

1. Introduction

1.1. This evidence has been prepared to inform the National Assembly's joint committee consultation on The European Union (Withdrawal) Bill and its implications for Wales.

1.2. About WCVA

WCVA is the national membership organisation for the third sector in Wales. Our vision is for a future where the third sector and volunteering thrive, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing.

2. The treatment of devolution

2.1. There is no protection given to the laws that govern Welsh devolution. Instead of strengthening the settlement, the Bill undermines the founding principles. Devolution has encouraged cross-sectoral working and allowed the third sector greater accessibility to engage with the governing institutions in relation to policy development, scrutiny and delivery and the promotion of equality and human rights. For example:

2.1.1. Welsh Government engages directly with the European Commission to negotiate the strategic direction and administration of key programmes financed by the Structural Funds and the Common Agricultural Policy. The establishment of the 'Partnership Principle', which underpins the design, management and implementation of the Structural Funds in Wales, has assisted the third sector to inform these negotiations through its membership of such platforms as the Programme Monitoring Committee¹.

2.1.2. The Third Sector Partnership Council², borne from the Voluntary Sector Scheme - a requirement stipulated within the Government of Wales Act 1998, is a key mechanism for the third sector to engage with Welsh Government and advise on policy development and implementation.

These mechanisms to engage and influence could be undermined if control is taken from Wales and absorbed by UK Government.

¹ Welsh Government. Wales Programme Monitoring Committee 2014-2020. <http://gov.wales/funding/eu-funds/2014-2020/programme-monitoring-committee/?lang=en>

² WCVA. Third Sector Partnership Council. <https://www.wcva.org.uk/what-we-do/representing-the-sector/third-sector-partnership-council>

2.2. Legislation within the Bill could be used disproportionately or as a vehicle to weaken existing civil rights and environmental protections (realised to some extent already through the decision taken to exclude the EU Charter on Fundamental Rights from domestic law post Brexit). Any weakening of rights will indicate little recognition for the Welsh devolved perspective, with the promotion and protection of equality and human rights woven into the Welsh devolution settlement.

2.3. Wales has chosen to strengthen its rights protections through such measures as the Rights of Children and Young People (Wales) Measure 2011, the Wellbeing of Future Generations (Wales) Act 2015 and the Social Services and Wellbeing (Wales) Act 2014. These Acts were written in the context of devolution and the ability for these to achieve success may be severely limited if powers are removed from Wales.

3. The delegation of powers and their control

3.1. Delegated powers should be restrained to prevent substantive change to policy, particularly in relation to civil rights and environmental protections. Under the Bill, UK Government's powers exist beyond the correction of EU law which will not operate effectively post Brexit and the act of converting EU law into UK law³. The third sector operates across the majority of policy subjects devolved to Welsh Government, including agriculture, the environment, housing and tourism. Subsequent changes to policy may not be conducive to Wales, the sector and the protections we value.

4. Discussion

4.1. If requested, we would be pleased to discuss further these or any other points relating to this consultation.

³ European Union Withdrawal Bill. <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0005/18005.pdf>. Accessed 14th August 2017.