



Cabinet Office

Revised Frameworks Analysis:

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

April 2019

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A Collaborative Approach to Common Frameworks

EU rules currently create consistent approaches across the UK in policy areas within devolved competence, although the UK, Scottish and Welsh Governments and the Northern Ireland Executive (when in place) make different choices on how to implement the rules in some of these policy areas. When the UK leaves the European Union, powers previously exercised at EU level that intersect with devolved competence will flow back directly to Edinburgh, Cardiff and Belfast. In some areas, the UK Government and the Scottish and Welsh Governments agree it will be necessary to maintain UK-wide approaches, or common frameworks, after we leave the EU.

Principles for Common Frameworks

In October 2017, the UK, Scottish and Welsh Governments agreed a set of principles to underpin this work. They agreed that 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, and safeguard the security of the UK.¹

It was further agreed that the frameworks established would respect the devolution settlements and democratic accountability of the devolved legislatures. They would maintain current levels of flexibility; increase the decision making powers of the devolved institutions; and would be based on existing conventions and practices, such as those around not normally adjusting devolved competence without their consent.

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

Northern Ireland

Frameworks also need to 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 frontier with the EU. They will also adhere to the Belfast Agreement.

Officials from the Northern Ireland Civil Service have engaged in the common frameworks process where the policy area intersects with the devolved competence of the Northern Ireland Assembly. However, in the absence of the Northern Ireland Executive, officials' input has been limited to analytical and factual responses only. Where framework arrangements have been developed, they are without prejudice to the views of future Northern Ireland Executive Ministers.

Progress to Date

A detailed programme of collaboration between the UK, Scottish and Welsh Governments and the Northern Ireland Civil Service has been undertaken to agree the scope of where common frameworks areas are needed and how they might be implemented. This work has been undertaken without prejudice to ongoing negotiations with the EU. Whilst our future partnership with the EU is being agreed, it has been important that we make progress on common frameworks, so that businesses and consumers can be confident that appropriate arrangements will be put in place and in recognition of the importance of those arrangements for co-operation in related areas, notably wider international obligations and ensuring that the UK internal market functions once we leave the EU. This work has been underpinned by strong intergovernmental structures and overseen by the Joint Ministerial Committee (EU Negotiations).

This work to establish common frameworks has five phases. The first phase took place between October 2017 and March 2018 and focused on establishing the principles and proof of concept for this programme of joint work between the UK Government and the devolved administrations. During this phase, the UK Government published an initial common frameworks analysis, which set out 153 areas where EU law intersected with devolved competence, including 24 areas where legislation may be needed in whole or in part, 82 areas where non-legislative frameworks may be required and 49 areas where no further action was identified. The initial analysis also listed 12 areas that the UK Government believed were reserved, subject to ongoing discussions with the devolved administrations.

The second phase of this work, running from April 2018 onwards, has focused on more detailed policy development, including iterative multilateral engagement on the 24 priority framework areas. Alongside this, work continued on cross-cutting issues, notably work streams on the internal market, future free trade agreements and a review of intergovernmental relations. This work is subject to the need for consideration by Ministers.

The third phase of work will provide a review of progress to date, from March 2019 wider engagement and consultation with interested stakeholders and more detailed policy development will take place. This will lead to further phases in due course for the preparation and implementation of final frameworks.

The cooperative approach on frameworks so far demonstrates the progress that can be achieved through proceeding collaboratively. The UK, Scottish and Welsh Governments remain committed to the direction of travel set out in the work to date, including committing to continuing to work together to develop common frameworks in line with the principles. We are also committed to cooperative working in line with the arrangements for intergovernmental working, including in areas where no formal framework is required.

To date, less emphasis has been given to establishing frameworks in the areas classified as potentially requiring non-legislative frameworks, due to their relative risk assessments, but this work is now being taken forward on a similar basis as policy areas initially identified as requiring legislation, in whole or in part. In some areas where action isn't needed to retain a common approach, cooperation will continue. Further updates on the progression of work in these areas will be provided in future European Union (Withdrawal) Act and Common Frameworks statutory reports.

Common Frameworks Analysis

In March 2018 the UK Government published the first iteration of the common frameworks analysis, which set out 153 areas where EU law intersected with devolved competence, including 24 areas where legislation may be needed in whole or in part, 82 areas where non-legislative frameworks may be required and 49 areas where no further action was identified.

Progress over the last year has been set out publicly in the two reports the UK Government has presented to Parliament on common frameworks. These have underlined the positive nature of this collaboration by setting out that the UK Government has not brought forward section 12 regulations under the EU (Withdrawal) Act to “freeze” devolved competence in any of these policy areas, and the commitment by the Scottish and Welsh Governments not to pursue policy divergence where we agree frameworks are necessary or while discussions are ongoing. The UK, Scottish and Welsh Governments continue to maintain this reciprocal arrangement.

This second iteration of the common frameworks analysis provides a snapshot of how the underlying risk analysis and categorisation of policy areas is evolving in light of this programme of work. It remains part of an ongoing dialogue that will continue to change and develop as work continues. The frameworks analysis is being published now, in advance of Exit Day, as part of our collective commitment to transparency within this process and to provide a platform for a more detailed multilateral and bilateral programme of engagement with external stakeholders.

This analysis sets out a number of changes. The descriptors for each category have been amended to provide a more accurate picture of the way in which future frameworks will be implemented. For example, it acknowledges the need for continuing co-operation in areas where no further action to create a common framework is required, and the relevance of the amended retained EU law framework, to areas where otherwise only non-legislative framework arrangements are required. There is an increase in the number of policy areas within the analysis from 153 to 160 and some change in the number of policy areas in each category, including a reduction from 24 to 21 in the category where legislation may be required in whole or in part. The number of areas non-legislative arrangements are being considered has reduced from 82 to 78. The number of areas where no further action

is required to create a common framework has increased from 49 to 63. There are now four policy areas that the UKG believes are reserved but remain subject to ongoing discussion with the devolved administrations; the other areas listed in this category in the initial analysis have been resolved.

Underpinning these changes is a discussion between the UK, Scottish and Welsh Governments and Northern Ireland Civil Service of the relevant policy issues and agreement that new arrangements should be implemented according to the needs of the particular area. At this stage, primary legislation is only likely to be required in a small number of policy areas and in these areas only some elements of the framework will be implemented in primary legislation. In some instances, this will be accompanied by substantive non-legislative arrangements articulating agreed ways of working between the administrations. In the majority of areas, non-legislative arrangements, such as a concordat, are being considered and it is envisaged that the fixes to EU law, being put in place under the EU (Withdrawal) Act, may provide the basis for interim or longer-term framework arrangements, depending on the outcome of negotiations with the EU.

Establishing Future Common Frameworks

The examples set out below illustrate the variety of issues being discussed and what future arrangements could be put in place in a range of policy areas. They demonstrate the consideration that has been given to establishing where it may be necessary to maintain common arrangements. These arrangements are still subject to discussion between the UK, Scottish and Welsh Governments and an incoming Northern Ireland Executive. Northern Ireland Civil Service are providing analytical and factual input.

FISHERIES MANAGEMENT AND SUPPORT

Current proposals state that, where necessary, parts of the existing EU framework could be replaced by a UK framework. This would comprise a limited set of legislative provisions, partially established in the Fisheries Bill, supplemented by a concordat that

includes ways of working, dispute resolution and enforcement processes. This will ensure common control and compliance standards, preserve equal access for UK vessels throughout UK waters and require a joint statement on fisheries management.

AGRICULTURE - ZOOTECH

Secondary EU Exit legislation will amend the directly effective provisions of EU law. Further EU Exit domestic legislation is planned for each part of the UK to ensure the competent authority or Secretary of State has the right powers (e.g. to take enforcement against breed societies). The framework will set out how joint decision making will work, expand on safeguards, and make sure the devolved administrations and their Ministers have the necessary input in legislating in this area. Work is being done to ensure the UK's ability to meet international standards is preserved.

The framework will seek to provide recognition of breed societies, standards for controlling/regulating breed societies, recognition of non-UK breed societies operating in the UK and approach to EU third country approvals and other trade matters.

