



David Rees AM
Chair
External Affairs and Additional Legislation Committee
Senedd

13 January 2020

Dear David

During my appearance before the Committee on 6 January I agreed to write to you on matters regarding the EU (Withdrawal Agreement) Bill.

Alun Davies AM asked about the areas of dispute between the UK Government and the Welsh Government regarding the clauses in the Bill for which consent is required. There was dispute about 10 clauses in the October version of the Bill but this had declined to five when the Bill was re-introduced in December. Overall, there is a high degree of consensus on the clauses that require consent, but it is our view, though still not accepted by the UK Government, that the National Assembly's consent is required for the following clauses:

Clause	Summary
17 Interpretation: Part 3	This clause provides for the interpretation of Part 3 of the Bill
25 Retention of saved EU law at end of implementation period	This clause makes amendments to specified provisions of the EU (Withdrawal) Act, for example by substituting various references to 'exit day' so that they are references to 'IP completion day'. This is to ensure that the conversion of EU law into 'retained EU law' will now take place at the end of the implementation period.
26 Interpretation of retained EU law and relevant separation agreement law	This clause makes further amendments to substitute references to 'exit day' so that they refer to 'IP completion day'. This clause also defines the term 'relevant separation agreement law' and sets out rules of interpretation so that, so far as applicable, that body of law is interpreted in accordance with the Withdrawal Agreement, the EEA EFTA separation agreement and the Swiss citizens' rights agreement.
29 Review of EU legislation during implementation period	This clause provides for review of EU legislation during the implementation period.
36 Repeal of unnecessary or spent enactments	This clause repeals unnecessary or spent enactments.

I was also asked about clause 20, on financial provision to allow for payments to be made to the EU for the purposes of complying with any Withdrawal Agreement obligations.

On reflection, we agree that this clause modifies the competence of the Welsh Ministers, and that the consent of the Assembly is needed for this clause.

I am copying this letter to the Chair of the Constitutional and Legislative Affairs Committee.

Best wishes

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD