



Department
for Transport

Commercial Transport and Operator Licensing Framework



Commercial Transport and Operator Licensing Framework

Presented to Parliament
by the Secretary of State for Transport
by Command of Her Majesty

September 2021



© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

ISBN 978-1-5286-2911-9

E02676491 09/21

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office

Table of Contents

SECTION 1: WHAT WE ARE TALKING ABOUT	5
1. Policy area	5
2. Scope	5
3. Definitions	8
SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK	8
4. Summary of proposed approach	8
5. Detailed overview of proposed framework: legislation (primary or secondary)	9
6. Detailed overview of proposed framework: non-legislative arrangements	9
OPERATIONAL DETAIL	10
SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK	10
8. Decision making	10
9. Roles and responsibilities of each party to the framework	11
10. Roles and responsibilities of existing or new bodies	13
11. Monitoring and enforcement	13
12. Review and amendment	13
13. Dispute resolution	14
SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES	16
14. Implementation	16
Annex A - Joint Ministerial Committee (EU Negotiations) Communiqué, October 2017	17

SECTION 1: WHAT WE ARE TALKING ABOUT

1. Policy area

The policy area under consideration is road haulage and passenger transport operations. There is a particular focus on cabotage operations, Certificates of Professional Competence (CPC) for both professional drivers and transport managers, and operator licensing.

The issues at stake relate solely to NI, where there is potential for rules to diverge from those applying to the rest of the UK.

2. Scope

Retained EU law

The relevant UK legislation in this area is retained EU law.

The elements of retained EU law in this area that intersect with devolved competence are market access for road haulage and passenger transport operators, as well as professional qualifications for both drivers and transport managers, and operator licensing.

Market access is currently governed by retained Regulation (EC) No. 1072/2009 (international road haulage) and retained Regulation (EC) 1073/2009 (international bus and coach services).

Driver CPC is provided for the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 as amended, which transposed EU Directive 2003/59/EC and was most recently amended by Directive 2018/645). Transport Manager CPC is provided for by retained Regulation (EC) 1071/2009, which is applied to operator licensing in Great Britain by the Goods Vehicles (Licensing of Operators) Act 1995, and in Northern Ireland by the Goods Vehicle (Licensing of Operators) Act (Northern Ireland) 2010.

Requirements for obtaining an operator's licence are provided for by retained Regulation (EC) 1071/2009.

Road haulage – cabotage

Retained Regulation (EC) 1072/2009 sets out the requirements for the use of goods vehicles travelling to the EU and permits the use of goods vehicles registered in the EU on UK roads. That Regulation also currently limits the maximum number of allowed cabotage operations in the UK by EU hauliers to two, which must be carried out within seven days. Before cabotage can start, the haulier must have

entered the host Member State with a laden vehicle and the goods carried in the course of the incoming cross-border transport must have been delivered.

In practical terms, this law is implemented through the Driver and Vehicle Standards Agency (DVSA) for GB and the Transport Regulation Unit (TRU) for Northern Ireland, as these bodies carry out roadside enforcement checks.

Passenger transport – cabotage

Retained Regulation (EC) 1073/2009 governs the access to the market for bus and coach operators. The international carriage of passengers by coach and bus is conditional on the possession of a community licence, the requirements for which are set out in retained Regulation (EC) 1072/2009. The regulation defines the different types of bus and coach service and the specific requirements they must fulfil to access the market. This regulation also covers cabotage (intra-country operations). Any carrier who operates road passenger transport services and who holds a community licence can operate cabotage operations for the following services: special regular services (i.e. scheduled school bus trips), covered by a contract between the organiser and the carrier; occasional services (i.e. holiday tours and private hire trips); and regular services (i.e. scheduled bus and coach services), in the course of a regular international service.

In practical terms, operators need to apply for authorisations to operate passenger transport services overseas through the International Road Freight Office (IRFO).

Certificates of Professional Competence (CPC)

EU Directive 2003/59/EC provided for **Driver CPC** and sets out the need for drivers of lorries, buses and coaches to hold a Driver CPC qualification to drive in the EEA, and was transposed into UK law by the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007 as amended. The Driver CPC qualification is evidenced in different ways depending on the Member State. It can be evidenced by a) a Driver Qualification Card (DQC), b) a code number of the driving licence as proof of the qualification (Code 95) or, c) a code number (Code 95) on the Driver Attestation.

In practical terms, DVSA issues GB drivers with their initial Driver CPC qualification after they qualify and renew the qualification every five years provided that the driver has completed their total of 35 hours every 5 years of periodic training to retain the qualification. The Driver and Vehicle Agency (DVA) issues and renews for Northern Ireland.

Transport Manager CPC is provided for by Retained Regulation (EC) 1071/2009 which states that transport operators must employ, or contract, a transport manager to ensure the transport operations are carried out in compliance with relevant transport law. The transport manager must be reputable and “professionally competent” tested by an exam and evidenced by a CPC. This applies to undertakings which are engaged in the occupation of ‘road transport operator’ and are established in the EU. The transport manager must reside in the UK or a Member State and have acquired their Transport Manager CPC in the UK.

In practical terms, there is a list of approved bodies (currently OCR, CILT and City & Guilds) who issue Transport Manager CPC certificates for both GB and NI.

Operator licensing

Retained Regulation (EC) 1071/2009 sets out the requirements for obtaining an operator’s licence in the UK. To qualify for an operator’s licence, operators need to be properly established, reputable, financially sound and professionally competent, criteria for which are set out in Regulation (EC) 1071/2009. This Regulation is applied in Great Britain through the Goods Vehicles (Licensing of Operators) Act 1995.

Operator licences are regulated in Northern Ireland by the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010, which includes the requirements in retained Regulation (EC) 1071/2009 that operators must comply with in order to obtain an operator licence. The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 remedied deficiencies in retained EU law (Regulation 1071/2009) and made consequential amendments to related domestic legislation arising from the withdrawal of the UK from the EU.

In practical terms, this law is implemented by the Transport Regulation Unit (TRU) for Northern Ireland and the Office of the Traffic Commissioner (OTC) for the rest of the UK, as these bodies issue operator licences.

UKG: DA competence and the parties to this framework

Northern Ireland has legislative competence in devolved areas such as transport, which means that they can diverge from the GB position, including in scenarios where this is necessary to support co-operation between Northern Ireland and Ireland. Administrations agree on this description of competence.

Under the UK-EU Trade and Cooperation Agreement (TCA), UK hauliers are permitted to carry out up to two additional movements in the EU, with a maximum of one cabotage movement (i.e. one cabotage and one cross-trade movement, or two cross-trade movements). However, for Northern Irish hauliers operating in Ireland, both additional movements could be cabotage (following a laden journey from Northern Ireland). For passenger transport operators, unlimited cabotage is permitted for services operating between Northern Ireland and Ireland, whilst passenger transport cabotage is not permitted elsewhere in the EU or other Interbus contracting parties. As a result of these special arrangements, DfT and DfI policy teams do not anticipate any further divergence between GB and NI on market access rights. On CPC and operator licensing rules, GB and NI are currently aligned and DfT and DfI policy teams do not anticipate any divergence.

This framework will be an agreement between DfT and the Department for Infrastructure (DfI) in Northern Ireland.

International obligations

The international obligations that apply to this area are:

- **ECMT** (the European Conference of Ministers of Transport): This scheme covers all EU Member States (except Cyprus) and 17 other European countries, including the UK. They issue permits which enable hauliers to transport goods through participating countries. Each country has a certain quota of permits available. Requirements for use of ECMT licences are set under the ECMT Quality Charter, which include requirements on operator licensing, driver training and compliance with AETR provisions on drivers and hours and tachographs. These regulations largely derive from EU law on operator licensing and driver training. Permits do not entitle the holder to carry out transport assignments between two places in another member country (cabotage). The ECMT Quality Charter also requires all member countries to have in place a system of training and testing for the professional qualification of relevant drivers and transport managers (e.g. Driver CPC and Transport Manager CPC). This scheme continues to apply to the UK after the transition period.
- **AETR** (the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport): AETR regulates drivers' hours rules across Europe. It covers driving, breaks and driving limits, daily rest periods, weekly rest periods, emergencies, travelling time and unforeseen events. These rules continue to apply to the UK after the transition period.
- **Interbus Agreement**: A multilateral agreement which facilitates international passenger transport access. Currently, the agreement only covers occasional services, but the scope will soon be extended to cover regular and special regular (RSR) services. Alongside the UK, the members are the EU and 8 non-EU countries (such as Ukraine, Turkey and Albania).

The Protocol on Ireland/Northern Ireland

The Protocol on Ireland/ Northern Ireland sets out the arrangements agreed between the UK Government and European Union in relation to those areas where, although remaining within the UK's customs territory, Northern Ireland will remain aligned with the EU on goods (including certain laws for VAT on Goods) and applies EU Tariffs in Northern Ireland, except for movements falling within the customs regime of the United Kingdom. For this framework, Article 5 (Customs, movement of goods) and Article 11 (Other areas of North-South cooperation) will apply.

3. Definitions

- **Cabotage** – movement of goods or passengers within one country, carried out by an operator from another country (e.g. a UK operator picking up goods/passengers in Paris, and then dropping them off in Lille).
- **Passenger Transport** - the carriage of 9 people or more (including the driver) by bus and coach vehicles.
- **Occasional services** – a type of service carried out by passenger transport operators, such as holiday tours and private hire trips. These services are currently covered under the scope of the Interbus Agreement.
- **Regular services** – a type of service carried out by passenger transport operators, such as scheduled National Express services. Regular services are currently not covered under the scope of the Interbus Agreement.
- **Special regular services** – a regular service which carries a specific group of passengers (e.g. pupils on scheduled school bus trips). Special regular services are currently not covered under the scope of the Interbus Agreement.
- **Driver CPC** – a qualification that is required to be held by professional bus, coach and lorry drivers alongside a vocational driving licence.
- **Transport Manager CPC** – a qualification that is required to be held by transport managers, who are responsible for ensuring that their vehicles are roadworthy and that their drivers comply with traffic rules (e.g. drivers' hours)
- **Operator licence** – An operator's licence must be held by operators whose businesses uses vehicles above a certain weight to carry goods or passengers from hire or reward or on own account. To qualify for an operator's licence, operators need to be properly established, reputable, financially sound and professionally competent. There are three different operator licences for goods vehicles and four different operator licences for passenger service vehicles.

SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

4. Summary of proposed approach

Non-legislative agreement

There will be a non-legislative agreement between the DfT and DfI to implement any legislation that is required to secure market access, such as implementing the content of the UK-EU TCA, or implementing the extension of the Interbus Agreement to RSR services. DfT officials hold regular meetings with officials at DfI to provide updates on the status of commercial road transport negotiations, so this would be the most appropriate channel to hold Common Framework discussions.

JMC(EN) Frameworks Principles

DfT and DfI agree that the approach summarised above is **necessary** according to Section 1 of the JMC(EN) Frameworks Principles (see Annex A for the full list of principles):

- enable the functioning of the UK internal market, while acknowledging policy divergence;
- ensure compliance with international obligations;
- ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- enable the management of common resources;
- administer and provide access to justice in cases with a cross-border element; and
- safeguard the security of the UK.

This policy area falls under these principles although DfT and DfI policy teams do not currently anticipate any divergence in these areas – particularly due to the special arrangements on cabotage movements.

5. Detailed overview of proposed framework: legislation (primary or secondary)

It has been agreed by DfT and DfI that no legislation is required in this area.

6. Detailed overview of proposed framework: non-legislative arrangements

The parties to this framework have agreed that a non-legislative agreement will be used in order to provide for the implementation of the framework. This Framework Outline Agreement is the non-legislative agreement in question.

Rationale

The rationale for this approach to commercial transport is that there is already an established official-level working relationship between DfT and DfI who hold meetings on a fortnightly basis to provide updates on the progress of implementing the provisions of the UK-EU TCA, as well as any other updates relating to commercial road transport between the UK and the EU.

DfT and DfI considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat is not required in this instance as it would duplicate information that is already in this Framework Outline Agreement.

7. Detailed overview of areas where no further action is thought to be needed

N/A

OPERATIONAL DETAIL

SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

8. Decision making

Agreed outcomes of the ongoing intergovernmental relations review will be reflected in this framework.

Key joint decisions that will be made through this framework

Once the framework is in operation, the key joint decisions that will or could be taken by the parties to this framework are:

- Whether Northern Ireland seeks to diverge on cabotage trips on the island of Ireland.
- Whether Northern Ireland seeks to diverge on CPC requirements or recognition.
- Whether Northern Ireland seeks to diverge on operator licensing requirements.
- Resolution of issues between DfT and DfI.
- Reviewing and amending the framework.
- How to make decisions if divergence occurs between DfT and DfI.