Discussions are ongoing as to whether the Farm Animal Genetic Resources Committee (FAnGR) continues to serve as an independent source of advice on zotech and wider genetic resource issues. International Reference Centres will be used in preference to the EU Reference Centre.

ANIMAL HEALTH AND WELFARE

The existing EU framework for Animal Health and Welfare (AHW) is set through a combination of rules and regulations covering animal health, welfare and traceability. The framework would include high-level principles (including minimum standards), as well as mechanisms for new joint governance, decision making and dispute resolution. The framework will be designed to permit NI to continue to benefit from cross-border agrifood supply chains, while also maintaining unfettered access across the UK internal

market. This would ensure the framework operates in a way that allows each administration the flexibility to diverge, as currently afforded by EU rules, and leaves decision making authority with the relevant Minister.

Engagement continues between the UK Government and devolved administrations on the use of existing UK-level fora, groups and structures, including roles and responsibilities. UK-wide specialist policy and information-sharing groups may be used to replicate or mitigate the loss of certain functions currently undertaken by EU institutions. This is likely to be supplemented by a new dispute resolution body to ensure the smooth running of the framework. Discussions continue on high-level principles and the need for overarching UK committee/body that would, among other things, provide a home for the UK replacement for the Santé F function. This would provide international quality assurance to the countries where the UK exports live animals and other agrifood products.

FOOD AND FEED SAFETY AND HYGIENE

The framework is intended to provide an enduring agreement to a common approach, where deemed necessary, based on the recognition that businesses and consumers in all four nations (as well as international trading partners) benefit from the existence of UK-wide legislation in this area. The framework will also manage divergence in a way that fully respects the devolution settlements.

Engagement continues on the principles for joint framework governance, covering risk assessment, arrangements for joint policy development, decision making and dispute prevention/dispute resolution processes for managing issues of divergence.

HAZARDOUS SUBSTANCES (PLANNING)

Draft proposals indicate that the existing EU regulations could be replaced by an administrative framework that sets out agreed ways of joint working, including a number of high-level principles, set against the background of continuing international

obligations. The intention is to set a framework for continued close co-operation between the UK Government, including local planning and hazardous substances authorities, and the devolved administrations, with the overall objective of maintaining safety standards and honouring international obligations.

It is proposed that the Health and Safety Executive and the Health and Safety Executive Northern Ireland continue to play their existing role in advising local planning authorities and hazardous substances authorities and the devolved administrations on the risks associated with hazardous substances; discussions are ongoing.

MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS (MRPQ)

The need for a framework within this area is dependent on our future economic relationship with the European Union. The UK Government and devolved administrations are working together to consider a framework for the recognition of EEA and Swiss professional qualifications. This will be based largely on the existing arrangements for MRPQ, and will be implemented via EU Exit secondary legislation.

Cross-Cutting Issues

Work has also taken place to develop a collective position on some of the key issues relevant to all the policy areas within the scope of the analysis. In relation to the governance arrangements for future frameworks, consideration is being given to the degree to which a consistent approach is required in areas such as information sharing, decision making, dispute resolution and the role of evidence, including in some cases, expert opinion/technical advice. The UK, Scottish and Welsh Governments and Northern Ireland Civil Service are working together to ensure consistency and the sharing of learning and best practice across individual framework areas. There are a wide variety of approaches, levels of detail and progression among the framework outlines currently being developed by policy teams.

There is a recognition that, in the place of overarching arrangements provided for by EU membership, detailed technical arrangements will, in some areas, be supplemented by additional arrangements for policy cooperation and political engagement. The UK, Scottish and Welsh Governments and Northern Ireland Civil Service are working together to promote the establishment of such arrangements, as part of a broader review of intergovernmental relations commissioned by the Joint Ministerial Committee.

