



Eich cyf/Your ref
Ein cyf/Our ref:

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CARDIFF
CF99 1SN

23 May 2023

Dear Llywydd,

The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No.2) Regulations 2023

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that The Public Procurement (International Trade Agreements) (Amendment) (Wales) (No.2) Regulations 2023 (“the Replacement Regulations”) will come into force on 26 May 2023, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The purpose of the Statutory Instrument is to revoke and replace The Public Procurement (International Trade Agreements) (Amendment) (Wales) Regulations 2023 (S.I. 2023/506 (W.76) (“the Original Regulations”) in response to the report of the Legislation, Justice and Constitution Committee (Report No: SL(6)356). The original Regulations were made on 3 May 2023 and laid on 5 May 2023 with a coming into force date of 26 May 2023, in accordance with Standing Order 27.2.

The effect of the Statutory Instrument will be to fulfil an obligation to implement the Free Trade Agreements between the UK and Australia and the UK and New Zealand in respect of devolved Welsh authorities, to avoid any possible disputes with the member states and/or their bidders and to avoid uncertainty which may have an impact on UK bidders into these procurement markets. The UK Government have made similar Regulations which will come into force on 25 May 2023.

The Welsh Government is not adhering to the 21-day convention due to the fact that the coming into force of the Replacement Regulations is required to align with the coming into force of the UK Government Regulations in order for the Free Trade Agreements to be fully implemented across the United Kingdom. Both the UKG Regulations and the Replacement Regulations have related provisions, which require their coming into force consecutively. A

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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.

commitment has been provided to Australia and New Zealand that the Regulations will be in force no later than 26 May 2023.

Furthermore, the substance, purpose and effect of the Replacement Regulations is identical to that of the Original Regulations. As such Welsh Ministers would contend that the substantive provisions of the Replacement Regulations have been laid before the Senedd, and therefore available for scrutiny since 5 May.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government