

Agenda – Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 1 – Y Senedd **Gareth Williams**
Dyddiad: Dydd Llun, 21 Ionawr 2019 Clerc y Pwyllgor
Amser: 14.30 0300 200 6362
SeneddMCD@cynulliad.cymru

- 1 **Cyflwyniad, ymddiheuriadau, dirprwyon a datganiadau o fuddiant**
14.30
- 2 **Is-ddeddfwriaeth nad yw'n ddarostyngedig i weithdrefn**
14.30
 - 2.1 **SL(5)300 – Gorchymyn Cymeradwyo Traipiau Sbring (Cymru)**
(Tudalennau 1 – 13)

CLA(5)–03–19 – Papur 1 – Gorchymyn
CLA(5)–03–19 – Papur 2 – Llythyr gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig
- 3 **Offerynnau negyddol arfaethedig nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3B**
(Tudalennau 14 – 15)

CLA(5)–03–19 – Papur 3 – Offerynnau negyddol arfaethedig sydd ag adroddiadau clir
 - 3.1 **pNeg(5)08 – Rheoliadau Llifogydd a Dŵr (Diwygio) (Cymru a Lloegr) (Ymadael â'r UE) 2019**
 - 3.2 **pNeg (5) 10 – Rheoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) (Diwygio) (Ymadael â'r UE) 2019**



4 Offerynnau negyddol arfaethedig sy'n cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3B

4.1 pNeg(5)09 – Rheoliadau Iechyd a Lles Anifeiliaid (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

(Tudalennau 16 – 35)

CLA(5)–03–19 – Papur 4 – Adroddiad

CLA(5)–03–19 – Papur 5 – Rheoliadau

CLA(5)–03–19 – Papur 6 – Memorandwm Esboniadol

5 Memoranda Cydsyniad Deddfwriaethol ar Bysgodfeydd y DU: Sesiwn dystiolaeth

14.45

(Tudalennau 36 – 93)

Lesley Griffiths AC, Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

Tamsin Brown, Llywodraeth Cymru

Graham Rees, Llywodraeth Cymru

CLA(5)–03–19 – Papur briffio

CLA(5)–03–19 – Papur briffio gan y Gwasanaeth Ymchwil

CLA(5)–03–19 – Papur briffio cyfreithiol

CLA(5)–03–19 – Papur 7 – Llythyr gan Gadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig i Weinidog yr Amgylchedd, Ynni a Materion Gwledig ynglŷn â'r Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd, 14 Ionawr 2019

CLA(5)–03–19 – Papur 8 – Llythyr gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig ynghylch y Memorandwm Cydsyniad Deddfwriaethol atodol ar gyfer y Bil Pysgodfeydd, 8 Ionawr 2019

[LCM-LD11847 – Memorandwm Cydsyniad Deddfwriaethol: Bil Pysgodfeydd](#)

[LCM-LD12027 – Memorandwm Cydsyniad Deddfwriaethol Atodol
\(Memorandwm Rhif 2\) y Bil Pysgodfeydd](#)

6 Hynt yr Adolygiad i Gysylltiadau Rhynglywodraethol

15.30

(Tudalennau 94 – 141)

CLA(5)–03–19 – Papur 9 – Llythyr at Gwir Anhrydeddus David Lidington CBE AS Canghellor of the Dugiaeth Caerhirfryn, 29 Hydref 2018

CLA(5)–03–19 – Papur 10 – Llythyr gan y Gwir Anhrydeddus David Lidington CBE AS Canghellor of the Dugiaeth Caerhirfryn, 17 Ionawr 2019

CLA(5)–03–19 – Papur 11 – Llythyr gan Michael Russell ASA Ysgrifennydd y Cabinet dros Fusnes y Llywodraeth a Chysylltiadau Cyfansoddiadol, Llywodraeth yr Alban

CLA(5)–03–19 – Papur 12 – Llythyr gan Mark Drakeford, Ysgrifennydd y Cabinet dros Gyllid, 29 Tachwedd 2018

CLA(5)–03–19 – Papur Briffio gan y Gwasanaeth Ymchwil

7 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y mater a ganlyn:

15.40

8 Y Memorandwm Cydsyniad Deddfwriaethol ar gyfer Bil Pysgodfeydd y DU: trafod y dystiolaeth

9 Adolygu'r Offerynnau Statudol y mae angen cydsyniad arnynt: Brexit a datganiadau a wnaed o dan Reol Sefydlog 30C

(Tudalennau 142 – 144)

CLA(5)–03–19 – Papur 13 – Adroddiad

OFFERYNNAU STATUDOL
CYMRU

2019 Rhif 18 (Cy. 7)

ANIFEILIAID, CYMRU

ATAL CREULONDEB

**Gorchymyn Cymeradwyo Trapiau
Sbring (Cymru) 2019**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

O dan adran 8 o Ddeddf Plâu 1954, mae'n drosedd i ddefnyddio neu i ymwybodol ganiatáu defnyddio unrhyw drap sbring ac eithrio trap sydd wedi ei gymeradwyo drwy Orchymyn, ar anifeiliaid neu mewn amgylchiadau nad yw wedi ei gymeradwyo ar eu cyfer.

Mae'r Gorchymyn hwn yn dirymu ac yn disodli Gorchymyn Cymeradwyo Trapiau Sbring (Cymru) 2012, a gymeradwyodd y mathau o drapiau sbring i'w defnyddio yng Nghymru.

Mae erthygl 2 yn pennu'r trapiau cymeradwy, sef y rheini a restrir yng Ngholofn 1 o'r Atodlen ac eraill sy'n gyfwerth ym mhob modd perthnasol i'r rheini a restrir. Pennir yr amodau sydd ynghlwm â'r gymeradwyaeth ar gyfer pob un math o drap yng Ngholofn 2 o'r Atodlen.

Hysbyswyd y Comisiwn Ewropeaidd am y Gorchymyn hwn ar ffurf drafft yn unol â Chyfarwyddeb (EU) 2015/1535 Senedd Ewrop a'r Cyngor dyddiedig 9 Medi 2015 sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes rheoliadau technegol a rheolau ar wasanaethau'r Gymdeithas Wybodaeth (OJ Rhif L 241, 17.9.2015, t. 1).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

OFFERYNNAU STATUDOL
CYMRU

2019 Rhif 18 (Cy. 7)

ANIFEILIAID, CYMRU

ATAL CREULONDEB

**Gorchymyn Cymeradwyo Trapiau
Sbring (Cymru) 2019**

Gwnaed 8 Ionawr 2019

Yn dod i rym 1 Chwefror 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 8(3) a (7) o Ddeddf Plâu 1954⁽¹⁾, a freiniwyd bellach ynddynt hwy⁽²⁾, yn gwneud y Gorchymyn a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cymeradwyo Trapiau Sbring (Cymru) 2019.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Daw'r Gorchymyn hwn i rym ar 1 Chwefror 2019.

Cymeradwyo trapiau sbring

2.—(1) At ddibenion adran 8(3) o Ddeddf Plâu 1954, mae'r trapiau sbring a ganlyn wedi eu cymeradwyo—

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- (1) 1954 p. 68. Diwygiwyd adran 8(7) gan adran 1(1) o Ddeddf Cyfraith Statud (Diddymiadau) 1973 (p. 39) a Rhan 8 o Atodlen 1 iddi.
- (2) Ailenwyd y Gweinidog Amaethyddiaeth a Physgodfeydd yn "the Minister for Agriculture, Fisheries and Food" ("y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd") pan drosglwyddwyd swyddogaethau'r Gweinidog Bwyd i'r Gweinidog hwnnw gan O.S. 1955/554. Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

- (a) trap sbring o fath a gwneuthuriad a bennir mewn cofnod yng Ngholofn 1 o'r Atodlen; a
- (b) trap sbring sy'n gyfwerth ym mhob modd perthnasol â thrap sbring o fath a gwneuthuriad a bennir mewn cofnod yng Ngholofn 1 o'r Atodlen.

(2) Mae'r cymeradwyaethau a roddir gan baragraff (1) yn ddarostyngedig i'r amodau hyn—

- (a) rhaid defnyddio'r trap yn unol â'r cyfarwyddiadau (os oes rhai) a ddarparwyd gan y gweithgynhyrchydd; a
- (b) i'r graddau sy'n ymarferol heb gyfaddawdu'n afresymol ei ddefnydd i ladd neu ddal rhywogaethau a dargedwyd, rhaid defnyddio'r trap mewn modd sy'n lleihau'r tebygolrwydd o ladd, dal neu anafu rhywogaethau nas targedwyd;

ac i unrhyw amodau pellach (os o gwbl) o ran yr anifeiliaid y caniateir defnyddio'r trap sbring mewn perthynas â hwy, a'r amgylchiadau y caniateir defnyddio'r trap sbring oddi tanynt, fel a bennir yn y cofnod cyfatebol yng Ngholofn 2 o'r Atodlen (neu, yn achos trap a gymeradwyir o dan baragraff (1)(b), fel a bennir mewn perthynas â'r trap y mae'n gyfwerth iddo at ddibenion y paragraff hwnnw).

(3) At ddibenion paragraff (1)(b), mae trap sbring yn gyfwerth ym mhob modd perthnasol â thrap sbring o fath a gwneuthuriad a bennir yn yr Atodlen os yw'n cyfateb i'r trap sbring a bennir o ran ei adeiladwaith, deunyddiau, grym effaith neu fomentwm, ac ym mhob modd arall sy'n berthnasol i'w effaith neu i'w fodd o weithredu fel trap.

Dirymu

3. Mae Gorchymyn Cymeradwyo Trapiau Sbring (Cymru) 2012(1) wedi ei ddirymu.

Leslie Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
8 Ionawr 2019

(1) O.S. 2012/2941 (Cy. 300).

YR ATODLEN Erthygl 2

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Y math o drap a'i wneuthuriad</i>	<i>Amodau</i>
Aldrich Spring Activated Animal Snare a weithgynhyrchir gan, neu o dan awdurdod, Mr D. Schimetz, P.O. Box 158, Sekiu, Washington 98381, UDA.	Ni chaniateir defnyddio'r trap ond at ddiben dal mamaliaid mawr, daearol o urdd y cigyswyr, megis bleiddiaid.
BMI Magnum 55 a weithgynhyrchir gan, neu o dan awdurdod, Butera Manufacturing Industries, 1068 E 134th St., Cleveland, OH, 44110-2248, UDA.	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, llygod mawr, llygod a fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1)). Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.
BMI Magnum 110 a weithgynhyrchir gan, neu o dan awdurdod, Butera Manufacturing Industries, 1068 E 134th St., Cleveland, OH, 44110-2248, UDA.	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, gwencïod, llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.
BMI Magnum 116 a weithgynhyrchir gan, neu o dan awdurdod, Butera Manufacturing Industries, 1068 E 134th	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, cwingod, gwencïod, llygod mawr, llygod,

(1) 1981 p. 69. Diwygiwyd Atodlen 5 gan O.S. 1991/367, 1992/2350, 1998/878, 2007/1843, 2008/431, 2008/2172 a 2011/2015.

<p>St., Cleveland, OH, 44110-2248, UDA.</p>	<p>fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twannel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>DOC 150 a weithgynhyrchir gan, neu o dan awdurdod, Department of Conservation, Wellington, Seland Newydd.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, llygod mawr, carlymod a gwenciod pan ddefnyddir y trap ar ffurf â phen caeedig. Rhaid gosod y trap mewn twannel artiffisial a adeiladwyd i'r dyluniad a bennwyd gan yr Adran Gadwraeth, drwy ddefnyddio deunyddiau sy'n addas at y diben. Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr, carlymod a gwenciod pan ddefnyddir y trap ar ffurf y gall anifail redeg drwyddo. Rhaid gosod y trap yn unol â chyfarwyddiadau'r gweithgynhyrchydd wrth ei osod ar ffurf y gall anifail redeg drwyddo mewn twannel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>DOC 200 a weithgynhyrchir gan, neu o dan awdurdod, Department of Conservation, Wellington, Seland Newydd.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, llygod mawr, carlymod a gwenciod pan ddefnyddir y trap ar ffurf â phen caeedig. Rhaid gosod y trap mewn twannel artiffisial a adeiladwyd i'r dyluniad a bennwyd gan yr Adran Gadwraeth, drwy ddefnyddio deunyddiau sy'n addas at y diben.</p>

	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr, carlymod a gwencïod pan ddefnyddir y trap ar ffurf y gall anifail redeg drwyddo.</p> <p>Rhaid gosod y trap yn unol â chyfarwyddiadau'r gweithgynhyrchydd wrth ei osod ar ffurf y gall anifail redeg drwyddo mewn twunnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>DOC 250 a weithgynhyrchir gan, neu o dan awdurdod, Department of Conservation, Wellington, Seland Newydd.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, cwningod, llygod mawr, carlymod a gwencïod pan ddefnyddir y trap ar ffurf â phen caeedig.</p> <p>Rhaid gosod y trap mewn twunnel artiffisial a adeiladwyd i'r dyluniad a bennwyd gan yr Adran Gadwraeth, drwy ddefnyddio deunyddiau sy'n addas at y diben.</p> <p>Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr, carlymod a gwencïod pan ddefnyddir y trap ar ffurf y gall anifail redeg drwyddo.</p> <p>Rhaid gosod y trap yn unol â chyfarwyddiadau'r gweithgynhyrchydd wrth ei osod ar ffurf y gall anifail redeg drwyddo mewn twunnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>Duke 116 a weithgynhyrchir gan, neu o dan awdurdod, Duke Company, 508 E. Brame Avenue, West Point, MS 39773, UDA.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd.</p> <p>Rhaid gosod y trap mewn twunnel artiffisial sy'n addas at y diben.</p>
<p>Fenn Rabbit Trap Mark I a weithgynhyrchir gan, neu o dan awdurdod, DB Springs, Unit 1, Double Century Works, High</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd cwningod.</p> <p>Rhaid gosod y trap mewn twunnel naturiol neu artiffisial sydd, yn y naill</p>

Street, Astwood Bank, Redditch, Worcestershire, B96 6AR (yn flaenrol Mr A. A. Fenn o FHT Works, High Street, Astwood Bank, Redditch, Worcestershire).	achos neu'r llall, yn addas at y diben.
Fenn Vermin Trap Mark IV (Heavy Duty) a weithgynhyrchir gan, neu o dan awdurdod, DB Springs, Unit 1, Double Century Works, High Street, Astwood Bank, Redditch, Worcestershire, B96 6AR (yn flaenrol Mr A. A. Fenn o FHT Works, High Street, Astwood Bank, Redditch, Worcestershire).	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, gwencïod, llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.
Fenn Vermin Trap Mark VI (Dual Purpose) a weithgynhyrchir gan, neu o dan awdurdod, DB Springs, Unit 1, Double Century Works, High Street, Astwood Bank, Redditch, Worcestershire, B96 6AR (yn flaenrol Mr A. A. Fenn o FHT Works, High Street, Astwood Bank, Redditch, Worcestershire).	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, cwingod, gwencïod, llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.
Fuller Trap a weithgynhyrchir gan, neu o dan awdurdod, Fuller Industries, Three Trees, Loxwood Road, Bucks Green, Rudgwich, Sussex.	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd. Rhaid gosod y trap yn y gorchudd a ddarparwyd gan y gweithgynhyrchydd.
Goodnature A18 Grey Squirrel Trap a weithgynhyrchir gan, neu o dan awdurdod, Goodnature Limited, 4-12 Cruickshank Street, Killbirnie 6022,	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd a llygod mawr. Rhaid gosod y trap mewn ffordd na ellir mynd i mewn iddo ond drwy

Wellington, Seland Newydd.	dwannel artiffisial sy'n addas at y diben.
Goodnature A18 Mink Trap a weithgynhyrchir gan, neu o dan awdurdod, Goodnature Limited, 4-12 Cruickshank Street, Killbirnie 6022, Wellington, Seland Newydd.	Ni chaniateir defnyddio'r trap ond at ddiben lladd mincod. Rhaid gosod y trap mewn ffordd na ellir mynd i mewn iddo ond drwy dwannel artiffisial sy'n addas at y diben.
Goodnature A24 Pro a weithgynhyrchir gan, neu o dan awdurdod, Goodnature Limited, 4-12 Cruickshank Street, Killbirnie 6022, Wellington, Seland Newydd.	Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr a llygod. Rhaid gosod y trap mewn ffordd na ellir mynd i mewn iddo ond drwy dwannel artiffisial sy'n addas at y diben.
Goodnature A24 Rat and Stoat Trap a weithgynhyrchir gan, neu o dan awdurdod, Goodnature Limited, 4-12 Cruickshank Street, Killbirnie 6022, Wellington, Seland Newydd.	Ni chaniateir defnyddio'r trap ond at ddiben lladd carlymod, llygod mawr, gwencïod a llygod. Rhaid gosod y trap mewn ffordd na ellir mynd i mewn iddo ond drwy dwannel artiffisial sy'n addas at y diben.
Kania Trap 2000 a weithgynhyrchir gan, neu o dan awdurdod, Kania Industries Inc., 63 Centennial Road, British Colombia, V9R 6N6, Canada.	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, gwencïod, pathewod bwytdwy (<i>Glis glis</i>)(1), llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap yn y gorchudd a ddarparwyd gan y gweithgynhyrchydd.
Kania Trap 2500 a weithgynhyrchir gan, neu o dan awdurdod,	Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod,

(1) *Gweler*, er hynny adran 11(2)(b) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 ac Atodlen 6 iddi. Yn rhinwedd y darpariaethau hynny, pa un a yw'r trap o dan sylw yn gymeradwy o dan y Gorchymyn hwn ai peidio, mae'n drosedd defnyddio unrhyw drap er mwyn dal neu ladd unrhyw bathew, ac eithrio yn unol â thrwydded a roddwyd gan yr awdurdod priodol o dan adran 16 o'r Ddeddf honno.

