

Rt Hon. Lord Trefgarne PC  
Chairman of the Secondary Legislation Scrutiny  
Committee  
House of Lords  
London  
SW1A 0PW

22 March 2019

Dear Lord Trefgarne

### **Regulations made under the European Union (Withdrawal) Act 2018**

We wish to bring to your attention to regulations to be made by UK Ministers under the European Union (Withdrawal) Act 2018, with the consent of the Welsh Ministers. The issue that arises with these regulations is that there is disagreement between the Welsh Government and the UK Government as to the boundaries of Welsh devolution.

The regulations are:

- The State Aid (Agriculture and Fisheries) (Amendment) (EU Exit) Regulations 2019 – where there is disagreement between the two governments as to whether State aid is devolved.
- The Food and Drink, Veterinary Medicines and Residues (Amendments etc) (EU Exit) Regulations 2019; The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019 and The Food and Farming (Amendment) (EU Exit) Regulations 2019 – where there is disagreement between the two governments as to whether protected food names and geographical indication of food schemes are devolved.

In these cases, we understand the UK Government has given the Welsh Government written assurances that the Welsh Government will have a role in the operation of the schemes relating to State aid and geographical indication of food etc. However, while it seems that such assurances have been given by the UK Government, and received by the Welsh Government, in good faith, we do not believe that disputes over the boundaries of devolution should be resolved in this way.



The fact that such disagreements continue to this day is particularly disappointing given that moving the Assembly's powers to a reserved powers model was intended to clarify the boundaries of Welsh devolution.

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.

