



Ein cyf/Our ref: VG-PO-067-24

Huw Irranca-Davies  
Chair, Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
CF99 1SN

4 March 2024

Dear Huw,

Thank you for you for providing me with a copy of the of Legislation, Justice and Constitution (LJC) Committee report on the Welsh Government's Legislative Consent Memorandum in relation to the Trade CPTPP Bill.

I have considered the recommendations in the report and have outlined my responses below:

**Recommendation 1. The Welsh Government should provide further information about its position in respect of clause 2 of the Bill, and the desired outcomes of any amendments which it would like to be made to the clause.**

Our position in relation to clause 2 has not changed, it remains as stated in the Legislative Consent Memorandum laid on 8 December 2023. We would wish to see clause 2 amended so that:

- (a) clause 2 is conferred on Welsh Ministers with respect to the implementation of Article 8.6 of the CPTPP Agreement in devolved areas, or
- (b) the scope of clause 2 is restricted to amending subordinate legislation existing at the time clause 2 comes into force. We are not aware of any devolved provision currently existing in subordinate legislation which could be amended by clause 2, and we have not reason to think that that will change between now and the point in time when clause 2 comes into force. Reducing the scope of clause 2 in this way would mean it could not be used to amend devolved provision contained in the kind of subordinate legislation on which it operates.

Officials also offered to work with UK Government on a suitable amendment.

Although UK Government has continued to maintain its position that this clause falls within reserved competence, we continue to disagree with its assessment.

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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.

**Recommendation 2. The Welsh Government should provide an update on its engagement with the UK Government in respect of clause 2 of the Bill.**

Whilst engagement between UK Government and Welsh Government officials has predominantly been positive and helpful, our efforts to persuade the UK Government to amend clause 2 have ultimately proved unsuccessful. UK Government continues to consider clause 2 as reserved and is therefore unwilling to make any amendments.

**Recommendation 3. The Welsh Government should replicate and build upon the approach taken in reporting its perspectives on the UK's accession to the CPTPP for future international free trade agreements agreed by the UK Government.**

I welcome the comments from the LJC Committee on the Welsh Government's perspective report on CPTPP and am pleased to hear that it helped to assist your scrutiny of the memoranda. I would like to assure the LJC that it can expect a similar approach against future UK negotiations, when the country, or countries, are of a sufficient significance.

I trust the responses are helpful to the Committee.

Yours sincerely,

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

**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy