

Jeremy Miles AS/MS
Cwnsler Cyffredinol a'r Gweinidog Pontio
Ewropeaidd Counsel General and Minister for
European Transition



Llywodraeth Cymru
Welsh Government

Mick Antoniw MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1NA

20 May 2020

Dear Mick,

I am writing to inform you, as per the inter-institutional relations agreement that on Thursday 21 May, the next Joint Ministerial Committee (EU Negotiations) will take place virtually, with UK Government Chairing. The meeting will discuss EU negotiations and update on the transition period, covering operational readiness, legislation, the Northern Ireland Protocol, together with a discussion on the Intergovernmental Relations Review (IGRR).

I recently wrote to the Chancellor of the Duchy of Lancaster regarding the upcoming JMC(EN), which is attached at Annex A. In that letter I emphasised that I will continue to press for structured, collective and detailed discussions involving all three Devolved Governments and the UK Government on the negotiations, and in particular on changes to the UK Government's negotiating position at JMC(EN).

I will also call for the IGR Review to be continued, picking up the important work done at official level last year on dispute avoidance and resolution, as well as the lessons being learned during the Covid-19 pandemic. I have also issued a written statement, attached at Annex B.

I am copying this letter to the Chair of the External Affairs and Additional Legislation Committee (EAAL).

A handwritten signature in black ink, appearing to read 'Jeremy Miles'.

Jeremy Miles AS/MS
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Jeremy Miles AS/MS

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The Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office
70 Whitehall
London
SW1A 2AS

12 May 2020

Dear Michael,

Thank you for your letter of 30 April regarding the proposal for a meeting of the Joint Ministerial Committee (EU negotiations), which I look forward to attending via videoconference. The recent bilateral discussions with the Paymaster General – while appreciated – are no substitute for the collective discussion necessary with all four governments within the UK on the UK's future relationship with the EU. I ask therefore for you to agree that there will be regular four government discussions prior to and immediately after each negotiation round to provide sufficient focused attention on the negotiations, complementing meetings of the JMC(EN).

Overall the nature of engagement from UK Government continues to fall significantly short of what is necessary and what successive UK Ministers have promised. While we have received updates from each negotiating round, the Government has not shared with us draft text which has been tabled in the negotiations and we have had no meaningful involvement in the strategic choices prior to each negotiating round. Before we meet next week we need sight of the key issues and understanding of the options the UK Government will be advancing in the subsequent negotiating round and a credible plan for how it proposes to reach an agreement with the EU. The UK Government needs to set out these issues in a paper for the meeting which is shared with us in advance so we are in a position to consider and then have a meaningful discussion in the meeting. It is worth emphasising that the terms of reference for the JMC(EN) include seeking to reach agreement on UK positions.

I also ask, in the spirit of seeking to make the JMC(EN) meeting as productive and constructive as possible, that in advance of the meeting the UK Government fulfils its commitments to share in full and involve us in its work on preparedness for the end of the transition period. I raised this in discussions with the Paymaster General in the first half of March and again more recently, and my officials have repeatedly pressed this with UK Government counterparts. The situation is deeply concerning and much less satisfactory than was the case with work on no deal preparedness last year, when the UK Government

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recognised that the UK as a whole could not be adequately prepared without it working and sharing information with the devolved governments.

In addition, as we have also requested, I hope you will be able to share the details of a credible timetable and work plan for the legislation needed before the end of the transition period recognising the need for the UK Government to work with the devolved governments on this, and the importance of respecting the devolution settlement and, in Wales, the role of the Senedd.

Overall, I have seen no proof that the UK /EU negotiations have advanced to a stage where there is any certainty that an agreement can be reached before the end of December. This means an extension to the transition period is essential. The governments within the UK are rightly prioritising the response to the Covid-19 pandemic. All the evidence I have seen demonstrates that the UK is not prepared for a major change in our relationship with the EU on top of the significant disruption caused by Covid-19. The impact of this on the UK and the option to extend the transition period is something that we will need to discuss in particular at the JMC(EN).

Finally, I would like us to include a specific item within the JMC(EN) agenda on the Inter-Governmental Relations Review. There was valuable work done on this at official level last year and we must now ensure we progress this and complete the review, which is critical to a number of important areas (e.g. common frameworks) connected to the UK's exit from the EU.

I hope before the meeting next week you will be able to show clear action on the points raised in this letter so that we can make the best use of the meeting itself.

I am copying this letter to the Cabinet Secretary for the Constitution, Europe and External Affairs, the First Minister and deputy First Minister of Northern Ireland and the Secretary of State for Wales.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Miles', written in a cursive style.

Jeremy Miles AS/MS

Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd
Counsel General and Minister for European Transition



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Joint Ministerial Committee (EU Negotiations)**

DATE **20 May 2020**

BY **Jeremy Miles MS, Counsel General and Minister for European
Transition**

The next JMC (EU Negotiations) will take place this week on Thursday 21 May with parties participating remotely. The UK Government will Chair. This is the first JMC(EN) meeting since January.

I have spoken bilaterally weekly with the UK Government's Paymaster General, Penny Mordaunt MP. These discussions have been welcome but not accompanied by written papers so are necessarily limited in their effectiveness. Therefore, I will continue to press for structured, collective and detailed discussions involving all three Devolved Governments and the UK Government on the negotiations, and in particular on changes to the UK Government's negotiating position at JMC(EN).

There will also be an update on the transition period, where I will continue to call for an extension, in light of the pressures on all governments in responding to COVID-19. Other matters covered in this item will be operational readiness, legislation and the Northern Ireland Protocol.

Finally, I will call for the IGR Review to continue, picking up the important work done at official level last year on dispute avoidance and resolution, as well as lessons being learned during the Covid-19 pandemic. I will update Members following the meeting.