<p>Kania Industries Inc., 63 Centennial Road, British Columbia, V9R 6N6, Canada.</p>	<p>cwningod, gwencïod, pathewod bwytdwy (<i>Glis glis</i>), llygod mawr, llygod a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>KORO Large Rodent Double Coil Spring Snap Trap a weithgynhrychir gan, neu o dan awdurdod, Koro Traps, Box 5 Grp.22 RR2, Dugald, Manitoba, R0E 0K0, Canada.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd a llygod mawr. Rhaid gosod y trap fel bod modd i anifeiliaid fynd i mewn iddo o'r tu blaen yn unig, a'i osod mewn twnnel dall artiffisial sy'n addas at y diben. (Y blaen yw'r ochr lle gellir darllen y llythrennau KORO gyferbyn â hwy y tu uchaf i fyny.)</p>
<p>KORO Rodent Snap Trap a weithgynhrychir gan, neu o dan awdurdod, Koro Traps, Box 5 Grp.22 RR2, Dugald, Manitoba, R0E 0K0, Canada.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr a gwencïod. Rhaid gosod y trap fel bod modd i anifeiliaid fynd i mewn iddo o'r tu blaen yn unig, a'i osod mewn twnnel dall artiffisial sy'n addas at y diben. (Y blaen yw'r ochr lle gellir darllen y llythrennau KORO gyferbyn â hwy y tu uchaf i fyny.)</p>
<p>Nooski Rat Trap a weithgynhrychir gan, neu o dan awdurdod, Nooski Trap System, 50 White Street, Rotorua, Seland Newydd.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod mawr. Rhaid gosod y trap yn y gorchudd a'r twnnel artiffisial a ddarparwyd gan y gweithgynhrychyd.</p>
<p>Nooski Mouse Trap a weithgynhrychir gan, neu o dan awdurdod, Nooski Trap Systems, 50 White Street, Rotorua, Seland Newydd.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd llygod. Rhaid gosod y trap yn y gorchudd a'r twnnel artiffisial a ddarparwyd gan y gweithgynhrychyd.</p>

<p>Procoll Trap a weithgynhyrchir gan, neu o dan awdurdod, Elgeeco, 108 Downlands Way, South Wonston, Winchester, Hampshire, SO21 3HS.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd.</p>
<p>Skinns Superior Squirrel Trap a weithgynhyrchir gan, neu o dan awdurdod, E. Skinns Ltd., Witham Road, Woodhall Spa, Lincolnshire, LN10 6QX.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>Solway Spring Trap Mk4 a weithgynhyrchir gan, neu o dan awdurdod, Solway Feeders Ltd., Main Street, Dundrennan, Kirkcudbright, DG6 4QH.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, gwencïod, pathewod bwytadwy (<i>Glis glis</i>), llygod mawr, llygod a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>Solway Spring Trap Mk6 a weithgynhyrchir gan, neu o dan awdurdod, Solway Feeders Ltd., Main Street, Dundrennan, Kirkcudbright, DG6 4QH.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, cwingod, gwencïod, pathewod bwytadwy (<i>Glis glis</i>), llygod mawr, llygod a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>Springer No. 4 Multi-purpose (Heavy Duty) a weithgynhyrchir gan, neu o dan awdurdod, AB County Products Ltd., Unit 3, Wellington Works, 15 The High Street, Redditch, Worcestershire.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, gwencïod, llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod. Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill</p>

	achos neu'r llall, yn addas at y diben.
<p>Springer No. 6 Multi-purpose a weithgynhyrchir gan, neu o dan awdurdod, AB County Products Ltd., Unit 3, Wellington Works, 15 The High Street, Redditch, Worcestershire.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, cwningod, gwencïod, llygod mawr, llygod, fermin daear bach arall (ac eithrio'r rhywogaethau hynny a restrir yn Atodlen 5 neu 6 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) a chyn 1 Ebrill 2020, carlymod.</p> <p>Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>Tully Trap a weithgynhyrchir gan, neu o dan awdurdod, KM Pressings Ltd, 37B Copenhagen Road, Sutton Fields Industrial Estate, Hull, East Yorkshire, HU7 0XQ.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd carlymod, gwencïod a llygod mawr.</p> <p>Rhaid gosod y trap mewn twnnel naturiol neu artiffisial sydd, yn y naill achos neu'r llall, yn addas at y diben.</p>
<p>VS squirrel trap a weithgynhyrchir gan, neu o dan awdurdod, Pescon Services, 394 York Road, Stevenage, Hertfordshire, SH1 4EN.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd.</p> <p>Rhaid gosod y trap yn y twnnel artiffisial a ddarparwyd gan y gweithgynhyrchydd.</p>
<p>WCS Collarum Stainless UK Fox Model a weithgynhyrchir gan, neu o dan awdurdod, Wildlife Control Supplies, LLC, P.O. Box 538, East Granby, CT 06026, UDA.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben dal llwynogod.</p>
<p>WCS Tube Trap International a weithgynhyrchir gan, neu o dan awdurdod, Wildlife Control Supplies, LLC, P.O. Box 538, East Granby, CT 06026, UDA.</p>	<p>Ni chaniateir defnyddio'r trap ond at ddiben lladd gwiwerod llwyd, mincod, gwencïod, llygod mawr a chyn 1 Ebrill 2020, carlymod.</p> <p>Rhaid gosod y trap yn y twnnel artiffisial a ddarparwyd gan y gweithgynhyrchwr i'w ddefnyddio yn y DU.</p>

WiseTrap 110 (eitem rhif 100110 neu 110110),	Ni chaniateir defnyddio'r trap ond at ddiben lladd
WiseTrap 160 (eitem rhif 100160, 110160, 101160 neu 111160), WiseTrap 200 (eitem rhif 100200, 110200, 101200 neu 111200) a WiseTrap 250 (eitem rhif 101250 neu 111250)	llygod mawr.
a weithgynhyrchir gan WiseCon A/S,	Rhaid gosod y trap mewn carthffos, pibell ddraenio neu strwythur tebyg.
Skovgaardsvej 25, DK-3200 Helsingør, Denmarc.	



Mike Hedges AC,
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig

Mike.Hedges@cynulliad.cymru

9 Ionawr 2019

Annwyl Mike,

Hoffwn dynnu eich sylw at fater gweithdrefnol.

Yn unol ag adran 8 o Ddeddf Plâu 1954, mae trapiau sbring wedi'u gwahardd yng Nghymru oni bai eu bod wedi'u cymeradwyo gan Orchymyn.

Cafodd Gorchmynion Cymeradwyo Trapiau Sbring (Cymru) 2010 a 2012 eu gwneud o dan adran 8(3) a (7) o Ddeddf Plâu 1954 ac yn unol â'r weithdrefn penderfyniad negyddol. Mae Gorchmynion Cymeradwyo Trapiau Sbring (Cymru) 2019 wedi'i wneud o dan yr un pwerau, ond nid yw'n ddarostyngedig i weithdrefn.

Mae'r ddarpariaeth sy'n llywio'r weithdrefn ar gyfer y Gorchmynion yn adran 8(8). O ddadansoddi'r ddarpariaeth hon gwelir mai dim ond Gorchmynion a wneir o dan adran 8(5) sy'n ddarostyngedig i'r weithdrefn penderfyniad negyddol. Ymddengys fod yr holl Orchmynion y mae'r Ysgrifennydd Gwladol wedi'u gwneud o dan adran 8(3) a (7) wedi'u gwneud heb weithdrefn. Mae'n anghyson fod y Senedd a'r Cynulliad Cenedlaethol yn cymhwyso gwahanol weithdrefnau i'r un pwerau a bernir mai'r peth mwyaf priodol i'w wneud yw gwaredu'r anghysondeb hwn.

Amgaeaf gopi o Orchymyn Cymeradwyo Trapiau Sbring (Cymru) 2019 fel y gallwch gyfeirio ato. Mae'r Gorchymyn wedi'i wneud a bydd yn dod i rym ar 1 Chwefror. Gan nad yw'r Gorchymyn yn ddarostyngedig i weithdrefn ni chaiff ei osod gerbron y Cynulliad Cenedlaethol ac ni fydd memorandwm esboniadol ar ei gyfer.

Hoffwn ymddiheuro am y ffaith nad oes sylw wedi'i roi i'r mater hwn ynghynt. Fodd bynnag, rwy'n gobeithio y byddwch yn derbyn bod gweithdrefn fwy beichus wedi'i weithredu yn sgil camgymeriad diniwed.

Cofion

Lesley Griffiths
Gweinidog yr Amgylchedd a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Copi at: Mick Antoniw AC, Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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.

Eitem 3

Negyddol Arfaethedig Offerynnau Statudol sydd ag Adroddiadau Clir

21 Ionawr 2019

pNeg(5)08 – Rheoliadau Llifogydd a Dŵr (Diwygio) (Cymru a Lloegr) (Ymadael â'r UE) 2019

Gweithdrefn: Negyddol

Mae'r rheoliadau hyn yn cael eu gwneud drwy arfer y pwerau ym mharagraff 1(1) o Atodlen 2 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a hefyd i ymdrin ag unrhyw ddiffygion eraill yng nghyfraith yr UE a ddargedwir a fydd yn codi pan fydd y Deyrnas Unedig yn ymadael â'r Undeb Ewropeaidd

Mae'r Rheoliadau hyn yn diwygio is-ddeddfwriaeth ym maes diogelu'r amgylchedd, dŵr a llifogydd.

Cafodd y rheoliadau hyn eu gosod at ddibenion sifftio o dan Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 yn unol â Rheol Sefydlog 27.9A.

Rhiant-Ddeddf: Deddf yr Undeb Ewropeaidd (Ymadael) 2018

Gofynion y sifft wedi'u bodloni: Ni nodwyd

pN(5)010 – Rheoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) (Diwygio) (Ymadael â'r UE) 2019

Gweithdrefn: Negyddol

Mae'r offeryn hwn yn diwygio Rheoliadau Taliadau Gwasanaeth (Gofynion Ymgynghori) (Cymru) 2004 drwy ddileu cyfeiriad at Swyddfa Gyhoeddiadau yr UE a'i ddisodli â chyfeiriad at system e-hysbysu y DU. Caiff y cyfeiriad hwnnw ei ddiffinio gan fewnosodiad yn rheoliad 51 o Reoliadau Contractau



Cyhoeddus 2015 gan reoliad 5 o Reoliadau Caffael Cyhoeddus (Diwygio etc.) (Ymadael â'r UE) 2019. Mae drafft o'r Rheoliadau hynny wedi'u gosod gerbron Senedd y DU.

Cafodd y Rheoliadau hyn eu gosod at ddibenion sifftio o dan Ddeddf yr UE (Ymadael) 2018 yn unol â Rheol Sefydlog 27.9A

Rhiant–Ddeddf: Deddf yr Undeb Ewropeaidd (Ymadael) 2018

Gofynion y sifft wedi'u bodloni: Ni nodwyd



Eitem 4.1

pN(5)009 - Rheoliadau Iechyd a Lles Anifeiliaid (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019

Cefndir a Diben

Mae'r offeryn hwn diwygio Rheoliadau Cofrestru Sefydliadau (Ieir Dodwy) (Cymru) 2004, Gorchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007, Rheoliadau Lles Anifeiliaid a Ffermir (Cymru) 2007 a Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014. Dywed y Llywodraeth mai diben y diwygiadau hyn yn sicrhau bod y llyfr statud yn parhau'n weithredol ar ôl i'r DU ymadael â'r UE a mynd i'r afael â diffygion mewn deddfwriaeth ddomestig a all godi pan fydd y DU yn ymadael â'r UE.

Cafodd y Rheoliadau hyn eu gosod at ddibenion sifftio o dan Ddeddf yr UE (Ymadael) 2018 yn unol â Rheol Sefydlog 27.9A

Argymhelliad y Pwyllgor ynghylch y weithdrefn briodol

Rydym wedi trafod y meini prawf a nodir yn Rheol Sefydlog 21.3C. Mae'r Rheoliadau hyn yn codi materion o bwysigrwydd cyhoeddus, gwleidyddol neu gyfreithiol o dan baragraff (v) o'r Rheol Sefydlog honno, a hynny mewn dwy ffordd.

Yn gyntaf, fel y nodir ym mharagraff 4.9 y Memorandwm Esboniadol, maent yn cyflwyno newid i'r polisi gan na fydd tystysgrifau cymhwysedd a roddir gan Aelod-wladwriaethau eraill i gigyddwyr yn cael eu cydnabod mwyach at ddibenion Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014.

Yn ail, fel y nodir yn y Memorandwm Esboniadol, diben llawer o'r diwygiadau a wneir gan y Rheoliadau hyn yw defnyddio 'Gweinidogion Cymru' yn lle 'Cynulliad Cenedlaethol' yn y Rheoliadau. Nid yw hyn yn deillio o ymadawiad y DU â'r UE, ond o ddarpariaethau trosiannol sydd wedi'u cynnwys yn Neddf Llywodraeth Cymru 2006.

Mae paragraff 21(b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 yn cynnwys yn benodol y "pŵer i wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol, ddarfodol neu ddarpariaeth arbed (gan gynnwys darpariaeth sy'n ailddatgan unrhyw gyfraith yr UE a ddargedwir mewn ffordd gliriach neu fwy hygyrch).

Drwy egluro mai swyddogaethau Gweinidogion Cymru, ac nid y Cynulliad Cenedlaethol, fydd y rhain, bydd y Rheoliadau sy'n cael eu diwygio'n gliriach ac yn fwy hygyrch. Fodd bynnag, rydym yn amau a yw'r newidiadau hyn yn cael eu gwneud dim ond er mwyn mynd i'r afael â diffygion sy'n deillio o ymadawiad y DU â'r UE, fel y dywed y Gweinidog ym mharagraff 2 o Ran 2 o'r Memorandwm Esboniadol.

