

Frameworks Analysis 2020

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

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A Collaborative Approach to Common Frameworks

When the UK left the EU on 31 January 2020, it entered a transition period in which the UK is no longer a member of the EU but continues to be subject to EU rules and remains a member of the single market and customs union. Once the transition period ends on 31 December 2020, powers previously exercised at EU level that intersect with devolved competence will flow directly to Edinburgh, Cardiff and Belfast. In some areas, outlined in this document, the UK Government and the devolved administrations agree it will be necessary to maintain UK-wide approaches, or common frameworks, now that we have left the EU.

A UK common framework is an agreed common approach to policy areas that are currently governed by EU law (until the end of the transition period), and intersect with areas of devolved competence. Common frameworks will ensure that coherent approaches to regulation are maintained across the UK at the end of the transition period. 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 among 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;*

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

- *enable the management of common resources;*
 - *administer and provide access to justice in cases with a cross-border element;*
 - *safeguard the security of the UK.*
2. *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. Subsequently, to its restoration, the Northern Ireland Executive has signed up to the common frameworks programme and its principles.

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

This analysis sets out each of the 154 areas of EU law that intersect with devolved competence in one or more devolved administration. As the devolution settlements are asymmetrical, a different range of powers is relevant to Scotland, Wales and Northern Ireland.

This analysis is the third iteration of the working documents that were published on 9 March 2018² and 4 April 2019³ and sets out the latest policy positions on whether a framework policy area will be implemented through a non-legislative mechanism, is linked to forthcoming legislation or is not in need of further action. This analysis includes the reclassification of 55 policy areas and further detail on the shape that some of these frameworks might take. The analysis sets out:

115 policy areas where no further action to create a common framework is required, and the UK Government and devolved administrations will continue to cooperate. Policy areas in this category remain open for review. If a requirement for new implementing arrangements is identified, frameworks in the no further action category could be moved to the legislative or non-legislative categories and as such, numbers would be subject to change.

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

18 policy areas where new primary legislation may be required (or has been put in place) in whole or in part, to implement common rules and ways of working, alongside a non-legislative framework agreement and - potentially - a consistent approach to retained EU law.

In total there are 40 active framework areas (18 legislative, and 22 non-legislative).

In some instances, policy areas include a mixture of reserved and devolved competence, including where technical standards that derive from EU law are relevant. These policy areas are marked with an asterisk. The analysis also includes 4 policy areas that the UK Government believes are reserved; which are subject to ongoing discussion with the devolved administrations.

All positions are set out without prejudice to the outcome of negotiations with the European Union. They are also subject to the need to find practical solutions that respect the unique economic, social and political context of the land border between Northern Ireland and Ireland. The Ireland and Northern Ireland Protocol is designed to avoid a hard border on the island of Ireland, with the core aim of preserving and strengthening Northern Ireland's place in our United Kingdom, and of protecting the huge gains from the peace process and the Belfast (Good

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

Friday) Agreement 1998. The Government's approach to frameworks will fully support this solution, and in this regard, it will be designed in full accordance with the 1998 Agreement in all its parts.

Changes since April 2019

Progress since the publication of the Revised Frameworks Analysis 2019 has been set out publicly in five statutory reports to Parliament on the EU (Withdrawal) Act and Common Frameworks, as well as in a publication in June 2019, providing an update on progress in common frameworks, which included an illustration of the delivery process and an example outline framework for Hazardous Substances (Planning).

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

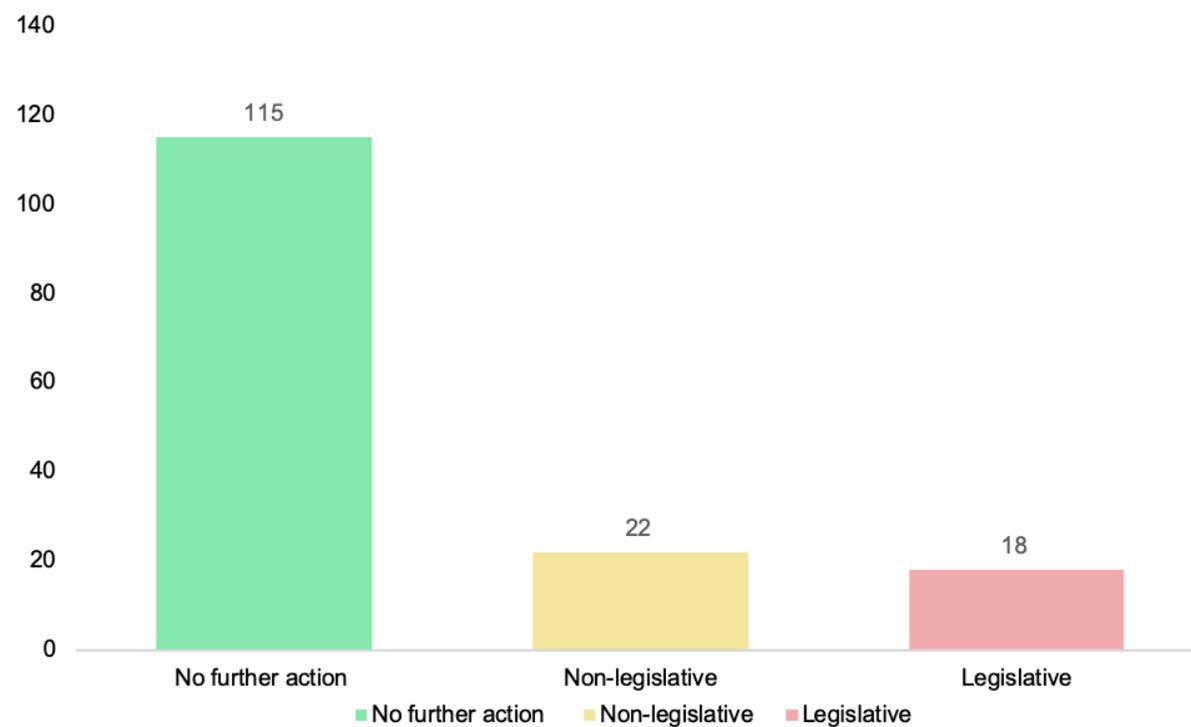
This analysis sets out a number of changes. The descriptors for each category have been refined to provide a more accurate picture of the way in which common frameworks will be implemented. For example, it acknowledges that in some areas, the primary legislation required to implement a framework may already be in place.

The overall number of framework policy areas has decreased from 160 to 154. This is not due to frameworks being removed from the programme, but instead is due to some policy areas being merged into a single framework, for instance, *animal health and traceability* and *animal welfare* have been combined into a single framework covering animal health and welfare. These changes are set out in the table under the section '*Combining frameworks and name changes*' below. These mergers allow the frameworks programme to better reflect the reality of how frameworks will operate.

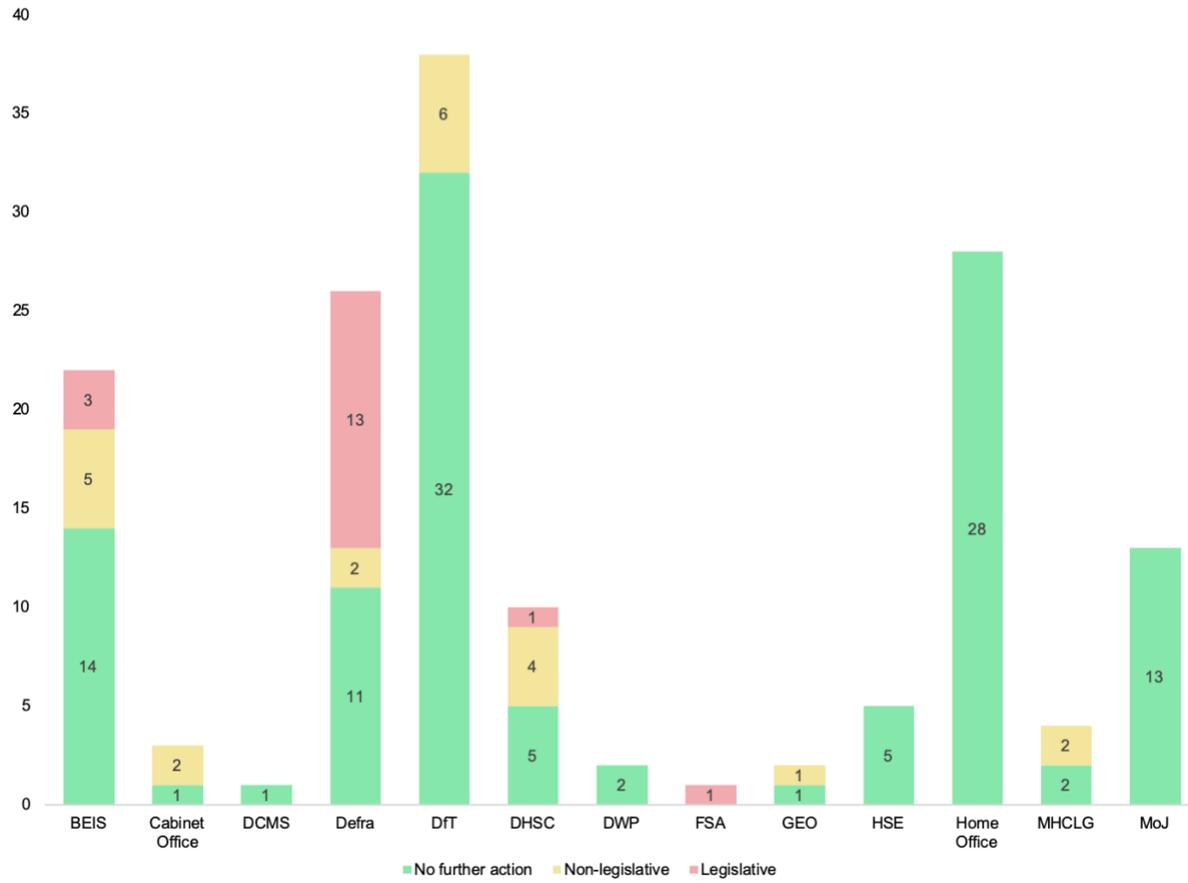
The number of policy areas in category 1 has increased from 63 to 115. These are the policy areas where no further action is required to create a common framework and parties will continue to cooperate.

The number of policy areas in category 2 has decreased from 78 to 22. This is largely due to collaborative work between the UK Government and devolved administrations leading to the shared understanding that no further action is required to create frameworks in several areas.

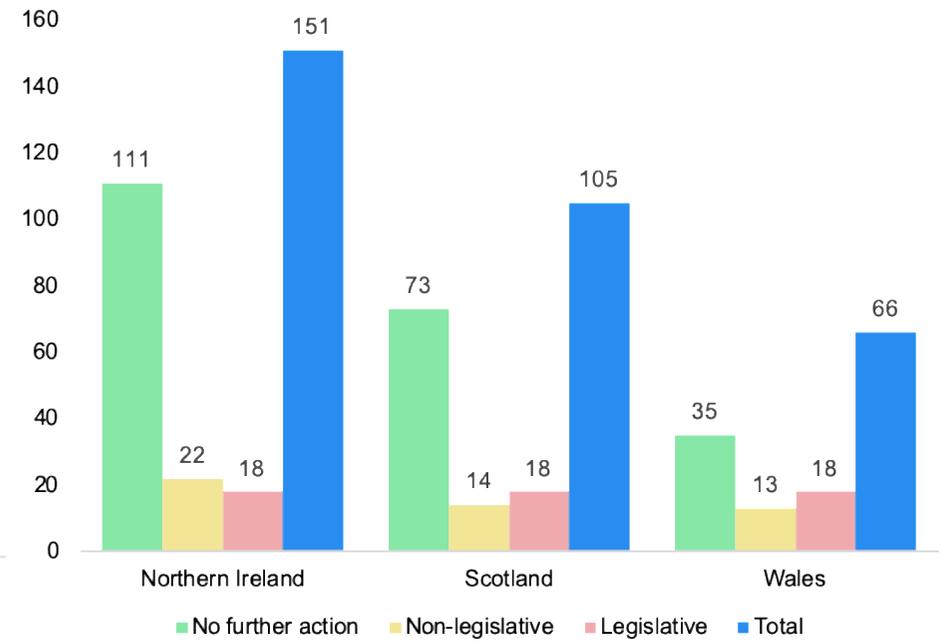
The number of policy areas in category 3 has also decreased from 21 to 18. The reduction in numbers from 21 (in 2019) down to 18 is due to several framework areas in this category being combined (see table on page 12).



Total number of frameworks by categories



Number of frameworks by Department



Devolution intersects with Northern Ireland, Scotland and Wales

Reclassification process and background

Reclassification of frameworks from non-legislative (category 2) to no further action (category 1)

Following their initial policy development between the Revised Frameworks Analysis published in 2019 and the Frameworks Analysis 2020, 55 policy areas were moved from category 2 (non-legislative) to category 1 (no further action). In these cases, it was identified that current working arrangements would be sufficient in the operation of the framework.

Following further policy development and analysis UKG-DA policy teams identified that there was no need to develop a framework for certain policy areas.

Once UK Government and devolved administration policy teams identified that a non-legislative 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.

Framework areas were moved to 'no further action' in cases where divergence between administrations was not planned or expected, or where pre-existing arrangements for ensuring regulatory coherence were deemed to be sufficient. These include formally agreed bi-annual or quarterly governance meetings with representatives from all relevant countries or Memorandums of Understanding (MoU); for example, for the *Civil Explosives* (HSE) policy area the UK Government continues to work under existing MoUs with the Department of Justice (in the Northern Ireland Executive) and the Northern Ireland Office. In some cases, a framework is not required as continued cooperation between all four administrations is ensured by other means, for example, for the policy area *Medicine Prices* (DHSC) (a framework with a devolution intersect with Northern Ireland only) cooperation continues with governance meetings being held quarterly in which the devolved administrations are involved and contribute.

All policy areas in the no further action category remain open for review. If a requirement for new implementing arrangements is identified, frameworks in the no further action category could be moved to the legislative or non-legislative categories.

Reclassification of frameworks from legislative (category 3) to non-legislative (category 2)

Prior to the publication of the Revised Frameworks Analysis in 2019, three frameworks moved from category 3 (legislative) to category 2 (non-legislative). These were Hazardous Substances, Nutrition and Public Procurement.

Further policy development in the remaining 18 legislative areas is currently being undertaken to identify for which category 3 policy areas new primary legislation will be required to implement the framework. The reduction in numbers from 21 (in 2019) down to 18 is due to several framework areas in this category being combined (see table on page 12).

The individual implementation methods of each framework were decided by policy teams, with portfolio ministerial steers and approval as necessary. Agreement has also been sought by all four administrations' central framework teams.

Definitions of the legislative and non-legislative categories

Legislative frameworks

In order to determine whether a framework is legislative, policy teams assess whether or not there is a clear link to new primary legislation being developed that is essential to give effect to at least some governance elements of the framework, or the policy environment in which the framework will operate, including determining and supplying the subject matter of the framework.

The primary legislation, which is the mark of the legislative category, is limited to primary legislation currently being developed, or anticipated to be developed, by the end of the Transition Period in December 2020 (for example *Fisheries Management and Support*).

Any decisions to create legislative frameworks would be taken jointly by the UK Government and devolved administrations.

Non-legislative frameworks

A non-legislative framework requires no new primary legislation to give effect to the governance arrangements for the framework or the policy environment in which it operates. Non-legislative frameworks may rely on secondary legislation, including retained EU legislation as amended by fixing SIs, but this does not constitute a legislative framework.

Non-legislative frameworks can be implemented through a number of instruments; this would typically be through the development of a new and bespoke concordat, although for less complex frameworks this could be in the form of an exchange of ministerial letters or an update to an existing concordat.

The reclassification rationales returned by policy teams included;

- A rationale for why a non-legislative approach is more appropriate than using primary legislation in this policy area and which form of non-legislative arrangement is currently envisaged for this framework.
- A confirmation that the decision has been discussed and jointly agreed by the UKG-DA policy team.
- A statement on whether other government departments with a potential interest in this framework have been consulted on this policy change.
- Answers to whether the absence of a legislative framework would pose any risk to any of the JMC(EN) Common Frameworks

Principles.

Framework areas were reclassified as non-legislative in cases where officials from UKG and the devolved administrations agreed that a non-legislative vehicle such as a concordat was sufficient to ensure the framework's operability. In some cases, the framework is intended to put in place shared ways of working between the four administrations and their arms lengths bodies to drive common approaches in policy areas where decision-making powers have flowed back from the EU.

Combining and splitting frameworks and name changes

Since the last publication of the revised Frameworks Analysis 2019 the following framework areas have been combined, split or re-named:

Department	Previous Framework(s)	Current Framework(s)
BEIS	High efficiency cogeneration / Combined Heat and Power (CHP)	Efficiency in energy use and High efficiency cogeneration / Combined Heat and Power (EED/CHP)
	Efficiency in energy use	
DEFRA	Animal health and traceability	Animal health and welfare
	Animal welfare	
DEFRA	Air Quality	Air Quality
		Best Available Techniques
DEFRA	Chemicals	Chemicals and Pesticides
	Chemicals Regulation (including pesticides)	

	Pesticides	
DEFRA	Food compositional standards	Food compositional standards and labelling
	Food labelling	
DEFRA	Plant health, seeds and propagating material	Plant health
		Plant varieties and seeds
DEFRA	Waste packaging and product regulations	Resources and Waste
	Waste management	
DfT	Compulsory (3rd Party) Motor Insurance - as per Part VI Road Traffic Act 1988	Roads - Motor Insurance
DfT	Access for non-UK hauliers and passenger transport operations, plus combined transport.	Commercial Transport
DHSC	Reciprocal Healthcare	Reciprocal and cross-border healthcare
	Implementation of cross-border healthcare rights	
DHSC	Organs	Organs, tissues and cells
	Tissues and cells	

These changes have been decided by the policy teams to ensure that frameworks correctly reflect the reality of relevant policy areas.

Once policy teams identified that framework 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.

Where framework areas have been combined they will be covered by the same concordat and/ or non-legislative or legislative framework.

Frameworks were merged in cases where the policy areas are intertwined and hence managed as a single policy area in practice, and/or where there was no clear benefit in having separate frameworks. Merging these areas will reflect the collaboration that is already taking place and existing governance arrangements. There are also areas where strong commonalities or similar process-flows apply, or where a shared regulator exists.

Framework areas overview

Category 1: “No Further Action” areas

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

Responsible UK Government Department	Area of EU Law	Devolution Intersect ⁴			Additional Information - what the EU law does
		NI	S	W	
BEIS	Consumer law including protection and enforcement	x			A body of law providing rights and protections for consumers consisting of principles-based, enforcement and sector-specific legislation, including Unfair Contract Terms (93/13/EC), Consumer Rights (2011/83/EC), Unfair Commercial Practices (2005/29/EC), and a cross-border Consumer Protection Cooperation Regulation (EC 2006/2004).
BEIS	Carbon capture and storage	x*	x*	x*	Directive 2009/31/EC on the geological storage of CO2 establishes a legal framework for the environmentally safe geological storage of CO2 to contribute to combating climate change.
BEIS	Elements of Employment law	x			Employment law is not an exclusive EU competence but there are a number of directives concerning individual and collective rights implemented in UK law, including the Working Time Directive 2003/88/EC and Pregnant Workers Directive 1992/85/EEC. EU law sets the minimum standards and Member States (and DAs, where competence is devolved) may legislate freely above this level.

⁴ 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.

