

Agenda – Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Fideo Gynadledda via Zoom **Alun Davidson**
Dyddiad: Dydd Iau, 24 Medi 2020 Clerc y Pwyllgor
Amser: 14.00 0300 200 6565
SeneddMADY@senedd.cymru

Yn unol â Rheol Sefydlog 34.19, mae'r Cadeirydd wedi penderfynu gwahardd y cyhoedd o gyfarfod y Pwyllgor er mwyn diogelu iechyd y cyhoedd.

Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar www.senedd.tv

Cyfnod cofrestru

(13.30–14.00)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau
(14.00)

**2 Sesiwn graffu gyda Gweinidog y Gymraeg a Chysylltiadau
Rhyngwladol**

(14.00–15.30)

(Tudalennau 1 – 16)

Eluned Morgan AC, Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol

Emma Edworthy – Llywodraeth Cymru

3 Papurau i'w nodi

(15.30–15.35)

3.1 Papur i'w nodi 1: Adroddiad Cryno ar y Fframwaith Maeth – 9 Medi 2020

(Tudalennau 17 – 19)



- 3.2 Papur i'w nodi 2: Gohebiaeth gan y Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd at y Cadeirydd ynghylch Cytundeb Rhyng-sefydliadol – Cyfarfodydd Gweinidogol yr Adolygiad o Gysylltiadau Rhynglywodraethol – 17 Medi 2020**
(Tudalennau 20 – 21)
- 3.3 Papur i'w nodi 3: Gohebiaeth gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at Ysgrifennydd Gwladol Cymru ynghylch Bil Marchnad Fewnol y DU – 18 Medi 2020**
(Tudalennau 22 – 23)
- 3.4 Papur i'w nodi 4: Gohebiaeth gan y Gweinidog Tai a Llywodraeth Leol at Gadeirydd pob Pwyllgor ynghylch y Fframwaith Datblygu Cenedlaethol drafft – 21 Medi 2020**
(Tudalennau 24 – 25)
- 4 Cynnig o dan Reol Sefydlog 17.42(vi) a (ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod**
(15.35)
- 5 Sesiwn graffu gyda Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol – trafod y dystiolaeth.**
(15.35–15.50)
- 6 Bil Masnach y DU 2020: Cydsyniad Deddfwriaethol – trafod yr adroddiad drafft**
(15.50–16.05) (Tudalennau 26 – 33)
- 7 Blaenraglen waith**
(16.05–16.20) (Tudalennau 34 – 84)

Mae cyfyngiadau ar y ddogfen hon

Nutrition Framework – a summary.

Common Frameworks – strategic overview

1. Following the UK's exit from the European Union, work is underway to ensure that following the end of the transitional period (TP), appropriate measures are put in place to maintain stability and security across the UK. Common frameworks are being developed under a set of principles agreed between the UK Government and Scottish and Welsh Governments at the Joint Ministerial Committee (European Negotiations) (JMC(EN)) in October 2017.
2. The JMC (EN) also agreed that all frameworks must respect the devolution settlements and the democratic accountability of the devolved legislatures. The intention is that frameworks will make it simple for businesses from different parts of the UK to trade with each other, whilst allowing the UK to fulfil its international obligations, enabling the UK to safeguard our common resources and ensure the functioning of the UK's internal market.

Nutrition Framework– Scope and background

3. The Nutrition Framework: concerns retained EU legislation on the following areas:
 - nutrition and health claims made on foods;
 - the addition of vitamins, minerals, and certain other substances to foods;
 - the composition and labelling of food supplements;
 - the composition and labelling of food intended for infants and young children, food special medical purposes, and total diet replacement for weight control (“Foods for Specific Groups”);
 - and the mandatory nutrition declaration (food labelling), including additional forms of expression and presentation in which it may be given.
4. As food law is a devolved competence legislation was made, under the provisions contained within the European Union (Withdrawal) Act 2018, for the DAs to make regulations within their respective administrations by transferring to them powers previously held by the European Commission. This transfer of powers to the DAs carries with it the risk of divergence within nutrition policy across the UK. The UK, Scottish and Welsh Governments therefore agreed that a Nutrition framework is required to ensure a common approach after the end of TP. DHSC and DAs welcome the restoration of the Northern Ireland Executive, and will seek its agreement to the proposed arrangements at an appropriate juncture.
5. Engagement with nutrition industry representatives from across the UK has concluded that the proposed framework will be supportive of businesses that work across the UK and will help deliver consumer confidence. Stakeholders advised that they also felt

reassured by the proposals for joint decision making and dispute resolution mechanisms.

6. The Nutrition Framework has also been reviewed and assessed by the Cabinet Office Frameworks Board. The board concluded that subject to some minor amendment the Nutrition framework was as far developed as it could be at this stage (Phase 3) and was ready to proceed to Phase 4 and JMC clearance.
7. Officials now await clearance for Ministers across the UK for the Nutrition Framework to proceed to JMC.

