

# Agenda – Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

---

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Ystafell Bwyllgora 2 – Y Senedd Rhys Morgan  
Dyddiad: Dydd Llun, 8 Hydref 2018 Clerc y Pwyllgor  
Amser: 13.45 0300 200 6565  
[SeneddMADY@cynulliad.cymru](mailto:SeneddMADY@cynulliad.cymru)

---

## Rhag-gyfarfod preifat

(13.45–14.00)

### 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau (14.00)

### 2 Paratoi at Brexit – sesiwn dystiolaeth gyda'r sector porthladdoedd (14.00–15.00) (Tudalennau 1 – 36)

Richard Ballantyne, Grŵp Porthladdoedd Cymru

Debra Barber, Maes Awyr Caerdydd

Sally Gilson, Cymdeithas Cludo Nwyddau

### Egwyl (15.00–15.10)

### 3 Paratoi at Brexit – sesiwn dystiolaeth gyda'r sector iechyd (15.10–16.10) (Tudalennau 37 – 53)

Dr Richard Greville, Cymdeithas Diwydiant Fferyllol Prydain

Dr Stephen Monaghan, BMA Cymru

Lisa Turnbull, Coleg Nyrsio Brenhinol Cymru

Vanessa Young, Confederasiwn GIG Cymru

### 4 Paratoi at Brexit – sesiwn dystiolaeth gyda'r sector bwyd (16.10–16.55) (Tudalen 54)

Andy Richardson, Bwyd a Diod Cymru

Gwyn Howells, Hybu Cig Cymru



**5 Papur i'w nodi**

(16.55–17.00)

- 5.1 Gohebiaeth gan Mark Drakeford, Ysgrifennydd y Cabinet dros Gyllid, at Llyr Gruffydd, Cadeirydd Dros Dro y Pwyllgor Cyllid, ynghylch cyllideb ddrafft 2019–20 – 30 Medi 2018**

(Tudalennau 55 – 56)

- 6 Cynnig o dan Reol Sefydlog 17.42(vi) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod**

(17.00)

- 7 Paratoi at Brexit – trafod y dystiolaeth**

(17.00–17.15)

Mae cyfyngiadau ar y ddogfen hon



27 September 2018

David Rees AM  
Chair of the External Affairs and Additional Legislation Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear David

**Follow-up inquiry into how the Welsh Government is preparing for Brexit - ports**

Thank you for the opportunity to provide follow up evidence to the above inquiry.

Many of our concerns and interests outlined in the written submission by the Welsh Ports Group, of which whom we provide secretariat functions, submitted to your Committee in May 2017 (appended to this letter), remain unresolved. In particular though we would add the following updated points:

- Although perhaps less likely now after recent comments by EU leaders, if accepted by the EU, the UK Government's proposed Facilitated Customs Arrangement (the Chequers' agreement) outlined in the July 2018 Brexit White Paper, would avoid the need for any new border checks on UK-EU freight. This would be helpful to all Welsh and UK cargo ports with European trade but particularly the Welsh Ro-Ro ports of Fishguard, Holyhead and Pembroke, where the facilitation of international vehicle trade is particularly time critical. To recap, new frontier checks could lead to queues, delays and congestion at such Ro-Ro terminals.
- In a 'no-deal' scenario, many of our concerns about delays at the border we outlined in our original submission could become a reality. This would include requirements for full frontier checks (customs and animal/plant health etc) on freight traveling between the EU and Europe. The recent batches of UK Government 'no-deal' advisory notices are helpful to a certain extent, but these have highlighted concerns we have about EU member state preparations and the enforcement of a range of rules at European ports which could impact UK ports, shipping services and exporters. These include enforcement of port health controls, recognition of UK seafarer certificates and haulage permitting.

- Separately we are still seeking clarification on regulatory changes over both outcomes in respect of environmental (planning and consenting) and competition (state aid and the EU Port Services Regulation) rules and if the UK could amend post Brexit.
- We are also interested in if new domestic grants and funding regimes to replace the EU structural funding will be created (within the confines of state aid rules), such as the TEN-T transport grants and European Maritime Fisheries Fund, which have benefitted ports and logistics operators.

I look forward to providing further evidence in person next month.

