



David Rees AM
Chair of the External Affairs and Additional Legislation Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

6 December 2019

Dear David,

I am writing in response to your letter, of 21 November, requesting an update on the Welsh Government's Brexit preparedness work since Parliament dissolved.

The risk of no deal at the end of January is much reduced but, as it remains the legal default and we cannot be completely reassured that it will not happen, proportionate no deal preparations have continued since the dissolution of Parliament on 6 November.

These have included consideration of whether any of our preparations need to be amended in light of a January exit date, continuing to engage with the UK Government on preparedness projects with a devolved interest and confirmation of the priority areas where we will want to engage with the UK Government in the event of a January No Deal Brexit scenario.

We remain clear that a no deal Brexit would be catastrophic for Wales, and while that outcome should be avoided, as a responsible government we will do all that we can to prepare and mitigate the consequences as far as possible.

Your letter also identified two particular areas where the Committee would appreciate an update; the current state of intergovernmental relations and progress on common frameworks, which are provided below.

Relations with the UK Government are variable and depend upon factors such as interpersonal relationships - which is why we have consistently called for reformed intergovernmental relations. There have continued to be some areas where constructive dialogue is possible and fruitful. However, in general terms, relations with the UK Government began to deteriorate after Boris Johnson became Prime Minister. Examples of this include reduced access to information about no deal planning and a lack of formal Ministerial engagement on the joint Intergovernmental Relations Review (despite greater progress at official level on the latter as a result of positive discussions with the previous Chancellor of the Duchy of Lancaster).

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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.

By contrast, relations with the Scottish Government have never been stronger. We also continue to welcome the work of the Northern Ireland Civil Service to represent their citizens' interests to the extent that they are able in the absence of a Northern Ireland Executive.

Multilateral relations have tended to be heavily influenced by the nature of our bilateral relationships, particularly with the UK Government. It is very unfortunate that no meeting of the Joint Ministerial Committee (Plenary) has taken place for almost a year so we have been unable to jointly assess the state of relations at head of government level.

There has been a very significant reduction in engagement at Ministerial and official level with the UK Government since the dissolution of the UK Parliament, with the notable exception of the meeting of the British-Irish Council.

In terms of the UK-wide Common Frameworks programme, the current timeline for Frameworks is that they should all be in place by December 2020 and this remains our expectation. We are anticipating around 40 Frameworks which relate to Welsh devolved competence, though this will depend on the potential merger of several policy areas and a small number of others which ultimately may not require a Framework.

For Wales, primary UK legislation will be required for the Frameworks for Fisheries management and support and for Agricultural support. Secondary legislation may also be required for some Frameworks. The most likely of these are currently Animal health, Food and feed safety and hygiene and Emissions Trading.

It is important to note that with non-legislative Frameworks areas, while they are still underpinned by legislation, the agreements themselves will not require legislation.

Since the Counsel General appeared before the Committee in November, the calling of a General Election has delayed the delivery of first outline draft agreements for the five Frameworks areas, which were due at the end of December 2019. Four of these areas (Emissions Trading, Radioactive Substances, Nutrition and Hazardous Substances) apply to Wales. Discussions between officials in these areas have continued during the pre-election period but have understandably slowed, and we are keen to see early progress in January and will be pressing for this.

Frameworks can only be finalised when our future relationship with the EU is clarified. However, good progress continues to be made on the building blocks of these Frameworks, including the deepening of official-level relationships on key policy areas. Extensive discussions of Frameworks policy development has continued between Welsh, Scottish and Northern Irish officials and we should recognise the progress being made in these areas. We are keen to progress discussions on a cross-UK approach to scrutiny by the UK's legislatures. A timely and transparent process for the scrutiny of the Frameworks will be vital for their success. We will share the elements of the scrutiny process agreed by UK, Welsh and Scottish Ministers with the Committee as soon as possible along with further comments on your October paper *UK-wide common policy frameworks: scrutiny of non-legislative framework agreements*. This will help us jointly develop a form of scrutiny appropriate to the issues the Framework programme presents to Wales.

The Counsel General will write to the Committee early in the New Year to update you on the delivery of the first Framework outline agreements.

I hope the Committee finds this a helpful update and I look forward to discussing the Welsh Government's preparations in more detail at your meeting on 6 January.

Best wishes,

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

MARK DRAKEFORD