Nutrition Framework Proposals

8. Whilst Nutrition policy is a devolved area, the cross-border nature of the food industry requires close co-operation across the UK to provide clarity and assurance to business, enforcement and consumers. The implementation of the Nutrition Framework would support this aim helping to maintain existing standards and establish replacement mechanisms for current EU functions (such as authorising new claims and amending retained lists of permitted claims and substances).
9. The assessment of applications for new health claims requires a new body to provide scientific advice. Provision was therefore included in SI2019/651, together with procedures for the application and assessment process and decision-making.
10. It is proposed that at the end of the TP risk assessments should be undertaken on a UK-wide basis to deliver a consistent approach and process for businesses and enforcement authorities across the UK (with capacity maintained for non-UK wide assessments where appropriate). The risk assessment processes would replicate, as closely as possible, those currently undertaken by the European Food Safety Authority (EFSA) and be independent and free from undue influence.
11. Decisions based on both scientific opinion and wider risk management considerations should be made by the appropriate authority through the establishment of four-country working arrangements which build on existing consensus-based policy making.
12. Every effort would be made at working level to resolve any disagreements in difference of approach. Where a consensus cannot be reached by the four-country working arrangements (whether that is agreement to a UK wide approach or to divergence) a dispute resolution process would come into play. This process would be based on agreed principles set out in the framework e.g. evidence-based decision making, transparency and timely resolution.

13. Consideration of key cross-cutting issues such as domestic governance, functioning of the UK internal market and future funding will continue during the TP prior to finalisation of the framework.
14. A Concordat between DHSC, SG, WG and the Northern Ireland Executive is proposed to underpin this non-legislative framework. Adopting a non-legislative approach allows for maximum flexibility to adapt the framework as necessary and maintains a degree of trust and goodwill between the four administrations. The Concordat would provide the basis for managing and maintaining commonality in approach and minimum standards as well as surveillance and sharing of information.

Next steps

15. Subject to provisional confirmation by JMC(EN), the Nutrition Framework will be prepared for the necessary committee scrutiny across the UK parliaments and finally implementation.
16. Prior to implementation at the end of 2020, a reappraisal of the framework may take place based on the outcomes of any cross-cutting issues and feedback that DAs receive from their legislatures' committees.
17. The provisional framework may therefore need to undergo further collective agreement before final confirmation by JMC(EN), for example, if subsequent reappraisal of the framework leads to significant changes.
18. After implementation a review and amendment mechanism will ensure that the framework can adapt to subsequent policy developments. This periodic review is designed to focus on the governance structures and operational aspects of a framework and should take place every 3 years at a minimum.



David Rees AS
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17 Medi 2020

Annwyl David,

Cytundeb Rhyngsefydliadol – Cyfarfodydd Gweinidogol ar yr Adolygiad o Gysylltiadau Rhynglywodraethol

Rhoddais ddiweddariad ichi yn ddiweddar am fandad Cyd-bwyllgor y Gweinidogion (Negodiadau'r UE) ar gyfer y gwaith sy'n digwydd ar yr Adolygiad o Gysylltiadau Rhynglywodraethol, a'u cytundeb i'r gwaith hwnnw hefyd.

Roeddwn wedi sôn eisoes bod gweinidogion Cysylltiadau Rhynglywodraethol wedi cyfarfod i drafod peirianwaith ac osgoi a datrys anghydfodau ar 12 Awst. Trefnwyd cyfarfodydd pellach ar gyfer 8 a 10 Medi. Cyfunwyd y cyfarfodydd hyn ac fe'u cynhaliwyd ar 10 Medi.

Cadeiriais y cyfarfod hwn, ac yn bresennol hefyd roedd Chloe Smith AS, y Gweinidog dros y Cyfansoddiad a Datganoli, Llywodraeth y DU, Jenny Gilruth ASA, y Gweinidog dros Ewrop a Datblygu Rhyngwladol, Llywodraeth yr Alban, a'r Gweinidogion Gordon Lyons ACD a Declan Kearney ACD, Gweithrediaeth Gogledd Iwerddon.

Gan nodi effaith a goblygiadau sylweddol a niweidiol Bil Marchnad fewnol Llywodraeth y DU o ran cysylltiadau rhynglywodraethol, fe wnaethom gytuno serch hynny fod angen bwrw ymlaen â'r gwaith ar yr Adolygiad o Gysylltiadau Rhynglywodraethol ar y cyd o fewn y fforwm hwn.

Gwnaethom gynnydd pellach o ran osgoi a datrys anghydfodau, a pheirianwaith, er bod mwy o waith i'w wneud, a gofynnwyd i swyddogion barhau i gydweithio ar y cynigion. Byddaf yn darparu rhagor o wybodaeth maes o law.

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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.

Rwyf wedi ysgrifennu yn yr un modd at Mick Antoniw AS, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir,

A handwritten signature in black ink, appearing to read 'Jeremy Miles', with a stylized, cursive script.

Jeremy Miles AS/MS

Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd
Counsel General and Minister for European Transition

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

18 September 2020

Dear Simon

UK Internal Market Bill

I am writing to seek the UK Government's understanding of the application of the Sewel Convention to the UK Internal Market Bill.

Paragraphs 87-89 and Annex A of the Explanatory Notes to the UK Internal Market Bill provide that legislative consent is required for every Part of the Bill and that it has been sought. As such, we would expect that the UK Government would not seek to pass the Bill without the consent of the Senedd.

To inform our consideration of the Bill and our wider inquiry on Wales' changing constitution, we would be grateful if you could confirm whether you share this assessment and confirm that, if the Bill remains with the same intention as introduced, this position will not change.

We raise the latter point because of the evidence you gave to us on **9 March** when you thought that, in the context of the European Union (Withdrawal Agreement) Bill, "in this particular instance, 'not normal' emerged as the theme as it became more obvious that the LCM wouldn't get through this place, and indeed through the Scottish Parliament."



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If you do not share our assessment, we would be grateful if you could tell us when and on what basis the UK Government will be able to advise whether the Bill, for the purpose of the Sewel convention, is “normal” or not.

Yours sincerely,



Mick Antoniw MS

Chair of the Legislation, Justice and Constitution Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

cc.

Rt Hon Alok Sharma MP, Secretary of State for Business, Energy and Industrial Strategy

David Rees MS, External Affairs and Additional Legislation Committee, Senedd Cymru

Bruce Crawford MSP, Finance and Constitution Committee, Scottish Parliament

Colin McGrath MLA, Committee for the Executive Office, Northern Ireland Assembly

Rt Hon Stephen Crabb MP, Welsh Affairs Committee, House of Commons

William Wragg MP, Public Administration and Constitutional Affairs Committee, House of Commons

Rt Hon the Baroness Taylor of Bolton, Constitution Committee, House of Lords





Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref:

At: Cadeiryddion Pwyllgorau

21 Medi 2020

Annwyl Bawb,

Yn dilyn ymgynghori eang ar y Fframwaith Datblygu Cenedlaethol y flwyddyn nesaf, rwyf heddiw wedi cyflwyno'r Fframwaith Datblygu Cenedlaethol drafft gerbron y Senedd ar gyfer y cyfnod ystyriaeth 60 niwrnod.

Daw'r Fframwaith Datblygu Cenedlaethol gydag adroddiad ymgynghori sy'n pennu'r materion a godwyd yn ystod yr ymgynghoriad, amserlen o newidiadau yr wyf yn bwriadu eu gwneud wedi ystyried yr ymatebion i'r ymgynghoriad, a gwerthusiad cynaliadwyedd integredig wedi'i ddiweddarau. Maent i'w gweld yn y fan [yma](#).

I helpu â'r broses graffu, rwyf wedi cyhoeddi dwy ddogfen heddiw. Mae'r gyntaf yn esbonio sut yr wyf am fonitro'r Fframwaith ar ôl ei gyhoeddi; ac mae'r ail yn fersiwn o'r ddogfen rhestru newidiadau gafodd ei osod yn yr un fformat â fersiwn ddrafft y Fframwaith yr ymgynghorwyd arno llynedd. Mae'r dogfennau i'w gweld yn y fan [yma](#)

Byddaf yn cyflwyno cynnig i'w ddiwygio o fewn amser y Llywodraeth i roi cyfle i'r Senedd fynegi ei barn ar (ond nid gymeradwyo) y Cynllun Datblygu Drafft. Cynhelir y drafodaeth yn ystod cyfnod ystyried y Senedd o 60 niwrnod fel y gall y Llywodraeth ystyried y materion a godwyd yn ogystal ag unrhyw argymhellion gan Bwyllgorau'r Senedd o fewn cyfnod addas.

Yn ystod yr ymgynghoriad y llynedd ar y Fframwaith Datblygu Cenedlaethol drafft, tynnodd aelodau'r Senedd fy sylw at ba mor bwysig oedd i bawb allu deall beth yw'r Fframwaith a'r hyn mae'n ei olygu iddyn nhw. Roedd rhai o'r farn nad oedd yr enw 'fframwaith datblygu cenedlaethol' yn egluro beth oedd y Fframwaith na beth oedd ei ddiben. Rwyf wedi meddwl am y mater hwn ac wedi gofyn i Blant yng Nghymru helpu i ddatblygu teitl newydd. Gwnaethon nhw awgrymu 'Cymru'r Dyfodol – Y Cynllun Cenedlaethol 2040'. Pan fydd yn cael ei gyhoeddi dyma fydd enw newydd y Fframwaith Datblygu Cenedlaethol, gyda'r talfyriad 'Cymru'r Dyfodol' yn gael ei ddefnyddio. Byddwch yn gweld yr enw newydd hwn mewn rhai o'r dogfennau a ddefnyddir yn ystod y broses graffu.

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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.

Tudalen y pecyn 24
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.

Dw i'n edrych ymlaen at gydweithio â'r Senedd ar gwblhau Cymru'r Dyfodol, ein Fframwaith Datblygu Cenedlaethol cyntaf.

Yn gywir,



Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Eitem 6

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 7

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon