



Our Ref: CDL/2962

Mick Antoniw AM  
National Assembly for Wales  
Chair, Constitutional and Legislative Affairs  
Cardiff Bay  
CF99 1NA

3 May 2019

Dear Mick,

I believe that the regular and ongoing engagement between the four UK administrations is vital for effective intergovernmental working. I am pleased to provide an overview of the recent Ministerial engagement with the devolved administrations and an update on the review of intergovernmental relations.

### **Review of intergovernmental relations**

At the Joint Ministerial Committee (Plenary) on 14 March 2018, Ministers from the UK Government and devolved administrations agreed to review the existing intergovernmental structures. The review of intergovernmental relations is a joint review between all four administrations, with leads from each administration charged with taking forward each of the five thematic workstreams.

On 19 December 2018, the Joint Ministerial Committee (Plenary) reviewed the progress made so far on the review. They remitted work back to officials from the four administrations to make progress against the five workstreams. It was agreed that the governments will continue to work together to:

1. Develop a set of **principles** to provide the context for future relations, which in turn will continue to shape the work of the review;
2. Ensure that the **governance of common frameworks** is being developed to ensure they can function effectively. Governance structures are being designed to facilitate agreement and provide clarity on the roles and responsibilities of each party, and to strengthen intergovernmental working on a substantial number of policy areas;

3. Ensure that the existing **dispute resolution** mechanism in the overarching MoU on Devolution is adapted to manage the range of policy differences that may arise as the UK leaves the EU, including those involving third parties. The majority of our differences are resolved through dialogue rather than detailed procedures, which we believe is the best way to conduct effective intergovernmental relations. We expect the principle of dispute avoidance to remain central to managing disputes in the future and we are supporting common frameworks teams to bolster their dispute avoidance processes.
4. Maintain and build upon existing **machinery**, including the Joint Ministerial Committees, reflecting the range of views on the effectiveness of the current arrangements. We are considering the machinery required in relation to:
  - a. The coordination of relevant domestic issues, particularly the governance of future common frameworks;
  - b. Ongoing EU business and the UK's future partnership with the EU; and
  - c. The UK's wider international interests.
5. Ensure that there are effective arrangements for **engagement on international matters**. This work continues to be informed by further thinking on the machinery and principles for effective intergovernmental working.

This is a live body of work that has many interdependencies. In many areas, the four administrations are already taking significant steps to outline new processes for the devolved administrations, such as the enhanced role of the devolved administrations in the next phase of EU negotiations and the work on establishing common frameworks. The revised version of the frameworks analysis published on 4 April 2019 demonstrates the significant progress made jointly by the four administrations on common frameworks. As mentioned above, this joint work includes the arrangements needed to govern common frameworks in the future to facilitate agreement and promote effective intergovernmental working.

### **Joint Ministerial Committee (EU Negotiations)**

The Joint Ministerial Committee (EU Negotiations) (JMC(EN)) has met once since our last correspondence for the sixteenth time, on 7 February 2019. At the meeting, the Secretary of State for Exiting the European Union provided an update on the progress of the EU exit negotiations as well as developments in Parliament. The Committee also discussed domestic issues, including updates on operational readiness, the EU (Withdrawal Agreement) Bill and common frameworks. They also noted the publication of the second EU Withdrawal Act and Common Frameworks report.

The next meeting of JMC(EN) is currently being organised. As well as the formal JMC(EN) meeting, the Chancellor of the Duchy of Lancaster has also kept in close contact with his counterparts in the devolved administrations to keep them updated on the latest EU exit developments.

### **Joint Ministerial Committee (Europe)**

The Joint Ministerial Committee (Europe) (JMC(E)) has continued to meet quarterly, mainly ahead of European Council meetings. The meetings are chaired by the DExEU Minister of State, Lord

Callanan, and provide an opportunity for ministers from the devolved administrations to provide input on UK positions on ongoing EU business. There have been two meetings since our last letter.

A meeting was held on 28 January 2019 where the Chair gave an update on the December European Council, and the Committee was joined by Her Majesty's Ambassador to Romania for a discussion on priorities for the Romanian Presidency. Ministers also discussed a paper on Blue Growth as well as the role of the forum during the Implementation Period. In line with this and in preparation for the March meeting, the Committee commissioned officials to jointly develop a Common Priorities Framework that could be used to identify shared priority areas with the intention of developing joint campaigns to informally influence the EU once the UK is no longer a Member State.

The most recent meeting of JMC(E) took place on 18 March 2019. As well as the standing agenda item of the UK's priorities for the European Council, the forum also received an update on the Multiannual Financial Framework from a representative from Her Majesty's Treasury. The Committee also discussed preparations for the UK being a third country, in addition to the work commissioned at the January JMC(E) on developing a Common Priorities Framework. The next JMC(E) is due to take place in early June and will consider the progress on this work as well as the priorities for the Finnish Presidency.

### **Ministerial Forum (EU Negotiations)**

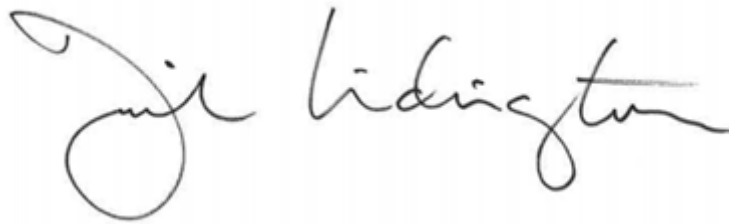
The Ministerial Forum (EU Negotiations) (MF(EN)), co-chaired by the Parliamentary Under Secretary of State at the Department for Exiting the European Union, Robin Walker MP, and the Minister for the Constitution, Chloe Smith MP, has now met eight times since it was established in May 2018. Since our last correspondence, there have been two further meetings of MF(EN), on 31 January and 25 February 2019.

On 31 January, MF(EN) met in Edinburgh to discuss the UK Government's proposal for a future security partnership, led by Kwasi Kwarteng MP from the Department for Exiting the European Union; internal security, led by Nick Hurd MP from the Home Office; and civil judicial cooperation, led by Lucy Frazer MP from the Ministry of Justice. This followed Minister Walker's regular update on negotiations in Brussels. In addition to the regular ministerial attendees from the devolved administrations, Graeme Dey MSP, Minister for Parliamentary Business and Veterans for the Scottish Government and Jeremy Miles AM, Counsel General and Brexit Minister for the Welsh Government, Ash Denham MSP, Minister for Community Safety for the Scottish Government, was also in attendance. Senior officials from the Northern Ireland Civil Service attended in the continued absence of a Northern Ireland Executive.

MF(EN) also met on 25 February in Cardiff to discuss data protection in the context of our future relationship with the EU, led by Margot James MP from the Department for Digital, Culture, Media and Sport. Ministers also discussed a review of the work of the Forum to date and the role of the devolved administrations in the next phase of negotiations, following the commitment the Prime Minister made in the House of Commons on 21 January 2019 to an enhanced role for the devolved administrations in the next phase.

Underpinning this ministerial engagement, there is ongoing official-level engagement to discuss the policy detail behind topics relating to the future relationship with the EU; there have been over 30 such meetings to date. These discussions continue to highlight policy areas and issues for discussion at future meetings of MF(EN).

We hope that this provides a useful summary of recent engagement with the devolved administrations.

A handwritten signature in black ink, reading "David Lidington". The signature is written in a cursive style with a large initial 'D'.

**Rt Hon David Lidington CBE MP**