

Mick Antoniw MS

Chair of the Legislation, Justice and Constitution Committee

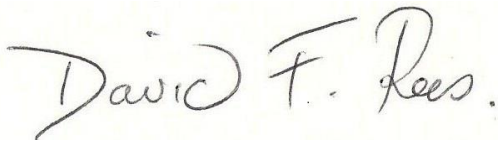
9 June 2020

Dear Mick,

Correspondence to the Chancellor of the Duchy of Lancaster

Please find enclosed a letter we have sent to the Chancellor of the Duchy of Lancaster, to call for greater UK Government engagement with the Welsh Government during the remaining stages of the UK-EU future relationship negotiations.

Yours sincerely,



David Rees MS

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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The Rt Hon. Michael Gove MP
Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office
Cabinet Office
70 Whitehall
London
SW1A 2AS
United Kingdom

9 June 2020

Dear Michael,

UK-EU future relationship: role of the Welsh Government

We have been considering the Welsh Government's role in the UK-EU future relationship negotiations, and the wider implications that the possible outcomes from these negotiations could have for Wales.

This is both in terms of the more immediate need to prepare for the end of the transition period and the longer term implications any agreement might have for Wales and the devolution settlement.

We have previously expressed our view that achieving even a limited trade agreement with the European Union would be preferable to leaving the transition period without a trade agreement.

For any agreement to reflect the interests of the UK as a whole, and to ensure the effective implementation of any agreement in devolved areas, the devolved governments must be meaningfully engaged in the negotiations through robust and structured intra-UK intergovernmental relations.

We believe that such an approach is not only in the best interests of Wales, but also in the best interests of all the nations of the United Kingdom. This is both in terms of ensuring any agreement that is reached reflects the economies and societies of all nations of the UK and that the Welsh Government is as prepared as possible for implementing any eventual agreement in the areas for which it is responsible.



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The role afforded to the Welsh Government has implications for the Welsh Parliament's ability to play its part in representing the interests of the people of Wales, holding the Welsh Government to account, and preparing for any legislative action that might be required to implement any eventual agreement. We raised this in our December 2019 report [UK international agreements after Brexit: a role for the Assembly \[Welsh Parliament\]](#).

The previous UK Government made commitments to the Welsh Government that it would have a more meaningful and structured role in the negotiation of the UK-EU future relationship (than it had in relation to the negotiation of the Withdrawal Agreement). We note that you have previously committed to *“working with the devolved administrations to deliver a future relationship with the EU that works for the whole of the UK”*.

On 27 May 2020, Jeremy Miles MS, Counsel General and Minister for European Transition wrote to us in relation to the role that the Welsh Government has in relation to the UK-EU future relationship negotiations, implementation of the Withdrawal Agreement, and preparation of the end of the transition period.

The Counsel General and Minister for European Transition described the level of intergovernmental engagement in the following terms:

“[...] UK Government engagement with the Devolved Governments on the negotiations remains deficient: despite the promises of improved engagement as the future relationship negotiations got underway, Ministerial engagement has become even more inadequate.

The UK Government has failed despite their formal commitment in the terms of reference of the Joint Ministerial Committee (EU Negotiations) to seek agreement with the Devolved Governments on the negotiations to provide us with meaningful opportunities to influence.

“[...] we simply do not have the enhanced role in the second phase of negotiations (on the future relationship) that we had expected and had been promised.”

The Counsel General and Minister for European Transition appeared before us on 2 June 2020. At this meeting, in response to questioning, he further elaborated on his view of the state of intergovernmental relations (as they relate to matters associated with EU transition and the future relationship). He described the UK Government's limited interaction with the Welsh Government as *“[...] courteous and respectful, but, essentially, the UK Government is fundamentally uninterested”*.



In relation to the UK's draft legal texts, the Welsh Government was only provided with these texts 24-hours in advance of their wider publication. The Counsel General and Minister for European Transition described this as "*wholly unacceptable*". This level of engagement between governments falls short of what we would reasonably expect.

In light of the limited and unstructured engagement that there appears to have been between the UK and Welsh Governments to date, and the Counsel General and Brexit Minister's stark description of this engagement, we are concerned that Welsh priorities, and the future implications for the devolution settlement that might arise from any eventual agreement, are not being considered by those conducting the negotiations.

We believe that the UK Government commitments made previously, to provide a more substantial and structured role for the devolved governments in the future relationship negotiations, should be honoured.

Whilst valuable time has been lost, and it is disappointing that the role of the devolved governments has not been resolved sooner, it is not too late to step-up the level of engagement and to implement a more structured approach to engaging with the Welsh Government.

If previous commitments are not to be honoured, we believe that the reasons for not honouring them should be made plain.

Across the four nations of the UK, we face monumental challenges as we begin our tentative recovery from the COVID-19 pandemic, and the success of the future relationship negotiations will affect our ability to address those challenges.

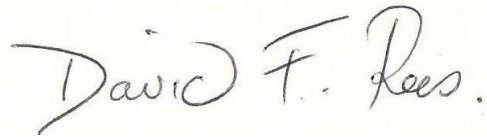
We wish to see agreement reached on the UK-EU future relationship, but believe that the level of engagement with the Welsh Government must be intensified and better structured if the people of Wales are to be assured that their interests, and the devolution settlement, are being adequately protected in the conduct of the negotiations and in the terms of any agreement that is finally reached.

I have copied this letter to Joan McAlpine MSP, Convener of the Culture, Tourism, Europe and External Affairs Committee, Bruce Crawford MSP, Convener of the Finance and Constitution Committee, Colin McGrath MLA, Chair of the Committee for the Executive Office, Rt. Hon. Hilary Benn MP, Chair of the Committee on the Future Relationship with the EU, The Earl of Kinnoull, Chair of the European Union Committee, Jeremy Miles MS, Counsel General and Minister for European Transition, Rt. Hon Penny Mordaunt MP, Paymaster General.

I look forward to your response to this letter and the invitation to join our virtual meeting on 30 June 2020.



Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a clear, legible font.

David Rees MS

Chair of the External Affairs and Additional Legislation Committee

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