Guidance on the collective agreement process
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Introduction

This guidance applies to all Cabinet Committees – Home Affairs, Economic Affairs, Parliamentary Business and Legislation, Public Expenditure, European Affairs, National Security Council, Scotland, Social Justice, Banking Reform and their sub-Committees.

If you are writing to European Affairs, there is more detailed guidance available on this process as a separate document.

Separate detailed guidance is also available from the BRE on the wider clearance process for regulatory or de-regulatory policies (including the role of the Regulatory Policy Committee).

Why collectively agree?

The collective agreement process ensures that Ministers can express their views frankly in discussion and reach agreement on proposals that are made public or affect more than one department. Ministers will then be accountable to Parliament for these decisions, and be expected to support them publicly.

The Cabinet Manual highlights the importance of the collective agreement process (chapter 4), and states there are no definitive rules for what will and will not need clearance. The Cabinet Secretariat makes the final decision on what does require clearance. This guidance is designed to be a practical guide to help Departments navigate the process successfully.
**Before going for clearance**

Before going for clearance, or if you are unsure whether clearance is needed, it is always best to discuss this with the relevant desk officer in the Cabinet Office who will be able to advise you on the process.

Letters requesting clearance should never be the first time other departments are aware of policies. It is important to work at official level to agree policies wherever possible, before seeking clearance from the relevant Committee. This will help to ensure that clearance progresses smoothly. If it is proving difficult to get agreement at official level, then please involve the Cabinet Secretariat, who will be able to help.

If your measure requires new spending, or imposes financial burdens on other organisations (e.g. the NHS or Local Authorities), it is particularly important to get agreement from HMT for your proposals. Failure to do so will result in clearance being delayed.

You may also need to ensure that you have worked with other departments on areas of specific interest, for example CLG on new Local Authority burdens, or MoJ on the creation of additional criminal offences.

**PBL clearance**

Before going for PBL clearance to introduce a new bill, to publish one in draft, amend a bill in a way that changes the policy, or to support a private members bill; you need to secure policy clearance for the proposals.

**PM and DPM pre-clearance**

If a department wishes to take forward a measure which was not in its business plan or referenced in the Coalition Agreement or Mid Term Review, pre-clearance approval may be needed from the PM and DPM. Please discuss with the Cabinet Secretariat whether this will be required before applying for this.
EU negotiations

Ideally, clearance should be sought before negotiations on an instrument begin in Brussels. Departments should seek clearance on a “negotiating mandate” which will last for the full life cycle of the negotiation, and should avoid returning to the European Affairs Committee iteratively as the negotiation develops. However, it will be necessary to seek clearance again if a change in the UK’s position is needed, for example if the negotiation develops in a way which was not foreseen at the time of the initial negotiating mandate or in order to reach agreement on an end-game compromise which is outside the scope of the initial clearance.
The Cabinet Secretariat

The Cabinet Secretariat comprises of EDS (covering most domestic policy issues), EGIS (covering European policy issues) and NSC (national security secretariat). Our role is to safeguard the collective agreement process and coordinate policy across government.

The role of the secretariat during write rounds

During the course of a write round, the Cabinet Secretariat will work with Departments to resolve any differences that emerge. The Secretariat will also make recommendations on how to proceed in the event that it is not possible for the Committee to reach agreement through correspondence. There are a number of possible options in these circumstances (e.g. discussion by officials, a small Ministerial group, discussion by the Committee, discussion in Cabinet or agreement by the Prime Minister and Deputy Prime Minister). The precise circumstances will determine which option is pursued.
Managing the clearance correspondence process

Just before the deadline, the lead department should complete a ring-round of committee members, and inform the Secretariat of all responses, including nil returns.

Departments who are responding to clearance requests should be clear in their letters what they are imposing as a condition of clearance. Ministers are, of course, free to express other opinions or hopes, but it is helpful if the formal conditions could be introduced with the phrase “Therefore, I am happy to grant clearance on the following conditions”.

Once the deadline has passed, the Cabinet Secretariat will clear the conditions of clearance with the originating department (and UKRep where necessary). Once agreement has been reached the Chair of the Committee will write back to the Minister with a clearance letter, setting out the basis on which agreement has been reached.
Writing a good clearance letter

The attached templates provide advice on how to draft a good clearance letter. In general, it is wise to keep letters concise and avoid technical language, so Ministers and policy officials in other departments can understand them easily. At the start of your letter, you should state very clearly what the purpose of the policy is. For example, if you are introducing new regulations or legislation, you should state whether these take forward a coalition commitment, contribute to growth, respond to a report, implement EU legislation, or are being introduced for any other reason.
<table>
<thead>
<tr>
<th><strong>Clearance is always needed for:</strong></th>
<th><strong>Clearance may be needed for</strong> (always check with the Cabinet Secretariat):</th>
<th><strong>Clearance is not needed for:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Measures significantly affecting more than one department/ the devolved administrations</td>
<td>• Launch of consultations</td>
<td>• Speeches/interviews/ documents highlighting existing policy</td>
</tr>
<tr>
<td>• New or controversial policies/ announcements</td>
<td>• Government response to consultations (including to the European Commission)</td>
<td>• Trivial or mechanical regulatory changes which don’t impose a cost on business or civil society (RRC secretariat can advise on what falls in this category)</td>
</tr>
<tr>
<td>• Policies impacting on coalition agreement or on the good operation of the Coalition</td>
<td>• Government response to select committee report</td>
<td>• Calls for evidence or engagement exercises with stakeholders that don’t include government proposals</td>
</tr>
<tr>
<td>• Spending review</td>
<td>• Government response to other reports or reviews</td>
<td>• Tax measures</td>
</tr>
<tr>
<td>• White papers</td>
<td>• Secondary legislation</td>
<td>• Non-statutory guidance</td>
</tr>
<tr>
<td><strong>PBL clearance</strong></td>
<td>• Departmental strategy documents</td>
<td>• Internal operating model changes which do not impact on other departments e.g. departmental digital strategy</td>
</tr>
<tr>
<td>• Introducing a new Bill</td>
<td>• Policy clearance for amendments to primary legislation (PBL clearance always needed)</td>
<td>• Publishing data</td>
</tr>
<tr>
<td>• Drafting authority for a Bill</td>
<td>• Proposals to delegate or confer powers on the Commission under Articles 290 and 291 TFEU – talk to EGIS for more information</td>
<td></td>
</tr>
<tr>
<td>• Publishing a draft Bill</td>
<td>• EU delegated and implementing acts - proposals to delegate or confer powers to the European Commission under Articles 290 and 291 TFEU – speak to EGIS for further guidance</td>
<td></td>
</tr>
</tbody>
</table>
Timing

The *minimum* length of time departments need to allow for responses to a write round letter is **6 working days** when Parliament is sitting and **9 working days** during recess. The time period starts on the day after a clearance request is issued. It should be very clear and obvious which committees are being asked to clear the proposals, and when responses are needed by. If a measure is particularly complex or controversial, departments should consider allowing longer for responses and for the clearance letter to issue.

Departments should also allow 4 days for the clearance letter to be signed by the Chair and issued – longer in recess.

If possible, an explanation of when *clearance* is required by (as well as when responses are needed) would be useful – for example the planned publication date for a document, the date of a sectoral EU Council (e.g. Environment Council), or the date of introduction for a bill. This should be at least 4 days after the date by which responses are requested.

Shortened write rounds

Permission to shorten a write round can only be granted by the Cabinet Secretary. Departments will need to ask the Cabinet Secretariat to make a request on their behalf to the Cabinet Secretary, and will be required to present a compelling case. Shortened write rounds will only be granted in exceptional circumstances, and departments should be careful to build the clearance process into their timescales. Media, grid or launch commitments, for example, are not sufficient reasons to shorten a write round.
Which committee?

Before writing to Committees, it may be helpful to look at the Ministerial membership lists:

You should consider copying the letter to other Ministers with an interest in the policy being discussed, even if they are not on the Committee.

**Home Affairs Committee (HA)** – for most policy announcements that are significant, controversial, impact on the coalition agreement or affect other departments  
**Chair** – Deputy Prime Minister

**Economic Affairs Committee (EA)** – for economic policy matters  
**Chair** – Chancellor

**European Affairs Committee (EAC)** – for EU negotiations and policy towards the EU (except for transposition)  
**Chair** – Foreign Secretary

**Reducing Regulation Sub-Committee (RRC)** – for measures that regulate or deregulate business or civil society organisations. Also for transposition of EU legislation, including transposition plans.  
**Chair** – Secretary of State for Business, Innovation and Skills

**Parliamentary Business and Legislation Committee (PBL)** – for primary legislation, draft bills, Legislative Reform Orders, and positions on private members bills  
**Chair** – Leader of the House of Commons

**Public Expenditure (PEX)** – for public expenditure issues. It has 3 main subcommittees on specific issues:

- **PEX(PP)** – for public sector pay and pensions issues (Chair - Chancellor)
- **PEX (ER)** – for efficiency and reform (Joint Chairs – Minister for the Cabinet Office and the Chief Secretary to the Treasury)
- **PEX (A)** – for Government asset sales (Joint Chairs – Minister for the Cabinet Office and the Commercial Secretary to the Treasury)


**Chair** – Prime Minister

The NSC has 4 sub-committees:

- **NSC (THRC)** – for terrorism, security threats and the intelligence services (Chair – Prime Minister)
- **NSC (N)** – for nuclear deterrence and security issues (Chair – Prime Minister)
- **NSC (EP)** – for the UK’s relationship with emerging international powers (Chair – Foreign Secretary)
- **NSC (A)** – for Afghanistan strategy (Chair – Prime Minister)

Often, policy proposals will need to be cleared by more than one Committee. Clearance can be sought from multiple Committees in the same letter, and the process should take the same amount of time.
The Devolved Administrations (DAs)

While it is important to engage the DAs when making relevant policy decisions, they should not be copied into Committee correspondence as they are not part of the UK government or its internal decision-making. If departments are making announcements of relevance to the DAs then they should write separately to relevant Ministers in each of the Devolved Administrations affected. This can be done either in parallel to seeking Cabinet Committee clearance or once clearance has been granted. These letters should be copied to the Secretary of State for Wales/Scotland/Northern Ireland as appropriate.

Departments must be mindful of issues which will have a particular impact on Scotland, or are on a topic likely to feature in the Scottish independence debate. Departments must discuss such issues with the Scotland Office ahead of writing round, and specify in the letter the outcome of these conversations. This includes plans for proactively communicating positive announcements to the Scottish media, and handling plans for mitigating more difficult issues.
What other documents should be circulated alongside the letter requesting clearance?

- **Hard copies** do not need to be sent to the Chairs of Committees – scanned copies via email are sufficient.

- The **write round pro-forma** should be completed by officials and included in all clearance requests.

- If the letter is seeking clearance to publish a consultation document, White Paper, draft regulations, a Bill etc then a **copy of the draft document** should be attached.

- If the letter is seeking EAC clearance, the relevant documentation (e.g. European Commission proposal or UK response to a Commission consultation) should be attached.

- If the proposals result in financial cost or benefit to the public sector, private individuals, the third sector or businesses, an **impact assessment** should be attached.

- If the measure regulates or deregulates business or civil society organisations, the impact assessment together with the relevant **Regulatory Policy Committee opinion**, or (if no impact assessment is attached) the **relevant fast track RPC confirmation**. Separate guidance is available on the impact assessment process, and other better regulation requirements.

- For amendments to primary legislation, the **amendment proforma** should be included in the letter to PBL.

- For EU transpositions, a completed **transposition table** should be included.

