

Rt Hon David Davis MP  
Secretary of State for Exiting the European Union

21 July 2017

### European Union (Withdrawal) Bill

Dear Secretary of State,

You will be aware, from my letter dated 16 June 2017, that the External Affairs Committee published a report in response to your White Paper *Legislating for the United Kingdom's withdrawal from the European Union*.

Following the publication of the European Union (Withdrawal) Bill last week, we have conducted an initial analysis and compared it with our work on the White Paper. You will realise that the Bill has not addressed many of the issues we raised in our report, particularly around the proposed restriction on the Assembly's legislative competence; the role the Assembly should have in delegating and controlling powers proposed for Welsh Ministers; and the setting of Assembly procedure.

We are now considering the Bill in detail with a view to determining whether or not the Assembly should grant its legislative consent to the Bill.



To assist us in this task, I ask that you please respond to our report on the White Paper. I would be grateful for a response by the first week in September so that we can consider this at an early point in the autumn term.

One of our key concerns, raised in our report on the White Paper, is the lack of consultation that there has been with the Welsh Government and, more particularly, the Assembly. In our view, establishing lines of communication between the Committee and your Department, at both a Ministerial and official level, would be of mutual benefit. I was pleased to learn that your Bill team contacted the Committee's Clerk this week, and hope that this begins to address some of our concerns.

We invite you to attend a joint-meeting of the External Affairs Committee and the Constitutional and Legislative Affairs Committee in the autumn so that we can explore relevant aspects of the Bill with you. It is important that Assembly committees have the opportunity to explore the Bill with the Secretary of State responsible for its drafting and its passage through Parliament and we very much hope you are able to appear before us.

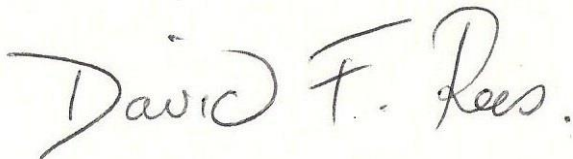
We understand the time pressures you face and are willing to be flexible in our approach to meeting you – including looking to hold a meeting in London and outside our timetabled meeting slot if that is of assistance. If this flexibility is insufficient to allow you to meet with us, then we ask that you consider making one of your Ministers available to appear before us.

I wish to reiterate that we are not, in any way, seeking to frustrate the UK's withdrawal from the EU. As we stated in our report, we understand the need to retain and convert EU law and to make it operable from the day of exit. Our concern lies in the treatment of the devolution settlement and the lack of engagement with the Assembly, through its committees, in relation to the delegation of powers to Welsh Ministers and the setting of scrutiny arrangements.



I have copied this letter to the Chair of the Assembly's Constitutional and Legislative Affairs Committee. I am aware of the correspondence that committee will be sending to you separately. We have agreed to work together in our scrutiny of the Bill and, as such, intend to share your responses to our respective letters.

Yours sincerely

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large 'D' and 'R'.

David Rees AM

Chair, External Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

