

Brexit Update

Research Briefing

October 2018



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National Assembly for Wales
Senedd Research

Brexit Update

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Introduction

This paper provides an update on the most recent developments on Brexit of relevance to Wales. It includes sections on the work of the Assembly and Welsh Government; EU; UK; and Scotland and Ireland. The period covered is 12 – 26 September 2018, although reference is made to later events where information is available at time of final drafting.

Developments in Wales

National Assembly for Wales

External Affairs and Additional Legislation Committee

The External Affairs and Additional Legislation (EAAL) Committee is the lead Committee in the Assembly for co-ordinating the Brexit-related activities of Committees.

The EAAL Committee is currently undertaking an inquiry into [Wales' Future Relationship with the EU and the World- Part two](#) and an inquiry into [EU law in Wales: What happens during the Brexit Transition?](#)

The most recent sessions of the EAAL Committee were:

- 17 September: The Committee started the new term by scrutinising the First Minister. [Transcript](#).
- 24 September: After noting correspondence the Committee had a private discussion. [Transcript](#).

On 17 September EAAL considered correspondence from:

- [The First Minister regarding the equality and human rights implications of Brexit.](#)
- [Sir William Cash, Chair of the European Scrutiny Committee and Lord Boswell, Chair of the EU Select Committee to Dominic Raab MP, Secretary of State for Exiting the European Union regarding the scrutiny of EU documents during a post-exit transition or implementation period - 24 July 2018.](#)
- [David Lidington MP, Minister for the Cabinet Office to the Lord McFall of Alcluith regarding intergovernmental activity relating to Brexit - 25 July 2018.](#)
- [Mark Drakeford, Cabinet Secretary for Finance regarding the 2 July scrutiny session follow up - 2 August 2018.](#)
- [Ken Skates, Cabinet Secretary for Economy regarding trade policy after Brexit and the implications for Wales - 3 August 2018.](#)
- [Mark Drakeford, Cabinet Secretary for Finance regarding EU Law in Wales: What happens during the Brexit transition? - 10 August 2018.](#)

- [Robin Walker MP, Parliamentary Under-Secretary of State for Exiting the EU regarding EU Law in Wales: What happens during the Brexit transition? - 13 August 2018.](#)
- [Julie James, Leader of the House to Mick Antoniw, Chair of the Constitutional and Legislative Affairs Committee, regarding the operational matters relating to the scrutiny of regulations made under the European Union \(Withdrawal\) Act 2018 - 28 August 2018.](#)
- [David Lidington MP, Minister for the Cabinet Office regarding the arrangements for the Ministerial Forum on EU Negotiations - 3 September.](#)
- [The First Minister regarding the request for an update on progress with recommendations contained in the report on 'How the Welsh Government is preparing for Brexit?' - 10 September 2018.](#)
- [Robin Walker MP, Parliamentary Under-Secretary of State for Exiting the EU regarding the future relationship with the European Union - 11 September 2018.](#)

On 24 September EAAL considered correspondence from:

- [Dr Richard Greville, Association of the British Pharmaceutical Industry regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - health and medicines - 15 August 2018.](#)
- [Adrian Greason-Walker, Wales Tourism Alliance regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - ports - 30 August 2018.](#)
- [Tina Donnelly, Royal College of Nursing Wales regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - health and medicines - 31 August 2018.](#)
- [Nesta Lloyd-Jones, Welsh NHS Confederation regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - health and medicines - 3 September 2018.](#)
- [Robin Smith, Rail Freight Group regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - ports - 4 September 2018.](#)
- [Anna Malloy, Port of Milford Haven regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - ports - 7 September 2018.](#)

- **Liam Anstey, BMA Cymru Wales regarding the follow-up inquiry into how the Welsh Government is preparing for Brexit - health and medicines - 7 September 2018.**

Other

18 September: Statement in Plenary by the Cabinet Secretary for Finance: **Update on European Transition.**

25 October: Interparliamentary forum on Brexit in Cardiff.

The Research Service's own blogs are published on **In Brief**. The latest Brexit blogs are **Replacing EU funding streams: The case for future funding for Wales; The future of agriculture: proposals across the UK; Brexit Negotiations Monitoring Report; What do the UK Government's second batch of 'no deal' notices mean for Wales?**

On 25 September the Finance Committee published its report into **Preparations for replacing EU funding for Wales**. The report made 11 recommendations, including those in key areas such as ensuring that Wales is 'not a penny worse off' after Brexit, and on funding and devolution of major post-Brexit funding sources such as the UK-wide Shared Prosperity Fund and agricultural support.