Yours sincerely



Richard Ballantyne - Chief Executive  
British Ports Association

## Appendix 1

# WELSH PORTS GROUP

BRITISH PORTS ASSOCIATION UK MAJOR PORTS GROUP

30 PARK STREET, LONDON, SE1 9EQ

---

24 May 2017

Sara Catrin Rees  
Deputy Clerk  
External Affairs and Additional Legislation Committee  
Policy and Legislation Committee Service  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
[sara.rees@assembly.wales](mailto:sara.rees@assembly.wales)

Dear Sara

### **Response to Welsh Assembly External Affairs and Additional Legislation Committee inquiry into the implications of Brexit for Welsh and Irish ports**

Thank you for the opportunity to comment on the impact of Brexit for Welsh and Irish ports. I am responding on behalf of the Welsh Ports Group which represents the overwhelming majority of ports in Wales.

Each year Welsh ports handle over 50m tonnes of UK freight. The main components of the port market in Wales are ferry traffic with Ireland, oil and gas, containers, steel, biomass and general and bulk cargoes, offshore renewable cargoes and services as well as facilities for cruise ships, leisure activities and fishing. These are diverse and fundamental trades, supporting growth, employment and other sectors of the economy. Ports sustain and enable growth in many key Welsh industries, including the steel, oil, gas and energy, construction, agriculture, and fishing sectors. In terms of future growth there remain opportunities in the renewables and cruise sectors although ports are very much dependent on the market to dictate what if any developments will take place in Wales.

Ports are a key part of the Welsh economy and provide significant levels of employment. In a recent study by Oxford Economics it was found that 0.9% of all jobs in Wales were port related. Large Ports such as Milford Haven, Port Talbot and Holyhead are vital gateways for the UK's national economy. Smaller regional ports and harbours are also of importance to local economies and regional employment.

---

*British Ports Association – Speaking for UK Ports*

a: 1st Floor, 30 Park Street, London SE1 9EQ t: +44 207 260 1780

e: [info@britishports.org.uk](mailto:info@britishports.org.uk) w: [www.britishports.org.uk](http://www.britishports.org.uk)

Tudalen y pecyn 28

In terms of Brexit the two national ports trade associations, the British Ports Association and UK Major Ports Group has prepared the following joint statement:

*'The decision to leave the EU places ports at the forefront of the drive to protect the UK's future prosperity. 95% of our trade in goods moves by sea and ports provide the key link connecting British businesses and exporters to global markets. Our industry stands ready to work closely with government to help deliver the best possible outcome for Britain following the EU referendum result. That means working to achieve four key objectives:*

- i) Secure the best possible access to the Single Market, with minimum disruption to the movement of goods and services at UK borders;*
- ii) Deliver new trade agreements with the rest of the world as quickly as possible;*
- iii) Recognising the unique structure of the UK ports sector in comparison with others in the EU, build a UK regulatory environment to maximise the nation's competitive advantage;*
- iv) Guarantee Government support for major infrastructure projects, to ensure that UK industry is well positioned to take advantage of any new business opportunities that may arise.*

*The UK ports industry is a national success story. We are committed to making sure that this success can continue to help promote trade, attract investment and create jobs.'*

Nationally the associations have been involved in a host of discussions and activity since the referendum vote, speaking with Ministers and officials from a wide range of Westminster departments and agencies including DexEU, HMRC, HMT, DfT, DIT, FCO, UKBF and Defra. Discussions have ranged from the re-introduction of frontier and customs controls on European port routes, environmental policy changes, new trade opportunities, transport infrastructure investment and stimulus, and the impacts and outcomes across the fishing sector.

Also following the devolved assembly elections last year, the new appointments of Ministers overseeing the transport and infrastructure portfolios in Scotland, Northern Ireland and Wales. We have met each of these Ministers at various points as well as others with responsibility for environment, planning and Brexit.

In terms of trade, EU membership enables intra-EU cargo to move across border and therefore through ports with minimal disruption. As has been widely reported goods transported within the EU are not subject to customs tariffs and controls, VAT declarations and other physical interventions at the border such as animal/plant health inspections, which can lead to delays on extra-EU freight shipments.

