

Negotiations on the UK's withdrawal from the EU

Brexit Monitoring Report

18 September 2019



The Assembly and

BREXIT

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

National Assembly for Wales
Senedd Research

Negotiations on the UK's withdrawal from the EU

Brexit Monitoring Report

18 September 2019

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The Assembly and

BREXIT

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1. Introduction

This report provides an in-depth update on developments relating to the Article 50 negotiations on the UK's withdrawal from the EU. It covers the Summer recess period and the start of the Autumn term up until the prorogation of the UK Parliament on 10 September. As such, it is a longer edition than our previous report, **Brexit and the Prorogation of the UK Parliament**, published on 4 September. That report provides a headline summary of developments and was prepared ahead of the Assembly's recall on 5 September.

This paper provides:

- A timeline of the significant dates remaining until 31 October when the UK is due to leave the EU;
- A more detailed analysis of the key developments at Westminster and Brussels;
- Analysis of the Welsh Government and National Assembly for Wales' response to the latest developments; and
- Additional areas of interest to the External Affairs and Additional Legislation Committee.

Timeline

Upcoming dates of significance until 31 October are listed below:

September

10 September – 14 October: UK Parliament prorogued

16 September: National Assembly for Wales Autumn term

17 September: Supreme Court case on prorogation

Throughout September: UK and EU negotiators have **agreed to meet twice weekly**

October

Monday 14: State Opening of Parliament, including Queen's Speech

Thursday 17 - Friday 18: EU Council Summit

19 October: European (Withdrawal) (No.2) Act 2019 requirement for UK Government to seek an extension of Article 50 negotiation period if no agreement is reached with the EU

Monday 21 - Tuesday 22: Potential series of votes in Parliament on the Queen's Speech; MPs could also vote on a Brexit agreement, if one has been agreed between the UK-EU at the EU Council Summit. If Parliament votes to approve an agreement, the European Union (Withdrawal Agreement) Bill will need to pass between this date and 31 October to bring it into force

Thursday 31 October: UK due to leave the EU

2. Developments in Westminster

New Prime Minister

New Prime Minister and Cabinet

On 24 July, Boris Johnson became Prime Minister **having won 66%** of the Conservative Party membership vote. During the leadership contest, he pledged that the UK would leave the EU on 31 October **'do or die. Come what may.'** A **new Cabinet was announced** on 25 July. The Prime Minister **established two Brexit Cabinet Committees** to support preparations for a no-deal Brexit – one Exit Strategy Committee (to make key Brexit decisions) and one Daily Operations Committee (for no-deal preparations). In response to the announcement of the **new Cabinet**, the **First Minister Mark Drakeford stated** that he feared that the Prime Minister had 'vacated centre ground' in his choice of appointments. He also voiced concerns that the gap between the Welsh and UK Government priorities had 'grown over the last 24 hours, as a result'.

New Prime Minister and the Withdrawal Agreement

In **his first House of Commons speech, the Prime Minister**, announced his intention to re-negotiate the Withdrawal Agreement without the Irish backstop:

If an agreement is to be reached, it must be clearly understood that the way to the deal goes by way of the abolition of the backstop. For our part, we are ready to negotiate, in good faith, an alternative, with provisions to ensure that the Irish border issues are dealt with where they should always have been: in the negotiations on the future agreement between the UK and the EU.

He later stated that:

I want to make one point on which I think we are all agreed: under no circumstances will there be physical infrastructure or checks at the Northern Irish border. That is absolutely unthinkable.

At a joint press conference with German Chancellor Angela Merkel on 21 August, the **Prime Minister agreed** that the onus is on the UK to provide workable, alternative solutions to the Irish backstop and that he was 'more than happy' with the 30-day timetable suggested by the German Chancellor to do so.

On 30 August, the **Prime Minister told the BBC**:

The weird thing is, the more the parliamentarians try to block the no deal Brexit, the more likely it is that we'll end up in that situation so the best thing now is for us to get on and make our points to our European friends with clarity and with vigour, and that's what we're doing.

This position was repeated in an interview with the **Sunday Times** on 1 September.

EU response

The Prime Minister and EU Commission President, Jean-Claude Juncker, spoke over the phone on 27 August. A **spokesperson for the Commission President** summarised the exchange:

President Juncker repeated his willingness to work constructively with Prime Minister Johnson and to look at any concrete proposals he may have, as long as they are compatible with the Withdrawal Agreement. President Juncker underlined that the EU27's support for Ireland is steadfast and that the EU will continue to be very attentive to Ireland's interests.

Finally, he recalled that while the EU is fully prepared for a 'no-deal' scenario, it will do everything it can to avoid such a situation. A 'no-deal' scenario will only ever be the UK's decision, not the EU's.

President Jean-Claude Juncker **had previously advised** the Prime Minister that the EU is prepared to 'add language to the Political Declaration' and 'analyse any ideas put forward by the United Kingdom, providing they are compatible with the Withdrawal Agreement' during their first telephone call on 25 July.

On 1 September, **Michel Barnier stated that** that he was 'not optimistic' about avoiding a no deal and that the UK and EU would still need to solve the same issues after 31 October regardless. In an article in the Sunday Telegraph, he advised that:

On the EU side, we had intense discussions with EU member states on the need to guarantee the integrity of the EU's single market, while keeping that border fully open. In this sense, the backstop is the maximum amount of flexibility that the EU can offer to a non-member state. The EU is ready to explore all avenues that the UK government may present and that are compatible with the withdrawal agreement.

The **European Commission's no deal preparedness document** of 4 September reaffirms the EU's position that:

The backstop provided for by the Withdrawal Agreement is the only solution identified that safeguards the Good Friday Agreement, ensures compliance with international law obligations and preserves the integrity of the internal market.

Wales/Scotland response

On 25 July, in a **joint letter** that also called for a second referendum, the Welsh and Scottish Governments called for the new Prime Minister to rule out a no-deal Brexit, stating that:

It would be unconscionable for a UK government to contemplate a chaotic no deal exit and we urge you to reject this possibility clearly and unambiguously as soon as possible.

On 1 September, **Counsel General and Brexit Minister, Jeremy Miles, announced his support** for Gina Miller's legal challenge to the prorogation of the UK Parliament (see section 1.3 below), stating that:

Members of the Assembly here in Wales also have a vital role to advise Parliament on how critical areas of Wales's economy and communities will be affected by a no deal Brexit. This cannot be done if the Prime Minister has cut the lines of communication.

He **later confirmed** that Welsh Government had been granted permission to intervene in the legal proceedings and had filed submissions that are 'necessary, appropriate and proportionate to defend Wales interests in Parliament being allowed to sit'.

Prorogation of UK Parliament

On 28 August, the Prime Minister announced that Parliament would be prorogued following a request made to her Majesty the Queen. In a **letter to MPs**, the Prime Minister explained that prorogation would be from the second sitting week in Parliament (week commencing 9 September) until the 14 October. **Parliament was prorogued** during the early hours of Tuesday 10 September.

Legal challenges

Three legal challenges have been initiated against the Prime Minister's decision:

1. A hearing in Scotland's **Court of Session** was brought forward to 3 September **following a ruling** on 30 August. The case, led by a group of 75 parliamentarians, (including **13 Welsh MPs**) and supported by the **Good Law Project**, challenges the legality and constitutionality of the Prime Minister's request to prorogue Parliament. On 4 September, **the Court rejected** the legal challenge. Following an appeal this ruling was unanimously overturned by **Scotland's High Court of Justiciary** on 11 September, ruling that the prorogation 'was unlawful because it had the purpose of stymying Parliament'. A full judgment expected is on 13 September.
2. The **second case** was heard in the **High Court of England and Wales** on 5 September. It was brought forward by campaigner Gina Miller. The **Welsh Government, Scottish Government, former Prime Minister, Sir John Major,** and Shadow Attorney General Baroness Shami Chakrabarti were granted permission to intervene in support of the case. The case challenges the advice given by the Prime Minister to the Queen during his request to prorogue Parliament via judicial review. The **Court rejected the legal challenge**, a decision which was appealed.
3. The third case involves an application to the **High Court in Belfast** to rule on whether prorogation breaches the Good Friday/Belfast Agreement.

The **Guardian reported** on 5 September that all three legal challenges are expected to be joined together and heard at the Supreme Court on 17 September.

Response of the devolved administrations to prorogation

On 28 August, responding to the announcement of prorogation, the **First Minister tweeted**:

Boris Johnson fought a referendum campaign to put power back in the hands of Parliament and now he wants the Queen to close the doors on our democracy. The Leave campaign claims are unravelling. It's time to put this to the people.

The Counsel General and Brexit Minister **stated on 28 August** that the suspension of the UK Parliament is 'a completely cynical and fundamentally undemocratic step, an attempt to prevent from debating and deciding on the most politically important question of our lifetime'.

Also on 28 August the **First Minister requested** that the Llywydd recall the Assembly to allow it to 'discuss the constitutional crisis which now faces Wales and the United Kingdom'. The Llywydd accepted this request, **stating that**:

We are in uncharted constitutional territory, and it is a matter of parliamentary principle that as the UK Parliament reconvenes next week, Assembly Members should also be afforded the opportunity to speak for their constituents on this issue of great significance.

The Scottish First Minister, Nicola Sturgeon, also expressed criticism of the decision to prorogue Parliament, saying **on 28 August** that it is not democratic, and that 'it is about restricting any ability Parliament has to stop a no deal Brexit in its tracks'. The Scottish Parliament's **recess timings** are different to the Assembly, with summer recess running from 30 June to 1 September in Scotland compared to 22 July to 15 September in Wales. The Scottish Parliament started its autumn term on 2 September.

Action taken by Opposition Parties

Church House Declaration

On 27 August, the leaders of the Opposition Parties met to discuss action with the aim of preventing a no deal Brexit, following a **letter from Jeremy Corbyn** on 21 August. After the meeting, **a joint statement** was issued by the leaders of the Opposition Parties. This outlined that they would work together to seek practical ways to prevent a no deal Brexit through passing legislation or by a vote of no confidence.

Also on 27 August, over 200 MPs signed **the Church House Declaration** opposing a no deal Brexit. The declaration states that:

Shutting down Parliament would be an undemocratic outrage at such a crucial moment for our country, and a historic constitutional crisis.

Any attempt to prevent Parliament sitting, to force through a no deal Brexit, will be met by strong and widespread democratic resistance.

We pledge to work together across parties and across our nations to do whatever is necessary to ensure that the people's voice is able to be heard.

In Parliament

MPs voted to take control of the parliamentary agenda on Tuesday 3 September **by 328 to 301** votes using an emergency debate **motion submitted under Standing Order 24**. The vote enabled legislation to be introduced that requires the UK Government to avoid a no deal. The **European Union (Withdrawal)(No.2) Act 2019** provides an opportunity:

- for the UK Government to reach an agreement with the EU at the EU Council meeting on 17-18 October, or;
- to obtain the consent of the UK Parliament if it does not reach agreement.
- if neither condition is met, the Bill requires the Prime Minister to send a specific letter (contained in the Act) on 19 October to the EU Council requesting a further extension of the Article 50 period to 31 January 2020.
- the Bill places a duty on the Prime Minister to 'immediately accept' the offer of an extension from the EU Council, including accepting an alternative date suggested by the EU. The acceptance of an alternative date must be within two days unless this is rejected by the House of Commons.

The legislation passed by **327 votes to 299** on Wednesday 4 September.

On 9 September, a second emergency debate was granted regarding the **disclosure of communications** relating to prorogation. The accompanying motion passed by 311 votes to 302. The motion directs Minister to provide to Parliament:

- all communications relating to prorogation sent or received by listed individuals since 23 July by 11pm on 11 September; and
- all UK Government operation Yellowhammer documents submitted to Cabinet or a Cabinet Committee. Operation Yellowhammer is the name given to no deal contingency planning.

General Election

Following the results of the vote on Tuesday 3 September, **the Prime Minister stated** that the 'people of this country will have to choose' who travels to the next EU Council meeting on 17 October to represent the UK:

If MPs vote tomorrow to stop negotiations and to compel another pointless delay to Brexit, potentially for years, then that would be the only way to resolve this and I can confirm that we are tonight tabling a motion under the Fixed Term Parliaments Act.

The **motion** tabled by the Prime Minister reads:

That there shall be an early parliamentary general election.

The **Fixed-term Parliaments Act 2011** requires that the Prime Minister has the support of two-thirds of MPs for the motion to pass. The motion **failed by 298 votes to 56**, with **288 abstentions**. The Prime Minister tabled the **same motion** for a second time on 9 September, declaring that he would rather be **'dead in a ditch'** than request a further extension of Article 50. Opposition parties **agreed beforehand to reject** the motion **during cross-party talks** to discuss the timing of a general election. The **motion failed**, receiving 293 votes in support and 46 against.

Review of UK Government Union Capability

On 4 July, former **Prime Minister Theresa May announced a devolution review**, led by **Lord Andrew Dunlop**:

There have been several reviews into how devolution works. But we have never thought deeply about how we make the Union work – how we ensure that as we fully respect devolution, we do not forget the UK Government's fundamental duty to be a government for the whole United Kingdom of Great Britain and Northern Ireland.

The review's **terms of reference** state that the purpose of the Review is:

To consider whether UK Government structures are configured in such a way as to strengthen the working of the Union, and to recommend changes where appropriate.

In examining the above terms of reference, the reviewer should take into account the following:

- ◆ The need to respect and support the current devolution settlements, including the Scotland, Wales and Northern Ireland Acts, as well as the Belfast agreement and its successors.
- ◆ The importance of Scotland, Wales and Northern Ireland retaining their own Secretaries of State who are members of Cabinet and Territorial Offices that represent the interests of the devolved nations in Westminster; and
- ◆ That the question of the Barnett Formula and the Scottish and Welsh Governments' fiscal frameworks are out of scope for this review.

The review will begin in July and conclude in a report to the Prime Minister in Autumn 2019. In response to the initial announcement, First Minister Mark Drakeford warned that **'the very last thing we need is an outbreak of colonialism.'** He later confirmed to the Assembly's **External Affairs and Additional Legislation Committee** that the Welsh Government had had no prior notification of the Prime Minister's announcement of the review. The Counsel General and Brexit Minister, Jeremy Miles, also **advised the Assembly** that the terms of reference of the review would have been 'stronger and more useful' if the Welsh Government had been engaged in advance:

What is required to strengthen the union is better relationships and better machinery between the Governments of the United Kingdom, not a strengthening of the territorial offices.

The review is separate to the Intergovernmental Relations Review commissioned by the inter-UK Joint Ministerial Committee in March 2018. The day prior to the Prime Minister's announcement, the **Welsh and Scottish Governments had written jointly to the UK Government** expressing disappointment at the 'limited progress' made to date on the review.

Other

Stephen Barclay & repeal of European Communities Act 1972

On 18 August, Secretary for State for Exiting the EU, Stephen Barclay, **signed legislation** repealing the European Communities Act 1972, stating that:

The ECA saw countless EU regulations flowing directly into UK law for decades, and any government serious about leaving on October 31 should show their commitment to repealing it.

That is what we are doing by setting in motion that repeal. This is a landmark moment in taking back control of our laws from Brussels.

The repeal **will take effect** if the UK formally leaves the EU on 31 October.

Spending Review 2019

The Chancellor of the Exchequer published the **2019 spending review** on 4 September. The review included £2 billion in 2020-21 'to help the UK to establish a new relationship with the EU, and capitalise on the opportunities created by Brexit'. See the **Research Service blog**, In brief, post on the issue for further information on the review and section 4 of this report for the Welsh Government's response.

3. Developments in Brussels

European Commission President

Former German Defence Minister, Ursula von der Leyen was **elected as new European Commission President** on 16 July. She will succeed Jean-Claude Juncker on 1 November for a five-year term alongside the Commission's political leadership team (made up of one Commissioner from each Member State and **announced on 10 September**). On 25 July, the **Prime Minister confirmed** that the UK would not nominate a Commissioner, stating that:

Indeed, today there are very many brilliant UK officials trapped in meeting after meeting in Brussels and Luxembourg, when their talents could be better deployed in preparing to pioneer new free trade deals or promoting a truly global Britain. I want to start unshackling our officials to undertake this new mission right away, so we will not nominate a UK commissioner for the new Commission taking office on 1 December—under no circumstances—although clearly that is not intended to stop the EU appointing a new Commission.

The **First Minister has confirmed** that the Welsh Government will continue its relationship with the incoming European Commission President regardless of the outcome of Brexit.

EU no deal preparedness

On 4 September, the EU Commission published its sixth communication on no deal preparations. **The latest document, published on 4 September 2019, states that:**

In a 'no-deal' scenario, the UK will become a third country without any transitional arrangements.

All EU primary and secondary law will cease to apply to the UK from that moment onwards.

There will be no transition period, as provided for in the Withdrawal Agreement.

This will obviously cause significant disruption for citizens and businesses and would have a serious negative economic impact, which would be proportionally much greater in the United Kingdom than in the EU27 Member States.

The document summarises preparations made by the Commission since December 2017:

- Tabled **19 legislative proposals** that have subsequently been adopted by the European Parliament and Council;
- Adopted **63 non-legislative acts**;
- **Published 100 preparedness notices**;
- **Established a call centre for Member States** to contact for 'rapid access' of Commission expertise;
- Established a **freephone number for citizens' enquiries, contactable from anywhere across the EU27 in any official EU language**.

The Commission **also confirmed** that it was extending the scope of the European Solidarity Fund to 'cover the serious financial burden that may be inflicted on Member States' by no deal. The fund is **usually reserved** for emergency situations following major natural disasters.

4. Developments in Wales

Post-Brexit funding

One-year Spending Review

Following the UK Government's announcement of a one-year spending review on the 9 August, announced **one-year spending review** to prepare for Brexit. According to **Welsh Government**:

On the basis of today's announcement the Welsh Government's budget in 2020-21 will still be 2% lower in real terms than in 2010-11. So today's additional funding does not even return our spending power to the levels of a decade ago.

In her statement on the review the Finance Minister stated:

The Chancellor announced today a further £2 billion in 2020-21 for Brexit delivery. We have been clear that the support to address even a proportion of the impact of Brexit cannot be delivered without a much more significant increase in public spending. We will require substantial additional funding and flexibilities to be able to respond meaningfully to the challenge of Brexit. I pressed this point to the Chief Secretary of the Treasury at a meeting of the Finance Ministers' Quadrilateral last week. The answers we have received from the UK government to date provide no assurance that the funding we would require would be forthcoming.

Shared Prosperity Fund

At the **Conservative leadership hustings in Cardiff** on 6 July, Boris Johnson commented on the replacement of EU structural and Innovation funds in Wales. He confirmed that Wales would receive the same amount of funds as it would have from the EU but added:

I would want to make sure that there was a strong Conservative influence on the expenditure of that £350m [per year], or whatever the sum is, to ensure that it delivered taxpayer value.

First Minister, Mark Drakeford, responded to Johnson's comments in a **scrutiny session** of the **External Affairs and Additional Legislation committee**. He welcomed the confirmation of funds but in response to Johnson's assertion of 'Conservative influence' he said:

These are powers that have been devolved to the National Assembly for 20 years so Mr Johnson's assertion could only mean a reduction in devolved competence.

On 8 July, the **First Minister suggested** that he believed it possible to agree 'broad purposes and parameters' of the fund in conjunction with the UK Government and devolved administrations. But, he said, that the UK Government should not be in the position of deciding whether administrations had used the funds in line with agreed principles. The Counsel General and Brexit Minister, Jeremy Miles, later **advised the Assembly** that it would be 'outrageous' for the Shared Prosperity Fund to be administered by Westminster or Local Government (bypassing the Devolved Administrations).

Future of Regional Investment

On 18 July, the Minister for Economy and Transport, Ken Skates, and the Counsel General and Brexit Minister released a **written statement** on post-Brexit regional investment in Wales, noting the lack of clarity on the post-Brexit funding landscape from the UK Government. The statement highlighted 4 priority areas for further development work (reducing income inequalities, more productive and competitive businesses, transition to a zero-carbon economy and healthier and more sustainable communities).

Intergovernmental relations

The Minister for Economy and Transport, Ken Skates, highlighted the importance of intergovernmental relations. In a **statement on 15 July**, he noted the establishment of two quadrilateral groups with UK Ministers and the other devolved administrations that focus on business and industry and energy and climate change.

In a **joint letter dated 3 July**, the Welsh and Scottish governments criticised a lack of progress on intergovernmental reform and called for an early JMC (Plenary) meeting following the election of the new Prime Minister. The First Minister published a **written statement** on 28 August on the future of the UK, in which he said that he believed that Wales' future is best served as being part of the UK. However, he said that the Welsh Government has consistently argued for changes to the settlement over the last 20 years to strengthen the Assembly, Welsh Government and the Union. He went on to say that it his intention to:

[W]ork harder to create, shape and fashion a Union which is not only strong enough to endure the current pressures as a consequence of Brexit but a Union which works harder to reflect the interests of each constituent nation and where every member of this family has a place in decision-making.

In the statement, the First Minister also advised that he has asked Alun Davies AM to lead a project and produce a report on the future of the UK after Brexit.

During the Assembly's debate on **Brexit and the prorogation of the UK Parliament** on 5 September, the First Minister updated Members on Welsh-UK Government relations:

I want to say on the floor of the Assembly, Llywydd, that this Government has never once lost an opportunity to be in the same room as the Conservative Government that we have had since 2017. Despite the fact that those are often profoundly uncomfortable occasions where we find ourselves with people with whom we deeply disagree, we have never, ever lost an opportunity to be there, to try to be influential, to speak up for Wales.

But since the election of Mr Johnson, we are shut out of those discussions. Under his predecessor, with whom I profoundly disagreed, we were invited to meetings of the Joint Ministerial Committee on European negotiations. We attended a sub-committee of the Cabinet itself. Since the Boris Johnson premiership began, those opportunities have evaporated. We were due to attend a meeting on Friday of this week, but that invitation has been withdrawn. You can't influence a Government that has no wish to be in discussion with us.

The previous day, the **Secretary of State for Wales, Alun Cairns**, was asked to provide assurances that the UK Government had done all that it could to ensure that the entire UK is ready to leave the EU. In response, the Secretary of State told the House of Commons that:

The devolved Administrations are invited to the exit planning committees that the UK Government hold. They are fully aware of the proactive, positive steps and measures that we have introduced in preparation for leaving the European Union. I am only disappointed that the same courtesy and invitation have not been extended by the Scottish and Welsh Governments, which would allow and give us the same confidence.

International

Welsh Government International Strategy Consultation

On 31 July, the Welsh Government published its **draft International Strategy** for consultation, setting out its priorities and goals in a post-Brexit environment. It **has said that** the significant shift in the international landscape caused by Brexit means that it is time to set out a new international vision for Wales.

The consultation asks four questions on the Welsh Government's goals and ambitions, and will close on 23 October. The Minister for International Relations and the Welsh Language **has stated that** the final strategy will need to have sufficient flexibility to respond to whichever Brexit scenario comes to pass. The draft strategy has **three key goals**:

- Raising Wales' international profile;
- Increasing exports and inward investment; and
- Showcasing Wales as a globally responsible nation.

For more information, read the **Research Service's blog** on the strategy.

International Agreements

During an **evidence session on 8 July**, the First Minister emphasised the need for the devolved administrations to be involved in developing the UK's negotiating mandate for international agreements, as much of their implementation could be in devolved competencies:

The Welsh Government understands that if you are going to be part of those early discussions, then there will be compromises in the mandate and you have to be bound by those compromises, because you have been part of shaping them.

During **questions in Plenary** on 10 July, the Counsel General and Brexit Minister explained this position:

(T)hat where the UK Government is formulating a negotiating position for international negotiations of whatever type, they should not normally proceed with that negotiating mandate unless they have secured the agreement of devolved administrations, where devolved competencies are directly affected, or, where they can be indirectly affected, we should also be involved in those discussions.

That seems to us to be a fundamentally reasonable request, and an appropriate role for the Welsh Government in those negotiations. We cannot be expected, nor can any devolved administration be expected, to co-operate in how those international obligations are implemented if we haven't been given a voice in formulating those positions at the start.

He reminded the Assembly that the European Union is aware of which areas are devolved so if the UK Government were to proceed without agreement of the devolved administrations, it would harm their credibility in negotiations. In closing, he confirmed that the Welsh Government 'would refuse to implement' any agreement privatising the NHS in Wales.

On 9 July, the **UK Government responded to** the House of Lord's Select Committee on the Constitution's report **on Parliamentary Scrutiny of Treaties**. The response addresses a number of recommendations made by the Committee in relation to the role of the devolved nations in international agreements.

EU citizens

On 9 July the Welsh Government issued a **press release** announcing a support package for EU Citizens in Wales preparing for Brexit. The package consists of:

- Support with applications to the UK Government's Settlement Scheme.
- Advice on social welfare and workplace rights via the Citizens Advice network.
- Specialist support for complex immigration cases from Newfields Law.
- Increased provision of digital support centres in Wales.
- Raising awareness of the need to apply for settled status in hard-to-reach and vulnerable communities.
- A new website would be launched to promote help available within the package.

On 16 July, the **First Minister advised the Assembly** that:

Public services and universities in Wales rely on our ability to recruit people from other parts of the European Union [...] to come and make their futures here in Wales. Not only will Brexit be an impediment to that, but the policies being pursued by his Government in relation to migration will make those difficulties even greater [...].

Common Frameworks

The **fourth report** on Common Frameworks was published on 17 July. During the previous week, the Counsel General and Brexit Minister, Jeremy Miles, answered **questions in Plenary**. He advised that there had been 'good progress on frameworks, albeit slower than anticipated' due to no deal planning. The UK Government **published four documents** on 3 July, including a progress report, an outline framework and a set of draft principles. More information on the Assembly's work on Common Frameworks is available on the **Assembly's website**.

No deal preparedness

On 16 July, in Plenary, the Counsel General and Brexit Minister, Jeremy Miles delivered **a statement on Brexit Preparedness**. He warned of the 'catastrophic' impact of a no-deal Brexit, explaining that:

The list of businesses expressing grave concerns about leaving without a deal ought to be sobering.

He confirmed that Welsh Government has:

- reviewed how preparations for an autumn exit date will differ from those made for an April exit date. As a result, Welsh Government are in further discussions with relevant sectors to focus on issues such as warehousing space, freight movement and haulage;
- identified five actions that businesses can take to mitigate the no deal impact: (i) importers and exporters should obtain an economic operator registration and identification number (EORI); (ii) any personal data transferred into the UK must continue to comply with GDPR regulations; (iii) employers of EU citizens should encourage them to apply to remain in Wales via the EU Settlement Scheme; (iv) manufacturers should check regulatory requirements for the UK and EU markets for labelling, approvals and testing; (v) visit the Business Wales Brexit Portal to assess their preparedness and access expert advice.
- discussed maximising the capacity of the Development Bank of Wales to advise and support more businesses.
- allocated £35 – 36 million of the £50 Million European Transition Fund, designed to support businesses through Brexit.

On 31 July, the UK Government **announced £2.1 billion** for no-deal planning, with £1.1 billion being provided to departments and the devolved administrations immediately, and a further £1 billion made available, should it be needed. In response, the **BBC quoted** a Welsh Government spokesperson saying that:

The Prime Minister was left in no doubt on his visit to South Wales about the catastrophic impact Brexit will have on Wales. This latest funding proposed by the Treasury will not come anywhere near compensating for the devastation such a flippant 'do or die' approach to Brexit will cause to communities and industries throughout Wales. It is also unnecessary - the UK Government is proposing spending more than £2bn on something the prime minister is telling us the chances of happening are 'vanishingly small'.

In **Plenary on 5 September**, the First Minister stated that the Welsh Government will publish an action plan on preparations for a 'no deal'.

Committee Chair statement on Brexit priorities

On 17 July, the Chair of the **External Affairs and Additional Legislation** (EAAL) Committee, David Rees AM, delivered a **statement in Plenary** on Brexit priorities for the coming months. The Chair outlined the three top Brexit priorities for Wales as:

1. Brexit preparedness;
2. The risk to devolution and the future of the union, particularly in relation to the Assembly's scrutiny of such arrangements;
3. The impact of Brexit on EU and EEA nationals living in Wales. The Chair announced the launch of a consultation into the implications of the UK Government's White Paper on the future of immigration rules post Brexit.

5. Areas of interest to the External Affairs and Additional Legislation Committee

Interparliamentary Forum

The Interparliamentary Forum on Brexit met on 5 September to scrutinise Brexit-related issues. The Forum discussed the scrutiny role for UK and devolved institutions in international treaty negotiations and **agreed a number of actions**.