The UK Government will work with the Scottish and Welsh Governments and the Northern Ireland Civil Service, to seek to develop a shared approach to the internal market, including exploring a range of evidence and ideas, and together will continue to support policy teams in considering how to manage internal market-related issues in individual framework areas. The UK Government has led work to explore the evidence base for the level of economic integration between different nations and across different sectors in the UK; look at relevant international examples; and considered the case for principles and governance structures which could be applied to the UK internal market, including how these could be put into practice. The UK, Scottish and Welsh Governments and Northern Ireland Civil Service recognise that mutual cooperation is vital to ensure that the interests of other governments, business and consumers, are fully taken into account in decision making in areas where frameworks are being considered.

Other relevant issues include the approach to the relationship with EU negotiations, involvement in future free trade agreements and international obligations, and decision making and agreement in Northern Ireland in the absence of an Executive.

Next Steps for Common Frameworks

Future Publications

Work to develop future common frameworks is ongoing and this publication is a snapshot of the work to date. To date, work has been prioritised to address those frameworks that might need legislative underpinning, but as we move into the next phase we will also be working on those policy areas that might need a non-legislative framework. In some areas where action isn't needed to retain a common approach, cooperation will continue.

As we leave the EU the context of these frameworks will become clearer and in those areas which are dependent on our future relationship with the EU, such as the Justice and Home Affairs policy areas, swift progress will be able to be made. Further updates on the progression of work in all areas, including these, will be provided in future European Union (Withdrawal) Act and Common Frameworks statutory reports.

Next Steps

The UK, Scottish and Welsh Governments and Northern Ireland Civil Service recognise the importance of engaging Parliament, the devolved legislatures and wider stakeholders in the work on common frameworks. As activity moves into the third phase of work described above. We will look to develop a wider programme of stakeholder engagement, to ensure that proposals for future frameworks meet the needs of those who will be impacted by them. The Northern Ireland Civil Service will continue to participate in this area of work.

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

This analysis sets out each of the 160 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 second iteration of the [working document](#) that was published on 9 March 2018 and sets out the latest policy positions, including the reclassification of some policy areas and further detail on the shape that some of these frameworks might take. The analysis sets out:

1. 63 policy areas where no further action to create a common framework is required, and the UK Government and devolved administrations will continue to cooperate.
2. 78 policy areas where we think that common rules or ways of working will be needed and we expect to implement this through a non-legislative common framework agreement (e.g. a concordat). In some of these areas, consistent fixes to retained EU law (made using secondary legislation) will create a unified body of UK law alongside the non-legislative framework agreement.
3. 21 policy areas where future legislation may be needed, in whole or in part, to implement the common rules and ways of working, alongside a non-legislative framework agreement and - potentially - a consistent approach to retained EU law.²

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 4 policy areas that the UK Government believes are reserved; which are subject to ongoing discussion with the devolved administrations.

²In total, 160 individual policy areas sit within these categories. Two policy area appears in the analysis twice, in different categories, depending on the devolution intersect. These are 'Equal Treatment Legislation' and 'High efficiency cogeneration/Combined heat and power'.

The analysis will be refined further in the coming months as the UK, Scottish and Welsh Governments continue to work together. All positions are set out without prejudice to the outcome of negotiations with the European Union. They are also subject to the need to find practical solutions that recognise the unique economic, social and political context of the land border between Northern Ireland and Ireland; frameworks will adhere to the Belfast Agreement.

63 Policy areas where no further action to create a common framework is required, and the UK Government and devolved administrations will continue to cooperate

| Responsible UK Government Department | Area of EU Law | Devolution Intersect | | | Additional Information - what the EU law does |
|--------------------------------------|--|----------------------|----|----|---|
| | | NI | S | W | |
| 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). |
| 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. |
| 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. |
| 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. |
| 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. |
| BEIS | High efficiency | x* | | | Measures that promote the use of high-efficiency cogeneration (Combined Heat and Power) in |

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| | cogeneration / Combined Heat and Power (CHP) [NB - this appears in category 2 for Scotland] | | | | order to increase the energy efficiency and improve the security of supply of energy (Energy Efficiency Directive 2012/27/EU). |
| BEIS | Internal energy market / Third Energy Package | x | | | Package of legislation on the development of the internal energy market, particularly cross-border trading. |
| BEIS | Onshore hydrocarbons licensing | x | x | x | Directive 94/22/EEC sets the conditions for tendering and determining applications for hydrocarbon licenses and imposes restrictions on the terms which may be included in licences and their extension. |
| 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. |
| 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. |
| 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. |
| BEIS | Environmental law concerning energy planning consents | 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). |
| 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. |
| BEIS | GEO-Blocking | x* | x* | x* | Regulation prohibits blocking or redirecting users away from versions of websites available to |

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| | | | | | 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 payment method. |
| 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. |
| DCMS | The Rental and Lending Directive (concerning library lending) | x | | | The lending articles of this Directive give rightholders 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 rightholder receives remuneration. |
| DEFRA | Flood Risk Management | x | x | x | These policies and regulations (primarily the EU Floods Directive) aim to reduce the risks to people, properties and infrastructure from flooding and coastal erosion. |
| DEFRA | Management of Waste from Extractive Industries | x* | x* | x* | The Directive is concerned with the management of waste from extractive (mining) industries. Specific EU Directives 2006/21/EC and the three Seveso-Directives Directives (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. |
| DEFRA | Water Quality | x | x | x | These policies and regulations (primarily the EU Water Framework 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. |
| 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. |
| DEFRA | Forestry (domestic) | x* | x* | x* | These policies and regulations cover timber production and woodland management, including EU Environmental Impact Assessment. |

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| DEFRA | Land use | x* | x* | x* | Elements of Environmental Impact Assessment Directive and Strategic Environmental Assessment Directive cover rural land use. |
| 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. |
| DfT | Airport charges | x | | | Relating to Directive 2009/12/EC on airport charges. |
| 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) |
| DfT | Aviation - compensating PSO air routes | | x* | x | Relating to regulation (EC) 1008/2008 on the Operation of Air Services (Articles 16-18). |
| DfT | Aviation - groundhandling at airports | x | | | Relating to Directive 96/67/EC on access to the groundhandling market at certain airports. |
| 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. |
| DfT | Aviation Slots | x | | | Regulation 95/93 on common rules for the allocation of slots at airports. |
| 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. |
| DfT | Cableways | x | | | EU Regulation 2016/424 on cableway installations and repealing Directive 2000/9/EC relating to cableway installations designed to carry persons. |
| 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). |
| DfT | Electronic road toll systems | x | x | x | Directive 2004/52/EC on interoperability of electronic road toll systems and EU Regulation 219/2009. |
| DfT | Elements of | x | x* | x* | Directive 2011/92 amended by Directive 2014/52/EU on the assessment of the effects of certain |

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| | harbours (marine environment issues) | | | | public and private projects on the environment. |
| 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. |
| 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. |
| DfT | Maritime Employment and Social Rights | x | | | Directives and Regulations relating to employment, social rights and health and safety for seafarers on ships. These rules cover, inter alia, coordination of social security systems, and the minimum safety and health requirements for improved medical treatment on board vessels. |
| DfT | Passenger rights (rail) | x | | | Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators. |
| 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. |

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| DfT | Rail markets and operator licensing (governance, structure, track access & 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. |
| 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. |
| 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. |
| DfT | Rail Workers Rights Directive | 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). |
| DfT | Retrofitting of HGV mirrors | x | | | Directive 2007/38/EC on the retrofitting of mirrors to registered heavy goods vehicles. |
| DfT | Road infrastructure safety management | x | x | x | Directive 2008/96/EC on that supports road infrastructure safety management. |
| 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. |
| DfT | Charging of HGVs | x* | x* | x* | Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures. |
| DfT | Coach and bus services | x | | | Regulation 181/2011 that set out the rights of passengers on bus and coach transport. |
| 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. |
| 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). |

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| 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. |
| DfT | Mutual recognition of qualifications (but not CPC) | x | | | Directive 2005/36/EC on the recognition of professional qualifications. |
| 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). |
| 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. . |
| 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. |
| DHSC | Implementation of cross-border healthcare rights to treatment and reimbursement | 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 and Wales, Scotland, Northern Ireland and Gibraltar. |
| 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. |

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| 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. |
| GEO | Equal treatment legislation | | 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. |
| HSE | Health and safety at work | x | | | Directives, including the Health and Safety At Work Framework 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. |
| 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. |
| MHCLG | 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. |
| MHCLG | 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. |

78 Policy areas where we think that common rules or ways of working will be needed and we expect to implement this through a non-legislative common framework agreement (e.g. a concordat). In some of these areas, consistent fixes to retained EU law (made using secondary legislation) will create a unified body of UK law alongside the non-legislative framework agreement

| Responsible UK Government Department | Area of EU Law (Policy Area) | Devolution Intersect | | | Additional Information - what the EU law does |
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| | | 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 framework 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 | | Late Payment Directive (2011/7/EU) protects businesses within the EU against late payment in commercial transactions. |
| BEIS | Efficiency in energy use | x* | x* | x* | The Energy Efficiency Directive (2012/27/EU) sets energy efficiency targets and other requirements to encourage and improve energy efficiency. |
| BEIS | High efficiency cogeneration / Combined Heat and Power (CHP) [NB - this appears in category 1 for | | x* | | 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 supply of energy (Energy Efficiency Directive 2012/27/EU). |

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| | Northern Ireland] | | | | |
| 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. |
| 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. |
| 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). |
| Cabinet Office | Statistics | x* | x* | x* | Provision of prescribed datasets to the EU on a wide variety of topics (statistics is cross-cutting). |
| DEFRA | Air Quality | x | x | x | 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. |
| DEFRA | Biodiversity - Access and Benefit Sharing of Genetic Resources (ABS) | x | x | x | Rules set up under the Nagoya Protocol to help preserve biodiversity. The rules 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. |

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| 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. |
| 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. |
| 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. |
| DEFRA | Waste Management | x | x | x | Policies and regulations covering waste and its recovery/recycling (Landfill Directive, Waste Framework 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. |
| DfT | Access for non-UK hauliers and passenger transport operations, plus combined transport | x | | | 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. |
| 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. |
| DfT | Operator licensing (roads) | x | | | Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators. |

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| 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 | | | Driver Licensing Directive (roads) and directive and regulations relating to driver certificates of professional competence. |
| DfT | Compulsory (3rd Party) Motor Insurance - as per Part VI Road Traffic Act 1988 | x | | | 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. |
| DHSC | Clinical trials of medicinal products for human use | x | | | Regulations and Directives on clinical trials on medicinal products for human use. |
| 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. |
| DHSC | Good laboratory practice | x* | x* | x* | Directives relating to the inspection and verification of good laboratory practice and harmonising laws, regulations and administrative provisions on good laboratory practice (Directives 2004/9/EC and 2004/10/EC). |
| 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. |
| 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. |

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| DHSC | Nutrition health claims, composition and labelling | 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. |
| 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. It's 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 | x | x | x | Directives setting out standards on the quality and safety of human organs intended for transplantation and laying down the information procedures for exchange between Member States (Directives 2010/53/EU and 2012/25/EU). |
| DHSC | Public health (serious cross-border threats to health) (notification system for pandemic flu, Zika etc) | x* | x* | x* | Decision No 1082/2013/EU on serious cross-border threats to health. This sets 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. |
| DHSC | Tissues and cells (apart from embryos and gametes) | x | x | x | Directives setting out standards on the quality and safety of human tissues and cells intended for human application as part of medical treatment (Directives 2004/23/EC, 2006/17/EC, 2006/86/EC, 2012/39/EU, 2015/656, 2015/566). |
| GEO | Equal treatment legislation³ | 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. |
| 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). |

³ This area is in Cat 1 for Scotland and Wales

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| 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 place 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. |
| 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. |
| MHCLG | 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. |
| MHCLG | Strategic Environmental Assessment (SEA) Directive | x | x | x | The Strategic Environmental Assessment (SEA) Directive on the assessment of the effects of certain plans and programmes on the environment. |
| HO | 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 Member States 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. |
| HO | Police and criminal justice cooperation - practical cooperation - Joint | 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. |

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| | Action on Organised Crime | | | | |
| HO | Police and criminal justice cooperation - practical cooperation - mutual legal assistance | x* | x* | | The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (EU MLAC) encourages and facilitates mutual assistance between the judicial, police and customs authorities of Member States on criminal matters. |
| HO | 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. |
| HO | 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. |
| HO | Police and criminal justice cooperation - agencies - Eurojust | x* | x* | | Council Decision 2002/187/JHA (as amended) setting up Eurojust with a view to reinforcing the fight against serious crime - the EU's judicial cooperation agency, which supports Member States' 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, such as the European Arrest Warrant (EAW). It also provides funding, technical support and legal expertise on the requirements of different legal systems. |
| HO | Police and criminal justice cooperation - agencies - Europol | x* | x* | | Regulation 2016/794/EU on the European Union Agency for Law Enforcement Cooperation (Europol) - an EU agency that assists 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. |

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| HO | Police and criminal justice Cooperation - data sharing - European Criminal Records Information System (ECRIS) | x* | x* | | 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. |
| HO | Police and criminal justice cooperation - data sharing - Prüm framework | x* | x* | | Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on implementation of 2008/615/JHA created 'Prüm', which is both a legal framework requiring Member States to allow the reciprocal searching of each other's databases for DNA profiles, vehicle registration data and fingerprint (or dactyloscopic) data, and a legal basis for joint operations relating to police cooperation. There is also a communications network enabling exchange of the forms of data set out above. |
| HO | 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. |
| HO | 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. |
| HO | 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. |

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| HO | 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. |
| HO | 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. |
| HO | 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. |
| HO | 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 new 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. |
| HO | Police and criminal justice cooperation - practical | x* | x* | | Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams. A JIT is an investigation team set up for a specific purpose and a fixed period, which can be extended, between two or more parties (at least two of which must be a competent authority of an EU |

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| | cooperation - joint investigation teams | | | | Member State) to investigate a specific matter or type of crime. |
| HO | 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. |
| HO | Police and criminal justice cooperation - practical cooperation - mutual recognition of confiscation orders | x* | x* | | Council Framework Decision 2006/783/JHA facilitates the mutual recognition and execution in one Member State of confiscation orders issued in another Member State. |
| HO | Police and criminal justice cooperation - practical cooperation - Swedish initiative | x* | x* | | Council Framework Decision 2006/960/JHA (the 'Swedish Initiative'), simplifies the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. The Initiative sets out rules for the cross-border exchanges of criminal information and intelligence, ensuring time-bound procedures for cross-border data exchanges. |
| HO | 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. |
| HO | 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. |

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| HO | 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. |
| HO | 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. |
| HO | Police and criminal justice cooperation - accreditation of Forensic Service Providers (FSP) and mutual recognition of results of FSPs - Prüm Framework | x* | x* | | Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities, requires Member States to ensure that FSPs undertaking laboratory activities in relation to DNA and fingerprints are accredited to international standard EN ISO/IEC 17025. Member States must also ensure that national authorities recognise the results of accredited FSPs in other MS as equally reliable as the results of domestic FSPs. |
| HO | 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. |
| HO | Police and criminal justice cooperation - data sharing - passenger name records (PNR) | x* | x* | | Directive 2016/681/EU creates a common legal basis for Member States to process passenger name record (PNR) data in order to prevent, detect, investigate and prosecute terrorist offences and serious criminal offences. PNR data is personal information provided by passengers and collected and held by airlines. It includes the name of the passenger, travel dates, itineraries, seats, baggage, contact details and means of payment. It can be used by law enforcement authorities in different countries to identify criminal and terrorist movements. |

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| HO | 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. |
| MoJ | Civil judicial co-operation - 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. |
| MoJ | Civil judicial co-operation - 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. |
| MoJ | Civil judicial co-operation - 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. |
| MoJ | Civil judicial co-operation - jurisdiction and recognition and enforcement of | x | x | | The Brussels IIa 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 |

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| | judgments: instruments in family law | | | | domestic violence. |
| MoJ | Civil judicial co-operation - 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. |
| MoJ | Civil judicial co-operation - 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. |
| MoJ | Civil judicial co-operation - 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. |
| 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. |
| MoJ | Mutual recognition of criminal court judgments measures and cross border cooperation | x | x | | 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. 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. Prisoner Transfer Framework Decision (PTFD) (2008/909) is the principal mechanism for |

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| | | | | <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 (20012/13) 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> |
| MoJ | Provision of legal services (temporary and permanent basis) | x | x | <p>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.)</p> |
| MoJ | Sentencing - taking convictions into account | x | x | <p>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.</p> |
| MoJ | Victims' rights measures in criminal cases – minimum standards (Victims' Rights Directive) | x | x | <p>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.</p> |

21 Policy areas where future legislation may be needed to implement the common rules and ways of working, alongside a non-legislative framework agreement and - potentially - a consistent approach to retained EU law

| Responsible UK Government Department | Area of EU Law (Policy Area) | Devolution Intersect | | | Additional Information - what the EU law does |
|---|---|----------------------|----|----|---|
| | | NI | S | W | |
| BEIS | Implementation of EU Emissions Trading System (EU 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. |
| BEIS (DHSC, MHCLG, DEFRA, DfE and MoJ also have interest) | Mutual recognition of professional qualifications (MRPQ) | x* | x* | x* | The Directive creates systems for EU citizens to have their professional qualifications recognised in order to establish or provide services on a temporary and occasional basis in another EU state |
| 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. |
| 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 |

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| | | | | | services and organic conversion and maintenance grants); and cross-cutting issues, including cross compliance, finance & controls. |
| 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. 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> |
| DEFRA | Agriculture - zootech | x* | x* | x* | <p>EU Regulation 2016/1012 replaces a host of current zootech regulations by species from 1 November 2018. For the purpose of this exercise we treat the EU position as it will be at 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 | Fisheries management & 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. |
| 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. |

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| DEFRA | Animal health and traceability | x | x | x | 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. |
| DEFRA | Animal welfare | x | x | x | EU rules relating to aspects of animal welfare including on-farm issues, movement of livestock and slaughter. |
| DEFRA | Chemicals | 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. |
| DEFRA | Waste packaging and product regulations | x* | x* | x* | 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. |
| DEFRA | Pesticides | x | x | x | 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 | Plant health, seeds and propagating material | 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. Requirements for plant variety rights, registration of plant varieties and quality assurance of marketed seed and propagating material. |
| DEFRA | Food compositional standards | 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. |
| DEFRA | Food labelling | x | x | x | Regulations setting out requirements on provision of information to consumers on food labels. |
| Defra and HSE | Chemicals Regulation (including pesticides) | x* | x* | x* | There are directly acting EU Regulations on the classification, labelling and packaging of substances and mixtures (CLP); the placing on the market and use of biocidal products ; the export and import of hazardous chemicals (PIC); the registration, evaluation, authorisation and restriction of chemicals (REACH); and plant protection products (e.g. pesticides). |

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| DEFRA | Agriculture - organic farming | 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 labeling of organic produce and 710/2009 on organic aquaculture. |
| 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. |
| DHSC | Reciprocal Healthcare | x* | x* | x* | Regulations 1408/71 and 883/2004 are the main pieces of EU legislation providing for reciprocal healthcare. |
| 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. |

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

| Responsible UK Government Department | Area of EU Law (Policy Area) | Devolution Intersect | | | Additional Information - what the EU law does |
|--------------------------------------|---|----------------------|---|---|---|
| | | NI | S | W | |
| BEIS | Elements of product safety and standards relating to explosive atmospheres | | | | ATEX covers equipment and protective systems intended for use in explosive atmospheres, safety devices and components for such equipment. |
| BEIS | State aid | | | | Articles 107 - 109 of TFEU and associated Treaty articles, Regulations and EU legislation prohibit State aid by Member States and create a framework for assessing compatibility of aid with the internal market, investigating and making complaints about allegedly unlawful aid and creating exemptions for certain categories of aid. |
| DEFRA | Food Geographical Indications (Protected Food Names) | | | | Geographical Indications (GIs) are a form of intellectual property protection. Under the EU schemes, producers can apply to protect regionally distinct or traditional agri-food products. Once registered, these products are protected throughout the EU against imitation or misuse of their names. |
| HO | 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. |