Decision-making fora

The main forum for official level discussion and decision-making will be meetings between officials from DfI and DfT. Terms of Reference for this group are set out in Annex B.

For the proposed governance structure to operate most effectively, it is envisaged that recommendations for the majority of proposals will be agreed at official level. It is therefore essential that an appropriate evidence base is developed at this level. The development of an evidence base could be carried out through:

- Commissioning further evidence from analysts
- Commissioning further evidence from legal teams
- Seeking advice from external bodies
- Engagement with industry (possibly through consultations, working groups etc)

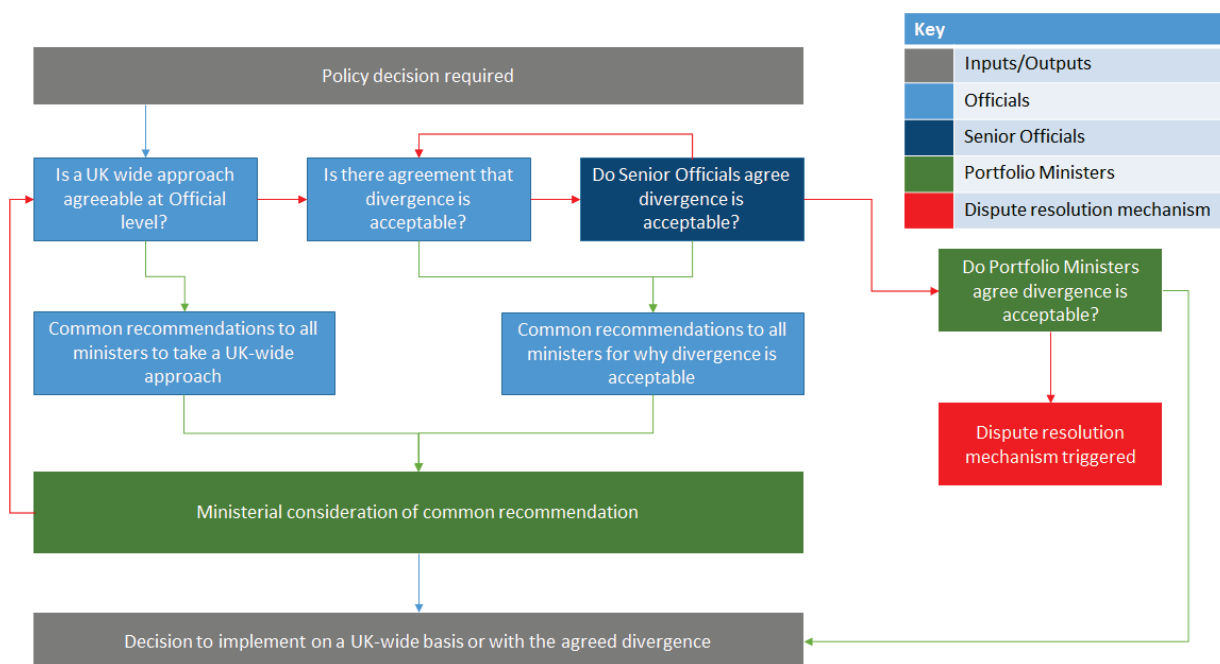
Where evidence is being gathered this will, where possible, be shared between administrations.

The mechanism for senior official level discussion and decision-making will be meetings between the DfT and the DfI, see Terms of Reference at Annex B.

Criteria for joint decisions will be agreed upon by those present during official level meetings, and will be dependent on the issue being discussed. Further escalation (above deputy director level) will be determined as and when it is seen as appropriate to do so, determined by officials present during the meetings organised to discuss the issues.

The evidence base input may include papers on a proposal to diverge to be circulated and reviewed by the wider circulation list ahead of the meeting. Output may include updates on where conversations have reached and this to be circulated and provided to DfT Road Safety, Standards and Services (RSSS) Director and the DfI Deputy Secretary for Transport and Resources Group. If no agreement was reached, the course of action would be to escalate involvement to the DfT RSSS Director to progress the matter.

Initially, discussions will be held at official level. Ministerial level consultation would be determined during meetings with officials, depending on the nature of the issue. Discretion at Director level would be exercised. Any final decisions would be made with Ministerial clearance. Decision making will be tracked by officials on both sides. Any disagreement between administrations on this approach should be recorded.



DfT and DfI are committed to seeking advice from industry stakeholders when additional advice is needed, such as industry knowledge to help inform decision making. The relevant third party/parties would provide advice when requested by DfT or DfI. The third party will provide advice but will not, however, act as a decision maker.

Disagreements

The parties to this framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at the lowest possible level. If there has been a disagreement, officials will seek further evidence in order to better inform their discussions and consult lawyers for further advice on matters where there is a lack of clarity. If an issue can't be resolved, parties will follow the dispute resolution process outlined in section 13 of this document.

Any issues between parties will be recorded as this may help to inform the Review and Amendment process when it is next conducted.

9. Roles and responsibilities of each party to the framework

The following sets out the role and responsibilities of officials and ministers in this framework.

Officials

Officials from the Future EU Roads Relationship (FERR) Negotiations and Policy team at DfT and the Safe and Accessible Travel Division at DfI will hold day-to-day discussions on the policy covered by frameworks and put advice to ministers with the rationale for the approach taken for commercial transport, or why divergent policies for Northern Ireland may be necessary. DfT and DfI officials should convene to discuss policy issues as appropriate and to keep colleagues regularly informed of any ramifications that policy will have across administrations. If such officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanism.

Senior Officials

Senior officials (e.g. Deputy Director for FERR Negotiations and Policy, DfT Road Safety, Standards and Services (RSSS) Director, DfI Deputy Secretary for Transport and Resources Group) provide strategic direction on the policy areas governed by frameworks and take key operational decisions. They may review an issue as per the framework's dispute avoidance and resolution mechanism if officials are not able to agree on an approach, in another attempt to reach agreement. Senior officials should convene to discuss issues as appropriate, either by regular meeting or on an ad hoc basis.

Ministers

The relevant portfolio ministers may receive advice from their officials either concurrently across administrations as issues arise or in the course of business as usual for individual administrations. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the framework's dispute avoidance and resolution mechanism this could be via several media, including inter-ministerial meetings or by correspondence. Where appropriate, it may be escalated to a senior minister. To note, terminology distinguishing ministerial hierarchy is not universal across administrations. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and Minister will not be relevant. In the case of UKG, a senior minister would be a Secretary of State (SofS).

Senior Ministers

Terminology distinguishing ministerial hierarchy is not universal across administrations. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and Minister will not be relevant. In the case of UKG, a senior minister would be a Secretary of State (SofS).

Information sharing

As per the current MoU on Devolution each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

Parliamentary and stakeholder communication and engagement

There are no plans to conduct regular legislature engagement. However, for road haulage, DfT holds roundtables with the road haulage sector, which usually take place on a monthly basis. These are chaired by either senior officials or the relevant junior minister. We would also seek advice with the road haulage sector between these roundtables if necessary.

DfI hold regular forum meetings with the Northern Ireland Freight and Passenger Transport industry which bring together transport sector representatives with the Department and external stakeholders to discuss sectoral matters.

TCA governance

The policy area covered by this Common Framework intersects with the EU-UK Trade and Cooperation Agreement and therefore topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council. Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, UKG should facilitate DA attendance of a similar level to that of the UKG representatives with final discretion as to the UK delegation a matter for the UK co-chair. UKG should engage the DAs as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.

10. Roles and responsibilities of existing or new bodies

The existing bodies party to the framework are DfT and DfI. Core members may include, but are not limited to, the DfT RSSS Deputy Director and DfT NI relationship manager and NI equivalents. Wider circulation list could include DfT and NI policy leads and lawyers, Cabinet Office officials. These officials would be responsible for making decisions on any issues which may arise, such as decisions on cabotage, CPC or operator licensing rules.

11. Monitoring and enforcement

In addition to our regular fortnightly catch-ups, DfT and DfI will meet monthly to monitor the framework, where not monitoring in the course of routine business. The purpose of monitoring is to assess:

- intergovernmental cooperation and collaboration as a result of the framework;
- whether parties are implementing and complying with the framework;
- whether divergence has taken place in contravention of the common framework principles; and
- whether harmful divergence has taken place that impacts on the policy area covered by the framework.

