

Frameworks Analysis 2021

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



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Contents

Contents	3
A Collaborative Approach to Common Frameworks	4
Principles for Common Frameworks	4
Breakdown of areas previously governed by EU law that intersect with devolved competence in Scotland, Wales and Northern Ireland	6
Changes since September 2020	8
Reclassification process and background	11
Reclassification of policy areas to category 1 (No Framework required)	11
Reclassification of policy areas to category 2 (Frameworks with no associated primary legislation)	12
Categories of Frameworks	12
Combining policy areas and name changes	13
Frameworks areas overview	15
Category 1: No Framework Required areas	15
Category 2: Frameworks with no associated primary legislation	59
Category 3: Frameworks with associated primary legislation	68
Glossary of terms	70

A Collaborative Approach to Common Frameworks

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

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

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

Principles for Common Frameworks

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

1. *Common Frameworks will be established where they are necessary in order to:*
 - *enable the functioning of the UK internal market, while acknowledging policy divergence;*
 - *ensure compliance with international obligations;*
 - *ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;*
 - *enable the management of common resources;*

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

- *administer and provide access to justice in cases with a cross-border element;*
 - *safeguard the security of the UK.*
2. *Common Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:*
- *be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;*
 - *maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory, as is afforded by current EU rules;*
 - *lead to a significant increase in decision-making powers for the devolved administrations.*
3. *Common Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK which shares a land frontier with the EU. They will also adhere to the Belfast Agreement.*

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

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

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

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

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

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

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

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

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

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

Changes since September 2020

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

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

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

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

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

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

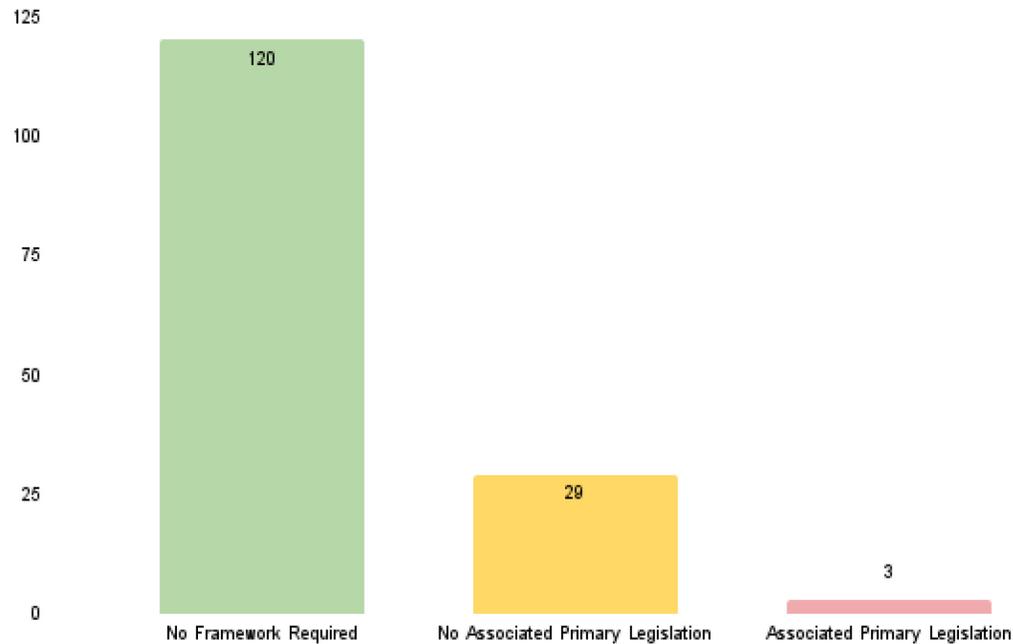


Table 1: Total Number of Policy Areas by Category

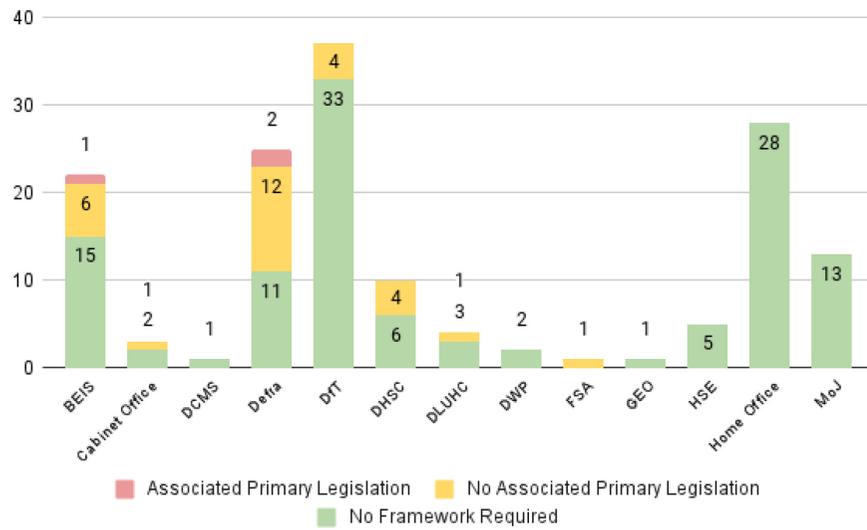


Table 2: Number of Policy Areas by UK Government Department

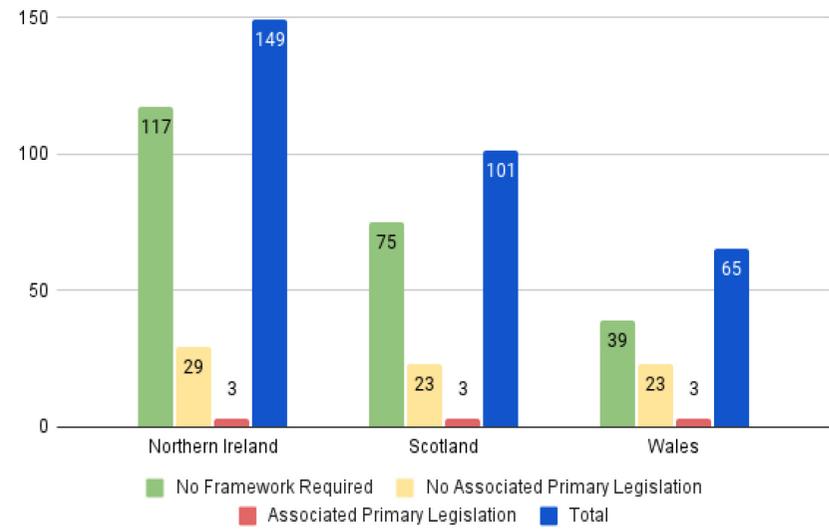


Table 3: Devolution Intersects with Scotland, Northern Ireland and Wales

Reclassification process and background

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

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

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

The reclassification rationales returned by policy teams included:

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

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

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

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

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

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

Categories of Frameworks

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

Frameworks with associated primary legislation (category 3)

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

Frameworks with no associated primary legislation (category 2)

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

Combining policy areas and name changes

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

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

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

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

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

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

Frameworks areas overview

Category 1: No Framework required areas

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

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

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

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

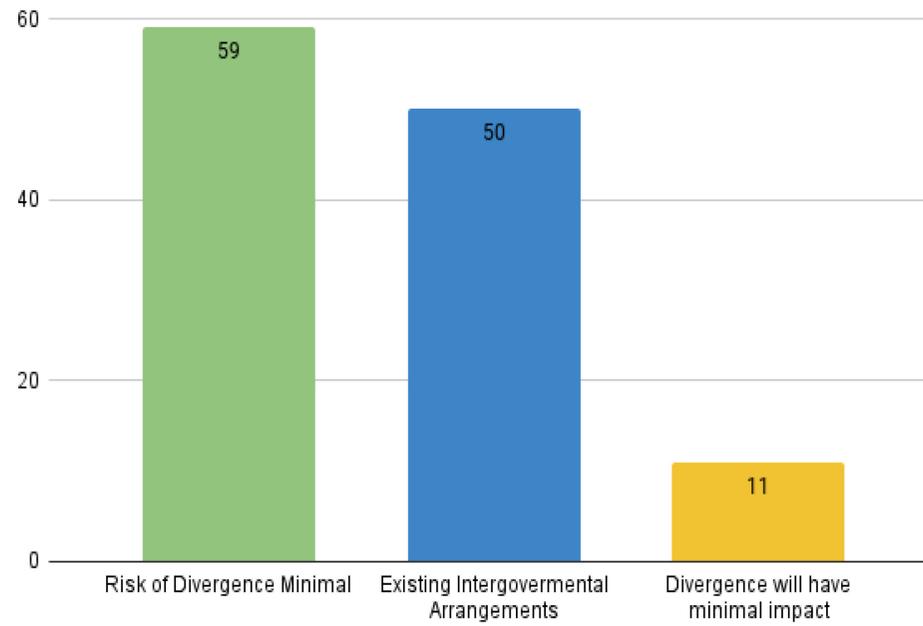


Table 4: No Framework Required Areas by Rationale

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Swedish Initiative	x*	x*		Council Framework Decision 2006/960/JHA (the 'Swedish Initiative') sets out rules for the cross-border exchanges of criminal information and intelligence, ensuring time-bound procedures for cross-border data exchanges	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Practical cooperation - Cooperation on football disorder	x*	x*		Council Decision 2002/348/JHA that sets up National Football Information Points in each Member State. These Information Points share information and intelligence for facilitating international police cooperation in connection with international football matches.	By virtue of leaving the EU, the UK no longer cooperates with the EU on football disorder. Even so, any divergence is expected to have minimal impact and no Framework is required.
Home Office	Police and Criminal Justice Cooperation - Accreditation of Forensic Service Providers (FSP) and mutual recognition of	x*	x*		The EU-UK Trade and Cooperation Agreement ensures that the accreditation of forensic service providers carrying out laboratory activities, must continue to be accredited to international standard EN ISO/IEC 17025. The UK and EU Member States must also ensure that national authorities recognise the results of accredited FSPs of one another as equally reliable as the results of domestic FSPs. Council Framework Decision 2009/905/JHA created the FSP accreditation and recognition requirements for Member States.	The TCA provides a new framework for cooperation. Any divergence is expected to have minimal impact and no framework is required.

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

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
Home Office	Regulatory Systems - Firearms - deactivation standards and techniques	x*			Regulation 2015/2403/EU establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.
Home Office	Regulatory Systems - Firearms - Illicit manufacturing and trafficking	x*			Council Decision 2014/164/EU approving Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Counterparts and Ammunition; and Regulation 258/2012/EU implementing that protocol by laying down rules governing export authorisation, and import and transmit measures for firearms, their parts and essential components and ammunition.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.
Home Office	Regulatory Systems - Firearms - Control on acquisition and possession of weapons	x*			Directive 91/477/EEC, as amended by Directives 2008/51/EC and EU/2017/853, on the control of the acquisition and possession of weapons, setting out certain minimum standards for the circulation of firearms within the EU.	Relevant EU directives have already been transposed into UK law and further arrangements are not necessary in this area as divergence is highly unlikely.

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

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
HSE	Genetically Modified Micro-Organisms Contained use (i.e. rules on protection of human health and the environment during the development)	x*	x*	x*	Directive 2009/41/EC on the contained use of genetically modified microorganisms (GMMs) to protect humans and the environment. This relates to work with GMMs in contained facilities, e.g. a research laboratory or biotechnology production facility, to ensure barriers (containment measures) are in place.	<p>There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence, though the risks are considered to be minimal. The workplace health and safety aspects of the contained use of genetically modified organisms (GMOs) in GB are dealt with using reserved powers. Aspects related to environmental protection are devolved to Scotland and Wales. All of these aspects are transferred to NI (the area is not covered by the NI Protocol).</p> <p>There is an MoU between the Competent Authorities established in GB by the GMO Contained Use Regulations 2014. There is also an MoU between HSE and HSE for NI about provision of support from the former to the latter. The existing framework (same requirements in legislation, MoU and joint working arrangements) is considered to be sufficient to secure consistency of approach across the UK.</p>
HSE	Health and Safety at Work	x			Directives, including the Health and Safety At Work Frameworks Directive (89/391/EEC), that require employers to protect the health and safety of their employees. Requirements cover, inter alia, the general layout of workplaces, hazards at work, specific sectors (e.g. construction, mining and onshore and offshore drilling) and work equipment.	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. NI follows the GB approach to workplace health and safety regulation, which stems from the 1974 Health and Safety at Work Act, and was adopted in the 1978 NI Health and Safety at Work Order. Health and safety at work legislation is also exempt from the NI Protocol. This allows NI to continue to mirror developments and pursue the same cooperation with GB on health and safety regulation.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect ⁵			Additional Information - previous EU law	Rationale for No Framework Required
		NI	S	W		
HSE	Ionising Radiation (occupational exposures)	x			Ionising radiation occur as either electromagnetic rays (such as X-rays and gamma rays) or particles (such as alpha and beta particles). It occurs naturally (e.g. radon gas) and can also be produced artificially. Directive 2013/59/Euratom lays down basic safety standards for protection against exposure to ionising radiation. This includes occupational exposures	The risk of divergence is minimal and no intergovernmental arrangements are needed for this policy area. NI follows the GB approach to workplace health and safety regulation, which stems from the 1974 Health and Safety at Work Act, and was adopted in the 1978 NI Health and Safety at Work Order. Health and safety at work legislation is also exempt from the NI Protocol. This allows NI to continue to mirror developments and pursue the same cooperation with GB on health and safety regulation.
MoJ	Civil Judicial Cooperation - Applicable law in contracts and non-contractual obligations	x	x		Rome I Regulation (593/2008) covers applicable law in contracts. Rome II Regulation (864/2007) covers applicable law in non-contractual obligations.	There are existing intergovernmental arrangements in place to ensure coherence and manage risks of divergence. While UK membership of the EU private international law (PIL) agreements to which the UK was party prior to the end of the transition period was a reserved matter, implementation of those rules locally in Scotland and in Northern Ireland was devolved, consistent with the fact that Scotland and Northern Ireland have had distinct legal systems for centuries. Where there are no international agreements which apply, the local private international rules in each of these jurisdictions will apply (much as they have always done where such agreements are absent).

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

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

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

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

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

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

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

Category 2: Frameworks with no associated primary legislation

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

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

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

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

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

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

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

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

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

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

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

Category 3: Frameworks with associated primary legislation

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

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

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

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

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

Glossary of terms

BEIS - Department for Business, Energy and Industrial Strategy

Concordat - a form of non-legislative agreement

DA - devolved administration

Defra - Department for Environment, Food and Rural Affairs

DfT - Department for Transport

DHSC - Department of Health and Social Care

DLUHC - Department for Levelling Up, Housing and Communities

DWP - Department for Work and Pensions

GB - Great Britain

GEO - Government Equalities Office

HSE - Health and Safety Executive

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

MoJ - Ministry of Justice

MoU - Memorandum of Understanding

TCA - EU-UK Trade and Cooperation Agreement

UKG - UK Government