—
 - (a) yn achos tir y mae'r awdurdod lleol yn feddiannydd arno, bod y ceffyl yno heb ganiatâd yr awdurdod lleol, neu
 - (b) yn achos tir arall yn ardal yr awdurdod lleol, bod y ceffyl yno heb ganiatâd meddiannydd y tir a bod y meddiannydd yn caniatáu i'r awdurdod lleol ymafael ynddo a'i gadw

...

9 Cychwyn

Daw'r Ddeddf hon i rym ar 28 Ionawr 2014.

Eitem 3.1

SL(6)086 – Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol a Chyfyngiadau) (Cymru) (Diwygiadau Amrywiol) 2021

Cefndir a Diben

Mae'r [Rheoliadau](#) hyn yn diwygio Rheoliadau Diogelu Iechyd (Coronafeirws, Teithio Rhyngwladol) (Cymru) 2020 (O.S. 2020/574 (Cy. 132)) (y "Rheoliadau Teithio Rhyngwladol") a Rheoliadau Diogelu Iechyd (Cyfyngiadau Coronafeirws) (Rhif 5) (Cymru) 2020 (O.S. 2020/1609 (Cy. 335)) ("y Rheoliadau Cyfyngiadau").

Mae'r Rheoliadau hyn yn diwygio'r Rheoliadau Teithio Rhyngwladol drwy wneud y newidiadau canlynol:

- Estyn y gydnabyddiaeth o dystysgrifau brechlyn penodol a ddyroddir gan wledydd a thiriogaethau Ewropeaidd ychwanegol, at ddibenion esemptiadau teithio o ran profi cyn ymadael a brechlynnau;
- Estyn y gydnabyddiaeth o frechiadau i ragor o wledydd a thiriogaethau:
 - Belarws, Bolivia, Ecuador, Gweriniaeth Dominica, Gweriniaeth Ddemocrataidd Congo, Laos, Libya, Malawi, Mozambique, Samoa, Senegal, Vanuatu, Zambia a Zimbabwe;
- Ehangu'r diffiniad o "brechlyn awdurdodedig" drwy ddileu'r gofyniad ei fod i'w weinyddu mewn gwlad berthnasol a thrwy gydnabod brechlynnau penodol a gydnabyddir gan Sefydliad Iechyd y Byd;
- Dileu'r gofynion preswyllo ar gyfer teithwyr sydd wedi eu brechu yn Unol Daleithiau America, cyfranogwyr mewn treialon clinigol, a theithwyr o dan 18 oed;
- Esemptio pawb o dan 18 oed rhag y gofyniad i ynysu;
- Cyflwyno dulliau pellach i deithwyr brofi eu bod wedi eu brechu, gan gynnwys tystysgrifau trydydd gwledydd a thiriogaethau a gymeradwywyd a thystysgrifau brechu taleithiau penodol yn yr Unol Daleithiau;
- Gwneud diwygiadau technegol pellach gan gynnwys ynghylch brechiadau fel rhan o raglen frechu'r DU dramor;
- Esemptio'r personau a ganlyn rhag y gofyniad i ddarparu gwybodaeth am deithiwr pan fônt wedi teithio i Gymru yng nghwrs eu gwaith (pa un a ydynt wedi teithio ar gludiant sy'n cario teithwyr ai peidio): gweithwyr cludiant ffyrdd; gweithwyr cludiant teithwyr ffyrdd; meistri a morwyr; peilotiaid ar longau masnach; arolygwyr a syrfewyr llongau; a chriw awyren.
- Dileu'r gofyniad ynysu ar gyfer cludwyr preswyl nad ydynt yn byw yn y DU pan nad ydynt yn y gwaith;



- Dileu'r gofyniad i ddiplomyddion penodol gael awdurdodiad ysgrifenedig gan y Swyddfa Dramor, y Gymanwlad a Datblygu cyn dibynnu ar ddarpariaethau esemptio rhag ynysu. Mae rheoliad 9 hefyd wedi ei diwygio er mwyn cysoni esemptiadau rhag ynysu ar gyfer gweithwyr cludiant ffyrdd ni waeth beth fo'u statws preswyllo;
- Gwneud diwygiadau technegol a chanlyniadol pellach.

Mae'r Rheoliadau hyn hefyd yn diwygio'r Rheoliadau Cyfyngiadau, gan gynnwys estyn ymhellach y rhestr o wledydd a thiriogaethau, fel bod tystiolaeth o frechu yn y gwledydd hynny â brechlynnau sydd wedi eu hawdurdodi yn y Deyrnas Unedig hefyd yn dderbyniol at ddibenion yr hyn a adwaenir yn gyffredin fel y pàs COVID.. Mae'r diwygiadau yn parhau'n gyson â'r diwygiadau cydnabod brechlyn a wnaed i'r Rheoliadau Teithio Rhyngwladol.

Y weithdrefn

Negyddol.

Gwnaed y Rheoliadau gan Weinidogion Cymru cyn iddynt gael eu gosod gerbron y Senedd. Gall y Senedd ddirymu'r Rheoliadau o fewn 40 diwrnod (ac eithrio unrhyw ddyddiau pan fo'r Senedd: (i) wedi'i diddymu neu (ii) mewn cyfnod o doriad am fwy na phedwar diwrnod) i'r dyddiad y'u gosodwyd gerbron y Senedd.

Materion technegol: craffu

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodwyd y tri phwynt a ganlyn i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn fod y rheol 21 diwrnod yn cael ei thorri (h.y. y rheol y dylai 21 diwrnod fod rhwng y dyddiad y gosodir offeryn "gwneud negyddol" gerbron y Senedd a'r dyddiad y daw'r offeryn i rym), a nodwn yr esboniad am dorri'r rheol a ddarparwyd gan Eluned Morgan AS, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, mewn llythyr at y Llywydd, dyddiedig 19 Tachwedd 2021.

Yn benodol, nodwn yr hyn y mae'r llythyr yn ei ddweud ynghylch dull pedair gwlad mewn perthynas â theithio rhyngwladol:

"Trwy beidio â chydymffurfio â'r confensiwn 21 diwrnod bydd modd i'r Rheoliadau hyn ddod i rym cyn gynted ag y bo modd a pharhau â'r dull pedair gwlad o ymdrin â theithio rhyngwladol. O ystyried y newid yn y dystiolaeth ynglŷn â'r risg mewn perthynas â'r clefyd hwn, ystyrir bod hyn yn angenrheidiol ac yn gyfiawn yn yr achos hwn."



2. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Rydym yn nodi cyfiawnhad Llywodraeth Cymru dros unrhyw ymyrraeth bosibl â hawliau dynol. Yn benodol, nodwn y paragraff a ganlyn yn y Memorandwm Esboniadol:

"Nid yw'r diwygiadau yn y Rheoliadau hyn yn newid y ffaith bod y Rheoliadau Teithio Rhyngwladol yn cyffwrdd â hawliau unigol o dan Ddeddf Hawliau Dynol 1998 a'r Confensiwn Ewropeaidd ar Hawliau Dynol; mae'r Llywodraeth o'r farn y gellir eu cyfiawnhau at ddiben atal lledaeniad clefydau heintus a/neu y caniateir ymyriad ar y sail ei fod yn anelu at gyflawni nod dilys, sef diogelu iechyd y cyhoedd. Mae'r Llywodraeth o'r farn hefyd eu bod yn gymesur."

3. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Senedd

Nodwn na fu unrhyw ymgynghori ffurfiol ar y Rheoliadau hyn. Yn benodol, nodwn y paragraff a ganlyn yn y Memorandwm Esboniadol:

"Oherwydd y bygythiad difrifol ac uniongyrchol sy'n deillio o'r coronafeirws a'r angen am ymateb iechyd y cyhoedd brys, ni chynhaliwyd unrhyw ymgynghoriad cyhoeddus mewn perthynas â'r Rheoliadau hyn."

Ymateb Llywodraeth Cymru

Nid oes angen ymateb gan Lywodraeth Cymru.

Cynghorwyr Cyfreithiol

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

25 Tachwedd 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament Tudalen y pecyn 50

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Deddf yr Undeb Ewropeaidd (Ymadael) a Fframweithiau Cyffredin a Dadansoddiad o Fframweithiau 2021
DYDDIAD	19 Tachwedd 2021
GAN	Mick Antoniw AS, y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad

Mae Deddf yr Undeb Ewropeaidd (Ymadael) 2018 yn ei gwneud yn ofynnol i Lywodraeth y DU adrodd i Senedd y DU yn gyson am faterion sy'n ymwneud â Fframweithiau Cyffredin a'r defnydd dros dro y mae Llywodraeth y DU wedi ei wneud, os o gwbl, o bwerau o dan adran 12 o'r Ddeddf (y 'pwerau rhewi' fel y'u gelwir) er mwyn cynnal cyfyngiadau presennol cyfraith yr UE ar gymhwysedd datganoledig. Rwy'n hysbysu'r Aelodau bod y deuddegfed adroddiad o'r fath wedi ei osod yn Senedd y DU ar 9 Tachwedd 2021. Mae'r adroddiad hwn yn ymdrin â'r cyfnod rhwng 26 Mawrth a 25 Mehefin 2021.

Mae'r adroddiad yn amlinellu'r gwaith cadarnhaol parhaus ar y Fframweithiau Cyffredin ac yn cadarnhau nad yw Llywodraeth y DU wedi defnyddio'r 'pwerau rhewi'. Yn ystod y cyfnod adrodd hwn, Sylweddau Peryglus (Cynllunio) oedd y Fframwaith Cyffredin cyntaf yn y rhaglen i gael ei gadarnhau'n derfynol a'i weithredu'n llawn yn dilyn craffu gan bob un o'r pedair deddfwrfa. Cyhoeddwyd y fframwaith y cytunwyd arno'n derfynol, wedi hynny, ar 31 Awst.

[Trosolwg o'r papur polisi: Deddf yr Undeb Ewropeaidd \(Ymadael\) a Fframweithiau Cyffredin: 26 Mawrth i 25 Mehefin 2021 - GOV.UK \(www.gov.uk\)](#)

Ar 9 Tachwedd, cyhoeddwyd Adroddiad Dadansoddiad o Fframweithiau 2021 hefyd, sy'n amlinellu pob un o'r 152 o feysydd o gyfraith yr UE sy'n croesi â chymhwysedd datganoledig mewn un neu ragor o'r gweinyddiaethau datganoledig a datblygiadau yn y rhaglen Fframweithiau dros y deuddeg mis diwethaf.

[Dadansoddiad o Fframweithiau 2021 \(publishing.service.gov.uk\)](#)

The European Union (Withdrawal) Act and Common Frameworks

26 March to 25 June 2021

November 2021

The European Union (Withdrawal) Act and Common Frameworks

26 March to 25 June 2021

Presented to Parliament pursuant to paragraph 4 of Schedule 3 to the European Union (Withdrawal) Act 2018

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**The Rt Hon Michael Gove MP,
Secretary of State for Housing,
Communities and Local
Government, and Minister for
Intergovernmental Relations**



**Neil O'Brien MP,
Parliamentary Under Secretary of
State for Levelling Up, The Union
and Constitution**



**The Rt Hon Brandon Lewis CBE MP,
Secretary of State for Northern
Ireland**



**The Rt Hon Alister Jack MP,
Secretary of State for Scotland**



**The Rt Hon Simon Hart MP,
Secretary of State for Wales**

Foreword

Since 2017, the Government and devolved administrations have been working together to develop agreements covering a range of policy areas where powers which have returned from the European Union and which intersect with devolved competence. This has a direct bearing on the lives of citizens across the United Kingdom. The development of UK Common Frameworks is guided by principles agreed at the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) in October 2017 between the Government and Scottish and Welsh Governments, and later on 15 June 2020, endorsed by the Executive Committee of the Northern Ireland Executive.

Under Schedule 3 of the European Union (Withdrawal) Act 2018, the Government has a statutory requirement to report to the UK Parliament every three months on the progress made on the development of UK Common Frameworks. This twelfth European Union Withdrawal and Common Frameworks report details progress from 26 March to 25 June 2021. In addition to progress made, the report details that the Government did not make use of powers under section 12 of the European Union (Withdrawal) Act 2018 to temporarily limit devolved competence in any policy areas.

The Government is committed to working collaboratively and constructively with the devolved administrations of Scotland, Wales and Northern Ireland to progress Common Frameworks. During this time, there were elections for the Senedd and Scottish Parliament and accompanying pre-election periods for the Welsh Government and Scottish Government. However, the Government and devolved administrations were still able to make progress on Common Frameworks during this time.

Within the reporting period, Hazardous Substances (Planning) became the first Common Framework in the programme to receive final confirmation and be fully implemented following completed scrutiny by all four legislatures. The finally agreed framework was subsequently published on 31 August.

Shortly after the end of this reporting period, on 8 July, provisional confirmation was secured for a further 21 Frameworks. An additional Framework was provisionally confirmed on 14 October. This takes the total number of provisionally confirmed Frameworks to 29. Work is continuing to further develop these Frameworks. The UK Government will shortly publish a fourth Frameworks Analysis update setting out a comprehensive breakdown of areas previously governed by EU law that intersect with devolved competence, including for the first time, rationales for policy areas where no Frameworks are required.

During this reporting period there was a focus on addressing cross-cutting issues that are affecting multiple Frameworks instead of working on individual Frameworks. As such officials from the Government and devolved administrations have set up a regular cross-cutting issues subgroup to focus intently on taking these forward. Since then, good progress has been achieved in developing the joint processes and ways of working necessary to address these issues, which will be reflected in the relevant Common Frameworks documents.

Implementation of Common Frameworks

- 1.1. Part 2 of Schedule 3 to the European Union (Withdrawal) Act 2018 requires that a Minister of the Crown report to Parliament at three month intervals on various matters pertaining to Common Framework including use of powers in Section 12 of, and Schedule 3 to, the 2018 Act to temporarily maintain EU law limits on devolved competence. Reports are shared with the devolved administrations to enable them to maintain a concurrent level of scrutiny. The last report was published on 20 May 2021 and covered the reporting period 26 December to 25 March 2021.¹
- 1.2. The purpose of these reports is to ensure that the process of developing Common Frameworks, in collaboration with the devolved administrations, is transparent and subject to robust parliamentary scrutiny.

Principles for Common Frameworks

- 1.3. EU laws created common UK-wide approaches even where those policy areas were otherwise within devolved competence. All four administrations across the UK have agreed that common approaches will continue to be required in some areas now the UK has left the EU and exited the Transition Period.
- 1.4. In October 2017, the Joint Ministerial Committee (EU Negotiations) agreed upon principles to guide the work to create Common Frameworks.² These principles are set out below:
 1. *Common Frameworks will be established where they are necessary in order 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.*
 2. *Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will 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;*

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/986797/The_European_Union_Withdrawal_Act_and_Common_Frameworks_report-26_December_2020_to_25_March_2021.pdf

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652285/Joint_Ministerial_Committee_communique.pdf

- *lead to a significant increase in decision-making powers for the devolved administrations.*
3. *Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK which shares a land frontier with the EU. They will also adhere to the Belfast Agreement.*

1.5. The Northern Ireland Executive endorsed the JMC(EN) principles in June 2020. These principles continue to guide all discussions between the Government and the devolved administrations on Common Frameworks. Details of how these principles have been taken into account are included in this report, and will continue to be included in future iterations of this publication.

Progress Towards Establishing Common Frameworks

1.6. The following section sets out the steps taken during this reporting period by the Government, in collaboration with the devolved administrations, towards implementing long-term Common Frameworks. It also outlines how the Frameworks Principles have been taken into account.

Frameworks Delivery

1.7. The work to establish Common Frameworks has five phases. The delivery plan below illustrates how a framework moves through these five phases of development. Each framework moves through this process at a different pace.

- **Phase 1: Principles and proof of concept:** consists of engagement between the Government and devolved administration officials (also referred to as multilateral deep dives) to focus on Frameworks, as well as to establish some of the key interdependencies that affect multiple Frameworks.
- **Phase 2: Policy development:** Detailed policy development takes place, including joint work between the Government and devolved administration officials to agree policy approaches and operational and governance arrangements for each policy area. Initial stakeholder engagement also takes place where appropriate. This results in jointly drafted and agreed outline Frameworks.
- **Phase 3: Review and consultation:** The Government and devolved administrations collaborate to further develop and finalise policy approaches, explore interactions with cross-cutting workstreams, and agree operational and governance arrangements. Technical engagement takes place with sector-specific stakeholders. Towards the end of Phase 3, in-depth review and assessment takes place, conducted jointly at official level. This phase results in cross-departmental collective agreement on the policy approach within the Government, and provisional confirmation of Frameworks by each administration. This in-depth review and joint confirmation ensures that a minimally operable framework, recognised as a 'provisional framework', is developed.

- **Phase 4: Preparation and implementation:** The Government and devolved administration officials work jointly on any ongoing reappraisals of cross-cutting issues, present the Frameworks for parliamentary scrutiny and review parliamentary recommendations in order to finalise individual Frameworks. At the end of this phase, the provisional framework receives ministerial approval from the intergovernmental forum responsible for the common Frameworks programme and the successor to JMC(EN) (agreed through the review of intergovernmental relations).
 - **Phase 5: Post-implementation:** Post-implementation arrangements take place, including regular cycles of review and, if appropriate, amendment. These vary between Frameworks and details continue to be developed as the Common Frameworks programme progresses.
- 1.8. Frameworks are undergoing continued development during 2021 according to the requirements of their particular policy areas. The delivery process detailed above takes into account the need for Frameworks to be implemented in different ways, with some activities undertaken concurrently, to ensure that all of the necessary steps have been completed. Accordingly, Frameworks will progress and be finalised at different points in time, depending on their individual requirements.

Delivery Plan

- 1.9. Work on individual Frameworks has been ongoing during this reporting period, with a specific focus on taking into account the cross-cutting issues that apply to those Frameworks. Delivery timelines for each framework will vary according to the cross-cutting issues that apply and their level of intersect along with any need for further stakeholder engagement.
- 1.10. The pre-election period for the elections to the Senedd and Scottish Parliament applied to the first six weeks of this reporting period. The Cabinet Office continued to liaise with the devolved administrations to coordinate the progress of the programme during the pre-election period while respecting the guidance issued to civil servants of all administrations to maintain impartiality. Officials from both the Welsh Government and Scottish Government were able to continue to participate in the Frameworks Project Team and Project Board meetings during this time.

Framework Coordination

- 1.11. Frameworks are being developed through constructive discussions between the Government and the devolved administrations. These discussions have continued during the latest reporting period (26 March to 25 June 2021).
- 1.12. During this reporting period there were four meetings of the UK Government-devolved administrations Frameworks Project Board, involving Cabinet Office senior officials and their counterparts in the devolved administrations. The Project Board monitors progress and facilitates agreement on the direction of the UK Common Frameworks programme.

- 1.13. At an operational level, there have been weekly Frameworks Project Team meetings between officials in the Government and the devolved administrations to support the detailed development of Frameworks by policy officials.
- 1.14. During this reporting period, a working-level UK Government-devolved administration sub-group was formed to focus on the resolution of cross-cutting issues that impact Frameworks. This sub-group has met on a fortnightly basis, reporting into the Frameworks Project Team and Project Board.
- 1.15. The Cabinet Office, as programme coordinator, has also engaged with UK Government departments through a fortnightly Deputy Director-level Frameworks group on strategic policy development and planning, alongside a monthly Frameworks Working Group to provide policy leads with updates and to discuss barriers and drive progress. Working group meetings have also taken place between Cabinet Office officials and officials from framework-owning departments on individual Frameworks.

Programme Development

Framework Agreement

- 1.16. The Hazardous Substances (Planning) framework was finalised and fully implemented during this period, having completed scrutiny by all four legislatures. This is the first framework in the programme to have reached this point. The finalised framework was subsequently published on 31 August 2021.
- 1.17. On 8 July, after the end of this reporting period, a further 21 Frameworks were provisionally confirmed by all administrations. An additional Framework was provisionally confirmed on 14 October. The Government and the devolved administrations agreed that portfolio minister clearance would represent provisional confirmation of Frameworks. This takes the total number of finalised Frameworks to one and provisionally confirmed Frameworks to 29. The provisionally confirmed Frameworks are:
 1. Emissions Trading System;
 2. Radioactive Substances;
 3. Late Payment;
 4. Specified Quantities and Packaged Goods;
 5. Company Law;
 6. Agricultural Support;
 7. Agriculture - Fertiliser Regulations;
 8. Agriculture - Organic Farming;
 9. Agriculture - Zootech;
 10. Animal Health and Welfare;
 11. Fisheries Management and Support;
 12. Plant Health;
 13. Plant Varieties and Seeds;
 14. Air Quality;
 15. Best Available Techniques;

16. Ozone Depleting Substances and F-gases;
17. Chemicals and Pesticides;
18. Resources and Waste;
19. Operator Licensing and Commercial Transport;
20. Driver Licensing;
21. Rail Technical Standards;
22. Roads - Motor Insurance;
23. Nutrition Labelling, Composition and Standards;
24. Blood Safety and Quality;
25. Organs, Tissues and Cells (apart from embryos and gametes);
26. Public Health Protection and Health Security;
27. Food Compositional Standards and Labelling;
28. Public Procurement; and
29. Food and Feed Safety and Hygiene Law.

Phase 4 Development

- 1.18. All provisional Frameworks continued to undergo development towards their finalisation, which requires conclusion of:
 - a) Any remaining framework-specific policy development, including the resolution of cross-cutting issues;
 - b) Any further technical stakeholder engagement required; and
 - c) Parliamentary scrutiny by the legislatures of each administration with an interest in the framework.

Operational Monitoring

- 1.19. A specific exercise was conducted for the Nutrition Labelling, Composition and Standards (NLCS) Framework during which the NLCS policy group and the UK Government and devolved administration Frameworks teams ran two hypothetical scenarios through the NLCS decision making and dispute resolution processes to test its ability to manage policy changes which could potentially cause intra-UK divergence. The implications of the Northern Ireland Protocol were considered in the context of the two scenarios.
- 1.20. Overall, the exercise indicated that the NLCS Framework was working well on an interim basis at official level. The conclusions from this exercise were that the Framework includes the right set of discussion fora at various levels, and that it made particularly good use of the opportunity to link framework decision making structures with relevant experts and risk analysis. This enabled the group to consider the various trade-offs in the option that would be recommended to ministers, which in practical terms was likely to minimise the need to initiate the dispute resolution mechanism within the Framework. Following this successful exercise the Project Team is undertaking a series of further monitoring sessions involving other Frameworks.

Transparency

- 1.21. The Government is committed to transparency in the UK Common Frameworks programme. The European Union (Withdrawal) Act and Common Frameworks report, detailing programme delivery and individual framework development, will continue to be laid quarterly, as per statutory requirements. These reports, alongside a number of provisional Frameworks and associated publications can be accessed on the Government's UK Common Frameworks webpage on gov.uk.³

Parliamentary Engagement

- 1.22. The Government has continued to engage constructively with the UK Parliament, most regularly with the House of Lords Common Frameworks Scrutiny Committee (CFSC) chaired by Baroness Andrews. The CFSC in particular has continued to take a close interest in the programme and wrote to UK Government Ministers regularly during this reporting period. Most notably the CFSC published a report, '*Common Frameworks: building a cooperative Union*', and submitted recommendations on the Public Procurement Provisional Framework. The Government welcomed the Committee's report and in response shared additional updates on cross-cutting issues and set out the Government's aim to ensure maximum consistency and to develop commonly agreed approaches to dealing with these cross-cutting issues. Ministers from the Office of the Secretary of State for Scotland, Office of the Secretary of State for Wales and the Northern Ireland Office appeared before the Committee on 15 June 2021.
- 1.23. At official level, the Government and UK Parliament have worked closely to prepare for formal scrutiny of all UK Common Frameworks. As a result, the UK Parliament has now received Framework Summaries or early Provisional Frameworks for the majority of UK Common Frameworks. During this reporting period UK Parliament received Framework Summaries for: Fertiliser Regulations; Ozone Depleting Substances and F-gases; Resources and Waste; Air Quality; Best Available Techniques; Chemicals and Pesticides; Agricultural Support; Animal Health and Welfare; Zootechnics; Plant Varieties and Seeds; and Plant Health.

Stakeholder Engagement

- 1.24. The Government and devolved administrations work collaboratively to conduct a programme of engagement with sector-specific experts at various points in the development of each framework. This engagement is conducted jointly across all administrations where possible. The process updates stakeholders on the development of specific Frameworks and affords stakeholders an opportunity to input their views and expertise. In this reporting period, the Food Compositional Standards and Labelling Framework policy team conducted a video conference engagement session with stakeholders.

Cross-Cutting Issues

- 1.25. Work has continued between Government departments and the devolved administrations to make progress on the resolution of the various cross-cutting issues which impact on individual Frameworks. The Common Frameworks Project Board

³ <https://www.gov.uk/government/collections/uk-common-frameworks>

established a joint UK Government-devolved administrations cross-cutting issues sub-group in March to determine the exact intersect between the range of cross-cutting issues and Common Frameworks and to seek ways of addressing these issues. The group met six times within the reporting period.

- 1.26. Recognising that not every Common Framework intersects with every cross cutting issue, or to the same extent, the joint UK Government-devolved administrations cross-cutting issues sub-group has engaged with the Frameworks policy teams to ascertain the precise degree to which Common Frameworks intersect with the cross-cutting issues of international relations/trade and the Trade and Cooperation Agreement. The result of this exercise will help to determine which Common Frameworks are able to progress to the next phase of development more quickly.
- 1.27. Work on the Intergovernmental Relations Review has continued throughout the reporting period. The completion of the review will necessitate some small amendments to the Common Frameworks to reflect the role of new structures in the mechanisms of the Common Frameworks. The work on the Intergovernmental Relations Review has not presented a barrier to progressing Frameworks to full implementation, since Review and Amendment mechanisms allow for post full-implementation amendments to be made.
- 1.28. The principles for Common Frameworks agreed at JMC(EN) on 16 October 2017 state that “frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land border with the EU. They will also adhere to the Belfast Agreement”.
- 1.29. The Protocol on Ireland/Northern Ireland to the Withdrawal Agreement, including the Unilateral Declaration on Consent made by the UK Government, avoids a hard border on the island of Ireland, whilst ensuring that the UK, including Northern Ireland, could leave the EU as a whole. As long as the Protocol is in force, special provisions apply in Northern Ireland. These include (but are not exhausted by) Northern Ireland remaining within the UK’s customs territory but aligning with the EU on goods (including certain laws for VAT on goods), and EU tariffs applying in Northern Ireland except for movements within the single customs territory of the UK. A number of pieces of EU legislation will continue to apply directly in Northern Ireland by virtue of the Protocol, in certain policy areas. These are set out in the Annexes to the Protocol.
- 1.30. Common Frameworks policy teams have continued to work with the teams responsible for the Common Frameworks programme to ensure that Common Frameworks satisfactorily take account of the operation of the Protocol where it is relevant to specific Frameworks. Common Frameworks are one of several mechanisms which will enable divergence arising from the implementation of the Protocol to be managed appropriately. The Government considers that Frameworks contain the governance structures needed to contribute to managing divergence arising from the Protocol in relevant areas.
- 1.31. In this reporting period the Government continued work on implementing the provisions within the UK Internal Market Act, including those which relate to Common Frameworks. The UK Government has been working with the devolved administrations

to determine a mechanism for agreeing exclusions from the market access principles in the UK Internal Market Act.

Legislation Relating to Retained EU Law Restrictions

- 1.32. Section 12 of the European Union (Withdrawal) Act 2018 removed the requirements in each of the devolution statutes that the devolved legislatures could only legislate in ways that were compatible with EU law. The Act then replaced those requirements with powers for the Government to apply, by regulations, a temporary ‘freeze’ on devolved competence in specified areas, subject to the approval of the UK Parliament, via the draft affirmative scrutiny procedure. These provisions came fully into force at the end of the Transition Period.
- 1.33. The process for making, agreeing and revoking these regulations can be found in the first European Union (Withdrawal) Act and Common Frameworks report.

Regulations to ‘Freeze’ Devolved Competence

Retained EU law restrictions applied during reporting period

- 1.34. No regulations have been made to apply retained EU law restrictions under these powers during the reporting period.

Progress towards removal of retained EU law restrictions

- 1.35. No retained EU law restrictions made under the powers in sections 30A and 57(4) of the Scotland Act 1998, sections 80(8) and 109A of the Government of Wales Act 2006, or sections 6A and 24(3) of the Northern Ireland Act 1998 had effect at the end the reporting period.

Regulations to Repeal the ‘Freezing’ Powers

- 1.36. In addition to the ‘freezing’ powers inserted into the devolution statutes by the European Union (Withdrawal) Act, section 12(9) confers a power on UK Ministers to repeal, by regulations, the new provisions containing those powers.

Powers to apply retained EU law restrictions repealed during reporting period

- 1.37. No regulations have been made under section 12(9) of the European Union (Withdrawal) Act to repeal the powers to apply retained EU law restrictions during the reporting period.

Progress required in order to repeal the powers to apply retained EU law restrictions

- 1.38. The Government has not sought to make use of the powers to apply retained EU law restrictions at this juncture. As outlined earlier in this report, significant progress is

being made across policy areas to establish Common Frameworks in collaboration with the devolved administrations.

- 1.39. The 'freezing' powers provide a mechanism to give certainty across those areas where common rules do need to be maintained, by ensuring that there will not be substantive policy change in different parts of the UK until those arrangements are in place. In order to remove those powers from the statute book, further progress towards the implementation of Common Frameworks would be needed. The UK Government will keep this position under review, in line with the statutory duty in section 12(10) of the European Union (Withdrawal) Act.

Frameworks Analysis 2021

Breakdown of areas previously governed by EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland

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A Collaborative Approach to Common Frameworks

Following the end of the EU exit transition period on 31 December 2020, powers previously exercised at EU level that intersect with devolved competence flowed directly to Edinburgh, Cardiff and Belfast. In some areas, outlined in this document, the UK Government and the devolved administrations have agreed it is necessary to maintain UK-wide approaches, or Common Frameworks, now the UK is no longer a member state of the EU.

A UK Common Framework is an agreed common approach to policy areas that were previously governed by EU law, and intersect with areas of devolved competence. Common Frameworks will ensure that coherent approaches to regulation are maintained across the UK. They will also enable the UK Government and the devolved administrations of Scotland, Wales and Northern Ireland to make different choices on how to implement the rules in some of these policy areas.

A Framework may allow for intra-UK policy divergence so that each administration can make decisions on the appropriate approach for its jurisdiction, but may also facilitate consistent approaches between administrations, where administrations have determined that such consistency will be of benefit to citizens and/or businesses.

Principles for Common Frameworks

In October 2017, the Joint Ministerial Committee (European Negotiations) (JMC(EN)) agreed upon principles to guide the work to create Common Frameworks¹. These principles are set out below:

1. *Common Frameworks will be established where they are necessary in order 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;*

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652285/Joint_Ministerial_Committee_communique.pdf

- *administer and provide access to justice in cases with a cross-border element;*
 - *safeguard the security of the UK.*
2. *Common Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will 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.*
3. *Common Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK which shares a land frontier with the EU. They will also adhere to the Belfast Agreement.*

These principles continue to guide all discussions between the UK Government and the devolved administrations on Common Frameworks. The Northern Ireland Executive signed up to the Common Frameworks programme and its principles in June 2020.

Breakdown of areas previously governed by EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland

This analysis sets out each of the 152 areas of EU law that intersect with devolved competence in one or more devolved administrations. As the devolution settlements are asymmetrical, a different range of powers is relevant to Scotland, Wales and Northern Ireland.

This analysis is the fourth iteration of the working documents that were published on 9 March 2018², 4 April 2019³ and 24 September 2020⁴ and sets out the latest policy positions on whether a policy area requires a Framework or not, including whether a Framework has any associated primary legislation. The analysis sets out:

- 120 policy areas where no Framework is required, and the UK Government and devolved administrations will continue to cooperate. Policy areas in this category remain monitored by departments and if a requirement for new implementing arrangements is identified, policy areas in the 'no Framework required' category could become a Framework and move category. As such, the numbers set out in this document are subject to change over time. This category was previously termed 'no further action' but has been renamed 'no Frameworks required' for greater accuracy.
- 29 policy areas where common rules and ways of working are or will be implemented through a non-legislative Common Framework agreement. In some of these areas, consistent fixes to retained EU law (made using secondary legislation) create a unified body of law alongside the non-legislative Framework agreement.
- 3 policy areas where, at the time of publication, new primary legislation had been introduced to reflect the fact that the UK is no longer an EU member state. This legislation implements common rules and ways of working, alongside a non-legislative Framework agreement.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686991/20180307_FINAL_Frameworks_analysis_for_publication_on_9_March_2018.pdf

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792738/20190404-FrameworksAnalysis.pdf

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919729/Frameworks-Analysis-2020.pdf

In total there are 32 policy areas where Frameworks are required.

In some instances, policy areas include a mixture of reserved and devolved competence, including where technical standards that derive from EU law are relevant. These policy areas are marked with an asterisk. The analysis also includes 2 policy areas that the UK Government assesses are reserved and which are subject to ongoing discussion with the devolved administrations.

Changes since September 2020

Progress since the publication of the Frameworks Analysis 2020 has been set out publicly in five statutory reports to Parliament on the EU (Withdrawal) Act and Common Frameworks.

Ongoing constructive, collaborative work between the UK Government and the devolved administrations has progressed our understanding of where Common Frameworks are required and how they are implemented. Accordingly, this fourth iteration of the Common Frameworks Analysis provides a snapshot of how the categorisation of policy areas has evolved in light of this programme of work. It remains part of an ongoing dialogue that will continue to develop as work continues.

This analysis sets out a number of changes compared to the September 2020 edition:

- The overall number of policy areas has decreased from 154 to 152. This is not due to Frameworks being removed from the programme, but is instead due to mergers of policy areas. These changes are set out in the table under the section '*Combining policy areas and name changes*' below. These mergers allow the Frameworks programme to better reflect the reality of how those policy areas will operate.
- The number of policy areas in category 1 has increased from 115 to 120. These are the policy areas where no Framework is required and where parties will continue to cooperate.
- The number of policy areas in category 2 (Frameworks with no associated primary legislation) has increased from 22 to 29. This is due to collaborative work between the UK Government and devolved administrations leading to a shared understanding that several areas do not require a Framework, and greater clarity on the implementing arrangements for a number of policy areas that do require a Framework.
- The number of policy areas in category 3 (Frameworks with associated primary legislation) has decreased from 18 to 3. This is as a result of clarity on the implementing arrangements for several Frameworks that were originally identified as possibly requiring a legislative approach through primary legislation.

- The number of policy areas that the UK Government assesses are reserved, but are subject to ongoing discussions with the devolved administrations has decreased from 4 to 2.

The tables below set out the current position of policy areas within the Frameworks programme. Table 1 sets out a breakdown of policy areas by category. Table 2 sets out the total number of policy areas by UK Government department, including a further breakdown by category. Table 3 sets out the total number of policy areas by devolved administrations, including a further breakdown by category.

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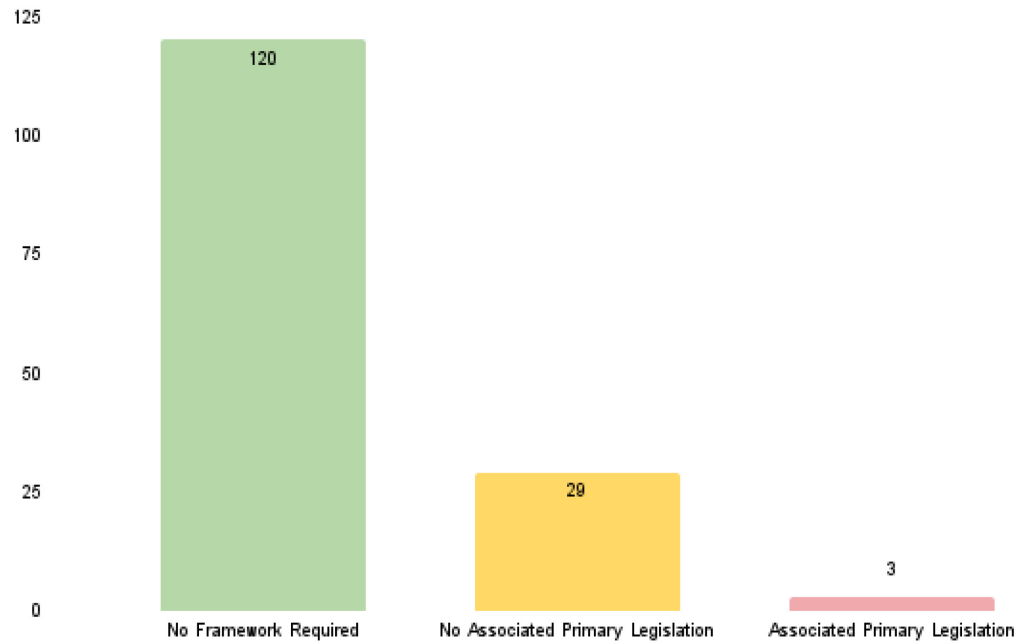


Table 1: Total Number of Policy Areas by Category

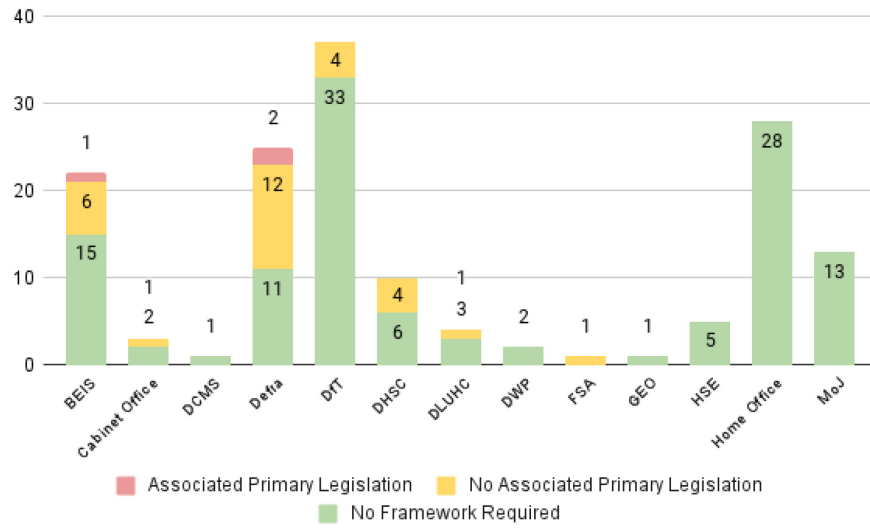


Table 2: Number of Policy Areas by UK Government Department

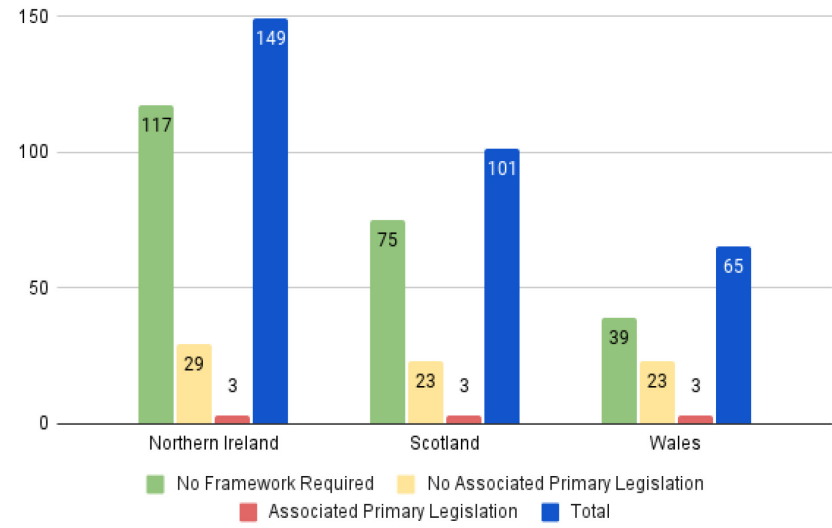


Table 3: Devolution Intersects with Scotland, Northern Ireland and Wales

Reclassification process and background

Reclassification of policy areas to category 1 (no Framework required)

Since the Frameworks Analysis 2020, a total of 6 policy areas have moved into the no Framework required category (category 1) of which 2 have moved from category 3 (Frameworks with associated primary legislation) and 4 have moved from category 2 (Frameworks with no associated primary legislation). *Equal Treatment Legislation* was previously listed as category 1 for Wales and Scotland and category 2 for Northern Ireland. It is now listed in category 1 for all devolved administrations. In each of these cases, policy officials from the UK Government and the devolved administrations jointly identified that there was no need to develop a Framework (no Framework required). Additionally, 1 policy area (*Management of Waste From Extractive Industries*) has been merged with a policy area in category 2 (*Resources and Waste*).

Once UK Government and devolved administration policy teams identified that a Framework was no longer required in their area, a set of 'reclassification review' questions was commissioned in order to test this assumption against the principles for Common Frameworks agreed at JMC(EN), and against any previous statements or communications made by policy teams. Policy teams' responses to these questions were reviewed and agreed by the joint UK Government-devolved administration Common Frameworks Project Board.

The reclassification rationales returned by policy teams included:

- A brief outline on whether there are any new intergovernmental arrangements required to manage the risks posed by divergence in this policy area.
- A confirmation that the decision not to proceed with a Framework has been discussed and jointly agreed by Frameworks policy teams in all four administrations.
- An assessment of whether the absence of a Framework would pose any risk to any of the JMC(EN) Common Frameworks Principles.
- An explanation of how continued cooperation in the policy area will be monitored and maintained post EU-Exit.

All policy areas in the no Framework required category remain open for review. If a requirement for new implementing arrangements is identified, policy areas in the no Framework required category could be moved to categories 2 or 3 and become a Framework.

For the first time, this document sets out a brief rationale as to why each of these policy areas does not require a Common Framework. Of these, 59 (49%) have been assessed as having minimal risk of divergence and thus no policy-specific intergovernmental arrangements are required. Of the remainder, 50 (41.5%) have been assessed as having sufficient existing intergovernmental arrangements in place that a Framework is not required and 11 (9.5%) were assessed as areas where divergence would have minimal impact, and no policy-specific intergovernmental arrangements are required. Policy teams continue to monitor these policy areas and if any assessment changes the option remains to develop a Common Framework.

Reclassification of policy areas to category 2 (Frameworks with no associated primary legislation)

Since the Frameworks Analysis 2020, a total of 13 policy areas have moved from category 3 to category 2. Two policy areas have also been merged into one Framework (*Commercial Transport and Operator Licensing*).

The individual implementation methods of each Framework were decided by policy teams, with involvement from the relevant portfolio ministers as required. Agreement has also been sought by all four administrations' central Frameworks teams.

Categories of Frameworks

All UK Common Frameworks are non-statutory intergovernmental arrangements. Some Frameworks will have associated primary or secondary legislation as a result of EU Exit. The previously used categories of 'legislative' and 'non-legislative' Frameworks have been renamed to better account for the differences between Frameworks.

Frameworks with associated primary legislation (category 3)

Policy areas where, at the time of publication, new primary legislation had been introduced to reflect the fact that the UK is no longer an EU member state. This legislation implements common rules and ways of working, alongside a non-legislative Framework agreement.

Frameworks with no associated primary legislation (category 2)

Policy areas where, at time of publication, common rules and ways of working had been or were due to be implemented through a non-legislative Common Framework agreement. In some of these areas, consistent fixes to retained EU law (made using secondary legislation) create a unified body of law alongside the non-legislative Framework agreement.

Combining policy areas and name changes

Since the last publication of the revised Frameworks Analysis 2020 the following policy areas have been combined and re-named:

Department	Previous policy areas	New policy area
Defra	Management of Waste From Extractive Industries	Resources and Waste
	Resources and Waste	
DfT	Commercial Transport	Commercial Transport and Operator Licensing
	Operator Licensing	

This change was decided by the relevant policy teams to ensure that the Framework correctly reflects the reality of the policy area. The policy areas were intertwined and hence managed as a single policy area in practice, and there was no clear benefit in having separate Frameworks.

Once policy teams identified that these two areas should be merged, they were commissioned to provide a short rationale for these changes in order to test this assumption against the principles for Common Frameworks agreed at JMC(EN), and against any previous statements or communications made by policy teams. Policy teams' returns were reviewed and agreed by the Common Frameworks Project Board.

Since the last publication the following Frameworks areas have had their names changed to better reflect the underlying policy areas.

Department	Previous Name	New Name
DHSC	Public Health (serious cross-border threats to health) (notification system for pandemic flu, Zika etc)	Public Health Protection and Health Security
Defra	Agriculture - Organic farming	Agriculture - Organic production

Frameworks areas overview

Category 1: No Framework required areas

120 Policy areas where no Common Framework is required, and where the UK Government and devolved administrations will continue to cooperate.

In this fourth iteration of the Frameworks Analysis, rationales have been included for each policy area for the first time in order to explain why a Framework is not required.

Rationales have been colour-coded to indicate the primary reason why a Framework is not required. Table 4 below sets out the total number of policy areas by rationale.

Rationale	Colour Code
Risk of divergence is minimal and no specific intergovernmental arrangements are needed	Green
Existing intergovernmental arrangements in place to ensure coherence and manage risk of divergence	Blue
Divergence has, or is expected to have, minimal impact and no specific intergovernmental arrangements are needed	Yellow

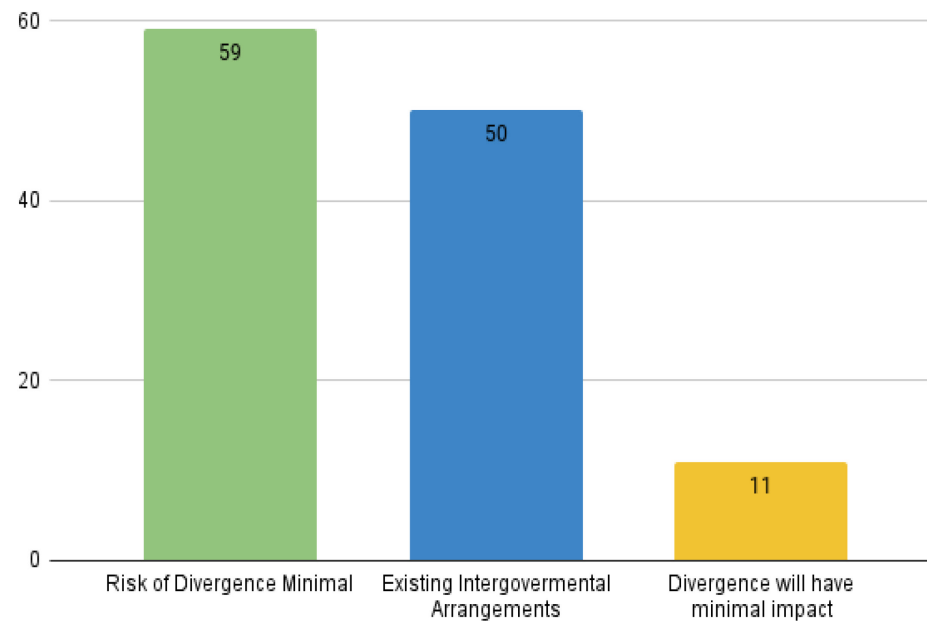


Table 4: No Framework Required Areas by Rationale

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
BEIS	Carbon Capture and Storage	x*	x*	x*	Directive 2009/31/EC on the geological storage of CO2 establishes a legal framework for the environmentally safe geological storage of CO2 to contribute to combating climate change.	This Directive is implemented into UK law by 2 pieces of legislation concerning standards: The Storage of Carbon Dioxide (Licensing etc) Regulations 2010 and The Storage of Carbon Dioxide (Termination of Licenses) Regulation 2011 which will ensure a common approach where needed.
BEIS	Consumer Law including Protection and Enforcement	x			A body of law providing rights and protections for consumers consisting of principles-based, enforcement and sector-specific legislation, including Unfair Contract Terms (93/13/EC), Consumer Rights (2011/83/EC), Unfair Commercial Practices (2005/29/EC) and a cross-border Consumer Protection Cooperation Regulation (EC 2006/2004).	There is an existing Memorandum of Understanding between GB and NI which will help to ensure consistency post-EU Exit. Consumer protection policy, including enforcement, is reserved for Scotland and Wales. No risk of divergence is foreseen.
BEIS	Elements of Employment Law	x			Employment law is not an exclusive EU competence but there are a number of directives concerning individual and collective rights implemented in UK law, including the Working Time Directive 2003/88/EC and Pregnant Workers Directive 1992/85/EEC. EU law sets the minimum standards and Member States (and DAs, where competence is devolved) may legislate freely above this level.	Some (but not all) UK employment law derives from EU law. There is currently consistent shared practice across GB and largely shared rules with NI. It is unlikely that NI or GB would seek to diverge significantly from current practices, nor would there be significant impact were this to occur.

⁵ Policy areas marked with an asterisk (*) include a mixture of reserved and devolved competence including where technical standards that derive from EU law are relevant.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
BEIS	Energy Efficiency Directive and High Efficiency Cogeneration / Combined Heat and Power (EED/CHP)	x*	x*	x*	<p>The Energy Efficiency Directive (2012/27/EU) sets energy efficiency targets and other requirements to encourage and improve energy efficiency.</p> <p>Measures that promote the use of high-efficiency cogeneration (Combined Heat and Power) in order to increase the energy efficiency and improve the security of energy supply (Energy Efficiency Directive 2012/27/EU).</p>	The Climate Change Act will maintain a UK-wide approach to decarbonisation. Energy efficiency policies already diverge between the different jurisdictions in the UK, without harm to the internal market, international obligations or trade agreements.
BEIS	Environmental Law Concerning Energy Industries	x*	x*	x*	EU legislation contains rules and environmental standards relevant to offshore oil and gas exploration and production, offshore gas unloading and storage, and offshore carbon dioxide storage activities	Divergence already exists, as each devolved administration has its own regulatory regime (with onshore oil and gas ("hydrocarbon") licensing and associated environmental regulatory functions devolved - and with certain environmental regulatory functions for offshore hydrocarbon operations also devolved. The baseline that is required is already secured in UK wide legislation that reflects the UK's international obligations in this field.
BEIS	Environmental Law Concerning Energy Planning Consents	x*	x*	x*	Directives set out provisions for Environmental Impact Assessments for generating stations and overhead lines (85/337/EEC, 97/11/EC, 2003/35/EC, 2009/31/EC, 2011/92/EU and 2014/52/EU).	Divergence is unlikely and impact would be minor as a joint approach can be maintained through informal intergovernmental agreements.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
BEIS	Geo-Blocking	x*	x*	x*	Regulation prohibits blocking or redirecting users away from versions of websites available to other EU nationals. It therefore prohibits discriminatory terms of access on the basis of location in EU when purchasing distance goods, wholly online services, and services tied to a specific location (some exceptions apply), as well as discrimination based on place of issue of the payment method.	Geo-Blocking regulation applies only between states so currently there is no impact on intra-UK sales.
BEIS	Heat Metering and Billing Information	x	x		Energy Efficiency Directive 2012/27/EU sets duties for heat suppliers in respect of installing and maintaining heat metering devices and billing, minimum requirements for billing information, and determination of cost effectiveness and technical feasibility.	Divergence exists already, with minimal impact. Further divergence would not be problematic.
BEIS	Internal Energy Market / Third Energy Package	x			Package of legislation on the development of the internal energy market, particularly cross-border trading.	NI and Ireland (IE) are part of a single electricity market that operates differently to the GB market. Further differentiation (e.g. for NI to remain aligned with IE) would be acceptable and would not cause detriment to the GB market.
BEIS	Onshore Hydrocarbons Licensing	x	x	x	Directive 94/22/EEC sets the conditions for tendering and determining applications for hydrocarbon licences and imposes restrictions on the terms which may be included in licences and their extension.	Responsibility for the policy area is devolved and within this structure divergence will not present any significant risks. No intergovernmental arrangements are required.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
BEIS	Recognition of Insolvency Proceedings in EU Member States	x	x*		Regulation 2015/848 on Insolvency Proceedings focusses on resolving conflicts of jurisdiction and cross border insolvencies, providing rules to determine which EU states' courts have jurisdiction to open insolvency proceedings, ensuring that those proceedings and their effects are recognised throughout the EU, and coordinating between proceedings in different member states. This Regulation recasts and supersedes an earlier instrument, Regulation 1346/2000.	There are existing intergovernmental structures in place to mitigate against divergence, supported by domestic law which reflect international best practice. No further intergovernmental arrangements are needed.
BEIS	Renewable Energy Directive	x*	x*	x*	The Renewable Energy Directive (2009/28/EC) places a 15% renewable energy target, and a 10% renewable energy sub target for the transport sector on the UK. The Directive sets out a number of other measures and frameworks to support the production and promotion of energy from renewable sources.	Divergence is already built into this area at a domestic level and further divergence would not be problematic or require intergovernmental management.
BEIS	Security of Supply (emergency stocks of oil)	x*			Directive 2009/119/EC obligates Member States to maintain emergency stocks of crude oil and petroleum products.	The Energy Act 1976 retains executive powers for UKG to manage the system (even though legislative powers are transferred to NI). For this reason, BEIS does not anticipate that stocks would be depleted if NI chose to adopt a different approach.
BEIS	Security of Supply (gas)	x			Regulations concerning the security of gas supply, preventing potential supply disruptions and supporting a response to them should they occur. The regulations also create common standards to measure serious threats and define how much gas is needed to be able to supply households and vulnerable consumers.	NI, GB and Ireland operate their gas networks and markets independently, but they are closely aligned in regulatory terms, with NI (and IE) relying on gas imports from GB. GB gas security of supply is robust and would not suffer as a result of NI regulatory divergence.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
BEIS	Transport of Dangerous Goods and Transportable Pressure Equipment - Class 7 only	x			Regulation establishes a common regime for all aspects of the transport of radiological (Class 7) dangerous goods, by road, rail, and inland waterway subject to some national derogations. It links to the Euratom legislation Directive 2008/68/EC on the inland transport of dangerous goods.	NI and IE are part of a single energy market that operates differently to the GB market. Further differentiation in the regulations for transport of these materials (e.g. for NI to remain aligned with IE) would be acceptable and would not cause detriment to the GB market.
Cabinet Office	Statistics	x*	x*	x*	Provision of prescribed datasets to the EU on a wide variety of topics (statistics is cross-cutting).	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. Engagement on statistics between the UKG and the DAs is underpinned by the existing Concordat on Statistics
Cabinet Office	Voting Rights and Candidacy Rules for EU Citizens in Local Government Elections		x	x	Article 20(2)(b) TFEU, Article 22 TFEU sets out that all parts of the UK must allow EU citizens the right to vote and stand in local government elections. In England and Wales local elections also include Police and Crime Commissioner elections, mayoral elections and combined authority mayoral elections. This is set out in detail in UK legislation, specifically in Section 4 of the Representation of the People Act 1983.	The risks of divergence leading to international obligations not being met can be managed through discussions and agreement with the devolved administrations.
DCMS	The Rental and Lending Directive (concerning library lending)	x			The lending articles of this Directive give right holders the right to allow or to prohibit the lending of their work. The Directive also allows Member States to derogate from the lending right in respect of public lending, provided that the author receives remuneration.	The impact associated with divergence is minimal, but there are strong incentives to converge for efficiency reasons and NI currently allows the UK to act on its behalf (and has done so for over 30 years).