The outcome of this monitoring will be used to inform joint decision-making going forward and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

12. Review and amendment

Process

- The Review and Amendment Mechanism (RAM) ensures the framework can adapt to changing policy and governance environments in the future.
- There are two types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.
- The RAM relies on consensus at each stage of the process from the Ministers responsible for the policy areas covered by the non-legislative agreement.
- Third parties can be used by any party to the framework to provide advice at any stage in the process. These include other government departments or bodies as well as external stakeholders such as NGOs and interest groups.
- At the outset of the review stage, parties to the framework must agree timelines for the process, including the possible amendment stage.
- If agreement is not reached in either the review or amendment stage, parties to the framework can raise it as a dispute through the framework's dispute avoidance and resolution mechanism.

Review Stage

- A periodic review of the framework will take place every 3 years, in line with official or ministerial level meetings.
 - The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.
 - During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the framework are working effectively, and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.
- An exceptional review of the framework is triggered by a 'significant issue'.
 - A significant issue must be time sensitive and fundamentally impact the operation and/or the scope of the framework.
 - The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.
 - The same significant issue cannot be discussed within six months of the closing of that issue.
- The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types (for example, it will be 3 years until the next periodic review and at least 6 months until the same significant issue can trigger an exceptional review.)

Amendment Stage

- Following agreement that all parties wish to enter the amendment stage, parties will enter into discussion around the exact nature of the amendment. This can either be led by one party to the framework or all.
- If an amendment is deemed necessary during either type of review, the existing framework will remain in place until a final amendment has been agreed
- All amendments to the framework must be agreed by all parties and a new non-legislative agreement signed by all parties.

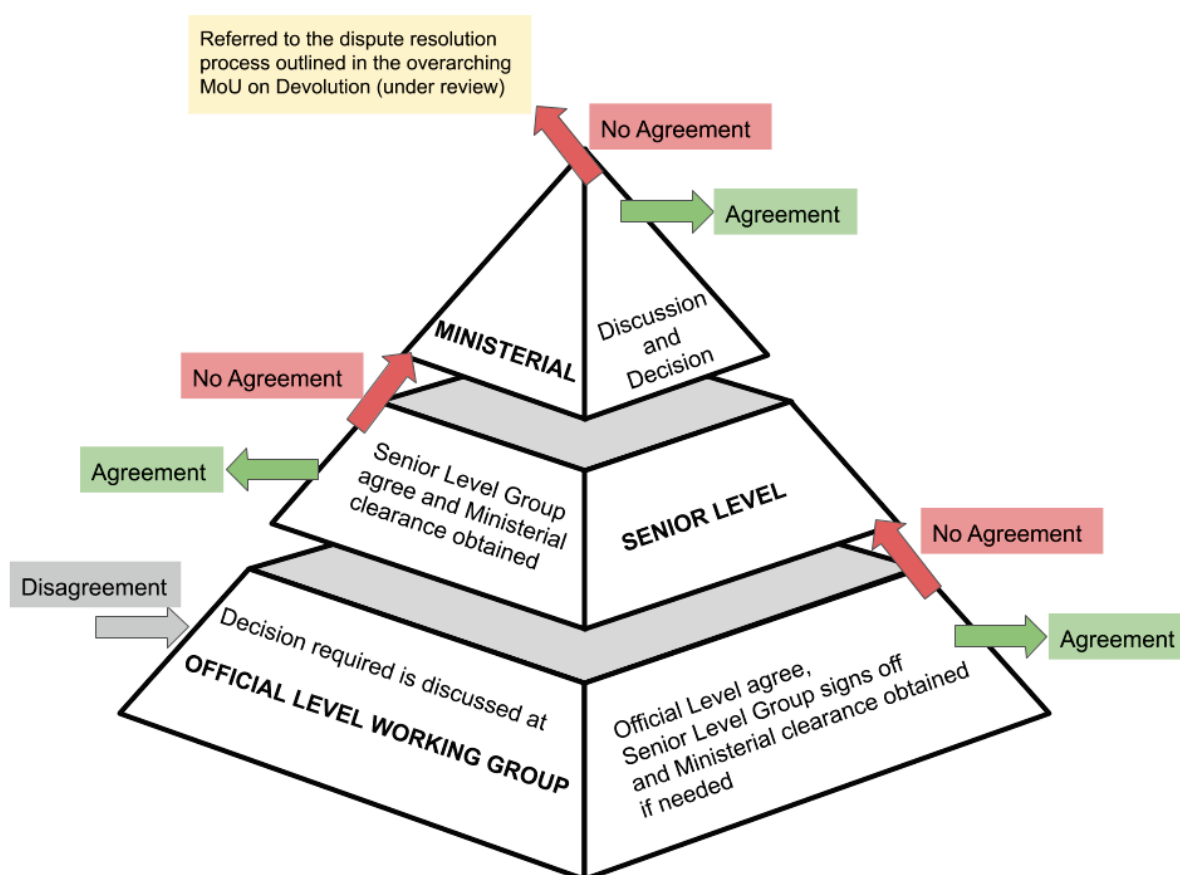
If parties cannot agree whether or how a framework should be amended this may become a disagreement and as such could be raised through the framework's dispute avoidance and resolution mechanism.

13. Dispute resolution

Process

- A disagreement between parties of this framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the overarching MoU on Devolution, that is currently under review.
- The goal of this dispute avoidance and resolution mechanism is therefore to avoid escalation to this point, by resolving any disagreements at the lowest possible level.

- This mechanism will be utilised only when genuine agreement cannot be reached and divergence would impact negatively on the ability to meet the Common Frameworks principles. In those areas where a common approach is not needed in order to meet these principles an "agreement to disagree" could be considered an acceptable resolution.
- The two working groups within this framework are the DfT and DfI official level working group, the senior level group, made up of Directors and Deputy Directors both from DfT and DfI, and the ministerial level working group.
- The below diagram states the levels of escalation of a disagreement to a dispute and the interaction between each level.



Timescales for escalation

When a proposal is raised at official level, consideration will be given to the urgency of the proposal (i.e. how quickly a decision is required). This assessment will guide timescales for escalation of disagreement within the governance structure, with decisions requiring a more immediate resolution being escalated more quickly.

Evidence gathering

At each stage further evidence may be requested from the preceding forum before the disagreement is discussed.

Third parties

The parties to the framework may seek information from third parties in order to inform decision making, but third parties and stakeholders will not have an active role in the decision-making process.

SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES

14. Implementation

DfT has been working with the DfI to draft and agree the Framework Outline Agreement. Following scrutiny by the UK Parliament and the NI Assembly in the Autumn, the NI Executive and UK Government will jointly agree to provide this framework with final confirmation upon which it will become fully implemented in the coming months.

Annex A - Joint Ministerial Committee (EU Negotiations)

Communique, October 2017

Common Frameworks: Definition and Principles

Definition

As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK, or GB, approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.

Context

The following principles apply to common frameworks in areas where EU law currently intersects with devolved competence. There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.

The outcomes from these discussions on common frameworks will be without prejudice to the UK's negotiations and future relationship with the EU.

Principles

1. Common frameworks will be established where they are necessary in order to:
 - enable the functioning of the UK internal market, while acknowledging policy divergence;
 - ensure compliance with international obligations;
 - ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
 - enable the management of common resources;
 - administer and provide access to justice in cases with a cross-border element; and
 - safeguard the security of the UK.
2. Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:
 - be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
 - maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and
 - lead to a significant increase in decision-making powers for the devolved administrations.
3. Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.

Annex B - Terms of Reference for the Commercial Road Transport Framework

Purpose

To bring together the Department for Transport and the Department for Infrastructure (NI) to discuss commercial road transport and make joint decisions within the Commercial Road Transport Framework that uphold the JMC(EN) Frameworks Principles. The terms of reference will apply to both the official level and senior official level working groups.

Objectives

The purpose of the Commercial Road Transport Framework is to bring together HMG and the Northern Ireland Executive to:

- Facilitate multilateral policy development
- Seek, where agreeable to develop and agree upon common policy approaches
- Manage potential divergence in a way that respects the Devolution Settlements
- Coordinate parliamentary and stakeholder engagement and communication
- Review and Amend the framework as per the R&A process
- Escalate issues as per the dispute avoidance and resolution process

Membership

1. Core membership:
 - Department for Transport
 - Department for Infrastructure
 - DfT Future EU Roads Relationship team
 - DfI Roads Policy team
 - RSSS Deputy Director and NI equivalent.
 - DfT NI relationship manager and NI equivalent.

Operation of the Group

2. The Group will meet on a fortnightly basis for one hour.
3. DfT and DfI will disseminate the agenda together with any products commissioned for consideration at the meeting, at least three working days prior to the meeting being scheduled.
4. Each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.
5. Where the Group decides that actions should be tasked to other working groups, or that other fora should be informed of outcomes of Group meetings, the secretariat will be responsible for this.
6. These Terms of Reference may be amended as necessary by a decision of the Group.

