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David Rees AM
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Dear David,

**EXTERNAL AFFAIRS AND ADDITIONAL LEGISLATION COMMITTEE - INQUIRY INTO
EUROPEAN LAW IN WALES DURING THE IMPLEMENTATION PERIOD**

Thank you for your letter outlining the Committee's new inquiry "European Union Law in Wales: What happens during the Brexit transition period?".

As you know from my previous appearances in front of your committee, I am keen to engage with the Welsh Government and the National Assembly as we continue preparations for exiting the EU, and progress the programme of exit legislation.

I have responded to the Committee's questions below, but would stress that some of the detail of the process is still being developed and, of course, is ultimately subject to the final Withdrawal Agreement with the EU. I would be happy to provide further information to the committee at a later stage when more detail has been confirmed, particularly the content of the Withdrawal Agreement and Implementation Bill (WAIB).

ROBIN WALKER MP
PARLIAMENTARY UNDER SECRETARY OF STATE
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What process will be followed for the transposition, implementation and enforcement of EU law during transition?

We have been very clear that the implementation period will provide continuity and certainty to businesses and citizens as we leave the EU. While the UK will no longer be a member state, the UK and the EU have agreed in the draft Withdrawal Agreement that common rules will remain in place and continue to apply in the UK, with a few exceptions, during the time-limited implementation period. This will ensure that both sides only have to prepare for one set of changes as we move towards our future relationship with the EU. The WAIB will implement the major elements of the Withdrawal Agreement in domestic law, including giving effect to the implementation period.

What role do you anticipate for the Welsh Government in this process?

As with all legislation, the UK Government will continue to consult with the Welsh Government on the development of the WAIB and parts that will impact on devolved matters, and will seek the consent of the National Assembly for Wales where appropriate.

Will there be an intra-UK intergovernmental structure established to support this process (such as the current JMC Europe)?

There are a number of inter-governmental structures that already exist to facilitate and involve the devolved administrations in the process of the UK's exit from the EU. At the last meeting of the Joint Ministerial Committee (Plenary) officials were remitted to review the existing range of intergovernmental structures to ensure they are fit for purpose in light of EU exit.

How will the two withdrawal Bills (the EU (Withdrawal) Bill and the Withdrawal Agreement and Implementation Bill) interact with regards to the transition period?

The WAIB will be used to implement the major elements of the Withdrawal Agreement in domestic law. It will be this Bill - not the EU (Withdrawal) Bill - that will give effect to the implementation period, including making changes to other legislation if necessary. It is possible that some provisions in other EU exit Bills, including in the EU (Withdrawal) Bill, may not take effect until the end of the implementation period. The EU (Withdrawal) Bill remains crucial because it provides for continuity in the law when EU rules and regulations cease to apply.

How will the views of the Welsh Government on draft EU laws in devolved areas be presented to the European Union during the transition period?

At present, the devolved administrations work closely with UK Government departments in developing the final UK Government position on draft EU laws which impact on devolved areas. We anticipate maintaining this system during the implementation period. The Inter-Governmental Relations review commissioned by JMC(Plenary) may further refine this process.

Will the Welsh Government be represented on the EU-UK Joint Committee established under the WA?

Arrangements for the Joint Committee are still being determined and it will be comprised of representatives from both the UK and the EU who have the necessary expertise and experience. As now, the UK Government will have responsibility for negotiating and representing the UK as a whole, engaging fully with all of the devolved administrations.