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
Defra	Agriculture - GMO marketing and cultivation	x	x	x	<p>Directive 2001/18 – decisions on authorising GMO trials (delegated to Member States) and on marketing GMOs (decisions taken at EU level).</p> <p>Regulation 1830/2003 – requires the traceability and labelling of GMOs approved for marketing.</p> <p>Regulation 1946/2003 – requires notification to third countries of proposed GMO exports.</p> <p>Enforcement powers for these directly applicable Regulations are set out in parallel SIs in all four nations.</p>	The administration and coordination of this policy area is provided for through existing intergovernmental arrangements, including a GMO Concordat.
Defra	Biodiversity - Access and benefit sharing of genetic resources	x	x	x	<p>Rules set up under the Nagoya Protocol to help preserve biodiversity regulate access to the genetic resources of other countries and how the benefits from research and development using these resources are shared with the provider country. Implemented into EU Law under Regulation (EU) No 511/2014 with Regulation (EU) 2015/1866 providing implementation for register of collections, monitoring user compliance and best practices.</p>	The obligations that the UK has signed up to in current international agreements provide benchmark standards to counter divergence. This, and the planned renewal of the UK Biodiversity Frameworks means no new arrangements are required.
Defra	Flood Risk Management	x	x	x	<p>These policies and regulations (primarily the EU Floods Directive) aim to reduce the risks to people, properties and infrastructure from flooding and coastal erosion.</p>	Recent legislation in all four administrations has ensured a high degree of harmonisation in flood management policy.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
Defra	Forestry (Domestic)	x*	x*	x*	These policies and regulations cover timber production and woodland management, including EU Environmental Impact Assessment.	Divergence already exists, with existing intergovernmental arrangements achieving baseline standards for the management of forests.
Defra	Land Use	x*	x*	x*	Elements of Environmental Impact Assessment Directive and Strategic Environmental Assessment Directive cover rural land use.	Existing intergovernmental arrangements work to share information. There are minimal risks from divergence.
Defra	Marine Environment	x	x	x	Rules relating to management and protection of, but not limited to, marine pollution, litter, biodiversity, food webs and seafloor integrity. Implemented under Directives 2008/56/EC, 2017/845/EU with reference to the OSPAR Convention between the governments of North-East Atlantic.	No new arrangements are required to manage this policy area. The Marine Strategy Regulations 2010 enable the achievement of good environmental status and continue to operate post EU Exit. The Marine Policy Statement guides the implementation of marine planning in the UK. UKG and the DAs have collaborative governance arrangements in place to work together to meet obligations and shared ambitions. Defra and NIE also have a Marine Management Concordat.
Defra	Natural Environment and Biodiversity	x*	x*	x*	Policies and common standards covering the conservation of the UK's terrestrial, freshwater and marine species and habitats in compliance with international obligations such as the Convention on Biological Diversity. This is joined by EU Regulations (EU) No 1143/2014, (EU) No 1143/2014, and (EEC) No 3254/91 and Directives 2009/147/EC, 92/43/EEC, 1999/22/EC, and 83/129/EEC. This particularly concerns the network of sites which currently form part of the EU's Natura 2000 (N2K) network.	No new arrangements are required over and above the existing arrangements and the existing legal duties and the planned renewal of the existing UK Biodiversity Frameworks. The UK remains subject to an extensive range of obligations under international law, including the Bern Convention on the Conservation of European Wildlife and Natural Habitats. All UK administrations will be bound by these obligations.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
Defra	Noise Directives	x	x	x	The Directive is concerned with noise mapping and action planning and does not address trade or cross-border issues.	There is already some divergence within the UK and future divergence is not considered a significant risk; DAs already have responsibility for regulations. Liaison arrangements between UKG and DAs are already in place.
Defra	Spatial Data Infrastructure Standards	x	x	x	EU INSPIRE system under Directive 2007/2/EC that ensures a harmonised approach to spatial data publishing to improve environmental reporting.	No new arrangements are required. The 2009 UK INSPIRE legislation covers England, Wales and NI; Scotland has its own, mirror, INSPIRE legislation. A UK INSPIRE and Spatial Data Infrastructure Compliance Board oversees the implementation of INSPIRE legislation and meets throughout the year. The forthcoming National Data Strategy will include INSPIRE.
Defra	Water Quality	x	x	x	These policies and regulations (primarily the EU Water Frameworks Directive and the EU Drinking Water Directive) aim to improve the ecological and chemical status of the UK's rivers, lakes, estuaries, coastal waters and groundwater, and provide safe, quality drinking water.	There are liaison arrangements between UKG and the DAs and environmental agencies to exchange information and ensure joint working to maintain high water quality standards.
Defra	Water Resources	x	x	x	These policies and regulations cover the provision of sustainable, safe and affordable water supplies for households, businesses, energy production and agriculture.	There are liaison arrangements between UKG and the DAs to exchange information and ensure joint working to manage water resources.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Airport Charges	x			Relating to Directive 2009/12/EC on airport charges.	Aerodromes are transferred to NI. However, under The Airports (Northern Ireland) Order 1994 NI is not able to diverge from the EU directive and the implementing SI applies to the whole of the UK. No drivers for divergence are foreseen.
DfT	Air Passenger Rights	x*			Regulation 1107/2006 imposes certain obligations on airports in respect of passengers with disabilities and reduced mobility (specifically Articles 5-9)	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. Aerodromes are transferred, but the legislation is reserved. The Civil Aviation Authority (CAA) is the only regulator that enforces the law and monitors the airport's compliance to the obligations.
DfT	Aviation - Compensating PSO air routes		x*	x*	Relating to regulation (EC) 1008/2008 on the Operation of Air Services (Articles 16-18).	Powers for arranging Public Service Obligation (PSO) routes are informally devolved so DAs arrange PSOs on routes wholly within their territory, applying the criteria in Regulation 1008/2008 (as amended and retained in UK law) and additional UK specific guidance published by DfT in 2013. The policy is only informally devolved and therefore still governed by the same legislation. Only the administration and funding of specific PSOs are devolved, not the parameters of the policy itself. The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Aviation – Ground handling at airports	x			Relating to Directive 96/67/EC on access to the ground handling market at certain airports.	Aerodromes are transferred to NI. NI is not able to diverge from the EU directive and the implementing SI applies to the whole of the UK. The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area.
DfT	Aviation Noise Management at Airports	x*			Regulation 598/2014, establishing rules and procedures with regard to the introduction of noise-related operating restrictions at airports within a balanced approach.	Aviation noise policy officials from the devolved administrations work together via the DfT-led Airspace and Noise Engagement Group where information is shared and any change to approach will be discussed.
DfT	Aviation Slots	x			Regulation 95/93 on common rules for the allocation of slots at airports.	The risk of divergence is minimal - airport slot coordination is transferred for Northern Ireland, but as no NI airports are currently slot coordinated, this is not an issue in practice.
DfT	Bus Franchising Rules	x	x	x	Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.	Any divergence is expected to have minimal impact and no intergovernmental arrangements are needed for this policy area; while responsibility is devolved the policy overall is regulated by the Transport Act 1985.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Cableways	x			EU Regulation 2016/424 on cableway installations and repealing Directive 2000/9/EC relating to cableway installations designed to carry persons.	This is a niche transport mode so the risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. Relevant officials keep in contact on an informal basis.
DfT	Charging of HGVs	x*	x*	x*	Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.	The risk of divergence is minimal and no specific intergovernmental arrangements are needed for this policy area.
DfT	Coach and Bus Services	x			Regulation 181/2011 sets out the rights of passengers on bus and coach transport. (Art.4) non-discrimination between passengers with regard to transport conditions offered by carriers (Art.7-8) rights of passengers in the event of accidents arising out of the use of the bus or coach resulting in death or personal injury or loss of or damage to luggage; (Art.9-18) non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility; (Art.19-23) rights of passengers in cases of cancellation or delay; (Art.24-25) minimum information to be provided to passengers; (Art.26-27) handling of complaints; (Art.28-31) general rules on enforcement.	National Enforcement Bodies (NEBs) are in place for GB and NI. NEBs liaise, co-operate and meet on a regular basis on matters of passenger rights helping to mitigate the impact and likelihood of divergence. No new intergovernmental arrangements are required.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Driver CPC (certificates of professional competence)	x			Directive 2003/56/EC - transposed by SI 2007/605 - CPC is a condition of access to EU27 under ECMT permit system and likely to be a condition of negotiated agreements with EEA states.	The risk of divergence is minimal and no specific intergovernmental arrangements are needed for this policy area.
DfT	Driver Hours and Tachographs	x			Regulations around working hours and break requirements for commercial vehicle drivers and requirements for the installation and use of tachograph devices to record driver activities (EU regulations 561/2006 and 165/2014). Also mobile road transport working time rules (Directive 2002/15/EC).	Responsibility is transferred to NI but both UK and NI are still bound by international obligations. No drivers for divergence are foreseen in this area. Divergence could have an impact on cross-border access although the likelihood of divergence is low.
DfT	Electronic Road Toll Systems	x	x	x	Directive 2004/52/EC on interoperability of electronic road toll systems and EU Regulation 219/2009.	The Directive was transposed into UK law by SI 2007/58. This requires that any new or substantially modified tolling system, if it requires equipment to be installed in vehicles, must use particular, specified technologies. However, no new intergovernmental arrangements are required because in practice there have been no new or substantially modified electronic tolling systems, as defined by the SI (as automatic number plate recognition (ANPR) schemes are outside of the scope).
DfT	Elements of Harbours (marine environment issues)	x*	x*	x*	Directive 2011/92 amended by Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.	Divergence is unlikely and would be restricted to the power to legislate on port waste facilities, so would not be problematic.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Intelligent Transport Systems	x*	x*	x*	Policies and common standards relating to national electronic registers and data for intelligent transport systems. This includes Regulations made under Directive 2010/40.	Both UKG and the devolved administrations are committed to a consistent and coherent strategy to ensure cross-border interoperability of vehicle data systems and services, and will continue to meet regularly through the well-established forum of the STREETWISE Intelligent Transport System Working Group. The group's terms of reference also includes provision for dispute resolution and escalation within the national and devolved governments, and this process is based on the common model developed by the Cabinet Office for Common Frameworks.
DfT	Maritime Employment and Social Rights	x			Directives and Regulations relating to employment, social rights and health and safety for seafarers on ships.	Likelihood of divergence was assessed as minor. Informal intergovernmental arrangements monitoring wider employment legislation are already in place.
DfT	Maritime – Ports services and port reception facilities, including for ship-generated waste	x*	x*	x*	Regulation 2017/352 that establishes a framework for the provision of port services and common rules on the financial transparency of ports. Directive 2000/59 contains a mix of competence and is relevant here insofar as it relates to harbours only.	The risk of divergence is minimal and no specific new intergovernmental arrangements are needed.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Maritime - Public Service Contracts/Obligations, and financial assistance for shipping services which both start and finish within Scotland/to, from and within Wales		x	x	Regulation 3577/92 that applies the principle of freedom to services to provide cabotage maritime transport.	Likelihood of divergence was assessed as moderate as the Scottish Government may seek to reduce/remove competition for Public Service Obligation contracts, as it has done for the replacement of ferries. There is little direct impact on English or Welsh businesses, as there are no PSO ferry services elsewhere in the UK under normal circumstances. Any issues could be adequately addressed through the CMA, which acts on a UK-wide basis
DfT	Mutual Recognition of Qualifications (but not CPC) (relates specifically to recognition of drivers' qualifications)	x			Directive 2005/36/EC on the recognition of professional qualifications.	The risk of divergence is minimal as GB and NI need to remain aligned. No formal intergovernmental arrangements are envisaged as being needed for this policy area. The UK government already works with the NI Executive to monitor these arrangements.
DfT	Passenger Rights (rail)	x			Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators.	Authority has been transferred to NI and the risk of divergence can be managed through current informal working groups. Currently, NI has no plans to change their existing EU derived legislation.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Rail Franchising Rules - Insofar as they do not relate to state aid rules	x			Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.	Rail is fully transferred in NI. SG and WG have executive competence only. Existing legislation would provide a looser framework than the EU previously provided but if GB decided to diverge from EU practice, it would be acceptable for NI to align with Ireland. Any divergence is expected to have minimal impact and no intergovernmental arrangements are needed for this policy area.
DfT	Rail Markets and Operator Licensing (governance, structure, track access and charging)	x*			Directive 2012/34/EU, to be amended by Directive 2016/2370/EU (both part of the market pillar of the 4th railway package) which recasts a number of EU Directives and establishes a single European railway area with common rules on: the governance of railway undertakings and infrastructure managers, on infrastructure financing and charging, on conditions of access to railway infrastructure and services and on regulatory oversight of the rail market.	The risks posed by divergence are considered to be low as rail operator licensing has been transferred to Northern Ireland for a considerable period and there is already some divergence between GB and NI without any significant impacts. Frequent meetings between DfT and NICS officials are in place.
DfT	Rail Markets - Train driving licenses and other certificates	x			Directives 2007/59/EC and 2014/82/EU on train driving licensing rules, setting out the conditions and procedures for the licensing and certification of train drivers operating in the EU.	The risks posed by divergence are considered to be low as responsibility has been transferred to Northern Ireland for a considerable period and there is already some divergence between GB and NI without any significant impacts.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Rail Safety	x			Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18/EC (which will be replaced by Directive 2016/798 in June 2019 or 2020 - technical pillar of 4th railway package) along with relevant Regulations and Decisions.	The risks posed by divergence are considered to be low as responsibility has been transferred to Northern Ireland for a considerable period and there is already some divergence between GB and NI without any significant impacts.
DfT	Rail Workers Rights	x			Directive 2005/47/EC on the agreement between the social partners on working conditions of mobile workers engaged in cross-border rail services, supplementing the Working Time Directive (Directive 1993/104/EC).	The risks posed by divergence are considered to be low as responsibility has been transferred to Northern Ireland for a considerable period and there is already some divergence between GB and NI without any significant impacts.
DfT	Retrofitting of HGV Mirrors	x			Directive 2007/38/EC on the retrofitting of mirrors to registered heavy goods vehicles.	The risk of divergence is minimal and no specific intergovernmental arrangements are needed for this policy area. While this measure was implemented separately in GB and NI in 2009 under Directive 2007/38/EC it is as a result of an international obligation.
DfT	Road Infrastructure Safety Management	x	x	x	Directive 2008/96/EC that supports road infrastructure safety management.	The risk of divergence in this area is assessed to be low and no new intergovernmental arrangements are necessary.
DfT	Roadworthiness Directive	x			Rules (directives 2014/45/EC and 2014/47/EC) relating to roadworthiness tests for motor vehicles and their trailers, plus associated inspections.	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Safety specifications	x			Directive 91/671/EEC on the compulsory use of safety belts in vehicles of less than 3.5 tonnes (amended by 2003/20/EC).	The risk of divergence is minimal. Compulsory use of safety belts is long established in law and any lessening of requirements would represent an unacceptable reduction in road safety. No intergovernmental arrangements are needed for this policy area.
DfT	Speed Limitation Devices	x			Directive 1992/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles (amended by Directive 2002/85/EEC).	No drivers for divergence in this policy area are foreseen as the Directive has been transposed into domestic legislation. Vehicles would need these speed limiting devices to operate in the EU. Divergence is unlikely.
DfT	Trans European Transport Network	x*	x*	x*	The EU Regulation establishes the trans European transport network, it includes maps of the core and comprehensive networks and sets specific standards to be implemented by 2030 and 2050 respectively. It is the geographic focus for EU transport regulation referencing individual pieces of legislation in different transport modes.	The risk of divergence is minimal as GB and NI need to remain aligned. No formal intergovernmental arrangements are envisaged as being needed for this policy area.
DfT	Transporting Dangerous Goods by Rail, Road and Inland Waterway Directive	x			Directive covering the carriage of dangerous goods and use of transportable pressure equipment by road, rail and inland waterway.	<p>The UK is party to international agreements in this area. The only area for divergence would be in relation to Transportable Pressure Equipment if the EU Directive diverges from internationally agreed requirements. This is highly unlikely.</p> <p>For this policy area DfT has an MoU with the Health and Safety Executive in Northern Ireland which states that DfT take the lead on policy development for the whole of the UK.</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DfT	Use of Goods Vehicles Hired Without Drivers	x			Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road.	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area.
DHSC	Clinical Trials of Medicinal Products for Human Use	x			Regulations and Directives on clinical trials on medicinal products for human use.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. MoUs are in place and DHSC have regular meetings with the devolved administrations. DHSC hold combined quarterly meetings with all the devolved administrations and ad hoc meetings with each administration as and when needed.
DHSC	Elements of the Regulation of Tobacco and Related Products	x*	x*	x*	Provision made for print and press advertising and promotion of electronic cigarettes in Directive 2014/40/EU on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products. Provision made for print and press advertising, display and promotions in Directive 2003/33/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.	Any divergence is expected to have minimal impact and there are informal intergovernmental arrangements on tobacco control including commitments to information sharing, regular meetings and collaboration where appropriate.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DHSC	Good Laboratory Practice	x*	x*	x*	Directives relating to the inspection and verification of good laboratory practice (GLP) and harmonising laws, regulations and administrative provisions on good laboratory practice (Directives 2004/9/EC and 2004/10/EC).	As the UK Good Laboratory Practice Monitoring Agency (UK GLPMA) remains the monitoring authority within the UK, any GLP work conducted in the UK must adhere to the UK GLP monitoring programme and comply with OECD principles of GLP. This regulation controls any divergence of standards.
DHSC	Medicinal Products for Human Use	x			EU Directives and Regulations that relate to medicinal products for human use and, inter alia, lay down procedures for the marketing authorisation, supervision and pharmacovigilance of these products.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. MoUs are in place and DHSC have regular meetings with the devolved administrations. DHSC hold a combined quarterly meeting with all the devolved administrations and ad hoc meetings with each administration as and when needed.
DHSC	Medicine Prices	x			Directive 89/105/EEC relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in national health insurance systems	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. To mitigate risk, DHSC has in place the 2019 Voluntary Scheme for Branded Medicines Pricing and Access agreed in December 2018 and started on 1 January 2019. DHSC acted on behalf of all four administrations to agree the deal with the branded pharmaceutical industry represented by the Association of the British Pharmaceutical Industry (ABPI). This agreed scheme lasts for five years and will not be affected by EU Exit. Cooperation in this area continues with quarterly governance, and bi-annual formal meetings with ABPI where the devolved administrations are all involved and contribute. Leaving the EU has no impact on that cooperation.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
DHSC	Reciprocal and Cross-Border Healthcare	x*	x*	x*	Directive 2011/24/EU codified a series of case law. It sets out the conditions under which a patient may travel to another EU country to receive medical care and reimbursement. The requirements under the Directive have been transposed by England, Wales, Scotland, Northern Ireland and Gibraltar.	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. The implementation of reciprocal healthcare is mostly centralised and delivered by the NHS Business Services Authority on behalf of the UK. For the areas of reciprocal healthcare implementation that fall within devolved competence, the devolved administrations are bound by the rules agreed in the Withdrawal Agreement and Protocol on Social Security Coordination of the EU – UK TCA, and therefore the scope for divergence is very limited. There is ongoing, frequent engagement with the devolved administrations on a fortnightly basis in the area of reciprocal healthcare which is about sharing best practices, updates on TCA implementation and collaboration in terms of communications to citizens.
DLUHC	Energy Performance of Buildings Directive	x	x	x	The Energy Performance of Buildings Directive (2010/31/EU) aims to improve and make transparent the energy performance of buildings.	Divergence already exists, with the DAs setting their own energy standards in relation to buildings - this has no adverse impact.
DLUHC	Environmental Impact Assessment (EIA) Directive	x	x	x	The Environmental Impact Assessment Directive (85/337/EEC) integrates environmental considerations into the preparation of proposals for development to reduce their impact on the environment.	The risk of harmful divergence is minimal and no intergovernmental arrangements are needed for this policy area. Officials in all four administrations work closely together to maintain joint ways of working, and both UKG and the DAs continue to be party to various international obligations that further reduce any potential for harmful divergence.

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		NI	S	W		
DLUHC	Strategic Environmental Assessment	x	x	x	The Strategic Environmental Assessment (SEA) Directive on the assessment of the effects of certain plans and programmes on the environment.	The risk of harmful divergence is minimal and no intergovernmental arrangements are needed for this policy area. Officials in all four administrations work closely together to maintain joint ways of working, and both UKG and the DAs continue to be party to various international obligations that further reduce any potential for harmful divergence.
DWP	Elements of EU Social Security Coordination	x*	x*		This is an area of shared EU competence for devolved benefits. The EU Social Security Coordination Regulations require Member States to ensure that citizens who exercise their right to free movement are not disadvantaged, e.g. by taking into account periods of residence and work and contributions paid in other Member States when considering the entitlement of claimants for UK benefits, including state pensions. The rules also require the UK to export benefits to persons living in another EU Member State in certain circumstances.	There are existing intergovernmental arrangements in place to ensure coherence and manage any risks of divergence in implementation.
DWP	Private Cross Border Pensions	x			EU legislation on the operation of the EEA internal market in financial services allows occupational pension schemes based in one country to operate (have members) in another.	Risk of divergence is minimal and no intergovernmental arrangements are needed; divergence is controlled as a single UK system was agreed in the Northern Ireland Act 1998.

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		NI	S	W		
GEO	Equal Treatment Legislation	x*	x*	x*	It bans discrimination and harassment in employment on the following grounds: sex, race, age, disability, sexual orientation and religion or belief. It also bans discrimination in the provision of services on grounds of sex and race. It also requires the existence of an equalities monitoring body, such as EHRC.	UKG, Welsh Government and Scottish Government have assessed that a UK Common Framework for Equal Treatment Legislation is not required for Scotland and Wales. GB-wide equality law already covers most of the policy area that would fall under a Framework, and in the remainder, the risk of regulatory divergence is assessed to be very low. UKG has assessed that a UK Common Framework with Northern Ireland is not currently required due to the shared international obligations that GB and Northern Ireland are subject to. Should these circumstances change, this assessment can be revisited. The Northern Ireland Executive is assessing this policy area.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - European Judicial Network	x*	x*		Council Decision 2008/976/JHA on the European Judicial Network aims to facilitate judicial cooperation by establishing a network of Contact Points in EU Member States and partner third countries who are experts in matters such as Mutual Legal Assistance. These Contact Points assist with establishing direct contacts between competent authorities and by providing legal and practical information necessary to prepare an effective request for judicial cooperation or to improve cooperation more generally.	By virtue of leaving the EU, the UK now has third-country status within the EJM. Even so, any divergence is expected to have minimal impact and no framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Joint action on organised crime	x*	x*		Joint Action 97/827/JHA establishes a peer-evaluation mechanism that enables Member States to evaluate each other on the application and implementation of instruments designed to combat international organised crime.	By virtue of leaving the EU, the UK no longer cooperates with the EU on Joint Action on Organised Crime. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Mutual legal assistance	x*	x*		The EU-UK Trade and Cooperation Agreement enables mutual assistance between the judicial, police and customs authorities of the UK and the EU Member States on criminal matters. This was previously facilitated by the Convention of Mutual Assistance in Criminal Matters between the Member States of the European Union (EU MLAC).	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Data sharing - False and Authentic Documents Online (FADO)	x*	x*		Joint Action 98/700/JHA establishing the European Image Archiving System, also known as False and Authentic Documents Online (FADO), is an EU database that facilitates the exchange of information between document experts in Member States on genuine and false identity documents, visas and border officer stamps used across the EU.	By virtue of leaving the EU, the UK no longer has access to FADO. Even so, any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Agencies- CEPOL	x*	x*		Council Decision 2005/681/JHA establishing the European Police College (CEPOL) - a European agency that brings together a network of training institutes for law enforcement officials and supports them in frontline training on security priorities, law enforcement cooperation and information exchange.	As an EU Member State the UK opted out of CEPOL. No intergovernmental arrangements are needed.
Home Office	Police and Criminal Justice Cooperation - Agencies - EU-LISA	x*	x*		Regulation 1077/2011/EU establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (EU-LISA) - the European Agency responsible for the operational management of large-scale IT systems in the area of freedom, security and justice, including EURODAC, SIS II and the Visa Information System.	By virtue of leaving the EU, the UK no longer interacts with EU-LISA. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Agencies - Eurojust	x*	x*		<p>Eurojust is the EU's judicial cooperation agency which supports EU Member States', and partner third countries', investigation and prosecution agencies in tackling serious cross-border and organised crime. Eurojust helps prevent and resolve conflicts of jurisdiction and facilitates the execution of mutual legal assistance and mutual recognition instruments. It also provides funding, technical support and legal expertise on the requirements of different legal systems.</p> <p>The -UK-EU Trade and Cooperation Agreement (TCA) enables cooperation between EU Member States via Eurojust and the UK's competent authorities.</p>	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Agencies - Europol	x*	x*		<p>Europol is an EU agency that assists EU Member States' law enforcement agencies in tackling cross-border crime by supporting practical cooperation for cross-border investigations; holding central databases with information on suspected criminals and objects associated with crime; and providing analytical support to make links between crimes committed in different countries.</p> <p>The UK-EU Trade and Cooperation Agreement (TCA) establishes cooperative relations between EU Member States via Europol and the UK's competent authorities.</p>	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Data sharing - European Criminal Records Information System (ECRIS)	x*	x*		<p>Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) - a secure electronic system providing for the exchange of information between Member States' authorities in relation to criminal records. It also places requirements on Member States to hold the criminal records of their nationals for offences committed across the EU.</p>	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Data sharing - Prüm Framework	x*	x*		The EU-UK Trade and Cooperation Agreement enables the reciprocal searching of UK and EU Member States' databases for DNA profiles, vehicle registration data and fingerprint (or dactyloscopic) data.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Data sharing - Schengen Information System (SIS II)	x*	x*		Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System ('SIS II') (and see also Council Implementing Decision 2015/215) - a system providing law enforcement 'alerts', including on wanted or suspected criminals, suspected terrorists, missing people, and stolen or missing property. SIS II is a 'Schengen' measure. Whilst the UK is not part of the Schengen border-free zone, we have agreed access to SIS II for law enforcement purposes.	By virtue of leaving the EU, the UK no longer has access to SIS II. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Minimum standards legislation - Cybercrime	x*	x*		Directive 2013/40/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of attacks against information systems. This measure also aims to facilitate the prevention of cybercrime and to improve cooperation between judicial and other competent authorities.	By virtue of leaving the EU, the UK is no longer subject to the EU's minimum standards on cybercrime. Even so, any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Minimum standards legislation - Human trafficking	x*	x*		Directive 2011/36/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of trafficking in human beings. This measure also introduces common provisions on the prevention of human trafficking and the protection of victims of human trafficking.	By virtue of leaving the EU, the UK is no longer subject to the EU's minimum standards on human trafficking. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Asset recovery offices	x*	x*		Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or property related to crime. AROs are national central contact points that facilitate EU-wide identification and tracing of assets derived from crime. The UK's ARO is housed within the UK Financial Intelligence Unit in the National Crime Agency.	By virtue of leaving the EU, the UK no longer has its own Asset Recovery Offices. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Basic cooperation legislation on child sexual exploitation	x*	x*		Council Decision 2000/375/JHA sets common rules requiring all Member States to set up 24 hour contact points to receive and act on intelligence related to child pornography or indecent images of children.	By virtue of leaving the EU, the UK is no longer subject to the EU's legislation on child sexual exploitation. Even so, any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Convention Implementing the Schengen Agreement (law enforcement cooperation)	x*	x*		The law enforcement cooperation provisions of the Convention implementing the Schengen Agreement aim to tackle the threat of cross-border crime within the Schengen Area by facilitating police cooperation and cross-border surveillance. In particular, Article 40 provides that law enforcement in one Member State who have a suspect under surveillance can continue their surveillance of that suspect in the territory of another Member State as long as the latter has authorised it. Member States can also request for other Member States to undertake the surveillance of a suspect on their behalf.	By virtue of leaving the EU, the UK is no longer subject to the EU's Convention implementing the Schengen Agreement. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - European Investigation Order	x*	x*		The European Investigation Order Directive (2014/41/EU) aims to make judicial cooperation in assisting in the investigation and prosecution of criminal offences on investigations between EU Member States faster and more efficient. The measure standardised requests made between EU Member States for information and evidence, allows for there to be mutual recognition of judicial decisions from other Member States and sets deadlines for recognising and executing requests.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Joint investigation teams	x*	x*		Council Frameworks Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (JIT). A JIT is an investigation team set up for a specific purpose and a fixed period between two or more parties to investigate a specific matter or type of crime.	JITs have been operating on a non-EU legal basis since March 2019. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Mutual recognition of asset freezing orders	x*	x*		Council Framework Decision 2003/577/JHA covers the mutual recognition and execution in one Member State of orders freezing property and evidence that were issued in another Member State.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Mutual recognition of confiscation orders	x*	x*		<p>The EU-UK Trade and Cooperation Agreement facilitates the mutual recognition and execution of confiscation orders issued between the UK and EU Member States.</p> <p>The mutual recognition and execution in one EU Member State of confiscation orders issued in another Member State was created by Council Framework Decision 2006/783/JHA.</p>	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.

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		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Swedish Initiative	x*	x*		Council Framework Decision 2006/960/JHA (the 'Swedish Initiative') sets out rules for the cross-border exchanges of criminal information and intelligence, ensuring time-bound procedures for cross-border data exchanges	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Cooperation on football disorder	x*	x*		Council Decision 2002/348/JHA that sets up National Football Information Points in each Member State. These Information Points share information and intelligence for facilitating international police cooperation in connection with international football matches.	By virtue of leaving the EU, the UK no longer cooperates with the EU on football disorder. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Accreditation of Forensic Service Providers (FSP) and mutual recognition of	x*	x*		The EU-UK Trade and Cooperation Agreement ensures that the accreditation of forensic service providers carrying out laboratory activities, must continue to be accredited to international standard EN ISO/IEC 17025. The UK and EU Member States must also ensure that national authorities recognise the results of accredited FSPs of one another as equally reliable as the results of domestic FSPs. Council Framework Decision 2009/905/JHA created the FSP accreditation and recognition requirements for Member States.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no framework is required.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
	results of FSPs- Prüm Framework					
Home Office	Police and criminal justice cooperation - data sharing - Passenger Name Records (PNR) Data	x*	x*		The EU-UK Trade and Cooperation Agreement sets out the rules under which EU passenger name record (PNR) data may be transferred to, processed and used by the UK competent authority to prevent, detect, investigate or prosecute terrorist offences or serious crime and in exceptional cases to protect the vital interests of individuals. PNR data is created by airlines to process travel reservations. It can include the name of the passenger, contact details, travel itineraries, seating and baggage information, and payment details. PNR data is used by law enforcement authorities to identify criminal and terrorist travel and to disrupt and interdict criminal and terrorist activity.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Regulatory Systems - Minimum standards legislation - the protection of animals used for scientific purposes	x			Directive 2010/63/EU implementing common minimum standards for the protection of animals used for experimental and scientific purposes. This is implemented through the use of risk-based inspections and increased transparency. Sets out a licencing regime covering establishments, people, and projects using animals in science and broader principles of animal welfare.	Relevant EU legislation has been transposed into UK law and sufficient intergovernmental structures are in place to manage divergence.

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		NI	S	W		
Home Office	Regulatory Systems - Firearms - deactivation standards and techniques	x*			Regulation 2015/2403/EU establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.
Home Office	Regulatory Systems - Firearms - Illicit manufacturing and trafficking	x*			Council Decision 2014/164/EU approving Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Counterparts and Ammunition; and Regulation 258/2012/EU implementing that protocol by laying down rules governing export authorisation, and import and transmit measures for firearms, their parts and essential components and ammunition.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.
Home Office	Regulatory Systems - Firearms - Control on acquisition and possession of weapons	x*			Directive 91/477/EEC, as amended by Directives 2008/51/EC and EU/2017/853, on the control of the acquisition and possession of weapons, setting out certain minimum standards for the circulation of firearms within the EU.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
HSE	Civil Use of Explosives	x			Directives setting out the permissions required to transfer, track and trace civil explosives (2008/43/EC) and rules on the product safety and market surveillance of these (2014/28/EU).	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. The product safety aspects of civil explosives in GB are dealt with using reserved powers. The area is covered by separate legislation in NI with those provisions subject to the NI Protocol.
HSE	Control of Major Accident Hazards	x*	x*	x*	Seveso III Directive on the control of major accident hazards involving dangerous substances (2012/18/EU). This places duties on businesses using dangerous substances to take measures to prevent major accidents to people and the environment. This mainly applies to the chemical manufacture sector but covers any business that uses, produces or stores dangerous substances at or above determined thresholds.	<p>There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence, though the risks are considered to be minimal. The workplace health and safety aspects of control of major accident hazards in GB are dealt with using reserved powers. Aspects related to environmental protection are devolved to Scotland and Wales. All of these aspects are transferred to NI (the area is not covered by the NI Protocol).</p> <p>There is an existing MoU between the five Competent Authorities in GB established by the Control of Major Accident Hazards (COMAH) Regulations 2015, with liaison with Northern Ireland authorities, when necessary (the area is not covered by the NI Protocol). The existing framework (same requirements in legislation, MoU and joint working arrangements) is considered to be sufficient to secure consistency of approach across the UK.</p>

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HSE	Genetically Modified Micro-Organisms Contained use (i.e. rules on protection of human health and the environment during the development)	x*	x*	x*	Directive 2009/41/EC on the contained use of genetically modified microorganisms (GMMs) to protect humans and the environment. This relates to work with GMMs in contained facilities, e.g. a research laboratory or biotechnology production facility, to ensure barriers (containment measures) are in place.	<p>There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence, though the risks are considered to be minimal. The workplace health and safety aspects of the contained use of genetically modified organisms (GMOs) in GB are dealt with using reserved powers. Aspects related to environmental protection are devolved to Scotland and Wales. All of these aspects are transferred to NI (the area is not covered by the NI Protocol).</p> <p>There is an MoU between the Competent Authorities established in GB by the GMO Contained Use Regulations 2014. There is also an MoU between HSE and HSE for NI about provision of support from the former to the latter. The existing framework (same requirements in legislation, MoU and joint working arrangements) is considered to be sufficient to secure consistency of approach across the UK.</p>
HSE	Health and Safety at Work	x			Directives, including the Health and Safety At Work Frameworks Directive (89/391/EEC), that require employers to protect the health and safety of their employees. Requirements cover, inter alia, the general layout of workplaces, hazards at work, specific sectors (e.g. construction, mining and onshore and offshore drilling) and work equipment.	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. NI follows the GB approach to workplace health and safety regulation, which stems from the 1974 Health and Safety at Work Act, and was adopted in the 1978 NI Health and Safety at Work Order. Health and safety at work legislation is also exempt from the NI Protocol. This allows NI to continue to mirror developments and pursue the same cooperation with GB on health and safety regulation.

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HSE	Ionising Radiation (occupational exposures)	x			Ionising radiation occur as either electromagnetic rays (such as X-rays and gamma rays) or particles (such as alpha and beta particles). It occurs naturally (e.g. radon gas) and can also be produced artificially. Directive 2013/59/Euratom lays down basic safety standards for protection against exposure to ionising radiation. This includes occupational exposures	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. NI follows the GB approach to workplace health and safety regulation, which stems from the 1974 Health and Safety at Work Act, and was adopted in the 1978 NI Health and Safety at Work Order. Health and safety at work legislation is also exempt from the NI Protocol. This allows NI to continue to mirror developments and pursue the same cooperation with GB on health and safety regulation.
MoJ	Civil Judicial Cooperation - Applicable law in contracts and non-contractual obligations	x	x		Rome I Regulation (593/2008) covers applicable law in contracts. Rome II Regulation (864/2007) covers applicable law in non-contractual obligations.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

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		NI	S	W		
MoJ	Civil Judicial Cooperation - Cross border mediation (Mediation Directive)	x	x		The Mediation Directive (2008/52) facilitates access to alternative dispute resolution and promotes amicable settlement of disputes through the use of mediation in cross-border disputes.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).
MoJ	Civil Judicial Cooperation - Jurisdiction and recognition and enforcement of judgments in civil and commercial matters	x	x		The Brussels I Regulation (1215/2012) covers jurisdiction and recognition and enforcement of judgments and applies between EU Member States. Insolvency Regulation (1346/2000 and 2015/848) covers jurisdictional rules and applicable law and recognition of insolvency proceedings in cross-border insolvencies.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

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		NI	S	W		
MoJ	Civil Judicial Cooperation - Jurisdiction and recognition and enforcement of judgments: instruments in family law	x	x		The Brussels Ila Regulation (2201/2003) covers jurisdictional rules in matrimonial and parental responsibility matters and the recognition and enforcement of judgments. The Maintenance Regulation (4/2009) covers rules for determining which court has jurisdiction, and the recognition and enforcement of maintenance decisions. Regulation on protection measures in civil matters (606/2013) covers recognition and enforcement of protection measures, including for victims of 33 judgments: instruments in family law domestic violence.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).
MoJ	Civil Judicial Cooperation - Legal aid in cross border cases	x	x		The Legal Aid Directive (2002/8) establishes common minimum rules for the grant of legal aid in cross-border disputes.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
MoJ	Civil Judicial Cooperation - Service of documents and taking of evidence	x	x		EU Service Regulation (2007/1393) covers rules for serving documents in other EU countries. Taking of Evidence Regulation (2001/1206) covers cross-border processing of requests to take evidence. European Judicial Network in Civil and Commercial Matters (2001/470) facilitates cross-border cooperation for judges and practitioners and access to justice for those involved in disputes.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).
MoJ	Civil Judicial Cooperation - Uniform fast track procedures for certain civil and commercial claims	x	x		The Small Claims (861/2007 revised by 2015/2421), Enforcement Order (805/2004) and Order for Payment (1896/2006) Regulations facilitate means for obtaining decisions on claims that can be enforced throughout the EU.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
MoJ	Criminal Offences Minimum Standards Measures	x	x		The Combating Child Sexual Exploitation Directive (2011/92) establishes common minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual purposes. It contains provisions aimed at preventing these crimes and protecting victims.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).
MoJ	Mutual Recognition of Criminal Court Judgments Measures and Cross Border Cooperation	x	x		<p>Mutual Recognition of Financial Penalties (MRFP) (2005/214) provides for Member States to recognise and enforce financial penalties (of over 70 euros) issued by judicial or administrative authorities of another Member State, in which the person required to pay the fine is normally resident or has property or income. It covers criminal financial penalties including those imposed for road traffic offences.</p> <p>The Criminal European Protection Order (2011/99) allows individuals, including domestic violence victims, to have the terms of certain protection measures that are issued in one Member State recognised and, if necessary, enforced in any other EU Member State.</p> <p>Prisoner Transfer Framework Decision (PTFD) (2008/909) is the principal mechanism for</p>	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
					<p>transferring prisoners between EU Member States.</p> <p>European Supervision Order (ESO) (2009/829) establishes a legal framework that enables the court in a Member State which is prosecuting a suspect for a crime committed there to allow the suspect to go to another (usually their 'home') Member State to await trial, and for the "home" country to assume responsibility for supervising compliance with the conditions of that bail.</p> <p>Victims Compensation Directive (2004/80) requires Member States to set up a system of cooperation to facilitate access to compensation to victims of crimes in cross-border situations, which should operate on the basis of Member States' schemes on compensation to victims of violent intentional crime, committed in their respective territories.</p>	
MoJ	Procedural Rights (criminal cases) – minimum standards measures	x	x		<p>The Right to Information in Criminal Proceedings Directive (2002/13) sets common minimum standards for information to be provided to people suspected or accused of having committed a criminal offence. The Interpretation and Translation Directive (2010/64) sets common minimum standards on interpretation and translation in criminal proceedings throughout the EU.</p>	<p>There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
MoJ	Provision of Legal Services (temporary and permanent basis)	x	x		Lawyers Establishment Directive (98/5) provides the framework for permanent establishment of lawyers from one EU member state in another, under home or host state title. Lawyers Services Directive (77/249) provides the framework for temporary provision of legal services under home state title (including fly-in/fly-out). (Both Directives apply only to specified titles. In the UK, these are solicitor, barrister, advocate.)	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).
MoJ	Sentencing - Taking Convictions Into Account	x	x		Framework Decision on taking convictions into account (2008/675) requires the national criminal courts of all Member States to take account of a defendant's known previous convictions in other Member States to the extent previous national convictions are taken into account.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
MoJ	Victims' Rights Measures in Criminal Cases – Minimum standards (Victims' Rights Directive)	x	x		Victims' Rights Directive (2012/99) sets common minimum standards on the rights, support and protection afforded to the victims of crime across all Member States.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

Category 2: Frameworks with no associated primary legislation

29 Policy areas where, at the time of publication, common rules and ways of working had been or were due to be implemented through a non-legislative Common Framework agreement. In some of these areas, consistent fixes to retained EU law (made using secondary legislation) create a unified body of law alongside the non-legislative Framework agreement.

