



# Foreign & Commonwealth Office

24 March 2016

**Minister for Europe**  
King Charles Street  
London SW1A 2AH

David Melding AM  
Chair, Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

*Dear David,*

## **EU Reform, Referendum, and Engagement**

Thank you for your letter of 10 March. I am glad that your Committee continues to take a close interest in the EU reform agenda and EU decision-making processes.

You raise your concern about the way in which the UK Government engaged the devolved legislatures during the renegotiation process. As you are aware, the renegotiation for the UK's new settlement within the EU was a reserved matter. The Government engaged with the devolved administrations throughout the renegotiation.

For example, I met Minister Jane Hutt in Cardiff on 1 December. I followed up this conversation with telephone calls on 16 December and 3 February. The Foreign Secretary also met the First Minister of Wales on 16 December. The renegotiation has been a standing item on the agenda at the Joint Ministerial Committee's Europe meetings. In addition, the Foreign Secretary and I extended standing invitations to First Ministers and JMCE attendees to be in contact should they have had any specific issues to discuss on the renegotiation.

You ask how the Welsh Assembly will be involved in the new red card procedure in relation to areas of EU policy relating to devolved matters. As foreign policy issues are reserved, relations with the EU are the responsibility of the Parliament and Government of the United Kingdom. However, just as the UK Government is committed to working with devolved administrations on reserved matters which touch on devolved areas, we would support an open and constructive dialogue between the UK Parliament and the devolved legislatures when new European legislative proposals are scrutinised with regards to their compliance with the principle of subsidiarity.

You also raise the issue of the involvement of the devolved administrations in negotiations in the event of the UK withdrawing from the EU. The Government's position is that that the UK will be stronger, safer and better off remaining in a reformed EU.

The Government recognises that withdrawal would involve considerable implications for UK domestic legislation. The UK Parliament and the devolved legislatures would need to consider how to maintain a robust legal and regulatory framework in areas where that had previously depended on EU laws. The procedure governing a country's departure from the EU is set out in Article 50 of the Treaty on European Union. This provides for a period of two years for the negotiation of exit terms. After two years, the departing Member State is deemed to have left the EU, meaning that both the rights and the obligations that derive from membership would lapse. This two year deadline can be extended, but only by unanimous agreement of all EU Member States.

For further information on the process for withdrawing from the European Union, you may wish to consult the recent Government publication on the topic which can be found on the Government website: <https://www.gov.uk/government/publications/the-process-for-withdrawing-from-the-european-union>.

The Government will of course continue to involve the devolved administrations as directly and fully as possible in decision making on EU matters which touch on devolved areas.

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

**THE RT HON DAVID LIDINGTON MP**