



Department
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David Rees AM
Chair
External Affairs and Additional Legislation Committee
National Assembly for Wales

22 March 2018

Dear David,

European Union (Withdrawal) Bill

Thank you for your letter of the 19 February setting out the Committee's position in respect of the EU (Withdrawal) Bill. I am grateful to you and committee members for your continued consideration of this important piece of legislation.

As you will be aware following the Secretary of State for Wales' letter, we have tabled a substantial amendment to clause 11 that would see the vast majority of powers returning from Brussels under the full control of the devolved administrations on day one of exit. We consider that this addresses the concerns previously raised by the Committee, as well as by the devolved administrations.

In addition, the proposed amendment would temporarily ensure that in the specific areas where the power was used, current EU rules and regulations would continue to apply across the UK from day 1 after exit while a new UK or GB framework is discussed and implemented. During that temporary arrangement, the Scottish and Welsh Government will be able to do everything they can currently do; so all of their existing flexibility is preserved. The end result will be more powers for the devolved administrations after exit.

There will also be a requirement for UK Government to consult the devolved administrations, and to make an explanatory statement to Parliament, before laying those regulations for Parliament to vote on in addition to explicit recognition that the new restrictions on competence are intended to be temporary. Ministers will then be under an express obligation to periodically consider whether to repeal those restrictions and there will be a reporting requirement on UKG to set out information relating to the deployment of the new power.

This is a sensible and pragmatic step so that we can provide businesses and wider stakeholders the legal certainty they have asked for. It means companies and people in the UK know which laws apply and it helps to minimise the number of changes there are to create a new framework across the UK.

Whilst we have not yet reached agreement with the Scottish and Welsh governments on the detail of our amendment, we have agreed to continue our discussions. It is right however that whilst those discussions take place, we ensure that members of devolved and UK legislatures have an opportunity to consider our proposed amendment and that people, businesses and organisations can see what our approach will mean for them.

Although our discussions continue at present, we would welcome an opportunity to update the Committee on our discussions and the detail of our amendment after Committee Stage in the Lords. I understand that my colleague, Robin Walker MP, Parliamentary Under Secretary of State for Exiting the EU, is in contact with your Committee following the recent invitation to meet.

I am copying this letter to the Minister for the Constitution, Secretary of State for Wales and the Cabinet Secretary.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Martin Callanan', with a small dot at the end.

LORD CALLANAN
MINISTER OF STATE FOR EXITING THE EUROPEAN UNION