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Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
BEIS	Company Law	x			These Directives and Regulations cover aspects of the life cycle of a company, including company formation, capital & disclosure requirements, cross border mergers, shareholders rights, accounting and reporting, and audit. Regulations set out the frameworks for certain EU-specific legal entities. Also includes the establishment of branches, subsidiaries and agencies in other Member States, underpinned by Treaty Article 49.
BEIS	Late Payment (commercial transactions)	x	x	x	Late Payment Directive (2011/7/EU) protects businesses within the EU against late payment in commercial transactions.
BEIS (DHSC, MHCLG, DEFRA, DfE and MoJ also have interest)	Mutual Recognition of Professional Qualifications (MRPQ)⁶	x*	x*	x*	The Directive defines the processes for the recognition for professional qualifications and professional experience throughout the EU, thereby enabling EU professionals to work in a regulated profession in an EU country other than that in which they qualified on either a permanent or temporary basis.
BEIS	Radioactive Substances	x*	x*	x*	Directive establishes a framework for responsible and safe management of spent fuel and radioactive waste, both for current workers and the general public, and to avoid imposing burdens on future generations.

⁶ The Professional Qualifications Bill was introduced to Parliament on 12 May 2021.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
BEIS	Services Directive	x*	x*	x*	The Directive seeks to realise the full potential of services markets in Europe by removing legal and administrative barriers to trade, by increasing transparency and by making it easier for businesses and consumers to provide or use services in the EU Single Market. The Directive is implemented by the Provision of Services Regulations in the UK. The Regulations set out rules for how competent authorities can design authorisation schemes for service providers in the UK. The Regulations prevent regulators imposing new regulatory or administrative requirements that act as discriminatory barriers to the provision of services, ensuring authorisation schemes are proportionate and justified by the public interest.
BEIS	Specified Quantities and Packaged Goods Legislation	x*			EU law sets the rules for quantity control, quantity labelling and specified quantities for packaged goods.
Cabinet Office	Public Procurement	x*	x*	x*	The regime provided by the EU procurement Directives, covering public procurement contracts for supplies, services, works and concessions above certain financial thresholds awarded by the public sector and by utilities operating in the energy, water, transport and postal services sectors (Directives 2014/24/EU, 2014/25/EU and 2014/23/EU).
Defra	Agriculture - Fertiliser regulations	x	x	x	Regulations providing common standards for compositional ingredients, labelling, packaging, sampling and analysis of fertilisers. The UK is also signed up to a number of international agreements (e.g. the Gothenburg Protocol) and EU agreements (the National Ceilings Directive) related to fertiliser regulation.
Defra	Agriculture - Organic production	x	x	x	Regulation 834/2007 sets out the principles and overarching standards for organic production certification. Specific Regulations also apply such as 889/2008 on labelling of organic produce and 710/2009 on organic aquaculture.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
Defra	Agriculture - Zotech	x*	x*	x*	<p>EU Regulation 2016/1012 replaces a host of current zotech regulations by species from 1 November 2018. For the purpose of this exercise we treat the EU position as it will be on 1 November 2018 as the relevant framework.</p> <p>The EU rules support trade of pedigree breeding animals and germinal products by e.g. defining what constitutes “purebred”. They provide for individual breed societies to be officially recognised and breeding programmes to be approved by competent authorities. The rules impose rights and obligations on societies and proscribe rules when breeding animals and germinal products are traded between recognised breed societies across the EU.</p>
Defra	Animal Health and Welfare	x	x	x	<p>EU rules and standards that aim to maintain animal health and allow their movement, including policies covering: prevention of disease (entering UK), control of disease (endemic and exotic), surveillance (for exotic disease) movement of livestock, pet passports and veterinary medicines.</p> <p>EU rules relating to aspects of animal welfare including on-farm issues, movement of livestock and slaughter.</p>
Defra	Air Quality	x	x	x	<p>Policies, directives and regulations that aim to reduce harmful emissions and concentrations of air pollutants that can damage human health and the environment, including in relation to national emission ceilings, ambient air quality, industrial emissions and relevant product standards (Directives 2008/50/EC, 2004/107/EC). This includes regulations that implement international commitments under the UNECE Convention on Long-range Transboundary Air Pollution and Kiev Protocol to the UNECE Aarhus Convention.</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
Defra	Best Available Techniques	x	x	x	Industrial facilities undertaking specific types of activity are required to use Best Available Techniques (BAT) to reduce emissions to air, water and land. BAT means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. The Industrial Emissions Directive aims to prevent and reduce harmful industrial emissions, while promoting the use of techniques that reduce pollutant emissions and that are energy and resource efficient. The UK government will put in place a process for determining future UK BAT Conclusions for industrial emissions. This would be developed with the devolved administrations and competent authorities across the UK.
Defra and HSE	Chemicals and Pesticides	x*	x*	x*	Regulation of the manufacture, authorisation and sale and use of chemical products primarily through the REACH regulation but also including: Persistent Organic Pollutants (POPs), Polychlorinated Biphenyls (PCBs) and Minamata. Regulations governing the authorisation and use of pesticide products and the maximum residue levels in food, and a framework for action on sustainable use of pesticides.
Defra	Food Compositional Standards and Labelling	x	x	x	Minimum standards for a range of specific food commodities such as sugar, coffee, honey, caseins, condensed milk, chocolate, jams, fruit juices and bottled water. Regulations setting out requirements on provision of information to consumers on food labels.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
Defra	Ozone Depleting Substances and F-gases	x	x	x	The UK has international obligations under the Montreal Protocol to phase out the use of ODS, phase down hydrofluorocarbons by 85% by 2036, licence imports and exports and report on usage to the UN. EU Regulations and institutions currently deliver these obligations through quota restrictions, licencing and reporting requirements. The EU Regulations also go further with product bans, leakage controls measures and certification requirements for technicians.
Defra	Plant Health	x	x	x	Requirements in relation to the import and internal EU movement of plants and plant products, risk assessment of new plant pests and outbreak management. Assurance and auditing of policies across the UK to protect plant biosecurity.
Defra	Plant Varieties and Seeds	x	x	x	Requirements for plant variety rights, registration of plant varieties and quality assurance of marketed seed and propagating material.
Defra	Resources and Waste	x*	x*	x*	<p>Policies and Regulations that aim to meet certain essential product requirements and set product standards including for packaging (e.g. ROHS in Electrical and Electronic Equipment, Batteries and Vehicles) in order to manage waste.</p> <p>Policies and regulations covering waste and its recovery/recycling (Landfill Directive, Waste Frameworks Directive) including producer responsibility (reuse/recovery/recycling targets under the Waste Electrical and Electronic Equipment Directive, Batteries Directive, End of Life Vehicles Directive and Packaging Directive). Also covering the shipment of waste.</p> <p>Management of Waste from Extractive Industries - The Directive is concerned with the management of waste from extractive (mining) industries. Specific EU Directives 2006/21/EC and the three Seveso-Directives</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
					(82/501/EEC, 96/82/EC, 2012/18/EU) relating to the disposal of waste and overlapping safety of operations. Interaction with UNECE workshops in providing best practice guidance and Eurasian standards. Further interactions based on industry specific circumstances e.g. Water Framework Directive 2000/60/EC. Directive 2011/92/EU outlines future operational planning under Environmental Impact Assessments.
DfT	Commercial Transport and Operator Licensing	x			<p>Regulations 1072/2009 (for goods vehicles), 1073/2009 (for road passenger transport), and Directive EC 1992/106/EC Directive for Combined Transport (including access). All these rules involve access arrangements for non-UK vehicles and may be affected (and need to be consistent with) international agreements.</p> <p>Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators.</p> <p>The Regulations/Directive require the UK to recognise the Operator's Licences and associated documents of EU based haulage, bus and coach operators that are issued in other member states. This gives a standard basis for them to operate to/from/within the UK. Operator Licensing requirements are implemented by the Office of the Traffic Commissioner in Great Britain and Department for Infrastructure in Northern Ireland and competent authorities in each of the other member states. These bodies also have a regulatory role in maintaining standards and compliance with the Directives. DVSA in GB and DVA in NI are the enforcement body for breaches of the regulations by EU hauliers, through roadside penalties, prosecution in UK courts or referral back to their home competent authority.</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
DfT	Rail Technical Standards (interoperability)	x*			Directive 2008/57/EC establishing interoperability requirements for rail systems (which will be replaced by Directive 2016/797 technical pillar of 4th railway package - soft transposition deadline June 2019, hard transposition deadline June 2020).
DfT	Driver Licensing	x			<p>Driver Licensing Directive (roads) and directive and regulations relating to driver certificates of professional competence.</p> <p>Driving licences are governed by several international and EU arrangements, including the UN Conventions on road traffic, which provide for safety and standards. UK photocard licences comply with the format laid out in the 1968 Vienna Convention on Road Traffic.</p> <p>The EU Third Driving Licence Directive provides for mutual recognition and exchange of Member State driving licences.</p>
DfT	Roads – Motor insurance	x			<p>Directive 2009/103/EC. Directive relating to insurance against civil liability in respect of the use of motor vehicles. There are also a number of pieces of domestic HMT legislation which may operate in the area.</p> <p>(This area was previously called Compulsory (3rd Party) Motor Insurance - as per Part VI Road Traffic Act 1988).</p>
DHSC	Nutrition Labelling, Composition and Standards	x*	x*	x*	Regulations and Directives on the nutrition and health claims made on food; food for special medical purposes and weight control; food intended for infants; the addition of vitamins and other substances to food; and food supplements.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
DHSC	Blood Safety and Quality	x	x	x	Defines the quality and safety standards for blood and its components as set out in Directive 2002/98/EC. It covers all steps in the transfusion process from donation, collection, testing, processing, and storage to distribution. Its implementation is supported by Commission Directive 2004/33/EC, Commission Directive 2005/61/EC and Commission Directive 2005/62/EC. There are also some specific technical requirements in the following commissioning directives 2009/135/EC, 2011/38/EU, 2014/110/EU, 2016/1214
DHSC	Organs, Tissues and Cells (apart from embryos and gametes)	x	x	x	Directives setting out standards on the quality and safety of human organs intended for transplantation and tissues and cells for human application as part of medical treatment, and sets out the information procedures for exchange between Member States (Directives 2010/53/EU, 2012/25/EU, 2004/23/EC, 2006/17/EC, 2006/86/EC, 2012/39/EU, 2015/565 and 2015/566).
DHSC	Public Health Protection and Health Security	x*	x*	x*	Decision No 1082/2013/EU on serious cross-border threats to health and Regulation 851/2004 establishing a European centre for disease prevention and control. These set rules on epidemiological surveillance, monitoring, early warning of, and combating serious cross-border threats to health, including preparedness and response planning related to those activities, in order to coordinate and complement national policies. It aims to support cooperation and coordination between Member States.
DLUHC	Hazardous Substances (planning)	x	x	x	Ensures that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land-use policies. This includes controls on the siting of new establishments and modifications to establishments which fall within the scope of the Directive (i.e. storing or using significant amounts of hazardous substances), and on new developments and public areas in the vicinity of such establishments.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law
		NI	S	W	
Food Standards Agency	Food and Feed Safety and Hygiene Law	x	x	x	EU Regulations laying down the general principles and requirements of food and feed safety and hygiene; food and feed law enforcement (official controls); food safety labelling; risk analysis; and incident handling. The regulations set out an overarching and coherent framework for the development of food and feed legislation and lay down general principles, requirements and procedures that underpin decision making in matters of food and feed safety, covering all stages of food and feed production and distribution.

Category 3: Frameworks with associated primary legislation

Three policy areas where, at the time of publication, new primary legislation had been introduced to reflect the fact that the UK is no longer an EU member state. This legislation implements common rules and ways of working, alongside a non-legislative Framework agreement.

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Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - previous EU law	Associated primary legislation
		NI	S	W		
BEIS	Emissions Trading Scheme (ETS)	x*	x*	x*	Directive 2003/87/EC establishes the European Union Emissions Trading System for greenhouse gases. The Scheme sets a maximum volume of gas that can be emitted by all participating installations and aircrafts. These operators then monitor, verify and report their emissions, and must surrender allowances equivalent to their emissions annually. Allowances are issued either by being sold at auction or allocated for free to some operators, and can be traded, with the price determined by the market.	Finance Act 2020
Defra	Agricultural Support	x*	x*	x*	Policies and Regulations under the EU Common Agricultural Policy covering Pillar 1 (income and market support); Pillar 2 (rural growth, agri-environment, agricultural productivity grants or services and organic conversion and maintenance grants); and cross-cutting issues, including cross compliance, finance & controls.	Agriculture Act 2020
Defra	Fisheries Management and Support	x*	x*	x*	Policies and Regulations relating to rules relating to the sustainability of fisheries (quotas), access to waters, conservation measures, enforcement and financial support.	Fisheries Act 2020

Policy areas that the UK Government assesses are reserved, but are subject to ongoing discussion with the devolved administrations

Responsible UK Government Department	Area of EU Law (Policy Area)	Additional Information - previous EU law
Defra	Food & Drink Geographical Indications (Protected Food Names)	Geographical Indications (GIs) are a form of intellectual property protection. Under the EU schemes, producers could apply to protect regionally distinct or traditional agri-food products. Once registered, these products were protected throughout the EU against imitation or misuse of their names.
Home Office	Data Sharing- Eurodac	Regulation 603/2013/EU established Eurodac - an EU database containing fingerprints of illegal entrants and asylum applicants. Its primary purpose is to support the effective application of the Dublin Convention by helping to determine which EU Member State is responsible for examining an asylum application.

Two policy areas overseen by BEIS have been removed since the last publication. The UK Government and Northern Ireland Executive have agreed that Elements of Product Safety and Standards Relating to Explosive Atmospheres (ATEX) is reserved. In relation to State Aid, the UK Internal Market Act 2020 amended the Scotland Act 1998, Northern Ireland Act 1998 and the Government of Wales Act 2006 and in doing so, established that the regulation of the provision of subsidies by public authorities is reserved.

Glossary of terms

BEIS - Department for Business, Energy and Industrial Strategy

Concordat - a form of non-legislative agreement

DA - devolved administration

Defra - Department for Environment, Food and Rural Affairs

DfT - Department for Transport

DHSC - Department of Health and Social Care

DLUHC - Department for Levelling Up, Housing and Communities

DWP - Department for Work and Pensions

GB - Great Britain

GEO - Government Equalities Office

HSE - Health and Safety Executive

JMC(EN) - Joint Ministerial Committee (European Negotiations)

MoJ - Ministry of Justice

MoU - Memorandum of Understanding

TCA - EU-UK Trade and Cooperation Agreement

UKG - UK Government

Huw Irranca-Davies AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

25 Tachwedd 2021

Annwyl Huw,

Diolch am eich llythyr dyddiedig 15 Tachwedd. Rhoddais yr wybodaeth ddiweddaraf i'r Pwyllgor yn dilyn cyfarfod Gweinidogion y pedair gwlad ar y fframweithiau yn fy llythyr dyddiedig 19 Tachwedd.

Mewn perthynas â'ch pwyntiau penodol:

Yn y cyfarfod rhwng y pedair gwlad ar 10 Tachwedd, cytunwyd ar y materion trawsbynciol sy'n effeithio ar y geiriad ar gyfer y Fframweithiau Cyffredin, sef geiriad y testun ar gyfer Cysylltiadau Rhyngwladol, Protocol Gogledd Iwerddon a'r broses o sut y bydd eithriadau ar gyfer meysydd polisi mewn fframweithiau a effeithiwyd gan Ddeddf Marchnad Fewnol y DU yn cael eu rhoi ar waith. Fel yr eglurais yn fy llythyr dyddiedig 19 Tachwedd, mae Llywodraeth Cymru wedi cytuno ar y testun ar eithriadau Deddf Marchnad Fewnol y DU niweidio'r adolygiad barnwrol parhaus mewn perthynas â Deddf y Farchnad Fewnol.

Yn dilyn y cyfarfod rhwng y pedair gwlad, mae'r fframweithiau'n symud yn gyflym at gael eu cyhoeddi er mwyn i'r pwyllgorau'r deddfwrfeydd graffu arnynt. Mae'r fframwaith Diogelu Iechyd y Cyhoedd a Diogelwch Iechyd eisoes wedi cael ei gyhoeddi, ar 28 Hydref. Mae dogfennau'r fframwaith yn cael eu cwblhau ac mae'r dyddiadau cyhoeddi yn dal yn hyblyg, ond gan ystyried y cafeatau hyn, mae pob ymdrech yn cael ei gwneud i gyhoeddi fframweithiau i graffu arnynt ar y dyddiadau canlynol:

2 Rhagfyr

Diogelwch ac Ansawdd Gwaed; Organau, Meinweoedd a Chelloedd; Cyfraith Cwmniâu (Gweithredaeth Gogledd Iwerddon a Llywodraeth y DU yn unig); Niferoedd Penodol (Gweithredaeth Gogledd Iwerddon a Llywodraeth y DU yn unig).

9-16 Rhagfyr

Y Cynllun Masnachu Allyriadau; Taliad Hwyr; Sylweddau Ymbelydrol; Caffael Cyhoeddus; Cymorth Amaethyddol; Amaethyddiaeth – Rheoliadau Gwrteithiau, Amaethyddiaeth –

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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.

Ffermio Organig; Amaethyddiaeth – Zootech; Iechyd a Lles Anifeiliaid; Iechyd Planhigion; Amrywogaethau a Hadau Planhigion; Ansawdd Aer; Technegau Gorau Sydd ar Gael (ansawdd aer); Safonau a Labeli Cyfansoddiad Bwyd; Sylweddau sy'n Teneuo'r Osôn a Nwyon wedi'u fflworeiddio; Cemegion a Phlâladdwyr; Adnoddau a Gwastraff.

Ionawr 2022

Pysgodfeydd: Rheoli a Chefnogi.

Mae fy swyddogion wedi bod mewn cysylltiad â chlercod y pwyllgorau am beth amser i drafod y dulliau o ymdrin â'r fframweithiau, ac rwy'n deall bod swyddogion y Senedd yn paratoi i ddadansoddi fframweithiau a'u paratoi er mwyn i'r Pwyllgorau graffu arnynt cyn gynted â'u bod yn cael eu cyhoeddi.

Wrth gwrs, mater i'r pwyllgorau yw hyd y broses graffu ar y fframweithiau. Yn ddelfrydol, bydd y gwaith o graffu ar y fframweithiau a'u cymeradwyo yn digwydd cyn dechrau'r cyfnod cyn-etholiadol yng Ngogledd Iwerddon. Nid yw'r dyddiad hwn wedi'i gadarnhau eto, ond mae'n debygol mai ddiwedd mis Mawrth fydd hynny, os bydd yr etholiadau'n cael eu cynnal ar 5 Mai, yn ôl y bwriad. Rwy'n llawn werthfawrogi bod hyn yn rhoi pwysau sylweddol ar Bwyllgorau sydd eisoes dan bwysau i archwilio nifer fawr iawn o ddeunydd fframweithiau mewn cyfnod byr. Byddai fy nhîm polisi fframweithiau yn hapus i gynnig unrhyw gymorth er mwyn helpu'r broses graffu.

Yn gywir,



Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Huw Irranca-Davies AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

19 Tachwedd 2021

Annwyl Huw,

Yn dilyn fy llythyr ar 8 Tachwedd, rwy'n ysgrifennu'n unol â'r Cytundeb Cysylltiadau Rhyngsefydliadol i roi'r wybodaeth ddiweddaraf ichi ynghylch canlyniad y cyfarfod Gweinidogol Pedairochrog ar Fframweithiau Cyffredin, a gynhaliwyd ar 10 Tachwedd.