Naill ai

Er hyn, rydym yn argymhell mai gweithdrefn y penderfyniad negyddol yw'r weithdrefn briodol ar gyfer y Rheoliadau hyn.

NEU



Am y rhesymau hyn, rydym yn argymhell y dylai'r Cynulliad Cenedlaethol gadarnhau dull y Llywodraeth o weithredu o dan y weithdrefn gadarnhaol.

Ymateb y Llywodraeth

[Os nad oes unrhyw argymhelliad i ddefnyddio'r weithdrefn gadarnhaol, rhwch y testun a ganlyn yma: Nid oes angen esboniad gan Lywodraeth Cymru yn unol â Rheol Sefydlog 27.9B.]

[Os oes argymhelliad i newid y weithdrefn, rhwch y testun a ganlyn yma: Os nad yw Llywodraeth Cymru yn cytuno ag argymhelliad y Pwyllgor ynghylch y weithdrefn briodol ar gyfer y Rheoliadau hyn, rhaid i Lywodraeth Cymru egluro pam mae'n anghytuno ag argymhelliad y Pwyllgor yn unol â Rheol Sefydlog 27.9B.]

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

11 Ionawr 2019



2019 Rhif (Cy.)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

ANIFEILIAID, CYMRU

Rheoliadau Iechyd a Lles
Anifeiliaid (Diwygiadau Amrywiol)
(Cymru) (Ymadael â'r UE) 2019

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2, a pharagraff 21 o Atodlen 7, i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i is-ddeddfwriaeth, sy'n gymwys o ran Cymru, ym meysydd cofrestru sefydliadau ieir dodwy, lles anifeiliaid wrth eu cludo, lles anifeiliaid a ffermir a lles anifeiliaid wrth eu cigydda.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

2019 Rhif (Cy.)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

ANIFEILIAID, CYMRU

**Rheoliadau Iechyd a Lles
Anifeiliaid (Diwygiadau Amrywiol)
(Cymru) (Ymadael â'r UE) 2019**

Gofynion sifftio wedi eu bodloni ***

Gwnaed ***

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* ***

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2, a pharagraff 21 o Atodlen 7, i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1), yn gwneud y Rheoliadau a ganlyn.

Mae gofynion paragraff 4(2) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (sy'n ymwneud â gweithdrefn graffu briodol Cynulliad Cenedlaethol Cymru ar gyfer y Rheoliadau hyn) wedi eu bodloni.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd a Lles Anifeiliaid (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(1) 2018 p. 16.

Rheoliadau Cofrestru Sefydliadau (Ieir Dodwy) (Cymru) 2004

2.—(1) Mae Rheoliadau Cofrestru Sefydliadau (Ieir Dodwy) (Cymru) 2004(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

- (a) hepgorer y diffiniadau o “y Gyfarwyddeb” a “Cynulliad Cenedlaethol”;
- (b) yn y diffiniad o “cofrestr”, yn lle “y Cynulliad Cenedlaethol” rhodder “Weinidogion Cymru”.

(3) Yn rheoliad 4—

- (a) ym mharagraff (1), yn lle “i’r Cynulliad Cenedlaethol” rhodder “i Weinidogion Cymru”;
- (b) ym mharagraff (2)—
 - (i) yn lle “i’r Cynulliad Cenedlaethol” rhodder “i Weinidogion Cymru”;
 - (ii) yn lle “â’r Gyfarwyddeb” rhodder “â pharagraff (3)”;

(c) ar ôl paragraff (2) mewnosoder—

“(3) Rhaid i’r rhif adnabod gael ei ffurfio o’r cod dull ffermio priodol a bennir yn unol â pharagraffau (5) i (7), wedi ei ddilyn gan y llythrennau “UK”, wedi eu dilyn gan rif adnabod unigryw a ddyrennir i’r sefydliad gan Weinidogion Cymru.

(4) Pan ymddengys i Weinidogion Cymru ei bod yn briodol gwneud hynny, caniateir iddynt ychwanegu nodau pellach i’r rhif adnabod unigryw sy’n ofynnol gan baragraff (3) er mwyn adnabod heidiau unigol a gedwir gan sefydliad mewn adeiladau ar wahân.

(5) Ac eithrio pan fo paragraff (6) yn gymwys, pan ddefnyddir y dull ffermio yng ngholofn A, y cod dull ffermio priodol yw’r rhif cyfatebol yng ngholofn B.

<i>Colofn A</i>	<i>Colofn B</i>
Maes	1
Ysgubor	2
Cewyll	3

(6) Pan fo’r dull ffermio a ddefnyddir yn y sefydliad yn cynhyrchu wyau o dan yr amodau a nodir yn Rheoliad y Cyngor (EC) Rhif 834/2007 ar gynhyrchu organig a labelu

(1) O.S. 2004/1432 (Cy. 145), y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

cynhyrchion organig, y cod dull ffermio priodol yw “0”.

(7) At ddibenion paragraff (5), mae’r dull ffermio a ddefnyddir mewn sefydliad i’w bennu yn unol â Rheoliad y Comisiwn (EC) Rhif 589/2008 sy’n gosod rheolau ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran y safonau marchnata ar gyfer wyau.”

(4) Yn rheoliad 6—

- (a) ym mharagraff (2), yn lle “y Cynulliad Cenedlaethol” rhodder “Weinidogion Cymru”, ac ym mharagraff (4), yn lle “i’r Cynulliad Cenedlaethol” rhodder “i Weinidogion Cymru”;
- (b) ym mharagraff (3), yn lle “mae’r Cynulliad Cenedlaethol yn gofyn amdani” rhodder “mae Gweinidogion Cymru yn gofyn amdani”.

(5) Yn rheoliad 7(1), yn lle “y Cynulliad Cenedlaethol” rhodder “Weinidogion Cymru”, ac yn rheoliad 11, yn lle “neu’r Cynulliad Cenedlaethol” rhodder “neu Weinidogion Cymru”.

Gorchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007

3.—(1) Mae Gorchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2, hepgorer paragraff (5).

(3) Hepgorer erthygl 20.

(4) Yn erthygl 22—

- (a) ym mharagraff (1), yn lle “y Cynulliad Cenedlaethol” rhodder “Gweinidogion Cymru”; ym mharagraff (3)(c), yn lle “y Cynulliad Cenedlaethol” rhodder “Weinidogion Cymru”; ac ym mharagraff (5), yn lle “y Cynulliad Cenedlaethol” rhodder “Gweinidogion Cymru”;
- (b) ym mharagraff (2)(a), yn lle “fo’r Cynulliad Cenedlaethol o’r farn” rhodder “fo Gweinidogion Cymru o’r farn”;
- (c) ym mharagraff (4)—
 - (i) yn lle “y Cynulliad Cenedlaethol”, yn y lle cyntaf y mae’n digwydd, rhodder “Weinidogion Cymru”;
 - (ii) yn lle “y Cynulliad Cenedlaethol yn penderfynu” rhodder “Gweinidogion Cymru yn penderfynu”.

(5) Yn erthygl 23—

(1) O.S. 2007/1047 (Cy. 105).

- (a) ym mharagraff (1), yn lle “y Cynulliad Cenedlaethol” rhodder “Weinidogion Cymru”, ac ym mharagraff (3), yn lle “i’r Cynulliad Cenedlaethol” rhodder “i Weinidogion Cymru”;
- (b) ym mharagraff (2), yn lle “y Cynulliad Cenedlaethol” rhodder “Gweinidogion Cymru”;
- (c) ym mharagraff (4)—
 - (i) yn lle “i’r Cynulliad Cenedlaethol” rhodder “i Weinidogion Cymru”;
 - (ii) yn lle “o’i benderfyniad terfynol a’i resymau” rhodder “o’u penderfyniad terfynol a’u rhesymau”.

(6) Yn erthyglau 24(9) a 29(2), yn lle “y Cynulliad Cenedlaethol”, ym mhob lle y mae’n digwydd, rhodder “Weinidogion Cymru”; ac yn erthyglau 26(1)(a) a 27(b), yn lle “y Cynulliad Cenedlaethol” rhodder “Gweinidogion Cymru”.

Rheoliadau Lles Anifeiliaid a Ffermir (Cymru) 2007

4.—(1) Mae Rheoliadau Lles Anifeiliaid a Ffermir (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 1, ym mharagraff 27(2), yn lle “mae i’r ymadrodd “triniaeth söotechnegol” yr ystyr a roddir i “zootechnical treatment” yn Erthygl 1(2)(c) o Gyfarwyddeb 96/22/EEC ar wahardd defnyddio sylweddau penodol sy’n cael effaith hormonaidd neu thyrostatig a beta-agonistiaid mewn ffermio da byw.” rhodder “ystyr “triniaeth söotechnegol” (“zootechnical treatment”) yw rhoi i anifail, yn unol â rheoliad 8 o Reoliadau Meddyginiaethau Milfeddygol 2013(2), gynhyrchion meddyginiaethol milfeddygol sydd ag effaith estrogenaidd, androgenig neu estagenaid ar gyfer cydamseru estrws a pharatoi’r anifeiliaid sy’n rhoi a’r anifeiliaid maeth ar gyfer mewnbllannu embryonau, ar ôl i’r anifail gael ei archwilio gan filfeddyg neu rywun y mae milfeddyg yn gyfrifol amdano.”

(3) Yn Atodlen 5A, ym mharagraff 2—

(a) yn lle is-baragraff (1) rhodder—

“(1) Rhaid i geidwad ddal tystysgrif gydnabyddedig.

(1A) Yn y paragraff hwn, ystyr “tystysgrif gydnabyddedig” yw tystysgrif a gydnabyddir gan Weinidogion Cymru sy’n tystio bod unrhyw hyfforddiant wedi ei gwblhau, neu fod

(1) O.S. 2007/3070 (Cy. 264), a ddiwygiwyd gan O.S. 2010/2713 (Cy. 229).

(2) O.S. 2013/2033, y ceir diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

profiad wedi ei fagu sy'n cyfateb i unrhyw hyfforddiant, y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.”;

- (b) yn is-baragraff (2), yn lle “dystysgrifau a gydnabyddir gan Weinidogion Cymru at ddibenion is-baragraff (1)” rhodder “dystysgrifau cydnabyddedig”.

Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014

5.—(1) Mae Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3—

- (a) ym mharagraff (1), yn y diffiniad o “Rheoliad UE”, ar y diwedd mewnosoder “fel y'i diwygir o bryd i'w gilydd”;
- (b) hepgorer paragraff (4).

(3) Yn rheoliad 4(2), hepgorer “, a hwy sy'n gweithredu fel yr Aelod-wladwriaeth at ddibenion y Rheoliad UE a'r Rheoliadau hyn”.

(4) Yn rheoliad 11(3), yn lle “Lloegr, yr Alban, Gogledd Iwerddon neu Aelod-wladwriaeth arall o'r Undeb Ewropeaidd” rhodder “Lloegr, yr Alban neu Ogledd Iwerddon”.

(5) Yn rheoliad 19(1), hepgorer “(gan gynnwys tystysgrif neu dystysgrif dros dro a roddwyd mewn Aelod-wladwriaeth arall)”.

(6) Yn rheoliad 35, yn lle paragraff (6) rhodder—

“(6) Caiff arolygydd fynd i mewn yng nghwmni pa bynnag bersonau eraill yr ystyria'r arolygydd yn angenrheidiol.”

(7) Yn Atodlen 2, ym mharagraff 3(2), ar ôl “ag unrhyw rwymedigaeth UE” mewnosoder “a ddargedwir”.

Enw

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
Dyddiad

(1) O.S. 2014/951 (Cy. 92).

Explanatory Memorandum to the Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

This Explanatory Memorandum has been prepared by Department for Energy, Planning and Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary/Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

I have made the statements required by the European Union (Withdrawal) Act 2018. These statements can be found in Part 2 of the annex to this memorandum.

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs
9 January 2019

PART 1

1. Description

- 1.1. This instrument makes amendments to The Registration of Establishments (Laying Hens) (Wales) Regulations 2004, The Welfare of Animals (Transport) (Wales) Order 2007, The Welfare of Farmed Animals (Wales) Regulations 2007 and The Welfare of Animals at the Time of Killing (Wales) Regulations 2014. These amendments are to ensure that the statute book remains operable following the UK's exit from the EU and will address deficiencies in domestic legislation arising from EU Exit.
- 1.2. The instrument comes into force on "exit day", which section 20(1) of the European Union (Withdrawal) Act 2018 ("the 2018 Act") defines as 29 March 2019 at 11.00 pm.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 This instrument is being made using the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 ("the 2018 Act").
- 2.2 As set out in the Ministerial statement in Annex 2 of this Explanatory Memorandum it is proposed that the instrument be subject to negative procedure.

3. Legislative background

- 3.1 This instrument is being made using the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the 2018 Act in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

4. Purpose and intended effect of the legislation

What did any relevant EU law do before exit day?

- 4.1 The Registration of Establishments (Laying Hens) (Wales) Regulations 2004 implemented into Welsh law the requirements in relation to the registration of establishments with laying hens, which were set out in Directive 2002/4/EC.

Directive 2002/4/EC specifies registration requirements for establishments in the European Union which are covered by Directive 1999/74. Directive 1999/74 applies to all establishments keeping laying hens other than those with fewer than 350 laying hens or establishments that only rear breeding laying hens. Directive 1999/74 sets the minimum welfare standards required in the EU for the protection of laying hens.

Directive 2002/4/EC requires member states to establish a system for registering establishments caught by Directive 1999/74 and assigning each a unique identification number. Member States are required to ensure that this register is accessible to the relevant competent authority in that Member State for the purposes of tracing eggs put on the market for human consumption.

The distinguishing number under Directive 2002/4/EC was also required to specify the farming method used for the eggs and the Member State of registration. The farming methods and the corresponding numbers to be used in the unique number are defined in Regulation (EC) No 589/2008. Regulation (EC) No 589/2008, which lays down rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs, defines the farming methods as 1: for free range eggs, 2: for barn eggs; and 3: for cage laid eggs. In addition, Regulation (EC) No 834/2007 sets out requirements for organic egg production and the corresponding farming method code for organic production is 0.

The Registration of Establishments (Laying Hens) (Wales) Regulations 2004 implemented these requirements in Wales. It places an obligation on the Welsh Ministers to establish such a register and assign unique identification numbers to establishments meeting the requirements of Directive 1999/74 in Wales.

- 4.2 The Welfare of Animals (Transport) (Wales) Order 2007 implements and provides enforcement powers in relation to Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations. Regulation (EC) No. 1/2005 applies to the transport of live vertebrate animals carried out within the Community and includes specific checks which are to be carried out by officials on consignments of animals entering or leaving the customs territory of the Community. It also includes several derogations to Regulation (EC) No. 1/2005 that apply to Wales only.
- 4.3 The Welfare of Farmed Animals (Wales) Regulations 2007 transposes several EU Directives relating to the welfare of farm animals into Welsh law. These Directives are:
 - a) Directive 91/630/EEC, Directive 2001/88/EC and Directive 2001/93/EC which all related to the welfare of pigs. These Directives were repealed and consolidated in 2008 by Directive 2008/120/EC. Directive 2008/120/EC specifies the minimum standards required for pig production in the EU.
 - b) Directive 2007/43/EC which specifies the minimum requirements for the welfare of conventional meat chickens in the EU, including the maximum permitted stocking densities.

- c) Directive 1999/74/EC which sets out the specific minimum requirements for the welfare of laying hens in the EU for different permitted production systems.
- d) Directive 91/629/EEC, Directive 92/2/EC and Directive 97/182/EC in relation to calf welfare. These Directives were repealed and consolidated in 2008 by Directive 2008/119/EC which sets out specific minimum requirements for the keeping of calves. These include the prohibition of individual veal crates, the tethering of calves and the requirement for roughage to be provided in their diet.

The Welfare of Farmed Animals (Wales) Regulations 2007 also transposed the requirements of Directive 98/58/EC, which formed the framework directive for farm animal welfare in the EU. Directive 98/58/EC sets out minimum essential requirements for all farmed livestock, irrespective of the species.

- 4.4 The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 implements and provides enforcement powers in Wales for the requirements of Regulation (EC) 1099/2009 on the protection of animals at the time of killing. Regulation (EC) 1099/2009 specifies the accepted method of killing and stunning for animals in the EU. The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 includes these standards but it also includes several stricter national rules and higher welfare standards which apply to Wales only and includes provisions relating to the religious slaughter of animals in Wales.

Why is it being changed?

- 4.5 The changes made by the instrument are necessary to ensure that the current legislation continues to operate effectively after we leave the EU. It also introduces a policy change in relation to certificates of competence for slaughtermen that is required as a consequence of leaving the EU.
- 4.6 The instrument amends the Registration of Establishments (Laying Hens) (Wales) Regulations 2004 to ensure that the provisions relating the system of registration continue to be operable post exit. These amendments make no material changes to the requirements of the Registration of Establishments (Laying Hens) (Wales) Regulations 2004.

The instrument inserts into regulation 4 of the Registration of Establishments (Laying Hens) (Wales) Regulations 2004 a new reference to Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and a new reference to Commission Regulation (EC) No 1234/2007 as regards marketing standards for eggs. These references are references to such instruments as they will form part of domestic law by virtue of section 3 of the 2018 Act. Such legal effect is to be provided by the proposed “European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations)

(EU Exit) Regulations 2019”, to be made by the UK Government in January 2019.

This instrument also makes consequential amendments to the Registration of Establishments (Laying Hens) (Wales) Regulations 2004 in order to change references to the National Assembly to Welsh Ministers instead.”.

- 4.7 For the Welfare of Animals (Transport) (Wales) Order 2007 the instrument omits article 20 which specifies the Welsh Ministers as the competent authority for the purposes of provisions contained within Council Regulation No 1/2005 and Council Regulation 1255/97. Such an omission is as a direct consequence of the UK Government making amendments to these EU Regulations so that on exit day, references in these EU Regulations to the competent authority in relation to Wales are to be read as the Welsh Ministers. This instrument also makes consequential amendments to the Welfare of Animals (Transport) (Wales) Order 2007 in order to change references to the National Assembly to Welsh Ministers instead.
- 4.8 The instrument makes amendments to the Welfare of Farmed Animals (Wales) Regulations 2007, in order to correct certain cross references to EU Directives which will no longer be operable on exit day. The definition of “zootechnical treatment” has been taken out of Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta agonists and inserted into these Regulations. Requirements in relation to training certificates have been taken out of Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production and inserted into these Regulations. This will make no material changes to the requirements of the Regulations.
- 4.9 In relation to the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 the instrument makes technical amendments to remove references to Member States and European Commission officials. As well as these technical changes to ensure operability of the Regulation after exit, the instrument also introduces a policy change. Currently, certificates of competence, issued to slaughtermen by other Member States, must be recognised in the UK. Certificates of competence are required by slaughterhouses in the EU to evidence that an individual has been trained and successfully assessed as reaching a sufficient level of competence to undertake the animal handling, stunning and killing and related operations required of them. The amendments made to regulations 11 and 19 of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 remove this mutual recognition requirement.

The European Commission has already confirmed that certificates of competence issued in the UK will not be recognised in other Member States after the UK has left the EU. Continued recognition of certificates

issued in other Member States would also open up enforcement problems after we leave as we would be unable to suspend or revoke a certificate issued in another Member State in the event a slaughterman breached the requirements of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014. Other than the removal of mutual recognition the changes made by this instrument make no material changes to the requirements of these Regulations.

What will it now do?

- 4.10 The instrument will ensure that Welsh law, which implements current EU requirements for the registration of laying hen establishments, the welfare of animals on-farm, the welfare of animals during transport and the welfare of animals at the time of killing remain effective in Wales after we leave the EU. It will also end the mutual recognition of certificates of competence issued in other Member States in relation to Regulation 1099/2009.
- 4.10 The Welsh Government shares the British public's high regards for animal welfare and plans to retain the current standards set out in EU legislation and EU derived domestic regulations that protect the health and welfare of animals on-farm, the welfare of animals during transport, the welfare of animals at the time of killing and the system of registration for laying hen establishments when the UK leaves the EU.

5. Consultation

- 5.1 No public consultation was undertaken.

6. Guidance

- 6.1 There is no associated guidance in respect of this Statutory Instrument.

7. Regulatory Impact Assessment (RIA)

- 7.1 The impact on business, charities or voluntary bodies is minimal.
- 7.2 This instrument will end mutual recognition of certificates of competence that have been issued in respect of Regulation (EC) 1099/2009 on the protection of animals at the time of killing in another Member State. As a result a very limited number of slaughterhouse employees in Wales will need to apply for a certificate of competence issued by a competent authority in the UK in order to be able to continue to work in Wales from exit day. Doing so will cause these individuals to incur a cost. Applying and being assessed for a certificate of competence in the UK carries a cost (of around £225). We understand that 5 individuals in Wales will be affected in this way.

8. Monitoring & review

8.1 As this instrument is made under the Withdrawal Act, no extra review arrangement is required.

Annex [x] Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required of the Welsh Ministers under the 2018 Act. The table also sets out those statements that may be required of Ministers of the Crown under the 2018 Act, which the Welsh Ministers have committed to also provide when required. The required statements can be found in Part 2 of this annex.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(7) and 4(3), Schedule 7 <i>Paragraph 3(7) (anticipated to be a requirement on Welsh Ministers in Standing Orders)</i>	The Welsh Ministers exercising powers in Part 1 of Schedule 2 to make a Negative SI Paragraph 3(7) applies to Ministers of the Crown, but Welsh Ministers have committed to make the same statement	A statement to explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation of the CLA Committee (as sifting committee)
Appropriateness	Sub-paragraph (2) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have	A statement to explain the good reasons for making the instrument and that what is being done is a reasonable course of action.

		committed to make the same statement when exercising powers in Schedule 2	
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	<p>A statement to explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them.</p> <p>A statement that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.</p>
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 77	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement to explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g. whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement setting out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 18(1), 9 and paragraph 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority.	A statement to explain why it is appropriate to create such a sub-delegated power.

		Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2 or paragraph 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority	
Urgency	Sub-paragraph (2) and (8) of paragraph 7, Schedule 7	Welsh Ministers exercising powers in Part 1 of Schedule 2 but using the urgent procedure in paragraph 7 of Schedule 7	A statement that the Welsh Ministers are of the opinion that it is necessary to make the SI using the urgent procedure and the reasons for that opinion.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement(s)

The Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 should be subject to annulment in pursuance of a resolution of the National Assembly for Wales (i.e. the negative procedure)”. This is the case because the changes being made are technical in nature and make no substantive changes to how Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 operate.

2. Appropriateness statement

The Cabinet Secretary for Energy, Planning and Rural Affairs has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 does no more than is appropriate”. This is the case because all the changes being made are solely in order to address deficiencies arising from EU exit.”

3. Good reasons

The Cabinet Secretary for Energy, Planning and Rural Affairs has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”. This is because the provisions ensure that protections provided by all the statutory instruments being amended continue to be operable after the UK leaves the European Union.”

4. Equalities

4.1 The Cabinet Secretary for Energy, Planning and Rural Affairs has made the following statement(s):

“The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

- 4.2 The Cabinet Secretary for Energy, Planning and Rural Affairs has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, I, Lesley Griffiths have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

5. Explanations

- 5.1 The explanations statement has been made in paragraph 4 (Purpose & intended effect of the legislation) of the main body of this explanatory memorandum.

6. Criminal offences

Not applicable/required.

7. Legislative sub-delegation

Not applicable/required.

8. Urgency

Not applicable/required.

Eitem 5

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Lesley Griffiths AC

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

Llywodraeth Cymru

11 Ionawr 2019

Annwyl Lesley,

Trafod y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd

Diolch am gytuno i roi tystiolaeth ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer Bil Pysgodfeydd y DU yng nghyfarfod y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig ar 24 Ionawr.

I lywio ein gwaith, hoffem gael rhagor o fanylion a/neu eglurhad, yn ychwanegol at yr hyn a geir yn y Memorandwm Cydsyniad Deddfwriaethol a'r Memorandwm Cydsyniad Deddfwriaethol Atodol, ar y materion a ganlyn:

Mae'r Memorandwm Cydsyniad Deddfwriaethol yn nodi'r canlynol:

"Mae'r Bil Pysgodfeydd yn creu elfennau deddfwriaethol Fframwaith y DU ar gyfer rheoli a chefnogi pysgodfeydd wedi ymadael â'r UE. **Dim ond trwy Fil y DU**, sy'n darparu set unffurf o ymrwymadau ac amcanion, y byddai'n briodol cymhwyso'r darpariaethau hyn... .O dan y trefniadau datganoli presennol, ni fyddai Deddf gan y Cynulliad yn gallu gwneud yr holl ddarpariaethau fyddai eu hangen i wneud Bil ystyrlon. **Mae hynny'n golygu ein bod yn dibynnu'n rhannol ar Fil Pysgodfeydd y DU ac yn rhannol ar Fil Pysgodfeydd Cymreig.**"

Mae'r Memorandwm Cydsyniad Deddfwriaethol yn parhau i nodi, **ar gais Llywodraeth Cymru**, fod Bil y DU hefyd yn cynnwys pwerau i Weinidogion Cymru.

Mae Llywodraeth Cymru wedi rhoi ymrwymadau i gyhoeddi ymgynghoriad, sef *Brexit a'n Moroedd* yn nhymor y gwanwyn ac i gyflwyno Bil pysgodfeydd Cymreig.



Yr angen am ddeddfwriaeth a'r dull a ddefnyddiwyd

Cwestiwn 1. I ba raddau y mae Bil y DU yn cynnwys darpariaethau sy'n ychwanegol at y rhai sy'n angenrheidiol er mwyn sefydlu fframwaith deddfwriaethol y DU ar gyfer pysgodfeydd ar ôl ymadael â'r UE? Pa rai o'r darpariaethau hyn allai fod wedi'u cynnwys mewn Bil Pysgodfeydd Cymreig yn y dyfodol?

Cwestiwn 2. Pa rai o'r pwerau i Weinidogion Cymru a gafodd eu cynnwys ar gais Llywodraeth Cymru?

Cwestiwn 3. Beth yw'r sail resymegol dros ofyn am y pwerau hyn, yn enwedig os yw Llywodraeth Cymru yn bwriadu cyflwyno Bil pysgodfeydd Cymreig?

Cwestiwn 4. Beth yw'r goblygiadau i Lywodraeth Cymru a'r sector pysgodfeydd os nad yw'r pwerau hyn wedi'u cynnwys ym Mil y DU?

Cwestiwn 5. Mae Atodlen 6 yn cynnwys pwerau eang i Weinidogion Cymru wneud darpariaeth at ddibenion 'cadwraeth' a 'diwydiant pysgod'. Pam mae angen cynnwys y darpariaethau hyn ym Mil y DU, yn hytrach na Bil pysgodfeydd Cymreig yn y dyfodol a fydd yn ddarostyngedig i broses graffu lawn y Cynulliad?

Amcanion pysgodfeydd

Ni fydd amcanion y Polisi Pysgodfeydd Cyffredin (a nodir yn Erthygl 2 o Reoliadau Polisi Pysgodfeydd Cyffredin yr UE) yn gymwys bellach yn dilyn ymadawiad y DU â'r UE. Mae Cymal 1 o Fil y DU yn nodi amcanion pysgodfeydd y DU, sy'n adlewyrchu rhai o amcanion y Polisi Pysgodfeydd Cyffredin.

Cwestiwn 6. Sut y mae amcanion pysgodfeydd yng nghymal 1 yn wahanol i'r rhai a nodir yn Erthygl 2 o Reoliadau'r Polisi Pysgodfeydd Cyffredin, ac yn eu gwella?

Cwestiwn 7. Sut yr ystyriwyd cynnwys cerrig milltir a/neu dargedau ar gyfer cyflawni'r amcanion pysgodfeydd yn y Bil, er enghraifft, mewn perthynas â'r Cynnyrch Cynaliadwy Mwyaf (fel sydd yn y Polisi Pysgodfeydd Cyffredin ar hyn o bryd)? A fydd y rhain yn cael eu cynnwys mewn manau eraill, er enghraifft, mewn Cyd-ddatganiad Pysgodfeydd?

Cwestiwn 8 Sut y bydd cynnydd tuag at gyflawni'r amcanion pysgodfeydd yn cael ei fesur a'i fonitro yng Nghymru? A oes unrhyw fwriad i ddatblygu dull cyffredin o fesur a monitro cynnydd ar draws y DU?

Datganiadau pysgodfeydd



Mae Cymal 2 i 6 yn gwneud darpariaeth ar gyfer Cyd-ddatganiad Pysgodfeydd a Datganiad Pysgodfeydd Ysgrifennydd Gwladol. O dan y ddarpariaeth hon, rhaid i awdurdodau'r polisi pysgodfeydd (h.y. Llywodraeth y DU a'r gweinyddiaethau datganoledig) lunio a chyhoeddi Cyd-ddatganiad Pysgodfeydd cyn 1 Ionawr 2021. Gosodir gofyniad cyfatebol ar yr Ysgrifennydd Gwladol mewn perthynas â Datganiad Pysgodfeydd Ysgrifennydd Gwladol.

Mae Atodlen 1 yn gwneud darpariaeth ar gyfer llunio a chyhoeddi Cyd-ddatganiad Pysgodfeydd. Mae hyn yn cynnwys ymgynghori ar Gyd-ddatganiad Pysgodfeydd drafft cyn ei osod gerbron y ddeddfwrfa briodol, ac ymateb i benderfyniadau ac argymhellion.

Mae Cymal 2(1) yn darparu y bydd Cyd-ddatganiad Pysgodfeydd yn nodi polisiâu'r awdurdodau pysgodfeydd ar gyfer cyflawni'r amcanion pysgodfeydd, neu gyfrannu atynt. Mae Cymal 6(2) yn ei gwneud yn ofynnol i awdurdodau (a'r Sefydliad Rheoli Morol) arfer ei swyddogaethau mewn perthynas â physgodfeydd, pysgota neu ddyframaethu yn unol â'r polisiâu a geir mewn Cyd-ddatganiad Pysgodfeydd. Fodd bynnag, caiff awdurdodau wro o'r polisiâu hynny, ond rhaid iddynt nodi eu rheswm.

Cwestiwn 9. A allwch esbonio'n fanwl sut y bydd awdurdodau'r polisi pysgodfeydd yn gweithredu ar y cyd mewn perthynas â'r Cyd-ddatganiad Pysgodfeydd? Sut y bydd Cytundeb y Fframwaith Rheoli Pysgodfeydd, y cyfeirir ato yn y Memorandwm Cydsyniad Deddfwriaethol Atodol, yn llywio'r dull hwn?

Cwestiwn 10. A allwch egluro a fyddai disgwyl i awdurdodau'r polisi pysgodfeydd ymgynghori â deddfwrfeydd priodol ar ddiwygiadau i Gyd-ddatganiad Pysgodfeydd ddrafft sy'n deillio o graffu ar ddeddfwrfa briodol arall, cyn cyhoeddi testun terfynol Cyd-ddatganiad Pysgodfeydd?

Cwestiwn 11. Er bod Atodlen 1 yn darparu ar gyfer craffu ar Gyd-ddatganiad Pysgodfeydd gan y ddeddfwrfa briodol cyn ei gyhoeddi, ni fydd Cyd-ddatganiad Pysgodfeydd yn ddarostyngedig i gymeradwyaeth y deddfwrfeydd hynny. Sut yr ystyriwyd cynnwys darpariaeth o'r fath?

Cwestiwn 12. A allwch esbonio sut ac i bwy y gwneir datganiad o dan gymal 6(2)? Pam nad oes trefn ffurfiol yn y Bil i'r perwyl hwn?

Mae'r Datganiad Pysgodfeydd Ysgrifennydd Gwladol yn cwmpasu llawer o'r amcanion manylach sydd yn Erthygl 2(5) o'r Polisi Pysgodfeydd Cyffredin. Rhaid i'r Datganiad Pysgodfeydd Ysgrifennydd Gwladol gynnwys polisiâu'r Ysgrifennydd Gwladol mewn perthynas â'r amcanion hyn. Dim ond i bwerau a gedwir a'r rhai sy'n gymwys i Loegr yn unig y byddai'r amcanion hyn yn gymwys.



Cwestiwn 13. A allwch egluro diben ac effaith fwriadedig Datganiad Pysgodfeydd Ysgrifennydd Gwladol fel y mae'n ymwneud â Chymru?

- Beth yw'r pwerau a gedwir y bydd y Datganiad Pysgodfeydd Ysgrifennydd Gwladol yn gymwys iddynt?
- A ydych yn bwriadu darparu amcanion manwl cyffelyb a fyddai'n gymwys i Gymru? Os ydych, pryd a sut?

Pŵer yr Ysgrifennydd Gwladol i bennu cyfleoedd pysgota

Mae cymalau 18 a 19 yn gwneud darpariaethau mewn perthynas â chyfleoedd pysgota (neu gwota) ar gyfer cychod pysgota Prydeinig. Mae Cymal 18 yn darparu y caiff yr Ysgrifennydd Gwladol bennu cyfleoedd pysgota. Dim ond at ddiben cydymffurfio â rhwymedigaeth ryngwladol y DU yn hyn o beth y gellir gwneud penderfyniad.

Mae Cymal 19 yn ei gwneud yn ofynnol i'r Ysgrifennydd Gwladol ymgynghori â Gweinidogion Cymru (a'r gweinyddiaethau datganoledig eraill) cyn gwneud neu ddileu penderfyniad o dan gymal 18.

Mae'r Concordat Pysgodfeydd rhwng Llywodraeth y DU a'r gweinyddiaethau datganoledig (y Concordat) yn nodi'r canlynol:

"The Administrations note that this Concordat involves an agreement to allocate amounts of quota to each Administration. Such allocations do not constitute a permanent split of UK fishing opportunities."

Mae'r Concordat yn nodi ar ba sail y bydd cwota sydd wedi'i ddyrannu i'r DU ar hyn o bryd yn cael ei ddyrannu i bob un o'r gweinyddiaethau. Mae hefyd yn galluogi'r gweinyddiaethau datganoledig i wneud newidiadau i'r ffordd y gellir dyrannu cyfleoedd pysgota o fewn eu hawdurdodaeth.

Cwestiwn 14. A allwch egluro a yw'r Bil, fel y'i drafftwyd, yn rhoi *hawl* i gyfleoedd pysgota i Gymru (a'r gweinyddiaethau datganoledig eraill)? Os nad yw, pam lai?

Ar hyn o bryd, mae Cymru yn cael 1 y cant o gwota'r DU. Hyd yn oed os bydd lefelau cyffredinol cwota'r DU yn cynyddu ar ôl Brexit, dim ond 1 y cant o'r cynnydd hwnnw a gaiff Cymru.



Cwestiwn 15. O ran cwota pysgota, budd ymylol a fydd i Gymru o ymadawriad y DU â'r UE. A ydych yn credu bod hyn yn dderbyniol? Pa drafodaeth a gawsoch â Llywodraeth y DU yn hyn o beth?

Cwestiwn 16. Ar ba sail y caiff cyfleoedd pysgota yng Nghymru eu dosbarthu a pha drefn a gaiff ei defnyddio?

Cwestiwn 17. A fydd angen ailystyried y Concordat Pysgodfeydd yn sgil y darpariaethau yn y Bil? Os bydd, ym mha ffordd?

Cwestiwn 18. A allwch egluro a yw cymal 20 yn ymwneud â dosbarthu cyfleoedd pysgota gan yr Ysgrifennydd Gwladol (neu'r Sefydliad Rheoli Morol) i bedair gwlad y DU, neu ddosbarthu cyfleoedd pysgota gan yr Ysgrifennydd Gwladol (neu'r Sefydliad Rheoli Morol) i gychod pysgota yn Lloegr?

Yn ôl y Nodiadau Esboniadol sy'n cyd-fynd â Bil y DU, ni fydd diwygiadau i Erthygl 17 o Reoliad y Polisi Pysgodfeydd Cyffredin y darperir ar eu cyfer gan gymal 20, sy'n nodi sut y dylid dosbarthu cyfleoedd pysgota, yn gymwys i Gymru. Mae Erthygl 17 yn cynnwys darpariaethau sy'n ymwneud â meini prawf tryloyw a gwrthrychol fel sail y dosbarthiad hwnnw. Mae'r Nodiadau Esboniadol yn dweud nad yw cymal 20 yn cymhwyso Erthygl 17 i'r Gweinyddiaethau Pysgodfeydd eraill, ar eu cais.

Cwestiwn 19. A allwch amlinellu eich rhesymau dros hyn? Beth fydd hyn yn ei olygu'n ymarferol?

Gwerthu cyfleoedd pysgota a chynlluniau codi tâl atal i taflu pysgod

Mae Cymal 22 yn rhoi pwerau i'r Ysgrifennydd Gwladol gyflwyno dull gwahanol o ran dyranu cwota **ar gyfer Lloegr yn unig**. Mae hyn yn cynnwys pennu proses ar gyfer gwerthu cyfleoedd pysgota.

Mae Erthygl 15 o Reoliadau'r Polisi Pysgodfeydd Cyffredin (nad ydynt wedi'u diwygio gan Fil y DU) yn cyflwyno gwaharddiad taflu ar ffurf rhwymedigaeth glanio ar gyfer yr holl bysgod a ddelir. Daw'r gwaharddiad i rym yn llawn ar 1 Ionawr 2019.

Mae cymalau 23 i 27 yn gwneud darpariaeth i'r Ysgrifennydd Gwladol sefydlu, ar gyfer Lloegr, gynllun codi tâl sy'n caniatáu gwneud taliad am ddalfa pysgod heb awdurdod. Yn ôl y Nodiadau Esboniadol sy'n cyd-fynd â Bil y DU, cafodd cymal 23 ei gynnwys i fynd i'r afael â'r pryderon ynghylch effaith y gwaharddiad taflu. Ni wneir darpariaethau cyfatebol mewn perthynas â Chymru.



Cwestiwn 20. Sut y gwnaethoch ystyried gofyn am ddarpariaethau cyfatebol ar gyfer gwerthu cyfleoedd pysgota a chynlluniau codi tâl i atal taflu pysgod i Gymru?

Yn olaf, rydym yn ymwybodol bod y Bil eisoes wedi cwblhau cyfnod pwyllgor yn Nhŷ'r Cyffredin. **Hoffem i chi roi amserlen ar gyfer hynt y Bil drwy'r Senedd, a hoffem gael sicrwydd gennych y bydd hyn yn rhoi digon o amser i Lywodraeth Cymru drafod diwygiadau y bernir eu bod yn angenrheidiol neu'n ddymunol.**

Byddwn yn ddiolchgar pe baech yn ymateb i'r uchod erbyn **dydd Gwener 18 Ionawr**. Er fy mod yn deall bod hwn yn derfyn amser tyn, bydd yn helpu i sicrhau'r defnydd gorau o amser yn ein sesiwn ar 24 Ionawr.

Yn gywir,



Mike Hedges AC

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Copi at: Mick Antoniw AC, Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

David Rees AC, Cadeirydd Pwyllgor Materion Ewropeaidd a Deddfwriaeth Ychwanegol





Ein cyf/Our ref LG/0859/18

Mick Antoniw AC
Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
CF99 1NA

SeneddCLA@cynulliad.cymru

8 Ionawr 2019

Annwyl Mick,

Bil Pysgodfeydd y DU – Memorandwm Cydsyniad Deddfwriaethol Atodol

Gan fod y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol yn craffu ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd, hoffwn dynnu'ch sylw at Femorandwm Cydsyniad Deddfwriaethol Atodol sydd wedi cael ei osod heddiw. Amgaeaf gopi er gwybodaeth ichi.

Rydym wedi llwyddo i sicrhau gwelliant yn ystod cam Pwyllgor Tŷ'r Cyffredin sy'n darparu ar gyfer estyn cymhwysedd deddfwriaethol y Cynulliad Cenedlaethol o ran materion yn ymwneud â physgota, pysgodfeydd ac iechyd pysgod mewn perthynas â Pharth Cymru. Mae hwn yn gam pwysig ymlaen yn gyfansoddiadol a bydd yn galluogi Cynulliad Cenedlaethol Cymru i gyflwyno Bil Pysgodfeydd gan y Cynulliad mewn perthynas â Chymru a Pharth Cymru. Mae Llywodraeth Cymru o'r farn bod Cynulliad Cenedlaethol Cymru yn gallu deddfu eisoes (ac y bydd yn parhau i fedru gwneud hynny) mewn perthynas â chychod pysgota o Gymru y tu hwnt i Gymru ar y sail y byddai deddfwriaeth o'r fath "in relation to Wales" at ddibenion adran 108A(2)(b) o Ddeddf 2006.

Mae'r cymal 39 newydd yn diwygio adran 108A (cymhwysedd deddfwriaethol) Deddf Llywodraeth Cymru 2006 ("Deddf 2006") ac yn gwneud nifer o newidiadau canlyniadol pellach i Ddeddf 2006.

Mae'r fersiwn ddiweddaraf o'r Bil i'w gweld yma:

<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0278/18278.pdf>

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

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CF99 1NA

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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.

Tudalen y pecyn 92
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.

Mae'r Memorandwm Atodol hefyd yn nodi'r sefyllfa ddiweddaraf o ran Cymal 18, ar ôl inni godi pryderon yn y Memorandwm Cydsyniad Deddfwriaethol a osodwyd ar 15 Tachwedd. Mae'n nodi bod Llywodraeth Cymru yn parhau i weithio gyda Llywodraeth y DU i sicrhau y bydd gennym y dulliau mwyaf priodol ac eang ar gyfer rheoli pysgodfeydd Cymru wrth inni ymadael â'r Undeb Ewropeaidd.

Rwyf yn disgwyl gosod Memorandwm Atodol arall yn nes ymlaen yn ystod proses y Bil, ar ôl cynnal trafodaethau gyda Llywodraeth y DU am welliannau pellach a chyn cyflwyno dadl yn y Cynulliad er mwyn iddo gael ystyried rhoi ei gydsyniad i'r Memorandwm Cydsyniad Deddfwriaethol.

Yn Gywir,

A handwritten signature in cursive script that reads "Lesley". The signature is written in a light grey or blue ink on a white background.

Lesley Griffiths AC / AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Rt Hon David Lidington MP
Chancellor of the Duchy of Lancaster
70 Whitehall
London

29 October 2018

Dear Mr Lidington,

Meeting of the Interparliamentary Forum on Brexit – 25 October

We, the members of the Interparliamentary Forum on Brexit, agreed at our meeting in Cardiff on 25 October to write to you, both to report the work the Forum has done in the last year, and to draw your attention to some of the key conclusions and recommendations made by the committees represented in the Forum on intergovernmental relations and interparliamentary relations.

The Interparliamentary Forum on Brexit was established following a recommendation made by the House of Lords European Union Committee in its report *Brexit: devolution*, that the structures of the interparliamentary dialogue within the UK should be strengthened.¹ The Forum brings together chairs and convenors of the Committees scrutinising Brexit-related issues in the Scottish Parliament, National Assembly for Wales, House of Commons and House of Lords. Representatives of the Northern Ireland Assembly have been unable to attend while the Power-Sharing executive in Northern Ireland has been suspended and the Assembly is not sitting, though officials from the Assembly have been in attendance as observers.

¹ [Fourth Report of the House of Lords European Union Committee of Session 2017–19](#), *Brexit: devolution*, HL 9, 19 July 2017, para 297-8

The Forum has met five times.

- 12 October 2017 at the House of Lords
- 18 January 2018 at the House of Lords
- 26 March 2018 at the Scottish Parliament
- 21 June 2018 at the House of Commons
- 25 October 2018 at the National Assembly for Wales

The meetings of the Forum have focused in particular on the implications for the devolution settlements of the European Union (Withdrawal) Act 2018, the progress of Article 50 negotiations and on the current state of intergovernmental and interparliamentary relations in the UK political system.

Annexed to this letter is a summary of conclusions and recommendations on these issues made by the committees of the House of Lords, National Assembly for Wales, Scottish Parliament and House of Commons that are represented in the Forum. These issues continue to be examined by committees.

We are copying this letter to the Cabinet Secretary for Government Business and Constitutional Relations in the Scottish Government and Cabinet Secretary for Finance in the Welsh Government, who we also urge to take note of this summary and engage in dialogue with the Forum.

From this summary there is a clear view among the committees that the Joint Ministerial Committee (JMC) mechanism is not fit for purpose. Members of the Forum are heartened that the Prime Minister and the first ministers of Wales and Scotland recognised this at the JMC (Plenary) on 14 March 2018, and we welcome the review of the JMC structures and Memorandum of Understanding that is being undertaken. The Forum is clear that this review must take into account the views and recommendations of the various Committees and we invite you to engage in a dialogue with us. We note that some Committees continue to examine these issues as part of their ongoing scrutiny work and that they may publish further recommendations, which should also be considered as part of the review. We look to this review to bring about an overhaul of the JMC structures.

We note that several committees represented within the Forum have recommended that the structure for intergovernmental relations within the UK should be put on a statutory basis. Some committees have also called for proper resourcing (including a permanent secretariat) and a commitment to meetings at least twice a year of the JMC (plenary). The review should take these recommendations carefully into account.

We note also that leaving the European Union will lead to a significant increase in the number of areas in which common UK positions and frameworks are required. It is important that there should be clearly-defined structures and processes for taking decisions on common frameworks in the years to come. More effective intergovernmental and interparliamentary mechanisms are required to examine this and the wider implications of UK withdrawal from the EU for the devolution settlement and other issues of common concern.

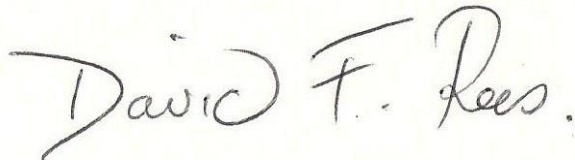
Establishing a structure for such intergovernmental dialogue that commands the trust of all parts of the UK will require significant investment of resources. It will also require a system of democratic, parliamentary oversight. We are therefore encouraged by the Government's statement, in its response to the Public Administration and Constitutional Affairs Committee's report on [*Devolution and Exiting the EU: reconciling differences and building strong relationships*](#), that "The UK Government welcomes the scrutiny of the UK Parliament and the devolved legislatures in relation to the ongoing work on common frameworks." It's now time to translate that welcome into action: as parliamentarians, we urge our respective Governments, and the authorities in the legislatures of the United Kingdom, to work closely with committees in developing a system of democratic oversight of intergovernmental relations fit for the post-Brexit United Kingdom.

The next meeting of the Forum is scheduled for the week commencing 14 January 2019. We would be grateful for a response to this letter ahead of that meeting.

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 AM, Chair of the Constitutional and Legislative Affairs Committee

A handwritten signature in black ink that reads "David F. Rees.". The signature is written in a cursive style.

David Rees AM, Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Members in attendance at the Forum

House of Commons

Sir Bernard Jenkin MP, Chair of the Public Administration and Constitution Committee

Hywel Williams MP, Member of the Exiting the European Union Committee

Anna McMorrin MP, Member of the Welsh Affairs Committee

House of Lords

Lord McFall of Alcluith, Senior Deputy Speaker

Lord Boswell of Aynho, Chair of the EU Select Committee

Lord Wallace of Tankerness, Member of the Constitution Committee

Lord Thomas of Gresford, Member of the Delegated Powers and Regulatory Reform Committee

Lord Kirkwood of Kirkhope, Member of the Secondary Legislation Scrutiny Committee

National Assembly for Wales

Elin Jones AM, Llywydd (Presiding Officer)

Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee

David Rees AM, Chair of the External Affairs and Additional Legislation Committee

Scottish Parliament

Bruce Crawford MSP, Convenor of the Finance and Constitution Committee

Adam Tomkins MSP, Deputy Convenor of the Finance and Constitution Committee

Graham Simpson MSP, Convenor, of the Delegated Powers and Law Reform Committee

Annex: Conclusions and recommendations of committees

House of Lords EU Select Committee

The House of Lords EU Select Committee considered intergovernmental relations issues in its 2017 inquiry into Brexit: devolution.² Chapter 7 of the final report, published in July 2017, focuses on ‘engagement with the devolved administrations’. It summarises evidence collected on the operation of the JMC and, more particularly given the report’s focus on Brexit, of the Joint Ministerial Committee (EU Negotiations) (JMC (EN)). Evidence to the Committee from the Scottish Government, Welsh Government and academic experts all suggested that the JMC (EN) had not been operating effectively. With regards to possible ways of improving intergovernmental relations the Committee recommended –

- The Joint Ministerial Committee has been re-energised by Brexit, and we also welcome the establishment of the Joint Ministerial Committee (European Negotiations). We note, however, the concerns expressed by the Scottish and Welsh Ministers that the JMC (EN) is not fulfilling its terms of reference, and it is clear that at a basic level its meetings are not being treated with respect or organised efficiently. This needs to change: if the UK Government wishes the JMC (EN) to make a useful contribution, it must give it appropriate support, both in political and resource terms.³
- More generally, we note that the JMC and the JMC (EN) are not decision-making bodies, and that there is a perception in some quarters that they are used to

² Fourth Report of the House of Lords European Union Committee of Session 2017–19, Brexit: devolution, HL 9, 19 July 2017

³ Fourth Report of the House of Lords European Union Committee of Session 2017–19, Brexit: devolution, HL 9, 19 July 2017, para 291

manage disagreements, rather than to engage with issues and find solutions. This is exacerbated by the perception that the participants are not doing so on equal terms.⁴

- We therefore endorse the view of most of our witnesses that the UK Government needs to raise its game to make the JMC (EN) effective. This means better preparation, including bilateral discussions ahead of meetings, a structured work programme, greater transparency, and a willingness to accept that the JMC (EN), even if not a formal decision-making body, is more than a talking-shop—that it should be authorised to agree common positions on key matters affecting devolved competences in time to inform the UK Government’s negotiating position.⁵
- Given the four-week negotiating cycle structure announced for the Brexit negotiations, we further recommend that a long-term programme of meetings of the JMC (EN) should be adopted, with the meetings coinciding with the fourth week in each cycle. This would enable the Government both to report on progress in the preceding cycle, and to identify and agree common positions on devolved issues arising in the forthcoming cycle.⁶
- We note the suggestion by the Governments of Wales and Scotland that they should have a seat at the negotiating table with the EU when devolved matters are being discussed, and that they should be ‘in the room’ throughout. We call on the UK Government to respond to this suggestion as a matter of urgency, and at all events before the negotiations turn to the future relationship

⁴ [Fourth Report of the House of Lords European Union Committee of Session 2017–19](#), Brexit: devolution, HL 9, 19 July 2017, 292

⁵ [Fourth Report of the House of Lords European Union Committee of Session 2017–19](#), Brexit: devolution, HL 9, 19 July 2017, para 293

⁶ [Fourth Report of the House of Lords European Union Committee of Session 2017–19](#), Brexit: devolution, HL 9, 19 July 2017, para 294

between the UK and the EU, where issues of strong devolved interest, such as fisheries, are likely to arise.⁷

- The devolved governments, and some of our witnesses, have also argued that fundamental reform is needed to give the devolved institutions a more formal role in UK decision-making post-Brexit, analogous to that of regions and states in federal systems. While there may be merit in such proposals, this would be a far-reaching constitutional reform, which falls outside the scope of this report and the remit of this Committee.⁸

⁷ Fourth Report of the House of Lords European Union Committee of Session 2017–19, Brexit: devolution, HL 9, 19 July 2017, para 295

⁸ Fourth Report of the House of Lords European Union Committee of Session 2017–19, Brexit: devolution, HL 9, 19 July 2017, 296

House of Lords Constitution Committee

The House of Lords Constitution Committee published its report *Inter-governmental relations in the United Kingdom* in 2015.⁹ The committee made several conclusions and recommendations on the overall state of inter-governmental relations parliamentary scrutiny of the existing mechanisms in the report. It made the following recommendations regarding the JMC structure:

- We recommend that the Cabinet Office, as part of its current review of intergovernmental structures, consider and report on how a revised Joint Ministerial Committee structure might best be used to facilitate joint policymaking and co-ordination. Provision should be made to ensure that policy initiatives can come from the devolved administrations, as well as from the UK Government.¹⁰
- The Government should consider whether the framework of intergovernmental relations should be set out in statute. Such a statute could set out the existence and membership of the Joint Ministerial Committee and its core sub-committees, along with the core principles governing relations between administrations. This legislation could provide a basic framework, within which the Memorandum of Understanding and departmental concordats would continue to detail how inter-governmental interactions would function in practice.¹¹

⁹ [Eleventh Report of the House of Lords Constitution Committee of Session 2014–15](#), Inter-governmental relations in the United Kingdom, HL146, 27 March 2015

¹⁰ [Eleventh Report of the House of Lords Constitution Committee of Session 2014–15](#), Inter-governmental relations in the United Kingdom, HL146, 27 March 2015, para 70

¹¹ [Eleventh Report of the House of Lords Constitution Committee of Session 2014–15](#), Inter-governmental relations in the United Kingdom, HL146, 27 March 2015, para 86

- Greater transparency around the Joint Ministerial Committee is vital. A balance needs to be maintained between confidentiality and openness, but the current lack of information is not acceptable. We recommend that the dates, venues and headline agenda items of Joint Ministerial Committee meetings be announced further in advance.¹²
- Were the Joint Ministerial Committee framework to be placed on a statutory footing, Parliament should ensure that the legislation requires adequate information to be published to enable effective parliamentary scrutiny of inter-governmental relations.¹³

The Constitution Committee returned to this issue in its report *The Union and Devolution*. Where it made the following recommendations:

- The stability of the Union requires careful management of the balance between unity and diversity. The development of devolution in recent decades, and the emerging ‘devolution deals’ in England, have accentuated diversity in the Union. A counter-balancing effort to support and promote unity is now required. The Government should set out a strategy for taking this work forward.¹⁴
- We reiterate the conclusions from our 2015 report on intergovernmental relations. The formal structures of inter-governmental relations—in particular, the JMC—must not be allowed to degenerate into a forum for grandstanding and gesture politics which emphasise differences, conflict and division. Instead, the JMC should be reformed to promote and manage

¹² [Eleventh Report of the House of Lords Constitution Committee of Session 2014–15](#), Inter-governmental relations in the United Kingdom, HL146, 27 March 2015, para 184

¹³ [Eleventh Report of the House of Lords Constitution Committee of Session 2014–15](#), Inter-governmental relations in the United Kingdom, HL146, 27 March 2015, para 186

¹⁴ [Tenth Report of the House of Lords Constitution Committee of Session 2015–16](#), *The Union and Devolution*, HL 149, 25 May 2016, para 283

co-operation and coordination between the UK Government and the devolved administrations.¹⁵

¹⁵ Tenth Report of the House of Lords Constitution Committee of Session 2015–16,
The Union and Devolution, HL 149, 25 May 2016, para 291

National Assembly for Wales Constitutional and Legislative Affairs Committee

The National Assembly for Wales' Constitutional and Legislative Affairs Committee ('the CLA Committee') published a report on UK Governance post-Brexit in February 2018.¹⁶ The report addresses current inter-governmental arrangements, reforming inter-governmental relations, and the understanding of devolution by Whitehall civil servants. The Committee also exchanged correspondence with the UK Minister for the Constitution regarding the latter point.¹⁷

One of the main recommendations of the report is the need for a Speakers' conference to assess current intergovernmental relations arrangements with a view to help building consensus on reform.¹⁸ The report also envisaged the conference considering how the Interparliamentary Forum on Brexit could be strengthened to ensure that inter-parliamentary dialogue is maintained post-Brexit.

With regards to possible ways of improving intergovernmental relations the Committee recommend that: –

- In the short-term the JMC is strengthened by: ensuring that the JMC(P) fulfils the functions of an annual Heads of Government Summit, as suggested in 2016 by the House of Commons PACAC; adding new committees to the

¹⁶ National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018

¹⁷ [Correspondence with Chloe Smith MP, Minister for the Constitution](#)

¹⁸ National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018, Recommendation 5

existing JMC format to cover the single market and trade, and in particular to agree on common frameworks.¹⁹

- Post-Brexit, the JMC is subject to fundamental reform so that it becomes a UK Council that: is a decision-making body; has an independent dispute resolution, arbitration and adjudication mechanism; is transparent and accountable in all of its functions and operations, in particular, in its decision-making.²⁰
- The UK Government place inter-governmental relations on a statutory footing as suggested in 2015 by the House of Lords Constitution Committee and in 2017 by the House of Common Public Administration and Constitutional Affairs Committee.²¹
- The MoU (subject to the UK Government's response to recommendation 2) and DGNs should: be subject to a thorough overhaul involving collaboration between all governments of the UK with the aim of establishing shared governance around the machinery that supports the delivery of effective and fair inter-governmental relations; as part of that overhaul, be subject to full public consultation, enabling scrutiny by parliamentary committees across the UK...; be reviewed on a regular basis thereafter.²²

¹⁹ National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018, Recommendation 1

²⁰ National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018, Recommendation 3

²¹ National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018, Recommendation 2

²² National Assembly for Wales Constitutional and Legislative Affairs Committee, [UK Governance post Brexit](#), February 2018, Recommendation 4

National Assembly for Wales External Affairs and Additional Legislation Committee

The External Affairs and Additional Legislation Committee ('the EAAL Committee') has considered intra-UK intergovernmental and interparliamentary relations, insofar as they relate to the UK exiting the European Union.

In its first report, *Implications for Wales of leaving the European Union* ('the *Implications for Wales* report'),²³ the EAAL Committee drew a range of conclusions that are relevant.

Aspects of its subsequent reports are also relevant, including its work on the European Union (Withdrawal) Act 2018 and the associated development of common UK policy frameworks.

Involvement in the Article 50 negotiations

In terms of the Article 50 negotiations, the EAAL Committee recommended that the Welsh Government should seek full involvement in shaping the UK Government's negotiating position and direct participation in those negotiations which involve devolved areas of responsibility (or matters that affect devolved areas of responsibility) using the model of the devolved administrations' participation in the Council of Ministers through the Joint Ministerial Committee ('the JMC') Europe.²⁴

²³ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017

²⁴ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, Recommendation 6

Reform of the JMC structures

On the JMC intergovernmental structures, the EAAL Committee expressed reservations about the JMC structure.²⁵

The EAAL Committee believes that there is a need for a more equitable arrangement for facilitating intergovernmental relations within the UK and that there is a case to be made for reform of the JMC so that it becomes a UK Council of Ministers based on the principles of partnership and equality.²⁶

When subsequently reporting on the European Union (Withdrawal) Bill White Paper, the EAAL Committee concluded that:

“It is concerning that we are entering into a period of intense negotiation on the future of the United Kingdom apparently without a shared understanding of the law as it exists or the way in which future constitutional relationships within a United Kingdom outside the European Union should be conducted.”²⁷

The EAAL Committee made a similar recommendation in its report on ‘Future of regional policy in Wales’ and called on the Welsh Government to continue to press the UK Government on the need to bring forward proposals for a formal intergovernmental structure for agreeing funding allocations and resolving conflict along the lines of a UK ‘Council of Ministers’.

²⁵ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 220

²⁶ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 220

²⁷ National Assembly for Wales External Affairs and Additional Legislation Committee, [The Great Repeal Bill White Paper: Implications for Wales](#), June 2017, conclusion 39

Interparliamentary relations

The EAAL Committee has been involved in a range of inter-parliamentary initiatives and has a direct and formal inter-parliamentary relationship with the UK Parliament's European committees in relation to subsidiarity monitoring.²⁸

In its *Implications for Wales* report, the EAAL Committee recognised the need for a more co-ordinated approach to scrutinising intergovernmental relations and, particularly, the JMC(EN).²⁹

The EAAL Committee also endorsed and encouraged the development of relationships between the Assembly and all the UK legislatures.³⁰

In reporting on the new legislative consent arrangements to be established under the (then) European Union (Withdrawal) Bill, the EAAL Committee concluded that Assembly Committees, through established interparliamentary links, should seek to establish more formalised arrangements for the sharing of information between legislatures.³¹

Further, the EAAL Committee concluded that good interparliamentary communication could ensure that this new aspect of the legislative consent convention, a parliamentary convention, need not rest solely on the opinions of governments.³²

²⁸ [National Assembly for Wales Standing Orders 21.9](#)

²⁹ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 283

³⁰ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 285

³¹ National Assembly for Wales External Affairs and Additional Legislation Committee, European Union (Withdrawal) Bill: Progress towards delivering our six objectives, May 2018, conclusion 5

³² National Assembly for Wales External Affairs and Additional Legislation Committee, European Union (Withdrawal) Bill: Progress towards delivering our six objectives, May 2018, conclusion 5

In the same report, the EAAL Committee included a chapter on inter-parliamentary relations. In broad terms, it concluded that:

“Working with committees in the other legislatures of the UK has been a longstanding aspect of European scrutiny. Considering the implications of Brexit has intensified and broadened the level of engagement between legislatures. There is an opportunity to build on existing relationships to co-ordinate scrutiny of common UK policy frameworks, to the benefit of all the constituent parts of the United Kingdom.”

The legislative consent convention

In its *Implications for Wales* report, the EAAL Committee concluded that:

“We believe that this [legislative consent] convention should be extended to require the consent of devolved legislatures in circumstances where devolved competence is affected by non-legislative means, for example in relation to international trade treaties. This would, of course, include those relating to the European Union.”³³

The principle of subsidiarity

In addition to considering the structure of the relationship between the governments and legislatures of the UK., the EAAL Committee had given some preliminary thought to the underpinning principles that could govern post-Brexit relationships.

Due to its responsibility for subsidiarity monitoring in the Assembly, the EAAL Committee has taken some evidence on the loss of the subsidiarity principle on exit from the European Union.

³³ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 314

The EAAL Committee has concluded that adopting subsidiarity as an underpinning principle for intra-UK relations post-Brexit merits further consideration.³⁴ It intends to consider this further in its current inquiry into *EU Law in Wales: What happens during the Brexit transition?*³⁵

³⁴ National Assembly for Wales External Affairs and Additional Legislation Committee, [Implications for Wales of leaving the European Union](#), January 2017, paragraph 260

³⁵ See the inquiry webpage for more information: [EU Law in Wales: What happens during the Brexit transition?](#)

Scottish Parliament Finance and Constitution Committee

The Scottish Parliament's Finance and Constitution Committee considered intergovernmental relations as part of its work on the EU (Withdrawal) Bill. In its interim report on the LCM for the Bill the Committee recognised that the structure of intergovernmental relations has been widely recognised as not fit for purpose.³⁶

The Committee noted the proposals set out by the Welsh Government for a UK Council of Ministers which could potentially be established on a statutory basis and organised along lines similar to the EU Council of Ministers. This would include an independent adjudication mechanism and be supported by an independent secretariat.

