

Jeremy Miles AC/AM
Y Cwnsler Cyffredinol a Gweinidog Brexit
Counsel General and Brexit Minister



Llywodraeth Cymru
Welsh Government

Mick Antoniw AM
Chair,
Constitutional and Legislative Affairs Committee
Mick.Antoniw@assembly.wales

28 February 2019

Dear Mick,

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019

I thought it pertinent to outline the approach the Welsh Ministers have decided to take in response to the UK Government laying of the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments) (EU Exit) Regulations 2019 (“2019 Regulations”) in Parliament on 14 February 2019.

The 2019 Regulations make technical operability changes under section 8 of the European Union (Withdrawal) Act 2018 to retained EU Law. The legislation concerned relates to the common market organisation (CMO) of agricultural products and the management of the common agricultural policy (CAP). The 2019 Regulations confer functions, relating to CMO of agricultural products and financing, management and monitoring of CAP, currently being exercised by the Commission, on the Secretary of State.

The CMO is a set of rules which regulates agricultural markets in the European Union. It builds on the rules for the common market in goods and services with specific policy tools that help improve the functioning of agricultural markets. The CMO sets out the parameters for intervening on agricultural markets and providing sector-specific support (e.g. for fruits and vegetables, wine, olive oil sectors, school schemes). It also includes rules on marketing of agricultural products (e.g. marketing standards, geographical indications, labelling) and the functioning of producer- and inter-branch organisations. It also covers issues related to international trade (e.g. licenses, tariff quota management, inward and outward processing) and competition rules.

The Welsh Government’s view is that the 2019 Regulations makes provision in relation to Agriculture and CAP which is within the legislative competence of the National Assembly for Wales (i.e. devolved) and that under the terms of the Intergovernmental Agreement, the consent of Welsh Ministers should have been sought prior to its laying. However, it appears the UK Government considers the 2019 Regulations relates to reserved matters and has

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

PSCGBM@gov.wales/YPCCGB@llyw.cymru

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.

not requested Welsh Ministerial consent prior to its laying. The Welsh Government has requested an explanation from the UK Government of its legal position but there has been no response.

The Minister for Environment, Energy and Rural Affairs has written to the Parliamentary Under Secretary of State for Food and Animal Welfare to reiterate our position that it is not appropriate for UK Government Ministers to take unilateral decisions on matters which have a direct effect upon areas of devolved competence. I enclose a copy of that letter for your information.

Discussions are ongoing between Defra and Welsh Government officials to consider implementation. Despite this, Welsh Ministers are disappointed that the regulations, as they have been laid, do not provide for decision making by mutual consent and do not provide for a CMO regulatory framework that is truly owned by all four Governments in the UK. Consequently, Welsh Ministers do not plan to grant unilateral consent for this Statutory Instrument.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremy Miles', is positioned below the closing text.

Jeremy Miles AM

Y Cwnsler Cyffredinol a Gweinidog Brexit
Counsel General and Brexit Minister