Daethpwyd i gytundeb ar bob un o'r pynciau trawsbynciol a oedd heb eu cytuno, sef proses ar gyfer eithriadau o dan Ddeddf Marchnad Fewnol y Deyrnas Unedig mewn achosion o wahaniaethau a gynigir, ac ar y geiriad mewn perthynas â Chysylltiadau Rhyngwladol a Phrotocol Gogledd Iwerddon. O ran y broses eithriadau, roedd Llywodraeth Cymru wedi mynd â'r holl drafodaethau, negodiadau a phenderfyniadau, heb ragfarn, at yr adolygiad barnwrol sy'n parhau i fynd rhagddo mewn perthynas â Deddf y Farchnad Fewnol.

Hefyd, ymrwymodd yr holl bartïon i adrodd ar y fframweithiau yn y dyfodol fel rhan o'r broses o oruchwylio'r fframweithiau o fewn yr Adolygiad Cysylltiadau Rhyglywodraethol. Bydd y broses hon hefyd yn rhoi sicrwydd i bwyllgorau'r Senedd y byddant yn gallu monitro hynt y fframweithiau dros y tymor hirach. Rwyf wedi gofyn i'm swyddogion gynhyrchu papur erbyn diwedd y flwyddyn hon, i'w gytuno gan Weinidogion y pedair llywodraeth, yn amlinellu dull gweithredu ar gyfer adrodd ar Fframweithiau Cyffredin.

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Correspondence.Mick.Antoniw@gov.Wales

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.

Byddaf yn cyhoeddi Datganiad Ysgrifenedig, sy'n rhoi'r newyddion diweddaraf am raglen y Fframweithiau Cyffredin, yn hanner cyntaf mis Rhagfyr cyn i'r rhan fwyaf o fframweithiau gael eu cyhoeddi at ddibenion craffu.

Yn gywir,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style. Below the signature, there is a short horizontal blue line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Ein cyf/Our ref: MA/RE/2315/21

Huw Irranca-Davies AS
Cadeirydd y Pwyllgor Deddfwriaeth Cyfiawnder a'r Cyfansoddiad

SeneddDCC@senedd.cymru

20 Tachwedd 2021

Annwyl Huw,

Y Rheoliadau Priso ar gyfer Ardrethu (Cymru) (Coronafeirws) 2021

Rwy'n ysgrifennu mewn ymateb i'ch llythyr dyddiedig 16 Tachwedd. Er bod y polisi ardrethi annomestig wedi ei ddatganoli, mae rhai elfennau o'r system ardrethu, ar lefel ymarferol, yn gweithredu ar draws Cymru a Lloegr. Mae priso, ac yn ei dro y cam cychwynnol o brosesu apeliadau, yn y categori hwn; ac Asiantaeth y Swyddfa Briso yw'r corff sydd â'r cyfrifoldeb dros y materion hyn yng Nghymru a Lloegr.

Wrth roi sylw i'r mater hwn, bwriad Llywodraeth Cymru oedd ceisio sicrhau bod dulliau gweithredu cydweithredol ar waith ganddi hi a Llywodraeth y DU, a buom yn galw'n aml ar Lywodraeth y DU i gyfathrebu a chydweithio er mwyn cyrraedd consensws ar ddull gweithredu addas. Yn anffodus, nid yw wedi bod yn bosibl sicrhau dull gweithredu cydlynus, ac ni chafodd Llywodraeth Cymru wybod am fwriad Llywodraeth y DU nes bod y cyhoeddiadau wedi cael eu gwneud. At hynny, ychydig o ddata Asiantaeth y Swyddfa Briso sydd wedi'u rhannu, ac mae hynny wedi cael effaith negyddol ar y gwaith o ddatblygu polisiau priodol ac amserol i Gymru.

Mae polisi Cymru ar faterion datganoledig yn cael ei lunio yng Nghymru, er y cydnabyddir hefyd bod natur ryng-gysylltiedig rhai materion polisi a gweithredu ar draws Cymru a Lloegr yn golygu ei bod weithiau'n well mabwysiadu dull cyson, er budd sicrwydd. Yn yr achos hwn, oherwydd yr effaith ar fusnesau ac eraill sy'n talu ardrethi yng Nghymru ac yn Lloegr, a'r ffaith bod cymorth busnes dilynol yn gysylltiedig â phasio'r Bil Ardrethu (Coronafeirws) ac Anghymhwysio Cyfarwyddwyr (Cwmnïau a Ddiddymwyd) (Y Bil), byddai dull gweithredu cydnaws yn ei gwneud yn haws defnyddio ysgogiadau ariannol sydd, i raddau llai, yn rhan o'r arfau datganoledig sydd ar gael i Lywodraeth Cymru.

Rwyf hefyd wedi nodi sylwadau'r Pwyllgor ynghylch amseriad gosod a chychwyn y Rheoliadau hyn.

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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.

Ar 23 Tachwedd, cynhelir dadl yn y Cyfarfod Llawn ar y Cynnig Cydsyniad Deddfwriaethol ar gyfer y Bil. Byddaf yn sicrhau bod cyfeiriad yn cael ei wneud at y Rheoliadau fel rhan o'r ddadl, er mwyn i'r Aelodau gael cyd-destun y mater dan sylw.

Yn gywir,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Rebecca Evans AS
Gweinidog Cyllid a Llywodraeth Leol

16 Tachwedd 2021

Annwyl Rebecca

Rheoliadau Priso ar gyfer Ardrethu (Cymru) (Coronafeirws) 2021

Yn ein cyfarfod brynhawn ddoe, fe wnaethom ystyried Rheoliadau Priso ar gyfer Ardrethu (Cymru) (Coronafeirws) 2021 (y Rheoliadau) ac ymateb Llywodraeth Cymru i'r pwynt adrodd rhinweddau cyntaf yn ein hadroddiad drafft, sydd bellach wedi cael ei osod.

Fel y gwyddoch, rydym wedi gofyn am y rheswm dros osod y Rheoliadau gerbron y Senedd ar 1 Tachwedd 2021, gan nodi y cafodd y rheoliadau cyfatebol sy'n gymwys i Loegr (Rheoliadau Priso ar gyfer Ardrethu (Coronafeirws) (Lloegr) 2021 (OS 2021/398)) eu gosod gerbron Senedd y DU ar 25 Mawrth 2021, pan ddaethant i rym, sef dros saith mis cyn y Rheoliadau pwnc.

Mae'r ymateb yn codi dau fater sydd, fe gredwn, yn gofyn am ystyriaeth bellach.

Yn gyntaf, rydych chi'n nodi:

"Gosodwyd Rheoliadau Priso ar gyfer Ardrethu (Coronafeirws) (Lloegr) 2021 (O.S.2021/398)) (Rheoliadau LIDU) gerbron Senedd y DU, a daethant i rym, ar 25 Mawrth. Cafodd Rheoliadau LIDU eu gosod heb drafod ymlaen llaw gyda swyddogion Llywodraeth Cymru. O ganlyniad, roedd yr amseru o ran gwneud Rheoliadau LIDU yn golygu nad oedd yn bosibl datblygu polisi neu reoliadau a oedd yn gymwys i Gymru ar unwaith, gan fod cyfnod cyn-etholiadol Senedd Cymru yn weithredol rhwng 25 Mawrth a 6 Mai."

Mae'r ymateb hwn yn awgrymu bod amseriad a chynnwys polisi a rheoliadau Llywodraeth y DU ar gyfer Lloegr yn gweithredu fel trothwy i Lywodraeth Cymru ystyried sut y gallai a/neu sut y dylai ddatblygu polisi a chyfraith mewn maes datganoledig yng Nghymru. Byddem yn ddiolchgar pe gallech eglurhad pellach ynghylch hyn.

Yn ail, mae'r ymateb i'n hadroddiad ar y Rheoliadau yn cau gyda'r datganiad a ganlyn:

"Yn dilyn canlyniad yr ymgynghoriad, lluniwyd fersiwn derfynol o'r rheoliadau drafft ac fe'u gosodwyd ar y dyddiad cynharaf posibl. Digwyddodd hyn ar 1 Tachwedd, gan yr ystyrid ei bod yn arfer gwael gosod y rheoliadau yr wythnos flaenorol, hy, yn ystod y toriad."

Rwy'n cydnabod bod bwriad da y tu ôl i ddymuniad i beidio â gosod rheoliadau gerbron y Senedd mewn wythnos pan na chynhelir Pwyllgorau na Chyfarfod Llawn, ond nid digwyddiad anghyffredin yw'r ffaith bod Gweinidogion Cymru yn gwneud felly. Yn wir, yn yr wythnos benodol yn ystod y toriad dan sylw, cafodd Rheoliadau Cynrychiolaeth y Bobl (Diwygio) (Cymru) (Coronafeirws) (Rhif 2) 2021 eu gosod gerbron y Senedd yn eich enw chi. Hefyd, yn ystod yr un wythnos, gosododd Gweinidogion Cymru bum set o reoliadau ar amryw faterion eraill. Byddem yn awgrymu, lle mae "brys" a "risg uniongyrchol" yn cael eu defnyddio i gyfiawnhau natur weddol eithafol yr achos hwn o dorri'r rheol 21 diwrnod (gan y cafodd y Rheoliadau eu gosod ychydig dros saith awr cyn iddynt ddod i rym), y byddai'n fwy priodol pe bai'r Rheoliadau wedi cael eu gosod cyn gynted â'u bod wedi cael eu drafftio, eu llofnodi a'u cofrestru. O weithredu yn y modd hwn, gyda llaw, byddai'r bobl y mae'r Rheoliadau'n effeithio arnynt wedi cael mwy nag ychydig o oriau o rybudd fod y gyfraith ar fin newid. Gobeithiwn y byddwch yn cadw hyn mewn cof yn y dyfodol.

Mae eich ymateb ynglŷn â'r Rheoliadau yn berthnasol i Femorandwm Cydsyniad Deddfwriaethol Llywodraeth Cymru ar y Bil Ardrethu (Coronafeirws) ac Anghymhwysio Cyfarwyddwyr (Cwmnïau a Ddiddymwyd), a gobeithio y byddwch yn tynnu sylw at y Rheoliadau yn ystod y ddadl yn y Cyfarfod Llawn ar gynig i gydsynio i'r darpariaethau perthnasol yn y Bil.

Yn gywir,

Huw Irranca-Davies

Huw Irranca-Davies

Cadeirydd



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Ein cyf/Our ref: MA/RE/2314/21

Aelodau'r Senedd

22 Tachwedd 2021

Annwyl gydweithiwr

Y Bil Ardrethu (Coronafeirws) ac Anghymhwysu Cyfarwyddwyr (Cwmnïau a Ddiddymwyd) 2021

Rwy'n ysgrifennu atoch i roi rhagor o fanylion cyn y ddaidl yn y Cyfarfod Llawn ar 23 Tachwedd ar y Cynnig Cydsyniad Deddfwriaethol ar gyfer y Bil Ardrethu (Coronafeirws) ac Anghymhwysu Cyfarwyddwyr (Cwmnïau a Ddiddymwyd). Hoffwn ddiolch i'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, a Phwyllgor yr Economi, Materion Gwledig a Masnach am ystyried y Memorandwm Cydsyniad Deddfwriaethol ar y Bil.

Effaith y darpariaethau sy'n ymwneud â Chymru yw atal apelau ardrethi annomestig sy'n cyfeirio at Newid Perthnasol mewn Amgylchiadau yn seiliedig ar faterion sy'n ymwneud â Covid-19 (apelau NPA Covid-19). Mae'r darpariaethau yn gymwys ymlaen llaw ac yn ôl-weithredol: dim ond drwy ddefnyddio deddfwriaeth sylfaenol y gellir cyflawni agwedd ôl-weithredol y darpariaethau.

Ar 25 Mawrth gosododd Llywodraeth y DU Reoliadau Priso ar gyfer Ardrethu (Coronafeirws) (Lloegr) 2021 (Rheoliadau Llywodraeth y DU) gerbron Senedd y DU a ddaeth i rym yn ddiweddarach y diwrnod hwnnw. Effaith Rheoliadau Llywodraeth y DU yw atal apelau NPA Covid-19 yn Lloegr ar ôl 25 Mawrth. Cyn cyflwyno Rheoliadau Llywodraeth y DU, roedd fy swyddogion yn trafod gyda chymheiriaid yn Llywodraeth y DU i gael gwybodaeth am effaith y pandemig ar apelau ardrethi annomestig yng Nghymru a'r opsiynau ar gyfer rheoli'r effaith hon. Mae hwn yn faes lle mae eglurder a chysondeb a dull gweithredu clir yn bwysig i dalwyr ardrethi, o ystyried natur gydgysylltiedig y system ardrethu annomestig yng Nghymru a Lloegr: yn benodol, mae camau cychwynol y systemau apelio yn y ddwy wlad yn cael eu rheoli gan Asiantaeth y Swyddfa Briso.

Cyfngedig oedd yr wybodaeth oedd ar gael ar gyfer Gymru cyn diwedd mis Mawrth, ac o ystyried yr amseru nid oedd yn bosibl i bolisi a rheoliadau sy'n gymwys i Gymru gael eu datblygu'n llawn yn ystod cyfnod cyn yr etholiad y Senedd.

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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 and responses to it received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Cyflwynwyd Bil Ardrethu (Coronafeirws) a Chyfarwyddwyr (Cwmnïau a Ddiddymwyd) Llywodraeth y DU (y Bil) ar 12 Mai. Ni roddwyd cyfle ymlaen llaw i Lywodraeth Cymru ystyried a ddylid cynnwys darpariaethau ar gyfer Cymru wrth eu cyflwyno.

Yng ngoleuni'r wybodaeth oedd ar gael bryd hynny, ystyriwyd opsiynau ar gyfer rheoli effaith apelau NPA Covid-19. Rhoddwyd y flaenoriaeth gychwynol i geisio cynnwys darpariaethau sy'n gymwys i Gymru yn y Bil. Byddai'r darpariaethau hyn, er eu bod yn cael effaith ymlaen llaw, hefyd yn cael effaith ôl-weithredol, na ellid eu cyflawni drwy ddefnyddio is-ddeddfwriaeth.

Ar 7 Gorffennaf, [cyhoeddais](#) ein cynlluniau ar gyfer apelau NPA Covid-19, gan nodi y byddem yn ceisio cynnwys darpariaethau yn y Bil a mynd ar drywydd is-ddeddfwriaeth i atal apelau yn y dyfodol tra bod y Bil yn mynd rhagddo. Yn dilyn 7 Gorffennaf, cysylltodd fy swyddogion â chymheiriaid Llywodraeth y DU i osod sylfeini ar gyfer cynnwys darpariaethau i Gymru yn y Bil.

Yn dilyn hynny, ysgrifennais at yr Ysgrifennydd Gwladol dros Dai, Cymunedau a Llywodraeth Leol ar y pryd ar 27 Gorffennaf yn gofyn am gynnwys darpariaethau perthnasol i Gymru yn y Bil. Cafwyd ymateb ar 3 Medi gan y Gweinidog Twf Rhanbarthol a Llywodraeth Leol ar y pryd, yn cadarnhau y byddai darpariaethau perthnasol ar gyfer Cymru yn cael eu cyflwyno fel gwelliant yng Nghyfnod Adrodd Tŷ'r Cyffredin ar 9 Medi.

Ochr yn ochr â datblygu darpariaethau i'w cynnwys yn y Bil, gwnaethom hefyd gydnabod yr angen i fynd ar drywydd gwneud rheoliadau i ddiogelu cyllid cyhoeddus tra bod y Bil yn mynd rhagddo drwy Senedd y DU ac fel mesur lliniaru yn erbyn y risg y bydd y Bil yn methu.

Er na wnaeth Llywodraeth y DU ymgynghori wrth wneud ei rheoliadau, roeddem o'r farn ei bod yn briodol cynnal ymgynghoriad technegol ar ei rheoliadau drafft. Daeth yr ymgynghoriad chwe wythnos i ben ar 27 Medi, a chyhoeddwyd [crynodedb o'r ymatebion i'r ymgynghoriad](#) ar 21 Hydref.

Yn dilyn canlyniad yr ymgynghoriad, cafodd y rheoliadau drafft eu cwblhau a'u gosod ar y dyddiad cynharaf posibl. Gosodwyd [Rheoliadau Priso ar gyfer Ardrethu \(Cymru\) \(Coronafeirws\) 2021](#) (Rheoliadau Cymru) ar 1 Tachwedd a daethant i rym yn ddiweddarach y diwrnod hwnnw. O 1 Tachwedd, mae Rheoliadau Cymru yn atal apelau sy'n ceisio dibynnu ar faterion sy'n ymwneud â Covid-19. Nid oes data ar gael eto i ddangos effaith lawn Rheoliadau Cymru: mae hyn yn cynnwys data am y risg i gyllid cyhoeddus Cymru a allai fod wedi digwydd rhwng 25 Mawrth, pan osodwyd rheoliadau ar gyfer Lloegr, ac 1 Tachwedd, pan wnaed Rheoliadau Cymru. Fodd bynnag, mae Rheoliadau Cymru wedi diogelu rhag unrhyw apelau perthnasol a gyflwynwyd ers 1 Tachwedd a byddant yn parhau i wneud hynny tra bo'r Bil yn mynd drwy'r Senedd neu os bydd y Bil yn methu.

Effaith y darpariaethau yn y Bil yw disodli Rheoliadau Llywodraeth y DU a Rheoliadau Cymru, gyda chymal 1(9) yn y Bil fel y'i cyflwynwyd yn dirymu Rheoliadau Llywodraeth y DU. O ganlyniad i gyfyngiadau amseru, ni fu'n bosibl cynnwys cymal yn y Bil sy'n dirymu Rheoliadau Cymru. Bwriadaf osod rheoliadau pellach i ddirymu Rheoliadau Cymru, a fydd yn cyd-fynd ag amseriad y Cydsyniad Brenhinol, os bydd y Bil yn parhau i fynd rhagddo.

Yn gywir

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Ein cyf/Our ref MA-LG-3776-21

Huw Irranca-Davies AS,
Cadeirydd y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad

24 Tachwedd 2021

Annwyl Huw,

Bil Lles Anifeiliaid (Anifeiliaid a Gedwir)

Rwy'n ysgrifennu mewn ymateb i adroddiad y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad ar Femorandwm Cydsyniad Deddfwriaethol mewn perthynas â'r Bil Lles Anifeiliaid (Anifeiliaid a Gedwir).

Rwyf wedi nodi fy ymateb i ddau argymhelliad y Pwyllgor isod:

Argymhelliad 1. Dylai'r Gweinidog, cyn gynted ag y bodd a chyn y ddadl yn y Senedd ar y cynnig cydsyniad perthnasol, ddarparu diweddariad i'r Pwyllgor ar y trafodaethau a gafwyd â Llywodraeth y DU am yr eithriad angenrheidiol rhag y cyfyngiadau perthnasol yn Atodlen 7B o Ddeddf Llywodraeth Cymru 2006.

Ymateb: Yn dilyn trafodaethau â Llywodraeth y DU, cadarnhaodd Defra ei gytundeb i wneud addasiadau i'r trefniadau caniatáu. Mae gwelliannau'r Llywodraeth i'r Bil wedi'u cyflwyno sy'n cynnwys darparu eithriad rhag yr angen am ganiatâd gan Weinidog y Goron yn y dyfodol mewn perthynas â'r trefniadau caniatáu yn Atodlen 7B o Ddeddf Llywodraeth Cymru 2006.

Argymhelliad 2. Dylai'r Gweinidog, cyn gynted ag y bodd a chyn y ddadl yn y Senedd ar y cynnig cydsyniad perthnasol, ddarparu rhagor o fanylion i'r Pwyllgor ar ddadansoddiad Llywodraeth Cymru o gymal 46 ac o ystyried bwriad Llywodraeth Cymru i ddefnyddio'r pwerau yn y cymal i wneud rheoliadau at ddiben bodloni rhwymedigaethau Sefydliad Masnach y Byd; cadarnhewch p'un a oedd y Gweinidog yn ymwybodol o gynigion Llywodraeth y DU o ran hyn ac a yw'r Gweinidog yn cefnogi'r dull gweithredu hwn.

Ymateb: Mae fy swyddogion wedi trafod hyn â Defra ac rwy'n fodlon â'r dull gweithredu arfaethedig. Bydd y mesurau yng nghymal 46 yn effeithio'n bennaf ar fasnachu cŵn bach yn anghyfreithlon. Mae'n bosibl y bydd effeithiau ehangach ar fasnachu anifeiliaid anwes yn gyfreithlon oherwydd gallai'r mesurau hyn o bosibl fod yn gymwys i'r broses o fewnforio cŵn yn fasnachol. Fodd bynnag, caiff cynigion i gyflwyno mesurau mewn rheoliadau yn y dyfodol eu hystyried yn fanylach ar y cam hwnnw. Byddai angen ystyried asesiad effaith, a fyddai'n cynnwys arfarniad o unrhyw oblygiadau Sefydliad Masnach y Byd, o ran y cynigion a fanylir a chynhelir hyn ar lefel y DU cyn cyflwyno unrhyw gyfyngiadau drwy reoliadau. Yn ogystal, byddai cynigion mewn perthynas ag is-ddeddfwriaeth yn destun ymgynghoriad a/neu ymgynghoriad pellach â rhanddeiliaid cyn cael eu cyflwyno.

Hyderaf fod yr uchod o gymorth i chi.

Cofion,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Mae cyfyngiadau ar y ddogfen hon



John Griffiths AS
Cadeirydd – y Pwyllgor Llywodraeth Leol a Thai
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN
SeneddTai@senedd.cymru

22 Tachwedd 2021

Annwyl John,

Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Diwygio Cyfraith Lesddaliad (Rhent Tir)

Diolch am eich llythyr dyddiedig 18 Tachwedd yn gofyn am ddiweddariad pellach ar y Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Diwygio Cyfraith Lesddaliad (Rhent Tir).

Yng ngoleuni'ch sylwadau yn eich llythyr, rwy'n bwriadu gosod Memorandwm Cydsyniad Deddfwriaethol Atodol erbyn 26 Tachwedd. Bydd y Memorandwm Cydsyniad Deddfwriaethol Atodol hwnnw'n ymneud yn unig â'r gwelliannau a wnaed i'r Bil yn ystod ei daith drwy Dŷ'r Arglwyddi. Rydym yn cynnig cynnal y ddatl ynghylch cydsyniad ar 14 Rhagfyr, ond rydym yn cydnabod y bydd hyn yn cyfyngu ar y cyfnod craffu. Felly, byddwn yn gofyn i'r Pwyllgor Busnes ystyried estyn y terfyn amser ar gyfer adrodd mewn perthynas â'r Memorandwm Cydsyniad Deddfwriaethol a osodwyd ar 26 Mai (a'r Memorandwm Cydsyniad Deddfwriaethol Atodol wedi hynny) i 9 Rhagfyr.

Rwy'n dal i ragweld y bydd Llywodraeth y Deyrnas Unedig yn gosod gwelliannau pellach i'r Bil cyn y Cam Pwyllgor yn Nhŷ'r Cyffredin, ond nid wyf yn gwybod eto pryd fydd hynny. Mae'n bur annhebyg, er hynny, y bydd hyn yn digwydd cyn yr wythnos sy'n dechrau ar 29 Tachwedd.

Byddaf yn gosod Memorandwm Cydsyniad Deddfwriaethol Atodol arall mewn perthynas â'r gwelliannau pellach disgwylidig cyn gynted â phosibl ar ôl iddynt gael eu gosod, ond heb amserlen wedi'i chadarnhau ni allaf ymrwymo i ddyddiad pendant.

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Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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.

Rwy'n anfon copi o'r llythyr hwn at Huw Irranca-Davies, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir

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

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James AS

Y Gweinidog Newid Hinsawdd

Llywodraeth Cymru

18 Tachwedd 2021

Annwyl Julie

Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Diwygio Cyfraith Lesddaliad (Rhent Tir)

Yn dilyn eich llythyr dyddiedig 11 Tachwedd, byddem yn ddiolchgar pe gallech ddarparu diweddariad pellach ar y Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Diwygio Cyfraith Lesddaliad (Rhent Tir).

Gan nad yw'r Memorandwm Cydsyniad Deddfwriaethol Atodol wedi'i osod eto, rydym yn pryderu na fydd gennym ddigon o amser i'w ystyried cyn adrodd. Y cyfarfod nesaf a drefnwyd o ran ein Pwyllgor yw 1 Rhagfyr, hynny yw, y diwrnod cyn y dyddiad cau ar gyfer adrodd, sef 2 Rhagfyr. Nid yw'r amserlen hon yn caniatáu gwaith craffu ystyrllon.

Er mwyn cynllunio dull y Pwyllgor o ystyried ac adrodd ar y Memorandwm Cydsyniad Deddfwriaethol a'r Memorandwm Cydsyniad Deddfwriaethol Atodol, byddem yn ddiolchgar pe gallech gadarnhau'r dyddiad yr ydych yn disgwyl gosod Memorandwm Cydsyniad Deddfwriaethol Atodol.


Byddem hefyd yn ddiolchgar pe gallech osod Memorandwm Cydsyniad Deddfwriaethol Atodol mewn perthynas â'r gwelliannau a wnaed i'r Bil ar 20 Gorffennaf cyn gynted ag y bo modd. Fel y gwyddoch, mae rheol sefydlog 29.2 (iii) yn nodi y dylai'r Llywodraeth osod Memorandwm Cydsyniad Deddfwriaethol fel rheol ddim hwyrach na phythefnos ar ôl cyflwyno unrhyw welliannau perthnasol. Mae bron i bedwar mis bellach wedi mynd heibio a disgwylir i'r Bil gael Cydsyniad Brenhinol ychydig cyn y Nadolig. Yn eich llythyr dyddiedig 1 Hydref, dywedasochn y byddai'n fwy defnyddiol cyhoeddi Memorandwm Cydsyniad Deddfwriaethol Atodol unwaith y bydd yr holl welliannau wedi'u cyflwyno.

Fodd bynnag, mae'r penderfyniad i oedi cyn gosod Memorandwm Cydsyniad Deddfwriaethol Atodol wedi cyfyngu ar ein gallu i graffu ar y darpariaethau perthnasol mewn modd amserol. O gofio'r dyddiad cau hynod dynn ar gyfer adrodd, rydym ni o'r farn y byddai'n fwy defnyddiol i'r Aelodau pe baech yn cyhoeddi Memorandwm Cydsyniad Deddfwriaethol Atodol yn ymwneud â'r gwelliannau a gyflwynwyd ym mis Gorffennaf cyn gynted â phosibl.

Byddwn yn gwerthfawrogi cael ymateb erbyn 22 Tachwedd.

Rwy'n anfon copi o'r llythyr hwn at Huw Irranca-Davies AS, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir



John Griffiths AS

Cadeirydd

Cc: Huw Irranca-Davies, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon



Huw Irranca-Davies AS
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

Llywodraeth Cymru
Welsh Government

23 Tachwedd 2021

Annwyl Huw,

Rwyf yn ysgrifennu mewn ymateb i'ch llythyr 9 Tachwedd ynghylch Confensiwn y DU/y Swistir ar gydgyssylltu nawdd cymdeithasol.

Efallai y bydd yn helpu os byddaf yn egluro'n gyntaf bod cytundebau rhyngwladol yn cael eu cadw i Lywodraeth y DU a'i bod yn ofynnol i'r Gweinyddiaethau Datganoledig eu gweithredu a'u parchu ni waeth beth fo'r goblygiadau o ran cymhwysedd datganoledig neu i gyrrff Cymru.

Rwyf wedi mynd i'r afael â'ch cwestiynau penodol isod:

Asesiad Llywodraeth Cymru o oblygiadau'r cytundeb ar gyfer cymhwysedd datganoledig

Mae'r cytundeb yn ei gwneud yn ofynnol darparu gofal iechyd i ymwelwyr o'r Swistir i Gymru mewn perthynas â thriniaeth feddygol angenrheidiol frys a thriniaeth sydd wedi'i chynllunio ymlaen llaw. Rôl Byrddau Iechyd Lleol Cymru fydd cyflawni hyn. Goblygiadau'r cytundeb ar gymhwysedd datganoledig yw ei bod yn ofynnol i Lywodraeth Cymru weithredu a pharchu'r cytundeb ac i Fyrdau Iechyd Lleol ddarparu gofal iechyd yn unol â'i thelerau.

Er hynny, hoffwn egluro hefyd fod y Swistir, cyn inni ymadael â'r UE, yn rhan o'r cytundeb gofal iechyd cyfatebol a oedd ar waith gyda gwledydd yr UE ac EFTA. Mae'r trefniadau gofal iechyd o dan Gonfensiwn newydd y Swistir yr un peth yn fras â chytundeb gofal iechyd cyfatebol blaenorol yr UE (cyn inni ymadael â'r UE) a'r Cytundeb Masnach a Chydweithredu/Protocol Nawdd Cymdeithasol newydd rhwng Llywodraeth y DU a'r UE. Nid

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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.

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oes unrhyw ofynion newydd yn cael eu rhoi ar Fyrddau Iechyd Lleol Cymru o dan Gonfensiwn y Swistir (neu Gytundeb Masnach a Chydweithredu'r UE).

Yr hyn y mae'n rhaid ei gofio hefyd yw mai cytundeb gofal iechyd cyfatebol yw hwn sy'n golygu bod trigolion Cymru yn gallu cael triniaeth y mae ei hangen ar frys a thriniaeth sydd wedi'i chynllunio ymlaen llaw yn y Swistir am ddim gyda'r costau'n cael eu talu gan Lywodraeth y DU.

A yw Llywodraeth Cymru yn cytuno ag asesiad Llywodraeth y DU o ba faterion sydd wedi'u cadw'n ôl a pha faterion sydd wedi'u datganoli yn y cytundeb

Mae Llywodraeth y DU wedi cydnabod yn y Memorandwm Esboniadol ar y Confensiwn bod negodi cytundebau gofal iechyd cyfatebol a lles gwladolion y DU dramor yn faterion a gedwir yn ôl ond bod rhai o'r meysydd y mae cytundebau gofal iechyd cyfatebol yn eu cwmpasu yn feysydd wedi'u datganoli gan gynnwys gofal iechyd domestig ac adennill costau ymwelwyr tramor. Gan mai mater datganoledig yw codi tâl ar ymwelwyr tramor, mae Llywodraeth y DU wedi cydnabod hefyd y bydd y Gweinyddiaethau Datganoledig yn sicrhau bod yr agweddau hyn yn cael eu gweithredu yn unol â hynny.

Mae paragraff 10(1) o Atodlen 7A i Ddeddf Llywodraeth Cymru yn cadw "cysylltiadau rhyngwladol" (sy'n cynnwys cysylltiadau â thiriogaethau, gwledydd a sefydliadau rhyngwladol y tu allan i'r Deyrnas Unedig) i Senedd y DU.

Yn unol â pharagraff 10(3) o Atodlen 7A i Ddeddf Llywodraeth Cymru, mae parchu a gweithredu rhwymedigaethau rhyngwladol a chynorthwyo un o Weinidogion y Goron mewn perthynas â chysylltiadau rhyngwladol (i'r graddau y maent yn ymwneud â materion datganoledig) wedi'u llunio o faes cysylltiadau rhyngwladol. Mater datganoledig yw iechyd, sy'n cynnwys adennill costau ymwelwyr tramor mewn perthynas â Chymru. At hynny, mae rhoi effaith i gytundebau gofal iechyd sy'n ymwneud â gofal iechyd a ddarperir yng Nghymru o fewn cymhwysedd deddfwriaethol Senedd Cymru.

Rwyf yn cytuno, felly, mai mater i'r DU, yn hytrach na'r Gweinyddiaethau Datganoledig, yw ymrwymo i'r Confensiwn, ac rwyf yn fodlon ar safbwynt Llywodraeth y DU ynghylch goblygiadau'r Confensiwn mewn perthynas â materion datganoledig yng Nghymru.

A fydd Llywodraeth Cymru wedi'i chynrychioli yn y mecanweithiau llywodraethu newydd rhwng y DU a'r Swistir a grëwyd gan y cytundeb, yn enwedig mewn perthynas â chymryd rhan yn y Cydbwyllgor Gweinyddol pan gaiff materion datganoledig eu trafod

Mae Llywodraeth y DU wedi cadarnhau bod y trefniadau cynrychioli ynghylch y Llywodraethau Datganoledig a'r mecanweithiau llywodraethu o dan Gonfensiwn y Swistir yn adlewyrchu'r rhai o dan y Cytundeb Masnach a Chydweithredu a'r Protocol ar Gydgysylltu Nawdd Cymdeithasol. Mae hyn yn golygu y bydd Llywodraeth ganolog y DU yn cynrychioli'r DU yn y Cyd-bwyllgor Gweinyddol o dan y Confensiwn, ond bod gallu i wahodd cynrychiolwyr o gyfarfodydd Cyd-bwyllgor Gweinyddol y Llywodraethau Datganoledig fel y bo'n briodol ac os oes angen, er enghraifft pe bai mater yn cael ei drafod a oedd o ddiddordeb arbennig neu ar faes darpariaeth ddatganoledig megis triniaeth wedi'i chynllunio.

Pa gynlluniau sydd ar waith i Lywodraeth Cymru weithredu'r cytundeb, os o gwbl, gan gynnwys amserlenni

Mae Cytundebau Rhyngwladol a wneir gan Lywodraeth y DU yn rhwymo'r DU gyfan ac mae'n ofynnol i'r Gweinyddiaethau Datganoledig rhoi ar waith yn unol ag unrhyw

amserlenni yn y Cytundeb. Daeth Confensiwn y Swistir i rym ar 1 Tachwedd 2021 ac mae'n ofynnol i Fyrddau Iechyd Lleol Cymru ei roi ar waith o'r dyddiad hwnnw. Hysbyswyd y Byrddau Iechyd Lleol am y cytundeb ac mae'r holl drefniadau angenrheidiol (er enghraifft canllawiau a ffurflenni cais ar gyfer trefniadau triniaeth sydd wedi'i chynllunio ymlaen llaw, trefniadau gweinyddol ac ad-dalu gydag Awdurdod Gwasanaethau Busnes y GIG) wedi'u hymgorffori o fewn y prosesau sydd eisoes ar waith ar gyfer Cytundeb Masnach a Chydweithredu'r UE.

Er hynny, bydd angen inni adlewyrchu'r cytundeb o fewn Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989 sy'n nodi'r eithriadau ar gyfer codi tâl ar ymwelwyr tramor, a byddwn yn gwneud diwygiadau i'r rheoliadau hynny mewn perthynas â hyn cyn gynted â phosibl.

A yw Llywodraeth Cymru yn fodlon â lefel ac amlder yr ymgynghori â Llywodraeth y DU yn ystod y trafodaethau ar y cytundeb hwn, fel y disgrifir yn y Memorandwm Esboniadol

Er i Lywodraeth y DU hysbysu swyddogion Llywodraeth Cymru am ddatblygiad a chynnydd y Confensiwn ac amseriad tebygol ei lofnodi a'i roi ar waith, nid oedd Llywodraeth Cymru yn rhan o unrhyw rai o'r trafodaethau gwirioneddol â Llywodraeth y Swistir. Er fy mod yn cydnabod nad yw hon yn sefyllfa ddelfrydol, mae cytundebau rhyngwladol yn cael eu cadw i Lywodraeth y DU ac at ei gilydd dilynwyd y Memorandwm Cytundeb sydd ar waith gyda Llywodraeth y DU i gefnogi gofynion ymgynghori Deddf Gofal Iechyd (Trefniadau'r Ardal Economaidd Ewropeaidd a'r Swistir) 2019. Ac yn yr achos hwn, roedd cytundeb rhwng Llywodraeth y DU a'r Gweinyddiaethau Datganoledig y dylai unrhyw gytundeb â'r Swistir geisio atgynhyrchu'r trefniadau yn fras o dan Gytundeb Masnach a Chydweithredu'r DU/UE yn sgil Ymadael â'r UE (a'r trefniadau gyda'r Swistir cyn Ymadael â'r UE).

Hyderaf y bydd yr ymateb hwn o gymorth wrth i'r Pwyllgor ystyried y Confensiwn.

Yn gywir



MARK DRAKEFORD

Y Gwir Anrhydeddus Mark Drakeford AS

Prif Weinidog Cymru

9 Tachwedd 2021

Annwyl Mark

Y Deyrnas Unedig/Swistir: Confensiwn ar gydgysylltu nawdd cymdeithasol

Fel y gwyddoch, y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad sy'n gyfrifol am graffu ar gytundebau rhyngwladol nad ydynt yn ymwneud â masnach yn y Chweched Senedd, yn ogystal â monitro'r cytundebau hyn.

Yn ein cyfarfod ar 1 Tachwedd 2021, gwnaethom drafod y cytundeb a ganlyn: Y Deyrnas Unedig/Swistir: Confensiwn ar gydgysylltu nawdd cymdeithasol.

Mae'r cytundeb yn sefydlu trefniadau newydd rhwng y DU a'r Swistir i gydgysylltu nawdd cymdeithasol ar ôl Brexit mewn perthynas â rhai budd-daliadau, gan gynnwys mynediad at ofal iechyd cilyddol.

Yn ystod ein trafodaethau, gwnaethom gytuno i ysgrifennu atoch i ofyn am y wybodaeth a ganlyn:

- asesiad Llywodraeth Cymru o oblygiadau'r cytundeb ar gyfer cymhwysedd datganoledig;
- a yw Llywodraeth Cymru yn cytuno ag asesiad Llywodraeth y DU o ba faterion sydd wedi'u cadw'n ôl a pha faterion sydd wedi'u datganoli yn y cytundeb;
- a fydd Llywodraeth Cymru wedi'i chynrychioli yn y mecanweithiau llywodraethu newydd rhwng y DU a'r Swistir a grëwyd gan y cytundeb, yn enwedig mewn perthynas â chymryd rhan yn y Cydbwyllgor Gweinyddol pan gaiff materion datganoledig eu trafod;
- pa gynlluniau sydd ar waith i Lywodraeth Cymru weithredu'r cytundeb, os o gwbl, gan gynnwys amserlenni;

- a yw Llywodraeth Cymru yn fodlon â lefel ac amllder yr ymgynghori â Llywodraeth y DU yn ystod y trafodaethau ar y cytundeb hwn, fel y disgrifir yn y Memorandwm Esboniadol.

Byddwn yn ddiolchgar pe gallech ymateb erbyn 23 Tachwedd 2021.

Yn gywir,

Huw Irranca-Davies

Huw Irranca-Davies

Cadeirydd

