



Ein cyf/Our ref VG-0723-22

Elin Jones MS
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27 June 2022

Dear Elin

The Foreign Secretary, the Rt Hon. Liz Truss MP, introduced the [Northern Ireland Protocol Bill](#) (the Bill) in the House of Commons on 13 June.

From our initial analysis, the Bill touches upon areas of devolved competence. In a letter to me on the 13 June, the Foreign Secretary confirms that the UK Government is seeking the consent of the Senedd to the Bill and asks whether the Welsh Ministers would agree in principle to support a Legislative Consent Motion. However, given the complete absence of meaningful engagement by the UK Government ahead of introduction and the complexity of the issues raised in the Bill, it has not yet been possible to consider properly the devolution consequences of what is being proposed.

Additionally, I have major concerns that the Bill has the potential to breach international obligations and further analysis is required to inform our position. In a statement outlining the UK Government's legal position it asserts that the Bill is consistent with international law. While the UK Government accepts that the Bill would, on entry into force, involve the "non-performance" of the UK's international obligations, the UK Government justifies this on the basis of the international law doctrine of "necessity". It is, though, noteworthy that concerns have been raised within legal commentary over the credibility of such a plea. We take compliance with international law very seriously and the Bill requires further detailed analysis to understand better its implications.

I intend to lay a Legislative Consent Memorandum before the Senedd as soon as we have a clear picture of the devolution consequences of the proposed legislation. However, this will be outside the normal two-week Standing Order 29 deadline.

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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.

I am copying this letter to the First Minister, the Counsel General and Minister for the Constitution, the Minister for Rural Affairs and North Wales, and Trefnydd, the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'g'.

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy