

Mark Drakeford AM
Cabinet Secretary for Finance

21 June 2018

Dear Mark

Thank you for your letter of 19 June and your swift response to the Committee's queries regarding the recent amendment to the European Union (Withdrawal) Bill (originally proposed by Sir Oliver Letwin MP) and the potential implications for the **Intergovernmental Agreement**.

In your letter you said:

"The UK Government is very clear that the draft Bill which the Secretary of State will be required to produce will apply only in England, or to reserved matters. In addition, the amendment requires the Bill to set out a series of cross-cutting environmental principles; it does not oblige the UK Government to produce a Bill which sets out a legislative framework in relation to one of the specific policy areas set out in the Annex to the Intergovernmental Agreement. (...) As such, on this basis I do not believe that the amendment has the potential to breach the Intergovernmental Agreement..."

In order to understand fully how the Intergovernmental Agreement operates and given its constitutional significance, I would be grateful for further clarification.

It would be helpful if you could explain why the single fact that the draft Bill will apply only in England is a reason why there would be no potential breach of the Intergovernmental Agreement, given that the Intergovernmental Agreement states that the temporary preservation will apply in England?

The Intergovernmental Agreement provides that the 24+ policy areas will be temporarily preserved in England as well as the rest of the UK and says that "temporary preservation" will be given effect by the UK Government committing to not bringing forward legislation that would alter areas of policy. Setting



environment principles in an England-only Environment Bill could alter environment law or, at a minimum, influence future policy direction.

It would also be helpful if you could indicate whether your understanding of the position is shared by the UK Government.

I am copying this letter to the Chair of the External Affairs and Additional Legislation Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