The Committee also heard from the Minister for UK Negotiations on Scotland's Place in Europe who placed an emphasis on co-decision making and suggested there may be a range of solutions. With regard to the Welsh Government's proposals he indicated that a system of qualified majority voting "might work on occasion; it might be too complex on others."

The Committee recommended that a new structure of intergovernmental relations requires to be placed on a statutory basis including establishing a process for joint decision making and that this new structure is supported by an independent secretariat and provide a mechanism for independent dispute resolution.

The Committee also recommended that inter-parliamentary co-operation is a key component of scrutiny of the Brexit process and considers that the Inter-parliamentary Forum on Brexit will form a central part of this process.

³⁶ Scottish Parliament Finance and Constitution Committee, Interim Report on the EU (Withdrawal) Bill LCM, 9 January 2018

Scottish Parliament Delegated Powers and Law Reform Committee

The importance of joint parliamentary working and the specific contribution of the Inter-parliamentary Forum on Brexit was highlighted by the Delegated Powers and Law Reform Committee in its report on the supplementary LCM on the EU (Withdrawal) Bill. The DPLR Committee also said that given the expected challenging and complex programme of secondary legislation, it was essential for Governments to work together co-operatively to deliver that programme.

Scottish Parliament Culture, Tourism, Europe and External Relations Committee

The Culture, Tourism, Europe and External relations Committee considered intergovernmental relations issues as part of its 2017 report on Determining Scotland's future relationship with the EU.³⁷ The Committee noted that the Scottish Government has always, to some degree, been involved alongside UK Government ministers in negotiations with their counterparts in other Member States in meetings of the Council of Ministers. Scottish Ministers have participated in negotiations following the prior agreement of a UK negotiating line and set of priorities. The Committee recommended that this principle should apply to the withdrawal agreement and any new free trade agreements.

The Committee also recommended that once the UK has agreed its negotiating position and Article 50 has been triggered, we recommend that ways are found to involve the Scottish Government and its officials in the negotiations that follow with the EU, both at the high-level and on the technical detail. Such involvement has been commonplace in the past in areas such as fisheries, agriculture, regional development, judicial co-operation etc. in the Council of Ministers and various working groups. Brexit should be no different.

The Committee also recommended that a means is found to involve the Scottish Government in bilateral and quadrilateral discussions on future trade deals. This could include the creation of a Joint Ministerial Committee on International Trade. This could also include government officials and organisations such as Scottish Development International meeting regularly with their UK counterparts.

³⁷ Fourth Report of the Scottish Parliament Culture, Tourism, Europe and External Affairs Committee 2017 (Session 5), [Determining Scotland's future relationship with the European Union](#), SP 99.1, 5 March 2017

Finally, in relation to parliamentary scrutiny and accountability, the Committee believes that it is important that the recently established Written Agreement is augmented to ensure the flow of appropriate information from the Scottish Government to this and other parliamentary committees once Article 50 is triggered and also in relation to discussions on future free trade agreements.

Scottish Parliament Devolution (Further Powers) Committee (Session 4)

In a report published in October 2015 the Scottish Parliament's Devolution (Further Powers) Committee focused on parliamentary scrutiny of intergovernmental relations.³⁸ In considering the role of legislatures in considering in scrutinising intergovernmental relations the Committee sought to learn from the experience of federal and quasi-federal systems. The Committee commissioned external research on the legislative oversight of intergovernmental relations in Belgium, Canada, Germany, Spain, Switzerland and the USA. The research reached two broad conclusions as follows –

- In every country considered intergovernmental relations is dominated by executives, with relatively limited opportunities for parliaments and parliamentarians to engage in legislative oversight of processes, negotiations and agreements.
- In spite of this general constraint, in almost every country examined, the role of parliaments in scrutinising intergovernmental relations is greater than the role the UK's parliaments currently enjoy in the scrutiny of UK intergovernmental relations.

The Committee concluded that there is no ideal model of parliamentary scrutiny of intergovernmental relations to adopt from the countries which they examined. However, its consideration of practices in other jurisdictions reaffirmed its view that there is a need for improved scrutiny in this area and for specific structures and processes to facilitate this to be put in place.

³⁸ Eighth Report of the Scottish Parliament Devolution (Further Powers) Committee, 2015 (Session 4), Changing Relationships: Parliamentary Scrutiny of Intergovernmental Relations, SP 809, 6 October 2015

In order to achieve this aim the Committee identified two key principles –

- Transparency – the revised structure of intergovernmental relations must be transparent and ensure that there is information about meetings, agendas, policy objectives and decision making in the public domain.
- Accountability – must be built into the revised intergovernmental relations structures and any agreements must be subject to parliamentary scrutiny.

The Committee recommended introducing a new Written Agreement on Parliamentary Oversight of intergovernmental relations between the Scottish Government and the Scottish Parliament. The Scottish Government accepted this recommendation.³⁹

The Scottish Government has agreed to provide, as far as practicable, advance written notice at least one month prior to scheduled intergovernmental relations meetings which would allow the relevant committee to consider the agenda and take evidence from Ministers in advance of the meeting. After each meeting the Scottish Government has agreed to provide a written summary of the issues discussed.

³⁹ INTER-GOVERNMENTAL RELATIONSWRITTEN AGREEMENT BETWEEN THE SCOTTISH PARLIAMENT AND SCOTTISH GOVERNMENT

House of Commons Welsh Affairs Committee

In September 2017, the Committee launched an inquiry into Brexit: agriculture, trade and the repatriation of powers. The Committee published a Report, *Brexit: priorities for Welsh agriculture*, on 9 July 2018. The Report included a Chapter considering responsibility for agricultural policy, which included the following conclusions and recommendations on inter-governmental relations:

- We recognise the agreement between the UK and Welsh Governments on the approach of the European Union (Withdrawal) Bill to responsibility for areas of agricultural policy which will return to the UK post-Brexit. It is essential that any changes to the devolution settlement for Wales which result from Brexit are agreed with the Welsh Government, and not imposed by Westminster. It is regrettable that it took so long for this agreement to be reached.⁴⁰
- It is clear that, post-Brexit, UK-wide common frameworks will be required in some areas of devolved policy, to ensure there are no barriers within the UK market, that the UK is in compliance with international obligations and that the UK's common resources are protected. We welcome the agreement between the UK Government and devolved administrations about the areas where these will be necessary.⁴¹
- UK-wide common frameworks could be established in a number of different ways, but it is still not clear where they will apply, what they will look like, how they will work, or how any disputes would be resolved. It is imperative that these frameworks are agreed mutually between the UK and devolved governments and ensure the unique issues that face each of the administrations are given due consideration. We believe that these

⁴⁰ [Brexit, priorities for Welsh agriculture](#), para 33

⁴¹ [Brexit, priorities for Welsh agriculture](#), para 39

frameworks will need to be supported by robust and transparent intergovernmental mechanisms. *We urge the UK Government to work with the Welsh Government to agree on the areas of agricultural policy to which common frameworks will need to apply, and to establish how these will work, and the mechanisms for their governance. This should be done ahead of the Agriculture Bill being introduced in the UK Parliament. The UK Government should keep us updated on the timeframes for the establishment of common frameworks, to ensure that we have an opportunity to scrutinise these arrangements before they come into effect.*⁴²

- Post-Brexit the Welsh Government will have an increased interest in trade deals negotiated by the UK Government, and particularly their implications for devolved policy areas. Given the inter-dependencies between trade deals and devolved policy, there will need to be robust intergovernmental arrangements to ensure that Welsh interests, and the consequences of trade deals for devolved policy, are considered during negotiations. *We recommend that the UK Government agree with the Welsh Government arrangements for seeking the input and consent of the devolved institutions in Wales on trade deals.*⁴³

⁴² [Brexit, priorities for Welsh agriculture](#), para 44

⁴³ [Brexit, priorities for Welsh agriculture](#), para 48

House of Commons Northern Ireland Affairs Committee

In the absence of a Northern Ireland Executive, the Committee has focused on identifying the needs of Northern Ireland and how these can best be represented during the Brexit process. The Committee's most substantive piece of work on the implications of Brexit for Northern Ireland focused on the land border between Ireland and Northern Ireland, a [report](#) for which was published on 16 March 2018. The Committee also looked at Brexit in its [report](#), published on 22 May 2018, which considered the consequences of the lack of a devolved government in Northern Ireland. The Committee is also currently holding two inquiries investigating the implications of Brexit for [fisheries](#) and [agriculture](#) in Northern Ireland. Areas where the Committee has touched on intergovernmental relations – which have covered relations with the Republic of Ireland as well as relations between the UK Government and devolved institutions in NI – include:

- On NI–RoI relations (in the land border report): The importance of North–South cooperation, which is facilitated by shared regulatory frameworks and governance bodies.
- On UK–RoI relations (in report on the absence of the NI executive): Noting the ongoing need for relations with the RoI, as specified in the Belfast/Good Friday Agreement.
- The role of the NI civil services (in report on the absence of the NI executive and in fisheries evidence): That NI civil servants had been active at informing discussions about implications of Brexit for devolved policy areas, but that the absence of the Executive created challenges.
- On design of common frameworks (in fisheries and agriculture evidence): The possibility of the devolved administrations being involved in co-designing UK-wide common frameworks.

House of Commons Exiting the EU Committee

In its report on the European Union (Withdrawal) Bill,⁴⁴ the Committee on Exiting the EU examined the implications of the Bill for the devolution settlements. In respect of inter-governmental relations, the Committee noted the evidence that its predecessor Committee had taken in the last Parliament that “the JMC (EN) meetings had not been effective from the point of view of the devolved administrations”.⁴⁵ The Committee went on to conclude that

The future [inter-governmental] arrangements for the UK after leaving the EU will only be successful if they work for the whole of the UK. This will only be possible if there is mutual trust and cooperative, participative mechanisms for joint working between the UK Government and the devolved administrations. These mechanisms will be required not just to resolve issues relating to the repatriation of EU competencies, but also in the long term to ensure that devolved interests are properly considered when developing new international agreements.

We recommend that the JMC (EN) meets much more regularly and that it addresses the concerns expressed by the devolved administrations about the effectiveness of its operations. Government should also set out whether it is considering formal structures for inter-governmental relations, and its proposed arbitration system for disputes, so that the views of the devolved governments can be heard, including in any future trade agreements.⁴⁶

The Committee also published a report on Parliamentary scrutiny and approval of the Withdrawal Agreement and negotiations on a future relationship in which it examined provision for scrutiny of negotiations on the UK’s future relationship with the EU and also future agreements with non-EU states.⁴⁷ It concluded that

⁴⁴ First Report, Session 2017-19, HC373

⁴⁵ Ibid. paragraph 78.

⁴⁶ Ibid. paragraphs 78-79.

⁴⁷ Sixth Report, Session 2017-19, HC1240.

The UK's future trade agreement with the EU and negotiations on trade with non-EU states will have significant impacts on devolved policy areas and interests. As we said in our First Report, there needs to be cooperative, participative mechanisms for joint working between the UK Government and the devolved administrations to ensure that devolved interests are properly considered when entering into and developing new international agreements. We also asked the Government to set out whether it is considering formal structures for inter-governmental relations, including any arbitration system for disputes, so that the views of the devolved governments can be heard. The Government should set out in detail the processes by which the views of the devolved governments and parliaments will be fed into the negotiations on the UK's future relationship with the EU and on future trade agreements with non-EU states. The Government should also commit to seeking the views of the devolved parliaments as part of the process of seeking approval for the Withdrawal Agreement and Political Declaration. ⁴⁸

⁴⁸ Ibid. paragraph 107.

House of Commons Scottish Affairs Committee

The Committee produced a Report *European Union (Withdrawal) Bill and its implications for devolution* in November 2017.⁴⁹ On intergovernmental relations, the report focused on arrangements for common frameworks, saying:

- That areas where common frameworks will apply should be agreed between the UK and Scottish Governments, based on the premise that all powers should be devolved unless there is good reason to reserve them.⁵⁰
- That the content of any common frameworks for these areas be agreed with the devolved administrations, not imposed by Westminster.⁵¹
- That new intergovernmental machinery will be needed to support any common frameworks.⁵²
- That the UK Government and devolved administrations should agree a mechanism by which disputes can be resolved in the event that common frameworks cannot be agreed.⁵³

⁴⁹ First report of the House of Commons Scottish Affairs Committee of Session 2017-19, [European Union \(Withdrawal\) Bill and its implications for devolution](#), HC 375, 19 November 2017

⁵⁰ First report of the House of Commons Scottish Affairs Committee of Session 2017-19, [European Union \(Withdrawal\) Bill and its implications for devolution](#), HC 375, 19 November 2017, para 17

⁵¹ First report of the House of Commons Scottish Affairs Committee of Session 2017-19, [European Union \(Withdrawal\) Bill and its implications for devolution](#), HC 375, 19 November 2017, para 22

⁵² First report of the House of Commons Scottish Affairs Committee of Session 2017-19, [European Union \(Withdrawal\) Bill and its implications for devolution](#), HC 375, 19 November 2017, para 22

⁵³ First report of the House of Commons Scottish Affairs Committee of Session 2017-19, [European Union \(Withdrawal\) Bill and its implications for devolution](#), HC 375, 19 November 2017, para 22

House of Commons Public Administration and Constitutional Affairs Committee

Public Administration and constitutional Affairs committee published its Report *Future of the Union part 2: inter-institutional relations in the UK* in December 2016.⁵⁴ In the report PACAC concluded that there is longstanding criticism of the ineffectiveness of the existing JMC structures and recommended that they be reformed, and the Memorandum of Understanding between the UK and devolved government reconsidered.⁵⁵ The committee recommended that there was an ideal opportunity at the end of 2016 for the formal machinery of intergovernmental relations in the UK to be imbued with a sense of purpose with a revitalised and reformed JMC.⁵⁶ The Committee recommended the creation of subcommittees in the areas of Agriculture, fisheries, and economic affairs.⁵⁷ PACAC also concluded that there were limits to the effect that intergovernmental machinery could have by itself and as the effectiveness of any model of intergovernmental relations rests on the ability of the four administrations to collectively develop an atmosphere of trust and goodwill. PACAC recommended that in order to develop such an atmosphere of trust and goodwill, the UK Government must show a

⁵⁴ Sixth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2016-17, [The Future of the Union, part two: interinstitutional relations in the UK](#), HC 839, 8 December 2016

⁵⁵ Sixth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2016-17, [The Future of the Union, part two: interinstitutional relations in the UK](#), HC 839, 8 December 2016, para 48-50

⁵⁶ Sixth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2016-17, [The Future of the Union, part two: interinstitutional relations in the UK](#), HC 839, 8 December 2016, para 65

⁵⁷ Sixth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2016-17, [The Future of the Union, part two: interinstitutional relations in the UK](#), HC 839, 8 December 2016, para 66

genuine receptiveness to the concerns and suggestions put forward by the devolved administrations.⁵⁸

PACAC returned to the issue of Intergovernmental relations in its report *Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships*. This report built on the previous recommendations and further recommended:

- Devolution is now an established and significant feature of the UK constitutional architecture and should be treated with respect to maintain the integrity of the United Kingdom. The Government needs to bring clarity to the situation by setting out, in response to this report, its Devolution Policy for the Union. A document setting out the Government's Devolution Policy for the Union should be issued at the start of every Parliament. This policy should outline where the constitutional architecture of devolution needs to be buttressed or amended and should, where necessary, provide justification for asymmetry within the devolution settlement. While we accept that asymmetry may be necessary and even preferable within the UK context, the Government should explicitly recognise and be held accountable for representational and institutional asymmetries within the UK political system.⁵⁹
- the Government take the opportunity provided by Brexit to seek to develop, in conjunction with the devolved Administrations, a new system of inter-governmental machinery and ensure it is given a statutory footing. Doing this will make clear that inter-governmental relations are as important a

⁵⁸ Sixth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2016-17, [The Future of the Union, part two: interinstitutional relations in the UK](#), HC 839, 8 December 2016, para 67

⁵⁹ Eighth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2017-19, [Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships](#), HL 1485, 31 July 2018, para 21

part of the devolution settlement as the powers held by the devolved institutions.⁶⁰

- the JMC must be reformed. The new inter-governmental apparatus that emerges from this reform should ideally have an independent secretariat to schedule and organise intergovernmental meetings. The secretariat should also provide an independent conduit for discussions among administrations at official and ministerial level in between formal inter-governmental meetings.⁶¹
- It is important that inter-governmental relations mechanisms have a clearly defined purpose and are not just arrangements for the airing of grievances. Common Frameworks should if possible be agreed by consensus and, if a consensus cannot be reached, each government should report the reasons for the failure to agree to their respective legislatures.⁶²
- that England should be better represented at inter-governmental meetings. In the short-term, the Government should develop proposals for including the metropolitan mayors and other local leaders in reformed inter-governmental mechanisms. For the long-term, the Government should consider establishing a committee which would represent English cities and

⁶⁰ Eighth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2017-19, [Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships](#), HL 1485, 31 July2018, para 132

⁶¹ Eighth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2017-19, [Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships](#), HL 1485, 31 July2018, para 133

⁶² Eighth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2017-19, [Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships](#), HL 1485, 31 July2018, para 135

counties and would have representation on JMCs (or their replacement) to advocate the interests of all parts of England.⁶³

⁶³ Eighth Report of the House of Common Public Administration and Constitutional Affairs Committee of Session 2017-19, Devolution and Exiting the EU: Reconciling Differences and Building Strong Relationships, HL 1485, 31 July 2018, para 137



Our Ref: CDL/2533

Mr Antoniwi and Mr Rees
Interparliamentary Forum on Brexit
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

17 January 2019

Dear Mr Antoniwi and Mr Rees,

Thank you for your letter of 29 October 2018, providing an update on the Interparliamentary Forum on Brexit meeting that took place on 25 October 2018, as well as a summary of conclusions and recommendations on intergovernmental and interparliamentary relations made by the committees represented in the Forum.