BEIS	Environmental law concerning energy industries	x*	x*	x*	EU legislation contains rules and environmental standards relevant to offshore oil and gas exploration and production, offshore gas unloading and storage, and offshore carbon dioxide storage activities.
BEIS	Heat metering and billing information	x	x*		Energy Efficiency Directive 2012/27/EU sets duties for heat suppliers in respect of installing and maintaining heat metering devices and billing, minimum requirements for billing information, and determination of cost effectiveness and technical feasibility.
BEIS	Energy Efficiency Directive and High efficiency cogeneration / Combined Heat and Power (EED/CHP)	x*	x*	x*	The Energy Efficiency Directive (2012/27/EU) sets energy efficiency targets and other requirements to encourage and improve energy efficiency. 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).
BEIS	Internal energy market / Third Energy Package	x			Package of legislation on the development of the internal energy market, particularly cross-border trading.
BEIS	Onshore Hydrocarbon licensing	x	x	x	Directive 94/22/EEC sets the conditions for tendering and determining applications for hydrocarbon licenses and imposes restrictions on the terms which may be included in licences and their extension.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
BEIS	Renewable Energy Directive	x*	x*	x*	The Renewable Energy Directive (2009/28/EC) places a 15% renewable energy target, and a 10% renewable energy sub target for the transport sector on the UK. The Directive sets out a number of other measures and frameworks to support the production and promotion of energy from renewable sources.
BEIS	Security of supply (emergency stocks of oil)	x*			Directive 2009/119/EC obligates Member States to maintain emergency stocks of crude oil and petroleum products.
BEIS	Security of supply (gas)	x			Regulations concerning the security of gas supply, preventing potential supply disruptions and supporting a response to them should they occur. The regulations also create common standards to measure serious threats and define how much gas is needed to be able to supply households and vulnerable consumers.
BEIS	Environmental law concerning energy planning consents	x*		x*	Directives set out provisions for Environmental Impact Assessments for generating stations and overhead lines (85/337/EEC, 97/11/EC, 2003/35/EC, 2009/31/EC, 2011/92/EU and 2014/52/EU).
BEIS	Transport of dangerous goods and transportable pressure equipment - Class 7 only	x			Regulation establishes a common regime for all aspects of the transport of radiological (Class 7) dangerous goods, by road, rail, and inland waterway, subject to some national derogations. It links to the Euratom legislation Directive 2008/68/EC on the inland transport of dangerous goods.

BEIS	GEO-Blocking	x*	x*	x*	Regulation prohibits blocking or redirecting users away from versions of websites available to 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.
Cabinet Office	Voting rights and candidacy rules for EU citizens in local government elections		x	x	Article 20(2)(b) TFEU, Article 22 TFEU sets out that all parts of the UK must allow EU citizens the right to vote and stand in local government elections. In England and Wales local elections also include Police and Crime Commissioner elections, mayoral elections and combined authority mayoral elections. This is set out in detail in UK legislation, specifically in Section 4 of the Representation of the People Act 1983.
DCMS	The Rental and Lending Directive (concerning public library lending)	x			The lending articles of this Directive give rightholders the right to allow or to prohibit the lending of their work. The Directive also allows Member States to derogate from the lending right in respect of public lending, provided that at least the author obtains remuneration.
DEFRA	Biodiversity - Access and Benefit Sharing of Genetic Resources (ABS)	x	x	x	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.
DEFRA	Flood Risk Management	x	x	x	These policies and regulations (primarily the EU Floods Directive) aim to reduce the risks to people, properties and infrastructure from flooding and coastal erosion.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DEFRA	Management of Waste from Extractive Industries	x*	x*	x*	The Directive is concerned with the management of waste from extractive (mining) industries. Specific EU Directives 2006/21/EC and the three Seveso-Directives (82/501/EEC, 96/82/EC, 2012/18/EU) relating to the disposal of waste and overlapping safety of operations. Interaction with UNECE workshops in providing best practice guidance and Eurasian standards. Further interactions based on industry specific circumstances e.g. Water Framework Directive 2000/60/EC. Directive 2011/92/EU outlines future operational planning under Environmental Impact Assessments.
DEFRA	Marine Environment	x	x	x	Rules relating to management and protection of, but not limited to, marine pollution, litter, biodiversity, food webs and seafloor integrity. Implemented under Directives 2008/56/EC, 2017/845/EU with reference to the OSPAR Convention between the governments of North-East Atlantic.
DEFRA	Natural Environment and Biodiversity	x*	x*	x*	Policies and common standards covering the conservation of the UK's terrestrial, freshwater and marine species and habitats in compliance with international obligations such as the Convention on Biological Diversity. This is joined by EU Regulations (EU) No 1143/2014, (EU) No 1143/2014, and (EEC) No 3254/91 and Directives 2009/147/EC, 92/43/EEC, 1999/22/EC, and 83/129/EEC. This particularly concerns the network of sites which currently form part of the EU's Natura 2000 (N2K) network.
DEFRA	Spatial Data Infrastructure Standards	x	x	x	EU INSPIRE system under Directive 2007/2/EC that ensures a harmonised approach to spatial data publishing to improve environmental reporting.
DEFRA	Water Quality	x	x	x	These policies and regulations (primarily the EU Water Framework Directive and the EU Drinking Water Directive) aim to improve the ecological and chemical status of the UK's rivers, lakes, estuaries, coastal waters and groundwater, and provide safe, quality drinking water.
DEFRA	Water Resources	x	x	x	These policies and regulations cover the provision of sustainable, safe and affordable water supplies for households, businesses, energy production and agriculture.
DEFRA	Land use	x*	x*	x*	Elements of Environmental Impact Assessment Directive and Strategic Environmental Assessment Directive cover rural land use.

DEFRA	Forestry (domestic)	x*	x*	x*	These policies and regulations cover timber production and woodland management, including EU Environmental Impact Assessment.
DEFRA	Noise directives	x	x	x	The Directive is concerned with noise mapping and action planning and does not address trade or cross-border issues.
DfT	Airport charges	x			Relating to Directive 2009/12/EC on airport charges.
DfT	Air Passenger Rights	x*			Regulation 1107/2006 imposes certain obligations on airports in respect of passengers with disabilities and reduced mobility (specifically Articles 5-9)
DfT	Aviation - compensating PSO air routes		x*	x	Relating to regulation (EC) 1008/2008 on the Operation of Air Services (Articles 16-18).
DfT	Aviation - groundhandling at airports	x			Relating to Directive 96/67/EC on access to the groundhandling market at certain airports.
DfT	Aviation noise management at airports	x*			Regulation 598/2014, establishing rules and procedures with regard to the introduction of noise-related operating restrictions at airports within a balanced approach.
DfT	Aviation Slots	x			Regulation 95/93 on common rules for the allocation of slots at airports.
DfT	Bus Franchising rules	x	x	x	Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.
DfT	Cableways	x			EU Regulation 2016/424 on cableway installations and repealing Directive 2000/9/EC relating to cableway installations designed to carry persons.
DfT	Driver hours and tachographs	x			Regulations around working hours and break requirements for commercial vehicle drivers and requirements for the installation and use of tachograph devices to record driver activities (EU regulations 561/2006 and 165/2014). Also, mobile road transport working time rules (Directive 2002/15/EC).
DfT	Electronic road toll systems	x	x	x	Directive 2004/52/EC on interoperability of electronic road toll systems and EU Regulation 219/2009.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
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.
DfT	Maritime - public service contracts/obligations, and financial assistance for shipping services which both start and finish within Scotland/to, from and within Wales		x	x	Regulation 3577/92 that applies the principle of freedom to services to provide cabotage maritime transport.
DfT	Maritime – ports services and port reception facilities, including for ship-generated waste	x*	x*	x*	Regulation 2017/352 that establishes a framework for the provision of port services and common rules on the financial transparency of ports. Directive 2000/59 contains a mix of competence and is relevant here insofar as it relates to harbours only.

DfT	Maritime Employment and Social Rights	x		Directives and Regulations relating to employment, social rights and health and safety for seafarers on ships. These rules cover, inter alia, coordination of social security systems, and the minimum safety and health requirements for improved medical treatment on board vessels.
DfT	Passenger rights (rail)	x		Regulation (1071/2009) establishing common rules for the licensing of commercial goods and passenger transport operators.
DfT	Rail franchising rules - insofar as they do not relate to state aid rules	x		Regulation (EC) 1370/2007 as amended by 2016/2338 relating to the way in which competent authorities are able to award public passenger services contracts.
DfT	Rail markets and operator licensing (governance, structure, track access & charging)	x*		Directive 2012/34/EU, to be amended by Directive 2016/2370/EU (both part of the market pillar of the 4th railway package) which recasts a number of EU Directives and establishes a single European railway area with common rules on: the governance of railway undertakings and infrastructure managers, infrastructure financing and charging, conditions of access to railway infrastructure and services and regulatory oversight of the rail market.
DfT	Rail markets - train driving licenses and other certificates	x		Directives 2007/59/EC and 2014/82/EU on train driving licensing rules, setting out the conditions and procedures for the licensing and certification of train drivers operating in the EU.
DfT	Rail safety	x		Directive 2004/49/EC on safety on the Community's railways and amending Council Directive 95/18/EC (which will be replaced by Directive 2016/798 in June 2019 or 2020 - technical pillar of 4th railway package) along with relevant Regulations and Decisions.
DfT	Rail Workers Rights Directive	x		Directive 2005/47/EC on the agreement between the social partners on working conditions of mobile workers engaged in cross-border rail services, supplementing the Working Time Directive (Directive 1993/104/EC).

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DfT	Retrofitting of HGV mirrors	x			Directive 2007/38/EC on the retrofitting of mirrors to registered heavy goods vehicles.
DfT	Road infrastructure safety management	x	x	x	Directive 2008/96/EC on the support of road infrastructure safety management.
DfT	Use of goods vehicles hired without drivers	x			Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road.
DfT	Charging of HGVs	x*	x*	x*	Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.
DfT	Coach and bus services	x			Regulation 181/2011 that set out the rights of passengers on bus and coach transport.
DfT	Roadworthiness Directive	x			Rules (directives 2014/45/EC and 2014/47/EC) relating to roadworthiness tests for motor vehicles and their trailers, plus associated inspections.
DfT	Speed limitation devices	x			Directive 1992/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles (amended by Directive 2002/85/EEC).
DfT	Driver CPC (certificates of professional competence)	x			Directive 2003/56/EC - transposed by SI 2007/605 - CPC is a condition of access to EU27 under ECMT permit system and likely to be a condition of negotiated agreements with EEA states.

DfT	Mutual recognition of qualifications (but not CPC) (relates specifically to recognition of drivers' qualifications)	x			Directive 2005/36/EC on the recognition of professional qualifications.
DfT	Safety specifications	x			Directive 91/671/EEC on the compulsory use of safety belts in vehicles of less than 3.5 tonnes (amended by 2003/20/EC).
DfT	Trans European Transport Network	x*	x*	x*	The EU Regulation establishes the trans European transport network, it includes maps of the core and comprehensive networks and sets specific standards to be implemented by 2030 and 2050 respectively. It is the geographic focus for EU transport regulation referencing individual pieces of legislation in different transport modes. .
DfT	Transporting Dangerous Goods by Rail, Road and Inland Waterway Directive	x			Directive covering the carriage of dangerous goods and use of transportable pressure equipment by road, rail and inland waterway.
DHSC	Clinical trials of medicinal products for human use	x			Regulations and Directives on clinical trials on medicinal products for human use.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DHSC	Elements of the regulation of tobacco and related products	x*	x*	x*	Provision made for print and press advertising and promotion of electronic cigarettes in Directive 2014/40/EU on the approximation of the laws, regulations and administrative provisions of the member states concerning the manufacture, presentation and sale of tobacco and related products. Provision made for print and press advertising, display and promotions in Directive 2003/33/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.
DHSC	Good laboratory practice	x*	x*	x*	Directives relating to the inspection and verification of good laboratory practice and harmonising laws, regulations and administrative provisions on good laboratory practice (Directives 2004/9/EC and 2004/10/EC).
DHSC	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.
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.
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.

DWP	Private cross border pensions	x			EU legislation on the operation of the EEA internal market in financial services allows occupational pension schemes based in one country to operate (have members) in another.
GEO	Equal treatment legislation⁵		x*	x*	It bans discrimination and harassment in employment on the following grounds: sex, race, age, disability, sexual orientation and religion or belief. It also bans discrimination in the provision of services on grounds of sex and race. It also requires the existence of an equalities monitoring body, such as EHRC.
HSE	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).
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.
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.
HSE	Health and safety at work	x			Directives, including the Health and Safety At Work Framework Directive (89/391/EEC), that require employers to protect the health and safety of their employees. Requirements cover, inter alia, the general layout of workplaces, hazards at work, specific sectors (e.g. construction, mining and onshore and offshore drilling) and work equipment.
HSE	Ionising radiation (occupational exposures)	x			Ionising radiation occurs 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.

⁵ This appears in category 2 (non-legislative) for Northern Ireland.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
MHCLG	Environmental Impact Assessment (EIA) Directive	x	x	x	The Environmental Impact Assessment Directive (85/337/EEC) integrates environmental considerations into the preparation of proposals for development to reduce their impact on the environment.
MHCLG	Energy Performance of Buildings Directive	x	x	x	The Energy Performance of Buildings Directive (2010/31/EU) aims to improve and make transparent the energy performance of buildings.
HO	Police and criminal justice cooperation - practical cooperation - European Judicial Network	x*	x*		Council Decision 2008/976/JHA on the European Judicial Network aims to facilitate judicial cooperation by establishing a network of Contact Points in Member States who are experts in matters such as Mutual Legal Assistance. These Contact Points assist with establishing direct contacts between competent authorities and by providing legal and practical information necessary to prepare an effective request for judicial cooperation or to improve cooperation more generally.
HO	Police and criminal justice cooperation - practical cooperation - Joint Action on Organised	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.

	Crime			
HO	Police and criminal justice cooperation - practical cooperation - mutual legal assistance	x*	x*	The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (EU MLAC) encourages and facilitates mutual assistance between the judicial, police and customs authorities of Member States on criminal matters.
HO	Police and criminal justice cooperation - data sharing - False and Authentic Documents Online (FADO)	x*	x*	Joint Action 98/700/JHA establishing the European Image Archiving System, also known as False and Authentic Documents Online (FADO), is an EU database that facilitates the exchange of information between document experts in Member States on genuine and false identity documents, visas and border officer stamps used across the EU.
HO	Police and criminal justice cooperation - agencies - EU-LISA	x*	x*	Regulation 1077/2011/EU establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (EU-LISA) - the European Agency responsible for the operational management of large-scale IT systems in the area of freedom, security and justice, including EURODAC, SIS II and the Visa Information System.
HO	Police and criminal justice cooperation - agencies - Eurojust	x*	x*	Council Decision 2002/187/JHA (as amended) setting up Eurojust with a view to reinforcing the fight against serious crime - the EU's judicial cooperation agency, which supports Member States' investigation and prosecution agencies in tackling serious cross-border and organised crime. Eurojust helps prevent and resolve conflicts of jurisdiction and facilitates the execution of mutual legal assistance and mutual recognition instruments, such as the European Arrest Warrant (EAW). It also provides funding, technical support and legal expertise on the requirements of different legal systems.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
HO	Police and criminal justice cooperation - agencies - Europol	x*	x*		Regulation 2016/794/EU on the European Union Agency for Law Enforcement Cooperation (Europol) - an EU agency that assists Member States' law enforcement agencies in tackling cross-border crime by supporting practical cooperation for cross-border investigations; holding central databases with information on suspected criminals and objects associated with crime; and providing analytical support to make links between crimes committed in different countries.
HO	Police and criminal justice Cooperation - data sharing - European Criminal Records Information System (ECRIS)	x*	x*		Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) - a secure electronic system providing for the exchange of information between Member States' authorities in relation to criminal records. It also places requirements on Member States to hold the criminal records of their nationals for offences committed across the EU.
HO	Police and criminal justice cooperation - data sharing - Prüm framework	x*	x*		Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on implementation of 2008/615/JHA created 'Prüm', which is both a legal framework requiring Member States to allow the reciprocal searching of each other's databases for DNA profiles, vehicle registration data and fingerprint (or dactyloscopic) data, and a legal basis for joint operations relating to police cooperation. There is also a communications network enabling exchange of the forms of data set out above.
HO	Police and	x*	x*		Council Decision 2007/533/JHA on the establishment, operation and use of the second-generation Schengen

	criminal justice cooperation - data sharing - Schengen Information System (SIS II)			Information System ('SIS II') (and see also Council Implementing Decision 2015/215) - a system providing law enforcement 'alerts', including on wanted or suspected criminals, suspected terrorists, missing people, and stolen or missing property. SIS II is a 'Schengen' measure. Whilst the UK is not part of the Schengen border-free zone, we have agreed access to SIS II for law enforcement purposes.
HO	Police and criminal justice cooperation - minimum standards legislation - cybercrime	x*	x*	Directive 2013/40/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of attacks against information systems. This measure also aims to facilitate the prevention of cybercrime and to improve cooperation between judicial and other competent authorities.
HO	Police and criminal justice cooperation - minimum standards legislation - human trafficking	x*	x*	Directive 2011/36/EU establishes common minimum standards for the definition of criminal offences and sanctions in the area of trafficking in human beings. This measure also introduces common provisions on the prevention of human trafficking and the protection of victims of human trafficking.
HO	Police and criminal justice cooperation - practical cooperation - asset recovery offices	x*	x*	Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or property related to, crime. AROs are national central contact points that facilitate EU-wide identification and tracing of assets derived from crime. The UK's ARO is housed within the UK Financial Intelligence Unit in the National Crime Agency.

Responsible UKG Dept.	Area of EU Law	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
HO	Police and criminal justice cooperation - practical cooperation - basic cooperation legislation on child sexual exploitation	x*	x*		Council Decision 2000/375/JHA sets common rules requiring all Member States to set up 24 hour contact points to receive and act on intelligence related to child pornography or indecent images of children.
HO	Police and criminal justice cooperation - practical cooperation - Convention Implementing the Schengen Agreement (law enforcement cooperation)	x*	x*		The law enforcement cooperation provisions of the Convention implementing the Schengen Agreement aim to tackle the threat of cross-border crime within the Schengen Area by facilitating police cooperation and cross-border surveillance. In particular, Article 40 provides that law enforcement in one Member State who have a suspect under surveillance can continue their surveillance of that suspect in the territory of another Member State as long as the latter has authorised it. Member States can also request for other Member States to undertake the surveillance of a suspect on their behalf.

HO	Police and criminal justice cooperation - practical cooperation - European Investigation Order	x*	x*	The European Investigation Order Directive (2014/41/EU) aims to make judicial cooperation in assisting in the investigation and prosecution of criminal offences on investigations between EU Member States faster and more efficient. The new measure standardised requests made between EU Member States for information and evidence, allows for there to be mutual recognition of judicial decisions from other Member States and sets deadlines for recognising and executing requests.
HO	Police and criminal justice cooperation - practical cooperation - joint investigation teams	x*	x*	Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams. A JIT is an investigation team set up for a specific purpose and a fixed period, which can be extended, between two or more parties (at least two of which must be a competent authority of an EU Member State) to investigate a specific matter or type of crime.
HO	Police and criminal justice cooperation - practical cooperation - mutual recognition of asset freezing orders	x*	x*	Council Framework Decision 2003/577/JHA covers the mutual recognition and execution in one Member State of orders freezing property and evidence that were issued in another Member State.
HO	Police and criminal justice	x*	x*	Council Framework Decision 2006/783/JHA facilitates the mutual recognition and execution in one Member State of confiscation orders issued in another Member State.

	cooperation - practical cooperation - mutual recognition of confiscation orders			
HO	Police and criminal justice cooperation - practical cooperation - Swedish initiative	x*	x*	Council Framework Decision 2006/960/JHA (the 'Swedish Initiative'), simplifies the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. The Initiative sets out rules for the cross-border exchanges of criminal information and intelligence, ensuring time-bound procedures for cross-border data exchanges.
HO	Regulatory systems - firearms - deactivation standards and techniques	x*		Regulation 2015/2403/EU establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.
HO	Regulatory systems - firearms - illicit manufacturing and trafficking	x*		Council Decision 2014/164/EU approving Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Counterparts and Ammunition; and Regulation 258/2012/EU implementing that protocol by laying down rules governing export authorisation, and import and transmit measures for firearms, their parts and essential components and ammunition.
HO	Regulatory systems - firearms - control on acquisition	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.

	and possession of weapons			
HO	Police and criminal justice cooperation - practical cooperation - cooperation on football disorder	x*	x*	Council Decision 2002/348/JHA that sets up National Football Information Points in each Member State. These Information Points share information and intelligence for facilitating international police cooperation in connection with international football matches.
HO	Police and criminal justice cooperation - accreditation of Forensic Service Providers (FSP) and mutual recognition of results of FSPs - Prüm Framework	x*	x*	Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities, requires Member States to ensure that FSPs undertaking laboratory activities in relation to DNA and fingerprints are accredited to international standard EN ISO/IEC 17025. Member States must also ensure that national authorities recognise the results of accredited FSPs in other MS as equally reliable as the results of domestic FSPs.
HO	Police and criminal justice cooperation - agencies - CEPOL	x*	x*	Council Decision 2005/681/JHA establishing the European Police College (CEPOL) - a European agency that brings together a network of training institutes for law enforcement officials and supports them in frontline training on security priorities, law enforcement cooperation and information exchange.

HO	Police and criminal justice cooperation - data sharing - passenger name records (PNR)	x*	x*	Directive 2016/681/EU creates a common legal basis for Member States to process passenger name record (PNR) data in order to prevent, detect, investigate and prosecute terrorist offences and serious criminal offences. PNR data is personal information provided by passengers and collected and held by airlines. It includes the name of the passenger, travel dates, itineraries, seats, baggage, contact details and means of payment. It can be used by law enforcement authorities in different countries to identify criminal and terrorist movements.
HO	Regulatory systems - minimum standards legislation - the protection of animals used for scientific purposes	x		Directive 2010/63/EU implementing common minimum standards for the protection of animals used for experimental and scientific purposes. This is implemented through the use of risk-based inspections and increased transparency. Sets out a licencing regime covering establishments, people, and projects using animals in science and broader principles of animal welfare.
MoJ	Civil judicial co-operation - applicable law in contracts and non-contractual obligations	x	x	Rome I Regulation (593/2008) covers applicable law in contracts. Rome II Regulation (864/2007) covers applicable law in non-contractual obligations.
MoJ	Civil judicial co-operation - cross border mediation (Mediation Directive)	x	x	The Mediation Directive (2008/52) facilitates access to alternative dispute resolution and promotes amicable settlement of disputes through the use of mediation in cross-border disputes.

MoJ	Civil judicial co-operation - jurisdiction and recognition and enforcement of judgments in civil and commercial matters	x	x		The Brussels I Regulation (1215/2012) covers jurisdiction and recognition and enforcement of judgments and applies between EU Member States. Insolvency Regulation (1346/2000 and 2015/848) covers jurisdictional rules and applicable law and recognition of insolvency proceedings in cross-border insolvencies.
MoJ	Civil judicial co-operation - jurisdiction and recognition and enforcement of judgments: instruments in family law	x	x		The Brussels IIa Regulation (2201/2003) covers jurisdictional rules in matrimonial and parental responsibility matters and the recognition and enforcement of judgments. The Maintenance Regulation (4/2009) covers rules for determining which court has jurisdiction, and the recognition and enforcement of maintenance decisions. Regulation on protection measures in civil matters (606/2013) covers recognition and enforcement of protection measures, including for victims of domestic violence.
MoJ	Civil judicial co-operation - legal aid in cross border cases	x	x		The Legal Aid Directive (2002/8) establishes common minimum rules for the grant of legal aid in cross-border disputes.
MoJ	Civil judicial co-operation - service of documents	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.

	and taking of evidence				
MoJ	Civil judicial co-operation - uniform fast track procedures for certain civil and commercial claims	x	x		The Small Claims (861/2007 revised by 2015/2421), Enforcement Order (805/2004) and Order for Payment (1896/2006) Regulations facilitate means for obtaining decisions on claims that can be enforced throughout the EU.
MoJ	Criminal offences minimum standards measures	x	x		The Combating Child Sexual Exploitation Directive (2011/92) establishes common minimum rules concerning the definition of criminal offences and sanctions in the area of sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual purposes. It contains provisions aimed at preventing these crimes and protecting victims.
MoJ	Mutual recognition of criminal court judgments measures and cross border cooperation	x	x		<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 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</p>

				respective territories.
MoJ	Procedural rights (criminal cases) – minimum standards measures	x	x	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.
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.)
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.
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.

Category 2: Non-legislative areas

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

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
BEIS	Company law	x			These Directives and Regulations cover aspects of the life cycle of a company, including company formation, capital & disclosure requirements, cross border mergers, shareholders rights, accounting and reporting, and audit. Regulations set out the framework for certain EU-specific legal entities. Also includes the establishment of branches, subsidiaries and agencies in other Member States, underpinned by Treaty Article 49.
BEIS	Late payment (commercial transactions)	x	x	x	Late Payment Directive (2011/7/EU) protects businesses within the EU against late payment in commercial transactions.
BEIS	Radioactive substances	x*	x*	x*	Directive establishes a framework for responsible and safe management of spent fuel and radioactive waste, both for current workers and the general public, and to avoid imposing burdens on future generations.
BEIS	Recognition of insolvency proceedings in EU Member States	x	x*		Regulation 2015/848 on Insolvency Proceedings focusses on resolving conflicts of jurisdiction and cross-border insolvencies, providing rules to determine which EU states' courts have jurisdiction to open insolvency proceedings, ensuring that those proceedings and their effects are recognised throughout the EU, and coordinating between proceedings in different member states. This Regulation recasts and supersedes an earlier instrument, Regulation 1346/2000.

BEIS	Specified quantities and packaged goods legislation	x*			EU law sets the rules for quantity control, quantity labelling and specified quantities for packaged goods.
Cabinet Office	Public procurement	x*	x*	x*	The regime provided by the EU procurement Directives, covering public procurement contracts for supplies, services, works and concessions above certain financial thresholds awarded by the public sector and by utilities operating in the energy, water, transport and postal services sectors (Directives 2014/24/EU, 2014/25/EU and 2014/23/EU).
Cabinet Office	Statistics	x*	x*	x*	Provision of prescribed datasets to the EU on a wide variety of topics (statistics is cross-cutting).
DEFRA	Air Quality	x	x	x	Policies, directives and regulations that aim to reduce harmful emissions and concentrations of air pollutants that can damage human health and the environment, including in relation to national emission ceilings, ambient air quality, industrial emissions and relevant product standards (Directives 2008/50/EC, 2004/107/EC). This includes regulations that implement international commitments under the UNECE Convention on Long-range Transboundary Air Pollution and Kiev Protocol to the UNECE Aarhus Convention.
DEFRA	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.

Responsible UK Government Dept.	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
DfT	Commercial Transport	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>This framework was previously called: Access for non-UK hauliers and passenger transport operations, plus combined transport.</p>
DfT	Intelligent transport systems	x*	x*	x*	<p>Policies and common standards relating to national electronic registers and data for intelligent transport systems. This includes Regulations made under Directive 2010/40.</p>
DfT	Operator licensing (roads)	x			<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>
DfT	Rail technical standards (Interoperability)	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>

					The EU Third Driving Licence Directive provides for mutual recognition and exchange of Member State driving licences.
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.</p> <p>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.
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 (serious cross-border threats to health) (notification system for pandemic flu, Zika etc)	x*	x*	x*	Decision No 1082/2013/EU on serious cross-border threats to health 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.
GEO	Equal Treatment Legislation⁶	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.
MHCL G	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.

⁶ This framework area is listed in category 1 (no further action) for Wales and Scotland.

MHCL G	Strategic Environmental Assessment (SEA) Directive	x	x	x	The Strategic Environmental Assessment (SEA) Directive on the assessment of the effects of certain plans and programmes on the environment.
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Category 3: Legislative areas

18 policy areas where new primary legislation may be required (or has been put in place) in whole or in part, to implement the common rules and ways of working, alongside a non-legislative framework agreement and - potentially - a consistent approach to retained EU law.

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersection			Additional Information - what the EU law does
		NI	S	W	
BEIS	Implementation of EU Emissions Trading System (ETS)	x*	x*	x*	Directive 2003/87/EC establishes the European Union Emissions Trading System for greenhouse gases. The Scheme sets a maximum volume of gas that can be emitted by all participating installations and aircrafts. These operators then monitor, verify and report their emissions, and must surrender allowances equivalent to their emissions annually. Allowances are issued either by being sold at auction or allocated for free to some operators, and can be traded, with the price determined by the market.

BEIS (DHSC, MHCLG, DEFRA, DfE and MoJ also have interest)	Mutual recognition of professional qualifications (MRPQ)	x*	x*	x*	The Directive 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	Services Directive	x*	x*	x*	The Directive seeks to realise the full potential of services markets in Europe by removing legal and administrative barriers to trade, by increasing transparency and by making it easier for businesses and consumers to provide or use services in the EU Single Market. The Directive is implemented by the Provision of Services Regulations in the UK. The Regulations set out rules for how competent authorities can design authorisation schemes for service providers in the UK. The Regulations prevent regulators imposing new regulatory or administrative requirements that act as discriminatory barriers to the provision of services, ensuring authorisation schemes are proportionate and justified by the public interest.
DEFRA	Agricultural support⁷	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.
DEFRA	Agriculture - fertiliser regulations⁷	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.

⁷ For a number of EFRA-related frameworks, the position is not yet clear on whether they will require, or will be impacted by, primary legislation. It is currently anticipated that most of these frameworks will not require new primary legislation (and can rely on secondary legislation instead), but until the outstanding issues are resolved they continue to be listed in the legislative category.

DEFRA	Agriculture - GMO marketing and cultivation⁷	x	x	x	<p>Directive 2001/18 – decisions on authorising GMO trials (delegated to Member States) and on marketing GMOs (decisions taken at EU level).</p> <p>Regulation 1830/2003 – requires the traceability and labelling of GMOs approved for marketing. Regulation 1946/2003 – requires notification to third countries of proposed GMO exports.</p> <p>Enforcement powers for these directly applicable Regulations are set out in parallel SIs in all four nations.</p>
DEFRA	Agriculture - organic farming⁷	x	x	x	<p>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.</p>
DEFRA	Agriculture - zootech⁷	x*	x*	x*	<p>EU Regulation 2016/1012 replaces a host of current zootech regulations by species from 1 November 2018. For the purpose of this exercise we treat the EU position as it will be 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 welfare⁷	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 and HSE	Chemicals and Pesticides	x*	x*	x*	<p>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.</p> <p>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.</p>
DEFRA	Fisheries management & support	x*	x*	x*	<p>Policies and Regulations relating to rules relating to the sustainability of fisheries (quotas), access to waters, conservation measures, enforcement and financial support.</p>

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersection			Additional Information - what the EU law does
		NI	S	W	
DEFRA	Food Composition Standards and Labelling. ⁷	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.
DEFRA	Ozone depleting substances and F-gases ⁷	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 ⁷	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 ⁷	x	x	x	Requirements for plant variety rights, registration of plant varieties and quality assurance of marketed seed and propagating material.

DEFRA	Resources and Waste⁷	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 Framework Directive) including producer responsibility (reuse/recovery/recycling targets under the Waste Electrical and Electronic Equipment Directive, Batteries Directive, End of Life Vehicles Directive and Packaging Directive). Also covering the shipment of waste.</p>
DHSC	Reciprocal and cross-border healthcare	x*	x*	x*	<p>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.</p>
Food Standards Agency	Food and feed safety and hygiene law	x	x	x	<p>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.</p>

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

Responsible UK Government Department	Area of EU Law (Policy Area)	Devolution Intersect			Additional Information - what the EU law does
		NI	S	W	
BEIS	Elements of product safety and standards relating to explosive atmospheres				ATEX covers equipment and protective systems intended for use in explosive atmospheres, safety devices and components for such equipment.
BEIS	State aid				Articles 107 - 109 of TFEU and associated Treaty articles, Regulations and EU legislation prohibit State aid by Member States and create a framework for assessing compatibility of aid with the internal market, investigating and making complaints about allegedly unlawful aid and creating exemptions for certain categories of aid.
DEFRA	Food Geographical Indications (Protected Food Names)				Geographical Indications (GIs) are a form of intellectual property protection. Under the EU schemes, producers can apply to protect regionally distinct or traditional agri-food products. Once registered, these products are protected throughout the EU against imitation or misuse of their names.
HO	Data sharing - Eurodac				Regulation 603/2013/EU established Eurodac - an EU database containing fingerprints of illegal entrants and asylum applicants. Its primary purpose is to support the effective application of the Dublin Convention by helping to determine which EU Member State is responsible for examining an asylum application.

Glossary of terms

BEIS - Department for Business, Energy and Industrial Strategy

CO - Cabinet Office

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

DWP - Department for Work and Pensions

FSA - Food Standards Agency

GEO - Government Equalities Office

HSE - Health and Safety Executive

HO - Home Office

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

MHCLG - Ministry of Housing, Communities and Local Government

MoJ - Ministry of Justice

UKG - UK Government