

Lesley Griffiths MS  
Minister for Rural Affairs and North Wales, and  
Trefnydd

21 January 2022

Dear Lesley

### The Official Controls (Extension of Transitional Periods) (Amendment) (No. 2) Regulations 2021

During our meeting on 10 January 2022 we considered your letter dated 20 December 2021 regarding your giving of consent to the UK Government making The Official Controls (Extension of Transitional Periods) (Amendment) (No. 2) Regulations 2021.

We noted with concern your assessment that the Regulations "raise questions in relation to the WTO and the Trade and Cooperation Agreement" but that you are "satisfied that these risks do not fall to Welsh Ministers."

As you will be aware, the Senedd and the Welsh Ministers are required to comply with international obligations by the devolution settlement and the Welsh Government's Ministerial Code.

In the Fifth Senedd, the then Counsel General and Minister for European Transition, Jeremy Miles, told the Fifth Senedd's Legislation, Justice and Constitution Committee that:

*"It is inconceivable that the [Welsh] Government would recommend to the Senedd a piece of legislation that breaches international law, Chair. There's no question of that."*

We therefore would welcome further clarification on the statements made in your letter and whether or not they are a departure from the position set out earlier in the EU Exit process to our predecessor committee by the previous Welsh Government.

We therefore would be grateful if you would clarify the following:

- Does the Welsh Government consider that these Regulations constitute a breach of the UK's international obligations?
- Whether the Welsh Government considers these Regulations are inconsistent with international agreements and, if so, which ones?
- Could you confirm that your concerns have been raised with the UK Government? If so, could you detail the nature of those discussions?
- What consideration has been given within the Welsh Government of the implications of its support for legislation that potentially constitutes a breach of the UK's international obligations and its own Ministerial Code, which explicitly lists compliance with "international law and treaty obligations"?

I am copying this letter to the Minister for the Economy, the Counsel General and Minister for the Constitution, the Minister for Climate Change, the Deputy Minister for Mental Health and Wellbeing, and the Chair of the Climate Change, Environment and Infrastructure Committee.

I would be grateful to receive your response by 1 February 2022.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies  
Chair