The Climate Change, Environment and Rural Affairs Committee published its report into UK common frameworks on agriculture and environment in July 2018. The Welsh Government **responded** to the Committee's report in September 2018. The Committee published its report **Environmental governance arrangements and environmental principles post-Brexit** on 27 June, and the Welsh Government **responded** in September 2018. The Committee has also responded to the Department for Environment, Food and Rural Affairs consultation on **'Health and Harmony: the future for food, farming and the environment in a Green Brexit'**. The Committee is currently drafting its report on its inquiry into the **Impacts of Brexit on Fisheries in Wales**, having held a **formal evidence session** and a stakeholder workshop in July, and it has **published the written evidence that it has received**.

The Children, Young People and Education Committee is carrying **out an inquiry** into the **Impact of Brexit on Higher and Further Education**. The Committee has recently finished taking oral evidence, holding sessions on 12 July (**transcript**), 18 July (**transcript**) and 20 September (**transcript**). It has also **published the written evidence it has received**.

The Constitution and Legislative Affairs Committee publish reports on Subordinate Legislation relating to the UK's exit from the EU. They can be found on the **Committee's webpages**. The Committee **published its report** into **The Powers in the EU (Withdrawal) Bill to make subordinate legislation - operational matters** in July 2018, with the Welsh Government responding in September 2018. The Committee has also started an inquiry **Powers in the Trade Bill to make subordinate legislation**.

Welsh Government

11 September: **£10.3 million EU funding boost for Welsh Marine technology sector.**

11 September: **'No deal' Brexit worst possible scenario for Welsh patients – Welsh Health Secretary warns UK Government.**

12 September: **Agriculture Bill is an important step in supporting Welsh farmers post-Brexit** – Lesley Griffiths.

12 September: **Written Statement - Introduction of the UK Agriculture Bill.**

17 September: **€4.3 million of EU funding support for Ireland-Wales marine observation scheme.**

24 September: **£5.7 million EU funds to encourage STEM take up.**

24 September: **Over £6 million Brexit support for Airbus and automotive sector.**

24 September: Written Statement - **Over £25 million now committed to help Welsh businesses and public services prepare for Brexit.**

News

12 September: **Government's Plans for Agriculture Lack Balance** (Tenant Farmers Association)

12 September: **CLA reaction to Agriculture Bill.**

12 September: **DEFRA Agriculture Bill a 'leap into the economic and legal unknown' says FUW.**

12 September: [Position Statement -UK Government Agriculture Bill](#) (NFU Cymru)

12 September: [NFU's food report UK: A Nation United by Food delivered to Britain's politicians.](#)

14 September: [‘Food production must be at the heart of future farming policy’ say NFU Cymru members.](#)

14 September: [CLA statement on Health and Harmony: the future for food, farming and the environment in a Green Brexit.](#)

18 September: [CLA statement on the supply of EU workers post-Brexit.](#)

24 September: [Welsh farmers need RDP clarification, says NFU Cymru President.](#)

25 September: [Welsh tenant farmers consider potential implications of Welsh Government proposals](#) (NFU Cymru)

25 September: [Brexit no-deal would be ‘devastating’ for Welsh farming](#) - The notices suggest that it could take a minimum of six months for the UK to be approved by the EU as an exporter and in that time the EU would not accept animals and animal products from the UK (NFU Cymru)

EU Developments

European Council

17 September: [Indicative programme - General Affairs and General Affairs \(Art. 50\) Councils of 18 September 2018.](#)

18 September: [Invitation letter by President Donald Tusk to the members of the European Council ahead of the informal meeting in Salzburg on 19 and 20 September 2018.](#)

19 September: [Remarks by President Donald Tusk ahead of the informal Salzburg summit.](#)

20 September: [Remarks by President Donald Tusk after the Salzburg informal summit.](#)

21 September: [Statement by President Donald Tusk on the Brexit negotiations.](#)

European Commission

The Commission has published 66 ‘[Brexit preparedness notes](#)’ on the legal and practical implications of the withdrawal of the United Kingdom from the European Union - [subject to any transitional arrangement that may be contained in a possible withdrawal agreement.](#)

11 September: Speech by Vice-President Dombrovskis at the [plenary session of the European Parliament on the debate on the Future of Europe](#) with Alexis Tsipras, Prime Minister of Greece.

12 September: [President Jean-Claude Juncker's State of the Union Address 2018.](#)

18 September: [Press statement by Michel Barnier following the General Affairs Council \(Article 50\).](#)

18 September: [European Commission presents comprehensive approach for the modernisation of the World Trade Organisation.](#)

20 September: **One year on: EU-Canada trade agreement delivers positive results.**

21 September: **Boosting Multilateralism: President Juncker and a high-level EU delegation at the 73rd United Nations General Assembly Ministerial week.**

23 September: **Joint EU - UN Press Statement. Third African Union-European Union-United Nations Trilateral Meeting: Joint Communiqué. Press statement by President Jean-Claude Juncker with António Guterres, Secretary-General of the United Nations, following their meeting at the UN.**

24 September: **EU Budget: Commission takes further action to ensure the United Kingdom makes customs duties fallen due, available to the EU budget** - Based on a proposal by the Commissioner for Budget and Human Resources, Günther H. Oettinger, today the European Commission has decided to send a Reasoned Opinion to the United Kingdom because of its failure to make customs duties available to the EU budget, as required by EU law.

24 September: **Rule of Law: European Commission refers Poland to the European Court of Justice to protect the independence of the Polish Supreme Court.**

European Parliament

10-13 September: **Plenary in Strasbourg.** Agenda included:

- Debate and vote on The impact of EU cohesion policy on Northern Ireland – Report by Derek Vaughan MEP.
- Debate with the Prime Minister of Greece, Alexis Tsipras, on the Future of Europe.
- State of the Union Statement by the President of the Commission.

11 September: **Northern Ireland: Parliament wants to secure post-Brexit regional funding.**

11 September: **2019 EU Elections will be a battle of values, says Greek PM Tsipras.**

12 September: **State of the Union debate: Strengthen EU as a global player.**

17 September: **Ireland must not pay the price for Brexit, says Guy Verhofstadt**

17 September: **Brexit: MEPs worried about UK position on British “divorce bill”**

1-4 October: **Plenary in Strasbourg.** Agenda includes:

- Preparation of the European Council meeting of 18 and 19 October 2018, Council and Commission statements.
- Debate with the Prime Minister of Estonia, Jüri Ratas, on the Future of Europe.

News

6 September: **Ivan Rogers speech at British Irish Chamber of Commerce in Dublin.**

19 September: **The notification, by the United Kingdom, of its intention to withdraw from the EU does not have the consequence that execution of a European arrest warrant issued by that Member State must be refused or postponed** (Court of Justice of the European Union)

19 September: **“[The Chequers plan] would create a highly complex customs system that would not work in practice and would primarily serve the purpose of ensuring that hardliners in Britain do not lose face”** (German Mechanical Engineering Industry Association (VDMA))

UK Developments

UK Government

24 July: **Legislating for the Withdrawal Agreement between the United Kingdom and the European Union.**

12 September: **Landmark Agriculture Bill to deliver a Green Brexit.**

13 September: Update: **UK nationals in the EU: essential information.**

13 September: **Joint Ministerial Committee (EU Negotiations) communiqué.**

17 September: **Ministerial Forum communiqué.**

17 September: **Theresa May met Prime Minister Joseph Muscat of Malta at Downing Street.**

19 September: **May warns EU not to treat UK unfairly in Brexit talks** (The Prime Minister in Die Welt)

21 September: **PM Brexit negotiations statement.**

24 September: **PM meeting with Guy Verhofstadt MEP.**

24 September: Update: **How to prepare if the UK leaves the EU with no deal.**

- **Exporting animals and animal products if there's no Brexit deal:** The EU would require the UK to be a listed third country. In the unlikely event of a 'no deal' scenario, the UK would apply for this status but cannot be certain of the EU response or its timing. Without listed status no exports to the EU could take place.
- **Producing food products protected by a 'geographical indication' (GI) if there's no Brexit deal:** The UK Government anticipates that all UK geographical indicators will continue to be protected by the EU's scheme. However, if this is not the case, UK producers wishing to regain the protection offered by EU GI status, and the right to use the EU GI logo, would need to submit their applications to the European Commission as 'third country' producers.

- **Commercial road haulage in the EU if there's no Brexit deal:** Hauliers should consider whether they need permits to haul goods internationally. Up to 984 annual Euro 6 ECMT permits, 2,592 monthly Euro 6 ECMT permits and 240 monthly Euro 5 ECMT permits are available. ... We expect demand for ECMT permits will significantly exceed supply.
- **Regulating chemicals (REACH) if there's no Brexit deal:** Maintaining or securing EEA market access. ... Existing UK registrants would, for example, need to transfer their registrations to an appropriate EEA-based entity (such as an affiliate or an OR) or develop new working relationships with their EEA customers. This would require action before the UK leaves the EU.
- **Flights to and from the UK if there's no Brexit deal:** In this scenario the UK would envisage granting permission to EU airlines to continue to operate. We would expect EU countries to reciprocate in turn. It would not be in the interest of any EU country or the UK to restrict the choice of destinations that could be served, though, if such permissions are not granted, there could be disruption to some flights.

House of Commons

10 September: Debate on **Legislating for the Withdrawal Agreement.**

10 September: Westminster Hall debate: **Vote Leave Campaign: Electoral Law.**

12 September: Cabinet Office questions: **Leaving the EU: Contingency Plans for No Deal.**

12 September: **Prime Ministers questions, and continued.**

12 September: The conclusion of the **EU-Singapore Free Trade Agreement (FTA) And Investment Protection Agreement (IPA)** was agreed.

Committees

Environment, Food and Rural Affairs:

12 September: **Agriculture Bill inquiry launched**.

European Scrutiny:

12 September: **Committee writes to Dominic Raab regarding EU Withdrawal Process – Text of letter**.

12 September: **38th Report - Documents considered by the Committee on 12 September**.

Exiting the EU:

18 September: **No Deal Brexit chaotic and damaging warns Committee** – Report: **The progress of the UK's negotiations on EU withdrawal (June to September 2018)**.

Health and Social Care:

17 September: **Impact of a no deal Brexit on health and social care evidence session to be held in October**.

Home Affairs:

14 September: **Government responds to UK-EU security cooperation after Brexit report – Government Response: UK-EU security cooperation after Brexit**.

Human Rights:

4 September: **Counter-Terrorism and Border Security Bill - Government Response published**.

International Trade:

10 September: **UK-US trade relations: Government Response published**.

12 September: **UK-EU arrangements on wider trade policy examined. Transcript**.

Northern Ireland:

14 September: **Government response to devolution and democracy report published – Government response**.

15 September: **NI fishing industry needs more than quota changes to achieve post-Brexit boost** – Report: **Brexit and Northern Ireland: fisheries**.

Procedure:

16 August: **Letter to the Chairman from the Parliamentary Under Secretary of State, Department for Exiting the European Union, concerning the Committee's report on Scrutiny of delegated legislation under the European Union (Withdrawal) Act 2018**.

13 September: **Letter from the Chairman to the Parliamentary Under Secretary of State, DEXEU**, in response to his letter concerning the Committee's report on Scrutiny of delegated legislation under the European Union Withdrawal Act 2018.

18 September: **Withdrawal Agreement Bill: call for evidence**.

10 October: Evidence session on the Government's White Paper Legislating for the Withdrawal Agreement and on the prospective European Union (Withdrawal Agreement) Bill.

Public Accounts:

12 September: **Brexit: Time running out for Defra and other departments** – Report: **National Audit Office: Department for Environment, Food and Rural Affairs: Progress in Implementing EU Exit**.

Public Administration and Constitutional Affairs:

18 September: **Government Response to the Committee's Eighth Report: Devolution and Exiting the EU: reconciling differences and building strong relationships**.

Science and Technology:

5 September: An immigration system that works for science and innovation inquiry – **written evidence from Amit Bhagwat**.

Scottish Affairs:

10 September: **Glasgow hosts discussion on fisheries, food and agriculture. Transcript.** Written evidence from **Food and Drink Federation Scotland.**

13 September: **Submissions wanted on the relationship between the UK and Scottish Governments.**

Treasury:

11 Sep: **The UK's economic relationship with the European Union – oral evidence.**

House of Lords

10 September: Questions on **UK-EU Future Relationship: Young Voters.**

11 September: Questions on **Brexit: Financial Settlement.**

11 September: Questions on **Brexit: No Deal.**

11 September: Questions on **Brexit: Europol.**

11 September: Second Reading of the **Trade Bill.**

Committees

Delegated Powers and Regulatory Reform:

12 September: 33rd Report – **Trade Bill.**

Economic Affairs:

11 September: **Chancellor of Exchequer questioned by Economic Affairs Committee. Transcript.**

EU Select:

5 September: **Letter from Dominic Raab about the future of EU Scrutiny.**

EU Energy and Environment Sub-Committee:

12 September: **Letter to Michael Gove on the air quality directive.**

17 October: **Defra's readiness for a 'no deal' Brexit explored by Committee.**

EU External Affairs Sub-Committee:

5 September: Brexit: customs arrangements publications: **Food and Drink Federation; Port of Dover; Turkish Industry & Business Association; Susan Morley; Stephen Adams; Freight Transport Association.**

20 September: **Brexit: the customs challenge report published** – Report: **Brexit: the customs challenge.**

EU Financial Affairs Sub-Committee:

12 September: **National Infrastructure Commission gives evidence for European Investment Bank inquiry.**

EU Home Affairs Sub-Committee:

12 September: **Minister questioned on the Brexit White Paper and UK-EU security post-Brexit.**

14 September: **Sub-Committee writes to Minister about UK opt-in during transition – Text of letter.**

EU Internal Market Sub-Committee:

13 September: **How will Brexit affect future UK-EU transport arrangements?**

11 October: Evidence Session on Future UK-EU transport arrangements.

International Relations:

12 September: **Former GCHQ Director and former National Security Adviser questioned by Committee. Transcript.**

News

11 September: **Vehicle and plane movements must be a Brexit priority, says FTA.**

13 September: **Huge obstacles still to be negotiated on road to Brexit, says FTA.**

13 September: **Brexit may be just around the corner, but clarity is still a long way off says RHA.**

17 September: **International Haulage Permits – Post-Brexit** (RHA)

18 September: **Oxford Mini factory to shut for a month post-Brexit** (Autocar)

18 September: **Government report findings would drive logistics to a post-Brexit halt** (FTA reacting to the Migration Advisory Committee report)

18 September: **Migration Advisory Committee report is both ignorant and elitist says RHA.**

19 September: **Rule out ‘no-deal’ Brexit now, negotiators urged, as SMMT warns £5bn tariffs threat just tip of iceberg for auto sector.**

24 September: **IEA Brexit report based on dubious maths** (BBC)

Scotland

Scottish Parliament

Scottish Parliament Brexit Update: **6 September; 18 September.**

Scottish Parliament Information Centre: **Preparing for a no-deal Brexit: trade with EU countries** and **Preparing for a no-deal Brexit: VAT for businesses**

11 September: Statement and questions on **European Union Exit Preparations.**

11 September: Justice Committee: Evidence session on **Brexit (Impact on Civil and Criminal Justice Systems and Policing).**

11 September: Economy, Energy and Fair Work Committee: Evidence session on **European Structural and Investment Funds.**

11 September: Delegated Powers and Law Reform Committee: Evidence session on the **Trade Bill.**

12 September: Finance and Constitution Committee: **Evidence session on the European Union (Withdrawal) Act 2018.**

14 September: **Impact of Brexit negotiations on Scotland:** With the negotiations for the UK’s withdrawal entering a critical phase, the Scottish Parliament’s Culture, Tourism, Europe and External Affairs Committee has today launched a call for evidence, as part of the Committee’s on-going scrutiny of the Article 50 Negotiations, looking at what impact these negotiations are having on Scotland’s individuals, businesses and organisations.

Scottish Government

11 September: **Brexit preparation - Constitutional Relations Secretary warns of no-deal ‘chaos’.**

13 September: **Brexit passport concerns - UK Government ‘no deal’ approach “irresponsible”.**

24 September: **‘No deal’ could see flights grounded** - Constitutional Relations Secretary calls for end to ‘Brexit brinkmanship’.

Northern Ireland

The Assembly publishes a **[‘Brexit Brief’ newsletter and Brexit information](#)**.

[Brexit Brief Newsletter September 2018](#).

The Assembly’s Research and Information Services has a **[Brexit Hub](#)** with information and links to resources on the subject of Brexit and Northern Ireland.

1 August: **[DAERA seeks views on a future agricultural policy framework for NI](#)**.

UK-Ireland relations

19 September: **[An Taoiseach attending Informal EU Summit in Salzburg](#)**.

Reports published

Houses of Commons and Lords Libraries

11 September: [Brexit: UK agriculture policy.](#)

14 September: [Brexit and Governance of the UK-EU Relationship.](#)

18 September: [Brexit reading list: general coverage.](#)

24 September: [Brexit and chemicals regulation \(REACH\).](#)

The Conversation

[‘No deal’ Brexit: what it could mean for British tourists and air travel.](#)

[Yellowhammer: the Brexit bird with a story to tell about the EU.](#)

[Want a Brexit deal referendum? A major voting problem is being overlooked.](#)

[How to stop Brexit dithering – by an expert in psychology.](#)

[British farms could get a special pass to hire migrant workers after Brexit.](#)

[Would a vote on the Brexit deal be a betrayal? What social psychology tells us.](#)

[What EU migration has done for the UK.](#)

[Brexit Britain has taken its eye off the Paris Agreement on climate change.](#)

UK in a Changing Europe

[Do not underestimate the consequences of a “no deal” Brexit.](#)

[The crippling cost of a no-deal Brexit.](#)

[What are the legal challenges of transition?](#)

[Transition and the future of UK trade.](#)

[The government’s migration report: A missed opportunity for radical change.](#)

[Why talk is growing around “blind Brexit”.](#)

LSE Brexit

[Brexit tweets suggest nationalism and austerity – rather than populism – motivated voters.](#)

[Brexit is re-making the UK’s constitution under our noses.](#)

[Brexit has become unnegotiable. Theresa May has a constitutional duty to admit that truth.](#)

[How will Brexit shape conflict resolution between the UK and other European countries?](#)

[State aid and Brexit: the temptation for political intervention.](#)

[How Europe’s deteriorating peace is facilitating the rise of populism.](#)

[WTO option in practice: how a no-deal Brexit would seriously damage key UK industries.](#)

[UK households are already suffering the consequences of the vote. The worst may be yet to come.](#)

[Lessons from South Korea: What would a hard Brexit mean for British manufacturers?](#)

[Northern Ireland faces rebordering after Brexit.](#)

[Notes on compromise: joining the EEA is not the same as staying in the EU.](#)

[Book Review: Europe’s Brexit: EU Perspectives on Britain’s Vote to Leave edited by Tim Oliver.](#)

[May’s Brexit luck looks like running out at Westminster this autumn.](#)

Other

Brexit and industry & space policy - Testimony before the European Parliament's Committee on Industry, Research and Energy (ITRE). (Breugel)