



Llywodraeth Cymru
Welsh Government

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TITLE UK Government's analysis of where they consider EU law to intersect with devolved competence

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Last week I met with my Scottish and UK counterparts, as part of that meeting we discussed the publication of the UK Government's analysis of where they consider EU law to intersect with devolved competence. This builds upon the list the UK Government shared with us last year, which was covered by a written statement on 24 October 2017. We have previously asked the UK Government to release a consolidated list from all three Administrations and welcome the transparency this publication represents.

It is important to clarify that this is a UK Government document, it had not been agreed with us and does not represent Welsh Government views. We will be considering the document in detail and working with the UK Government, the Scottish Government and the Northern Ireland Executive to overcome any differences where we can.

Of the 167 areas there are 64 which the UK Government considers to apply to the National Assembly for Wales. The analysis itself separates the different intersecting areas into several groups:

- 21 - where no joint action will be required upon exit from the EU;
- 19 - where non-legislative frameworks may be required;
- 24 - where there is the potential need for a legislative framework; and
- 12 - areas that the UK Government believes are wholly reserved.

While the overall number remain similar to the list shared with us last year the content has changed and will require careful consideration. The overall number of areas in each group is largely meaningless, because areas such as 'Agricultural Support' and 'Fisheries management and support' are significantly broader and have a greater impact on devolved competence in Wales than important, but narrower, areas such as 'electronic road toll systems' and 'blood safety and quality'.

Whatever the UK Government's provisional analysis says, and there may well be changes in the details, any future common framework must secure legitimacy, engagement and effectiveness for areas operating across the UK. The most important issue for the Welsh Government is to secure the role of devolved administrations and legislatures in the shaping and running of any cross-UK matters that intersect our devolution settlements.

Language around devolving "significant brand new powers" is misleading and unhelpful. These powers are not being handed to the National Assembly, they are already here. We should instead be focusing on establishing new systems to take these areas forward together. It is only through cooperation and jointly designed approaches that we can ensure stability and a functioning internal market once we leave the European Union. We look forward to working constructively with the UK Government on creating these systems.

Link to UK Government publication:

<https://www.gov.uk/government/publications/frameworks-analysis>