- If the measure implements EU legislation, a document setting out how the **transposition principles** in the Guiding Principles for EU legislation have been met should be included. Separate Transposition Guidance is available.
Annex A – Contact details for Cabinet Office Secretariat

The first part of all Cabinet Secretariat phone numbers is 0207 276

Email addresses are generally firstname.surname@cabinet-office.gsi.gov.uk

**EDS** – for most domestic policy issues which don’t relate to Europe or national security

<table>
<thead>
<tr>
<th>Department/area</th>
<th>Desk officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney General</td>
<td>Louise Clark x.0140/ Chloe Dunnett x.0067</td>
</tr>
<tr>
<td>BIS</td>
<td>Rebecca Molyneux x.0938</td>
</tr>
<tr>
<td>Cabinet Office</td>
<td>Robert Cheesewright x.1549</td>
</tr>
</tbody>
</table>
| Legislation | Josh Dodd x. 0326  
Jess Baldwin x.0242 |
| CLG | Hilary Davies x.1553 |
| DCMS | Rebecca Molyneux x.0938 |
| MoD (domestic issues) | Chris Sandford x.1072 |
| DEF | Clare Gibson x.0053 |
| DECC | Emma Bulmer x.0171 |
| Defra | Michael Hilton x.0637 |
| DH | Penelope Green x.0124  
Sarah Harriss x.0439 |
| Home Office | Louise Clark x.0140/ Chloe Dunnett x.0067 |
| MoJ | Louise Clark x.0140/ Chloe Dunnett x.0067 |
| Northern Ireland Office, Scotland Office, Wales Office, and any devolution questions | Isobel Wade x.0838 |
| DIT | Katie Wake x.1188 |
| HMT | Rob Kramer x.5154 |
| DWP | Sarah Harriss x.0439  
Catherine Finney x.3063 |
| Questions about the RPC/ RRC process and impact assessments | Rebecca Molyneux x.0938 |
| Public expenditure issues | Robert Cheesewright x.1549 |
| Political reform and constitutional issues | Chris Sandford x.1072 |
Annex B - Write round pro-forma

Title of write round (140 characters max)

<table>
<thead>
<tr>
<th>Committee(s)</th>
<th>place a cross in all relevant boxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>HA</td>
<td>Econ affairs</td>
</tr>
<tr>
<td>NSC (A)</td>
<td>NSC (EP)</td>
</tr>
</tbody>
</table>

Timing

Date letter sent out
Responses required by
Clearance needed by (and why e.g. publication date)

Reason for write round (place a cross by all relevant categories)

- Measure in coalition agreement/ Mid-term review (includes e.g. Red Tape Challenge)
- Measure in departmental business plan (but not coalition agreement/ MTR)
- New or controversial policy
- Policy significantly affecting multiple departments/ the devolved administrations
- Consultation launch
- Consultation response
- Response to a Select Committee report
- Response to other reports/ reviews
- Legislation – drafting authority
- Legislation – publication of draft bill
- Legislation – amendments
- Legislation – private members bills
- Spending
- EU - Measure has implications for Government’s strategic approach to the EU
- EU – Clearance of a UK negotiating position
- EU – UK opt in to justice or home affairs measures
- EU – EU litigation (e.g. infraction proceedings)
- EU – UK approach would impose significant regulatory burden
- EU – transposition
- For information only, not for clearance
- Other (please specify)

Territorial extent of policy (place a cross by all that apply)

- England
- Scotland
- Wales
- Northern Ireland
- Foreign policy

Lead policy official (name, email and phone number please)

Name, email address, phone number
Annex C – Write round template (domestic committees)

This template applies to write rounds to Home Affairs, Economic Affairs, Parliamentary Business and Legislation, Public Expenditure, European Affairs, National Security Council, Scotland, Social Justice, Banking Reform and their sub-Committees.

Letters to the Parliamentary Business and Legislation Committee may have different requirements, please contact the secretariat for advice.

Try to keep write rounds short and to the point. They should be no more than 2 pages unless the issue under consideration is particularly complex. Detailed information can be included as annexes.

1. Address

| The letter should be addressed to the Chair of the committee (or Chairs of the Committees), at the address of their department. |

2. Title

| This should be short – no more than 2 lines, and in BOLD CAPITALS. It doesn't have to explain the policy, just allow the clearance request to be easily identified. |

3. What the Department would like to do.

| A short summary of the proposal – and a clear statement of what Ministers are being asked to agree. This section should make clear what type of action the minister proposes to take – this could be going to consultation, introducing secondary or primary legislation, or some other action (responding to a report or review, for instance.) |

4. Purpose of policy

| This section should outline why this action is being taken e.g. taking forward coalition agreement, growth measure, measure announced in PM speech/ as part of party conference, priority in mid-term review, Red Tape challenge measure, responding to Parliamentary reports, EU-derived measure or urgent response to events. Other categories might be relevant, please discuss with your EDS desk officers. |

5. Timing

| When responses are requested by [at least 6 days when Parliament is sitting, 9 days in recess, not counting the day the letter is sent], and when clearance is needed by and why [an absolute minimum of 2 days after date for responses. Please allow longer if possible]. |

6. Background on the policy

| This is where you explain the major changes that the policy will result in. Try to keep this high-level and easy for Ministers to understand in one reading. Please keep acronyms to a minimum. Detail can be included in annexes. Be sure to highlight any particularly controversial changes, the financial impact of the policy and any changes which go against consultation responses. |
7. Regulatory impact

Any proposal that regulates or deregulates business or civil society organisation needs to be cleared with Reducing Regulation Committee. For these measures, departments should set out how the Government’s principles of regulation have been applied or, where applicable, the Government’s Guiding Principles for EU legislation. The letter should explain the impacts on business, list the estimated annual net cost to business (or state the measure has been approved for fast track) and clearly state the result of Regulatory Policy Committee scrutiny and how the proposal affects the department’s ‘One-in, two-out’ balance. It should also explain how the impact has been amended to take account of the RPC’s opinion (if needed).

Where the measure is subject to other better regulation requirements (for example the micro-business moratorium, sunsetting, and common commencement dates) the letter should explain how these have been complied with, or alternatively seek agreement to a waiver.

6. Devolution

You need to be clear about the territorial extent of policies – ie whether the policy is UK-wide, England only, or England plus Northern Ireland/Scotland/Wales. If relevant, also outline what engagement has taken place with the Scottish Government, Welsh Government and Northern Ireland Executive, to show that you are upholding the UK Government’s commitments to engage with the Devolved Administrations on matters which affect them.

If the policy will have a particular impact on Scotland, or is likely to feature in the Scottish independence debate, you should confirm that you have discussed the issue with the Scotland Office and outline the communication or handling plans agreed.

7. Copy list

Letters should always be copied to the PM and DPM (unless they are the Chairs of the Committees), members of the relevant committees, and Sir Jeremy Heywood. Other Ministers who are not members of the Committee can be copied in if the policy is relevant to them. The Attorney General should be copied into legally contentious write rounds.

The Devolved Administrations should not be copied into Cabinet Committee write rounds. Where relevant, Departments should write separately to the appropriate Ministers in the Scottish Government/Welsh Government/Northern Ireland Executive.
Annex D – Template for European Affairs Committee correspondence

For letters going to the European Affairs Committee, the letter should be set out as follows and be no longer than 4 pages long.

Dear Foreign Secretary

[TITLE IN BOLD SUMMARISING WHAT CLEARANCE IS BEING REQUESTED FOR]

I am writing to seek the clearance of the European Affairs Committee [and the Reducing Regulation sub-Committee, if appropriate] for the UK approach to [name of proposal]. [I am writing in similar terms to the Devolved Administrations, if appropriate]. [Summarise in a short introductory paragraph in bold the key issues and recommendations]

Responses are requested by [GIVE DATE- no less than six working days, except during the Parliamentary recess when it should be no less than nine working days. Remember to build in at least 2 days after this date for the clearance confirmation to be drafted. If there is a specific reason for the deadline (e.g. Environment Council meeting, you could outline here].

[The main body of the letter should briefly set out the details of the position for which clearance is being sought. The purpose of the letter is to set out clearly what decision Ministers are being asked to take and provide them with the information they need to make this decision. Enough background should be provided so the issue can be understood from this letter alone, but details should be kept as brief as possible. Further details or drafts of relevant documents (e.g. impact assessment etc) can be attached as annexes to the letter, but reference to these should not be necessary to gain a broad understanding of the policy. Ideally the letter should be no more than 4 pages long, font size 12.]

UK POSITION:

Outline the proposed UK position. This could be in the form of negotiating lines / objectives for negotiations. This section should briefly outline the arguments for the proposed position (e.g. taking forward a coalition commitment). This section should also flag risks or areas of controversy and how they will be handled. The letter should refer back to any previous clearances that have been sought on the same issue. The approach set out in the letter should be discussed in advance with EGIS and with UKREP.

NEGOTIATING CONTEXT:

In the case of a letter on an EU negotiation, each letter should summarise the background to the negotiation and the progress to date. It should state clearly the voting arrangements (QMV or unanimity) and the role of the European Parliament. It should summarise the views of other Member States, especially for QMV dossiers, and the EP, especially for codecided dossiers. It should set out the lead Minister’s strategy for achieving the proposed objectives (e.g. building coalitions of support with other Member States, handling the European Parliament).
LEGAL COMPETENCE:

State clearly whether the proposal falls in an area of exclusive EU competence, shared competence, supportive competence or member state competence. If the letter concerns a legislative proposal, it should set out whether it goes beyond the scope of the legal base in the Treaty. And Ministers should set out their judgement on whether the proposal entails risks on competence for the future: whether it would extend EU action into a new policy area, and whether this would set a precedent; and whether the final measure is likely to be sufficiently tightly drafted to mitigate the risk of a broad interpretation by the Courts. Where the judgement is based on advice from the Law Officers that advice should be attached to the letter.

REGULATORY IMPACT:

Where appropriate, outline the impact the proposal will have on the burden of legislation in the relevant area. Also, assess whether the regulation allows sufficient flexibility for the UK to pursue co-regulation or alternatives in transposition, and whether this is consistent with the domestic approach. Has an impact assessment (IA) been conducted? If so, this should be attached. If not, a reason should be given. Where the Commission has conducted an IA, this could also be attached. Where it is unclear whether a proposed measure would impose a significant regulatory impact, policy leads should discuss with their better regulation unit, the BRE and Cabinet Secretariat colleagues.

FINANCIAL COSTS:

The letter should outline the costs that the proposed measure would impose on the UK. Proposals with a financial implication should be cleared by HM Treasury before correspondence is circulated.

JHA OPT-IN:

Where appropriate, set out the lead Minister’s assessment of the opt-in decision against the criteria for Title V JHA measures (security, civil liberties and rights, integrity of the UK legal system, control of immigration, implications for the balance of UK and EU competence, ECJ jurisdiction, legislative burden and adherence to better regulation principles, affordability, negotiability and wider UK interests).

PARLIAMENTARY SCRUTINY:

Explain whether the measure is subject to scrutiny or is already under scrutiny. If it is already under scrutiny, the letter should summarise the views of Parliament, if any have been expressed. If the measure is urgent and is to be adopted in Brussels on a particularly short time frame which would mean the Government could not meet its scrutiny commitments, the letter should set out the arguments for and against a scrutiny over-ride and make a clear recommendation.

DEVOLUTION CONSIDERATIONS:

You should explain whether the issue impacts on an area of devolved administration responsibility. If the policy will have a particular impact on Scotland, or is likely to feature in the Scottish independence debate, you should confirm that you have discussed the issue with the Scotland Office and outline the communication or handling plans agreed.
I am copying this letter to the Prime Minister, the Deputy Prime Minister, members of the European Affairs Committee, [members of the reducing regulation sub-committee], [any other Ministers who are not members of the EAC but who need to be copied, flagging their particular interest], the Attorney General, Jeremy Heywood, Ivan Rogers and Sir Jon Cunliffe.

[NAME OF MINISTER SEEKING CLEARANCE]
Annex E – Template for write rounds seeking clearance for the implementation of EU legislation

This template should be used when writing to the RRC for information about an EU transposition plan. It should also be used when seeking RRC (and other domestic policy Committee) clearance for measures that implement EU legislation.

The rules on addresses, titles, introduction and copying are the same as the domestic template. The title should be clear that the letter relates to the implementation of EU legislation.

Transposition guidance is available, which provides more information to Departments on how to transpose EU legislation - https://www.gov.uk/government/publications/implementing-eu-directives-into-uk-law

Letters should be no longer than 4 pages, except if the measure is exceptionally complex.

DECISION REQUESTED

You should be clear what Ministers are being asked to decide. Be clear that the EU legislation has already been agreed, and that Ministers are being asked to approve the way that we are implementing it (rather than whether we should be implementing it). It should be obvious if we are proposing to go beyond the minimum requirements to implement the legislation.

HISTORY OF THE [insert type of EU legislation e.g. “DIRECTIVE”):

You should summarise briefly the history of the EU legislation here. You should set out the legislative procedure through which it was adopted e.g. by ordinary legislative procedure (co-decision), and state whether it was adopted at 1st or 2nd Reading, or through conciliation.

You should provide a short overview of the UK negotiating position with regard to minimising burdens and the extent to which the UK achieved its negotiating objectives, and the results of those efforts.

UK POLICY OBJECTIVES:

You should identify the aims of the EU obligations and the relevant UK Government policies and objectives. The aim here is to set out how your approach to implementation will bring the two into harmony so that implementation does not have unintended consequences in the UK. You should clearly state that the proposed approach does not go beyond minimum requirements (or justify why it does). Where relevant, the infractions risk should be clearly stated, including the length of delay since the transposition deadline and the implications of not meeting any infractions deadline for response.

ALTERNATIVES TO REGULATION:

Wherever possible, you should seek to implement EU policy and legal obligations through the use of alternatives to regulation drawing on behavioural science insights. The aim here is to briefly set out how you intend to approach alternatives to regulation with the aim of minimising burdens. In relation to legal obligations this section will likely refer back to the degree of success in UK
influencing of Commission proposals to consider alternatives to regulation at earlier stages of negotiation of the EU legislation.

MINIMISING COSTS TO BUSINESS:

You should include a brief summary of how your proposed approach to implementation will deliver the outcomes required by the EU legislation and is supported by evidence showing it will minimise the cost to business.

MEMBER STATE COMPARISONS:

You should include a brief outline of how you intend to compare the UK approach to implementation with that of other key Member States (at transposition plan stage). At consultation or final clearance stage, you should outline your understanding of other Member States’ plans for implementation. The aim here is to ensure that UK businesses are not put at a competitive disadvantage compared to their European counterparts.

COPY OUT:

The aim of this section is to state how you intend to apply copy out to implement the EU obligations into national law. The Guiding Principles for EU Legislation established that the Government will always use copy out where it is available, except where doing so would adversely affect UK interests or go beyond the minimum requirements of the legislation. In certain cases, the EU obligations will be directly applicable, others will require transposition or provide choice or options when implementing. If you are proposing not to use copy out, you will need to explain the reasons for doing so here.

TRANSPOSITION DATE:

You should ensure that the necessary implementing measures come into force on (rather than before) the deadline specified in the EU legislation, unless there are compelling reasons for earlier implementation. Where implementation falls between two common commencement dates, you should let RRC know whether you intend to bring forward implementation to the earlier date, or whether you intend to wait until the deadline in the EU legislation. The aim here is that if you propose to implement all or particular requirements of the EU legislation before the specified deadline, you will need to explain the reasons for doing so.

STATUTORY REVIEW:

You should state clearly plans for statutory review. The Guiding Principles for EU Legislation state that the Government will include a statutory duty for Ministerial review every five years on all new measures which implement EU obligations (which where there is a legal requirement for an EU Commission review the timing of the UK review should be co-ordinated with that review).

POSITION OF OTHER GOVERNMENT DEPARTMENTS, AGENCIES AND THE DEVOLVED ADMINISTRATIONS:
State briefly any views expressed by other departments. You should also set out how/whether this legislation applies in the Devolved Administrations, how it will be transposed in those territories, and state how you have worked with the Devolved Administrations to date.