I am pleased to provide here further detail on the progress of the current review into intergovernmental relations.

Devolution in the UK over the past 20 years is something we should celebrate. Intergovernmental relations are vital to the effective functioning of devolution and, most importantly, to the delivery of services for all citizens across the UK. Since the inception of devolution, intergovernmental relations have continued to evolve to meet the needs of the various administrations across the UK.

As you note in your letter, discussions between the UK Government and devolved administrations are underway in order to determine what changes we might make for the future that can strengthen our relations as part of the review of intergovernmental relations.

One of the first exercises undertaken as part of the review was looking at the evidence developed by Parliamentarians and academics about the current operation of intergovernmental relations

and recommendations for reform, so your perspectives have informed the content and direction of the review.

In 2018, officials jointly developed five key themes and workstreams for the review, including:

- The principles underpinning intergovernmental relations, including Parliamentary scrutiny and dialogue;
- The structures needed to assist domestic UK governance, for example the formal and informal forums and engagement needed to govern common frameworks;
- How we seek to avoid and resolve disagreements in the future;
- The formal Ministerial machinery, including the Joint Ministerial Committee and the secretariat;
- Engagement on international matters, including the UK's future relationships with the EU.

In the coming months, we will continue to work closely with the devolved administrations on these workstreams.

We note that the suggestion for intergovernmental relations to be placed on a statutory footing would require the UK Parliament to agree any changes that the four administrations wish to make to the agreements underpinning our relationship. Placing the MoU in statute may therefore limit the participating administrations' ability to adapt its function in what is a rapidly changing political landscape. This could include for example the creation or removal of additional committee structures. We remain of the view that the intergovernmental structures must remain adaptable enough to address the four governments' interests at any given time, not least at present to manage the UK's exit from the EU.

We also note and welcome your interest in Parliamentary scrutiny and dialogue in the intergovernmental relations. We recognise the importance of consulting with wider stakeholders and we are therefore working closely with academics and commentators to ensure we explore the full range of options. We remain open to new suggestions for the effective conduct of intergovernmental relations and am pleased that the Minister for the Constitution will be able to discuss your recommendations further at the Forum's next meeting later this week.

I am also pleased to provide the Forum with an update on the Ministerial engagement that has taken place with the devolved administrations since my last correspondence in October.

Joint Ministerial Committee (EU Negotiations)

The Joint Ministerial Committee (EU Negotiations) (JMC(EN)) has met three times since our last correspondence, on Thursday 11 October, Tuesday 13 November and Monday 19 November.

On 11 October, the Secretary of State for Exiting the European Union provided an update on the progress of the EU Exit negotiations ahead of European Council on 17/18 October and the Committee discussed recent developments. The Committee also discussed the UK Government's position on migration, with the Minister of State for Immigration and, from the Scottish Government, the Minister for Europe, Migration and International Development, in attendance to speak further to this matter. The Committee also discussed domestic issues. The former Parliamentary Under Secretary of State for Exiting the EU, Suella Braverman MP, gave an update

on the EU (Withdrawal Agreement) Bill. The Committee discussed the ongoing engagement on common frameworks and agreed further work to ensure progress across the priority areas and on cross-cutting issues. The meeting concluded with a discussion on operational readiness and the Committee agreed to discuss this further at the next meeting in November.

On 13 November, I provided the Committee with an update on negotiations with the EU including further developments in relation to the Withdrawal Agreement and the Future Framework. On domestic issues, the former Parliamentary Under Secretary of State for Exiting the EU, Suella Braverman MP, provided an update on the EU (Withdrawal Agreement) Bill. The Committee also noted the ongoing engagement on common frameworks and operational readiness, including the European Union (Withdrawal) Act and Common Frameworks report that had been laid before Parliament earlier that day.

The Committee met again on 19 November following the publication of the draft Withdrawal Agreement and Outline Political Declaration. I provided an overview of these two documents and the Committee discussed these further. The next meeting of JMC(EN) is scheduled to take place later this month.

Joint Ministerial Committee (Plenary)

The Joint Ministerial Committee met in Plenary (JMC(P)) on 19 December at 10 Downing Street. The meeting was chaired by the Prime Minister, and attended by the First Ministers of Scotland and Wales and the Head of the Northern Ireland Civil Service. The Prime Minister provided an update on negotiations with the EU and the Committee discussed next steps on the UK's exit from the EU. The Committee also noted progress on the review of intergovernmental relations that they had discussed and commissioned at the previous meeting in March 2018 and remitted further work to officials.

Joint Ministerial Committee (Europe)

The Joint Ministerial Committee (Europe) (JMC(E)) has continued to meet quarterly since the referendum, ahead of European Council meetings. The meetings are chaired by the 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. The most recent meeting took place on 11 October. As well as the standing agenda item of UK priorities for the European Council, the forum also discussed the Multiannual Financial Framework for 2021-27, and the Commission Work Programme 2019 Letter of Intent. The Committee also commissioned a paper to consider the future role of JMC(E) during the implementation period. This paper is currently being developed by UK Government officials, with input from officials from each of the devolved administrations. The next JMC(E) is due to take place in late January, where this paper will be considered. The agenda will also include a discussion on Blue Growth, and consideration of a paper on the priorities for the upcoming Romanian Presidency.

Ministerial Forum (EU Negotiations)

The Ministerial Forum (EU Negotiations) (MF(EN)), co-chaired by the Parliamentary Under Secretary of State for Exiting the European Union, Robin Walker MP, and the Minister for the Constitution, Chloe Smith MP, has now met six times since it was established in May 2018. MF(EN) provides the devolved administrations with increased opportunity to contribute to the

development of UK negotiating lines in greater breadth and depth. Since our last correspondence, there have been two further meetings of MF(EN), on 22 October and 3 December.

On 22 October 2018, MF(EN) met in London to discuss the UK Government's proposal for dialogue and exchanges between the UK and the EU in areas of shared interest, with a view to identifying opportunities to cooperate, share best practice and expertise. Topics of discussion included science and innovation, culture and education and UK participation in EU programmes. This followed Robin Walker's regular update on negotiations in Brussels.

MF(EN) last met on 3 December 2018, to discuss the following topics in the context of our future relationship with the EU: transport, led by Jesse Norman MP, from the Department for Transport; financial services, led by John Glen MP, the Economic Secretary to the Treasury; services; and energy, both led by Claire Perry MP, from the the Department for Business, Energy and Industrial Strategy. 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 Rebecca Evans AM, in her previous role as Minister for Housing and Regeneration for the Welsh Government, and senior officials from Northern Ireland, the Scottish Government's Minister for Energy, Connectivity and the Islands, Paul Wheelhouse MSP was also in attendance. From the Welsh Government, the Cabinet Secretary for Economy and Transport, Ken Skates AM and the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM were also present. Ministers noted a good degree of alignment with regards to the items under discussion, while recognising the importance of further joint working to ensure that devolved interests are accounted for in the development of UK Government policy. The next meeting of MF(EN) is being planned for this month, where we look forward to a substantive policy discussion on internal security and civil judicial cooperation in the context of the UK's future relationship with the EU.

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 20 such meetings to date. These discussions continue to highlight policy areas and issues for discussion at future meetings of MF(EN).

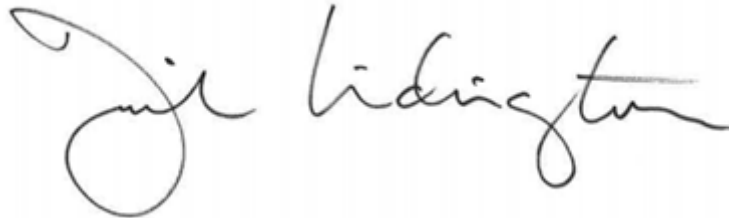
British-Irish Council

The 31st Summit of the British-Irish Council took place on 8/9 November 2018, hosted by the Government of the Isle of Man. I was pleased to lead the UK delegation, which included the Secretary of State for Northern Ireland, the Parliamentary Under Secretary of State for Exiting the EU, Robin Walker MP, and the Minister of State for Digital and the Creative Industries, Margot James MP.

The main discussion items at the Summit meeting focused on digital inclusion and latest political developments, including EU Exit and the political situation in Northern Ireland. Ministers from each member administration provided an overview of their latest activity in preparation for the UK's exit from the EU. Preparations are underway for the 32nd Summit of the British-Irish Council which is due to be hosted by the UK Government later this year.

I hope that this provides a useful summary of recent engagement with the devolved administrations and look forward to continuing these regular updates.

Yours,

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

Rt Hon David Lidington CBE MP

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mick Antoniw AM
Chair, Constitutional and Legislative Committee
David Rees AM
Chair, External Affairs and Additional Legislation
Committee
National Assembly of Wales
Cardiff Bay
CF99 1NA

17 January 2019

Dear Mick and David

Many thanks for your letter of 29 October 2018 on behalf of the Interparliamentary Forum on Brexit. I understand the Forum meets again on 17 January, so I wanted to place on record my appreciation of the work of the Forum and the Committees represented in it.

It has been clear for some time that current constitutional arrangements cannot bear the weight of Brexit, neither to negotiate the UK's withdrawal from the EU nor in the longer term. Long-standing weaknesses in our arrangements - lack of robust legal protections of devolved powers, lack of effective mechanisms for inter-governmental working, and cultural attitudes - have been illustrated starkly through the Brexit processes. The annex to your letter shows the range and quality of the work of Parliamentary Committees across the United Kingdom to examine these issues and make valuable recommendations.

Your letter concentrates on intergovernmental processes and interparliamentary processes. I have seen Mark Drakeford's letter to you of 29 November, and I agree with the points that he makes on these issues, particularly on the quality of engagement. The current review of inter-governmental relations is an opportunity that must be used to address constructively the difficulties you and he identify.

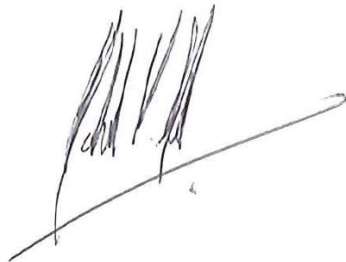
There is also a need to address the other constitutional issues that Brexit has exposed. The Scottish Government is particularly concerned about the Sewel Convention, following the unprecedented decision of the UK Government to proceed with the European Union (Withdrawal) Act after the Scottish Parliament explicitly refused to give its consent. The Withdrawal Act also allows UK Government Ministers to change the competence of the Scottish Parliament (and the Welsh Assembly) without consent, breaching a fundamental principle of the devolution settlement put in place in 1998

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Government believes there is a need for a widespread debate about the implications of Brexit for the UK's constitutional arrangements. We intend to develop further proposals to secure Scottish interests, whatever the outcome of the Brexit process, and to contribute to wider consideration of the future governance of these islands.

The work of the Parliamentary Committees, and the Forum itself, will continue to be a crucial part of these debates over the coming months, and I look forward to our continuing engagement.

I am copying this letter to David Lidington, Jeremy Miles and Bruce Crawford MSP, Joan McAlpine MSP and Graham Simpson MSP at the Scottish Parliament.

A handwritten signature in black ink, appearing to read 'Michael Russell', written over a horizontal line.

MICHAEL RUSSELL

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

The Scottish Parliament, Edinburgh EH99 1SP
www.gov.scot

Tudalen y pecyn 134





Eich cyf/Your ref
Ein cyf/Our ref

Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee
David Rees AM, Chair of the External Affairs and Additional Legislation Committee
National Assembly for Wales

29 November 2018

Dear both,

Thank you for copying to me your letter of 29 October, sent on behalf of the Interparliamentary Forum on Brexit to the Chancellor of the Duchy of Lancaster.

I welcome the Forum's interest in the relations between governments across the UK. The Welsh Government has been in the vanguard of calls for reform of intergovernmental relations; we set these out in 'Brexit and Devolution', which we published almost 18 months ago, and which itself built on positions outlined initially in 'Securing Wales' Future'. I believe our ideas are gaining traction: there is a growing recognition that we need a different way of working, because the current structures are not capable of bearing the weight EU withdrawal is placing upon them.

Our position in these matters is very much aligned with those expressed by a number of committees in recent years, as summarised in the annex to your letter, and I am able to assure you that we are taking careful note of the findings of these committees. Indeed, one of the first products undertaken as part of the IGR review was a review of the evidence from external commentators, including parliamentarians and academics, about the current state of intergovernmental relations, and recommendations for reform.

The need for reform is further demonstrated by our recent experiences in respect of the Ministerial Forum for EU negotiations. We welcomed the creation of the Forum, which is a sub-group of the JMC (EN) and a useful addition to the intergovernmental machinery, with the aim of allowing the views of the Devolved Administrations to feed into the negotiations process.

However, the quality of engagement in that Forum has been below expectations. Whilst some fruitful discussions have now been held on specific topics like cooperative accords, engagement on major elements of the negotiations has been unsatisfactory.

We remain disappointed and frustrated by the lack of meaningful engagement more widely. We were not shown or provided the detail of the draft Withdrawal Agreement or the political declaration before it was published, despite the fact that the UK Government cannot speak for the whole UK on many of the issues covered – many are in areas within the devolved competence of Welsh Ministers and the National Assembly for Wales.

It nevertheless remains essential that we present the Welsh Government's position at every opportunity. We fully expect to be involved in the detailed negotiations with the EU on the future economic partnership on matters within our devolved competence, and have made clear that we believe the model used to prepare for Council negotiations on fisheries in particular is one we should build upon to make sure the views of the devolved administrations are incorporated into the UK negotiating position.

The Welsh Government is keen to see the development of inter-parliamentary relationships through initiatives such as the Forum, and whilst these relationships are a matter for the Assembly and the other legislatures, we would be willing to participate in work to facilitate their development.

I am copying this letter to the Chancellor of the Duchy of Lancaster, and the Cabinet Secretary for Government Business and Constitutional Relations at the Scottish Government.

Best wishes,

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

Mark Drakeford AC/AM

Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 9

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon