

SI laid in Parliament which amends secondary legislation in a devolved area

Title of the SI

The Prohibition on Quantitative Restrictions (EU Exit) Regulations 2020

Policy Overview of the SI

The SI provides that provisions on the prohibitions on quantitative restrictions on imports and exports between member states which continue as directly effective rights in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018, should cease.

The retained EU Law which is being amended

- Directly effective rights under Articles 34, 35 and 36 of the Treaty on the Functioning of the EU (TFEU) 2007
- Directly effective rights under Articles 11, 12 and 13 of the European Economic Area (EEA) Agreement
- Directly effective rights under Articles 13, 13a and 20 of the Agreement between the European Economic Community and the Swiss Confederation
- Directly effective rights under Articles 5, 6 and 7 of Decision No. 1/95 of the EC-Turkey Association Council on implementing the final phase of the Customs Union as provided for under Articles 5 and 10 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12th September 1963

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

There is no impact on legislative or executive competence

The purpose of the amendments

This negative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU.

The SI revokes directly effective rights under Articles 34 to 36 of the Treaty on the Functioning of the European Union, Articles 11 to 13 of the European Economic Area (EEA) Agreement, Articles 13, 13a and 20 of the Agreement between the European Economic Community and the Swiss Confederation and Articles 5, 6 and 7 of Decision No. 1/95 of the EC-Turkey Association Council on implementing the final phase of the Customs Union as provided for under Articles 5 and 10 of the Agreement establishing an Association between the European Economic Community and Turkey signed at

Ankara on 12th September 1963. These directly effective treaty rights (DETRs) will become retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018 at the end of the implementation period on 31 December 2020. If the DETRs are not revoked they will still apply after the end of the implementation period.

The SI and accompanying Explanatory Memorandum, setting out the effect of the amendments is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-prohibition-on-quantitative-restrictions-eu-exit-regulations-2020>

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.