This benefits a wide range of cargo traffic but the ports sector with particular concern is the Roll-on Roll-off (ro-ro) freight on Irish Sea ferry services, where freight hauliers drive on to ferries without routinely providing the border agencies or indeed the ships

with details of their cargoes unless they are by their nature hazardous. The situation on Irish Sea ferries is magnified as ro-ro traffic currently faces no routine immigration checks as part of the UK/Ireland Common Travel Area agreement. Through exiting the Single Market the prospect of customs declarations requirements now appears to be a strong possibility.

We welcome the Prime Minister's aspiration of frictionless trade in her speech in January 2017. The impact of new customs requirements could be that ro-ro traffic between Wales and Ireland faces significant disruption from Government border checks and potential inspections. Such checks and delays represents costs for shippers and the freight sector. These costs will be passed on to importers, manufactures and consumers. Much of the hauliers crossing Irish Sea is heading to/from continental Europe (approx. 30%) and we understand that shipping operators are looking at options for direct services between Ireland and the continent, by-passing the British 'land bridge' option. This is not good for UK trade and not good for Welsh ports.

Aside from ro-ro it should be said that other ports, particularly those handling bulk shipments have expressed less concern. Tankers and single cargo shipments on UK-European routes are likely to only be required to produce single documents and these are usually completed by agents. The impact of tariffs on intra-EU traffic however is less clear to our members. Tariffs are usually collected away from ports and administered by shipping agents so their immediate introduction is less concerning. The macro impact of tariffs on the economy and consequently on ports trades is less understood and we would hope that the UK Government is considering this fully in the run up to the negotiations.

We would also encourage the Welsh Government to consider further transport investments, particularly to help improve road and rail connections to ports. Indeed in England the Department for Transport is undertaking a Port Connectivity Study to understand the challenges and this is something we feel value in the Welsh Government undertaking. Much of the work has already been undertaken as part of recent freight assessments but funding for such schemes remains a challenge.

In terms of environmental legislation leaving the EU may provide ports with some opportunities as many of the restrictions ports face can stem from EU rules such as the Habitats and Wild Birds Directives. It should also be highlighted that Welsh ports are commercial operations, strategically and financially independent of government. They do however rely heavily on good transport connections and the efficiency of the marine and terrestrial planning systems. Both are very much under the control of government, both locally and nationally. We therefore look to the Welsh Government to contribute to greater planning efficiency, providing clear added value by creating more certainty for both current port activity and proposed developments. We are keen that both marine and land areas within ports are classified as special areas for growth. These zones could be safeguarded against the impact of marine designations and planning system challenges allowing ports to fast-track developments and have certainty about future activities.

Ports also provide important hubs for the fishing industry, often providing vital facilities for vessels, crew and landings. Currently some Welsh ports have landings made by European trawlers and there are concerns that post Brexit with the UK outside the Common Fisheries Policy such vessels will not be able to fish in UK waters. There has been some speculation over this recently and these developments could well be a starting point for Brexit negotiations where a new fisheries regime will be agreed. Separately ports with fish landings have been able to access modest grants from the EU's European Maritime Fisheries Fund and such ports have indicated support for a continued UK-funded replacement scheme.

We hope these comments are helpful and understand that you will take further evidence from the Welsh Ports Group's Chairman Callum Couper next month.

Yours sincerely



Richard Ballantyne

25<sup>th</sup> September 2018

David Rees AM  
Chair, External Affairs and Additional Legislation Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Rees

**Cardiff Airport's response to the follow-up inquiry into how the Welsh Government is preparing for Brexit – ports**

I am writing in my capacity as Chief Executive Officer and on behalf of the Board of Directors at Cardiff International Airport Ltd, in response to your Committee's findings regarding the preparedness of Welsh ports (including airports) for the UK's departure from the EU.

We have been working closely with industry peers and representative bodies – particularly the Airport Operators' Association (AOA) and the Regional & Business Airports Group (RABA) for some time, to understand the potential impact of a 'No Deal Brexit' outcome. I have personally attended high-level industry roundtable discussions chaired by the Secretary of State at Department for Transport, to ensure that the UK aviation industry has a robust contingency plan in place. Furthermore, we have Director-level representation on the Wales Ports Steering Group, set up one year ago by the UK Government, to focus on the potential impact of a 'No Deal Brexit' across all ports in Wales, including Cardiff Airport.

In terms of the impact of a 'No Deal Brexit' on Cardiff Airport, we expect there could be considerable changes to operational procedures and policies, especially the processing of passengers arriving into Wales at the UK border. These changes may result in considerable delays at passport control and impact the customer experience overall. To mitigate this possibility we have worked with the Welsh Government to procure latest technology Passport e-Gates, which will allow faster, automated processing for passengers in possession of a biometric UK passport. This project will significantly increase resilience at the UK Border and will be in place before March 2019.

Our work also continues with UK Border Force, who are carrying out individual site visits and issuing questionnaires to port operators presently in order to identify any specific issues and to put contingency plans in place ahead of Brexit.

As well as passenger flow into and out of the UK, we are also currently investigating any impact to our cargo operation.

With daily flights to global hubs - including the Middle East - we must highlight gaps in infrastructure that would hinder the processing and movement of air freight should there be a No Deal Brexit outcome.

May I also refer you to the points outlined in our initial submission regarding our observations as an Airport, and how a 'No Deal Brexit' will affect both airlines operating within the UK and Europe and their passengers. In our efforts to diversify the Airport business and promote passenger growth, we will continue to review our offering regularly and work closely with airlines, particularly carriers based in the UK and Europe, to provide a choice of global destinations for our customers.

To conclude, it is essential for us to be prepared for all eventualities, and to continue to serve our market by offering an enjoyable, efficient customer journey and diverse route network. We will continue to support our airline partners, work with agencies including the Department for Transport, UK Border Force and the Welsh Government and seek out new opportunities to grow the Airport business throughout this period of uncertainty. Overall, we aim to ensure that, as a key capital city airport and gateway into the UK, our voice is heard and we have an input into national aviation contingency plans.

Yours sincerely



**Deb Barber**  
Chief Executive Officer  
Cardiff Airport

**FTA submission to the Welsh Assembly External Affairs & Additional Legislation Committee**  
**Follow up inquiry on how the Welsh government is preparing for Brexit - Ports**  
**September 2018**

The Freight Transport Association (FTA) is one of Britain's largest trade associations, and uniquely provides a voice for the entirety of the UK's logistics sector. Its role, on behalf of over 17,000 members, is to enhance the safety, efficiency and sustainability of freight movement across the supply chain, regardless of transport mode. FTA members operate over 200,000 goods vehicles - almost half the UK fleet - and some 1,000,000 liveried vans. In addition, they consign over 90 per cent of the freight moved by rail and over 70 per cent of sea and air freight.

FTA welcomes the opportunity to respond to this follow up inquiry on the preparations for ports in Wales prior to Brexit. To come to its expert opinion, the Association holds regular discussions with members and has also established a 'Customs Working group', comprised of experts in trade arrangements drawn from a cross section of the membership, that has examined the plans put forward by the UK government in the White Paper – known as the Facilitated Customs Arrangement (FCA).

• **FTA's view on the proposals for the new UK-EU customs arrangement**

Facilitated Customs Arrangement (FCA)

As per the UK government's White Paper, the key elements of the Facilitated Customs Arrangement (FCA) are as follows:

- As if in a combined customs territory with the EU, the UK would apply the EU's tariffs and trade policy for goods intended for the EU.
- The UK would also apply its own tariffs and trade policy for goods intended for consumption in the UK.
- Mirroring the EU's customs approach at its external border would ensure that goods entering the EU via the UK have complied with EU customs processes and the correct EU duties have been paid.
- This would remove the need for customs processes between the UK and the EU, including customs declarations, routine requirements for rules of origin, and entry and exit summary declarations.
- Together with the wider free trade area, the FCA would preserve frictionless trade for the majority of UK goods trade, and reduce frictions for UK exporters and importers.

The UK government is now seeking negotiation on this with the EU, who have made their initial thoughts clear that it would be a challenging negotiation. Quite specifically Michel Barnier said the EU cannot – and will not – delegate the application of its customs policy and rules, VAT and excise duty collection to a non-member, who would not be subject to the EU's governance structures.

We have engaged with our members to seek their views on the FCA, taking advantage of our position as the only trade body whose members represent the entire supply chain given.

All our members share the aspiration of frictionless UK-EU trade. In particular members involved in the transportation of goods between the UK and the EU welcomed the proposal as, if agreed with the EU and combined with the wider free trade area, it would essentially retain today's frictionless trade routes.

However, FTA members involved in Rest of World trade have noted that the FCA would, in effect, place the administrative burden further up the supply chain, to the importer/exporters rather than the transporters of goods, and have raised a number of concerns and questions about the practicalities of the FCA scheme.

Our detailed comments will be shared directly with UK government officials. However in summary our concerns include:

*Set up and operation:* Under the FCA, Trusted Traders would be able to choose for themselves the correct duty to pay. This will require IT investment to match supply chain data to CDS, however as we understand it, CDS is currently not planning to produce this functionality, and there are no IT solutions ready for traders to use either. Further information is also required on how companies would become authorised to become Trusted Traders.

*Supply chain tracking:* The most significant concern is how Trusted Traders would be able to track goods to the point at which they are finally consumed. International supply chains are complex, with goods crossing multiple borders before being sold to their final market. We have made detailed comments on this to government to ensure our members' concerns are fully understood.

There are a number of other areas where detailed information is required, including but not limited to issues related to VAT and Excise and clarifications on the reimbursement arrangements between the EU and the UK.

In summary, the goal of frictionless trade as envisaged in the White Paper is supported by the supply chain, however our members have expressed concerns about the practicalities of the FCA proposal. This is a productive starting point for negotiations with the EU and we look forward to close engagement with government to address our members' concerns as the proposal evolves during negotiation on the future UK – EU relationships.

In terms of impacts on Wales, the FCA would, as we understand it, mean that broadly speaking the impact on ports, airports and other infrastructure would be Business As Usual, however Welsh companies involved in Rest of World trade would have to ensure they were compliant with the FCA rules and if necessary make investments in IT infrastructure, training and/or use of specialist customs brokers to support their work.

## Alternative Models

Following the White Paper, the decision as we understand it is now between the FCA (or some version of it after negotiation with the EU), and the UK trading as a Third Country with the EU (i.e. the No Deal scenario). There are, as we understand it, no other models currently under active consideration especially as the UK government's continued public position is that the UK will be leaving the Single Market and the Customs Union, which rules out a number of alternative models (e.g. EEA, CU)

That said, "No Deal" may not be strictly accurate. For example, we understand that the UK should be able to accede to the Common Transit Convention prior to the withdrawal date. It may also be possible to negotiate some other "quick-win" measures to ease friction at the Border; staying in the European security zone for example in order to avoid the need for Entry and Exit Summary Declarations.

- **What needs to happen to ensure the readiness of Welsh ports and businesses for new customs arrangements with the EU?**

As noted above, if agreed with the EU, then the FCA would essentially mean very few or no impacts on ports/airports. However, there would be impacts on any Welsh businesses carrying out Rest of World and EU trade. These impacts are summarised above, and our more detailed comments have been shared directly with the UK government.

In the event of a No Deal scenario, there would be extensive work required by both ports and businesses to cope with the extra regulatory and physical challenges that could arise due to the conditions that a hard border with the EU would pose.

The EU has made it very clear that all inbound goods exported from the UK, in a 'no deal' situation, would be subject to the same levels of checks as other current 3<sup>rd</sup> countries. These checks would be both formal customs checks but also would include the full range of sanitary and phyto-sanitary checks if the vehicles were carrying plant/animal based products. This could result in port congestion in Ireland as lorries are checked as they enter the EU territory. One possible means of resolving this would be to slow down sailings across the Irish Sea, with the result being possible congestion on the UK/Welsh side. At present, Irish Sea facing ports do not have the space available to hold waiting traffic as they have been built around the Ro-Ro Just In Time business model.

It is vital for Welsh and other UK ports that they are given clear guidance from the UK government as quickly as possible as to the future trading arrangements between the UK and the EU.

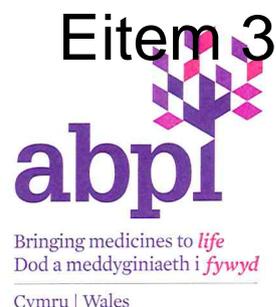
**Prepared by Chris Yarsley, Policy Manager – FTA [cyarsley@fta.co.uk](mailto:cyarsley@fta.co.uk)**

**ABPI Cymru Wales**

Floor 4, 2 Caspian Point, Pierhead Street, Cardiff CF10 4DQ

+44 (0)29 2045 4297

wales@abpi.org.uk



David Rees AM  
Chair of the External Affairs and Additional Legislation Committee  
National Assembly for Wales  
Pierhead Street  
Cardiff, CF99 1NA

15<sup>th</sup> August 2018

Dear *MR REES*,

Thank you for the opportunity to comment further on Wales' preparedness for exiting the European Union in relation to medicines. As you noted in your letter, this is done amid ongoing negotiation between the UK Government and the European Union (EU), and the continued uncertainty about the eventual outcome. Any comment below should be seen in this light.

You have particularly requested our views on:

- the preparedness of the healthcare and medicines sector in Wales for the UK's departure from the EU;
- how the Welsh Government is leading efforts to prepare the Welsh healthcare and medicines sector for the UK's departure from EU, including contingency planning for a 'no deal'; and
- any other issues you would wish to bring to the attention of the External Affairs Committee.

We have outlined these below, under your headings. I hope that this is useful.

The Association of the British Pharmaceutical Industry (ABPI) represents innovative research-based biopharmaceutical companies, large, medium and small, leading an exciting new era of biosciences in the UK. Our industry, a major contributor to the economy of the UK, brings life-saving and life-enhancing medicines to patients. We represent companies who supply more than 80% of all branded medicines used by the NHS and who are researching and developing the majority of the current medicines pipeline, ensuring that the UK remains at the forefront of helping patients prevent and overcome disease.

**Tudalen y pecyn 37**



## **Preparedness of the healthcare and medicines sector in Wales for the UK's departure from the EU**

Since the day of the referendum result, the ABPI has been working with companies to understand the impact of the UK leaving the EU on the supply of medicines to patients. The priority for the pharmaceutical industry is to make sure patients across the whole of the UK and the EU experience no disruption to getting the medicines they need. Every month, 45 million patient packs of medicine move from the UK to the EU27, with 37 million packs moving in the other direction<sup>1</sup>.

The ABPI has been supporting companies to make all necessary preparations and have advised companies to prepare for all possible outcomes from the Article 50 negotiations, including the UK leaving the UK without a deal from March 2019. This includes underlining the importance of evaluating supply lines for individual products, particularly for products with complex supply lines and those with temperature control requirements, short shelf lives.

Each company is preparing in the best way possible that reflects their individual circumstances. For some companies, this means duplicating processes in both the UK and the EU to ensure that medicines can be made available in both the EU and the UK.

The ABPI has also been taking an approach of working closely with the UK Government, through both the UK EU Life Sciences Steering Group, and specific working groups on medicine supply, to prepare for the UK's exit from the European Union.

We have also carried out specific activity in Wales, working closely with our members and colleagues across the sector. This has included providing updates on discussions at a UK-level, when this has been appropriate. We have proactively participated in the *Welsh NHS Confederation Policy Forum Brexit Sub-Group*, which provided a briefing to Assembly Members in July 2018 (available from: <https://www.nhsconfed.org/media-centre/2018/07/impact-of-brexit-on-the-welsh-health-and-social-care-system>).

The ABPI's position continues to be that regulatory cooperation is essential in order to ensure that UK and EU patients have access to medicines and clinical research, and that the UK remains a leading force in life sciences. This is the best way to ensure that patients in the UK and Wales are able to continue to access the medicines they need after the UK's exit from the EU.

### **How Welsh Government is leading efforts to prepare the Welsh healthcare and medicines sector for the UK's departure from EU, including contingency planning for a 'no deal'**

ABPI Cymru Wales has met with the Welsh Government Health Department to discuss the issues facing the pharmaceutical industry as a result of the UK's departure from the EU. Our discussions included a very short discussion on supply chain issues - the outcome of which was that this was an issue that would need to be handled on a pan-UK basis, and covered a range of subjects that have the potential to adversely affect the work of our members.

We would encourage the Welsh Government to reach out to the UK Government's Department for Health and Social Care (DHSC) and the other Devolved Administrations, so

---

<sup>1</sup> *EFPIA Brexit Survey*, <https://www.efpia.eu/media/288531/brexit-survey-outcome-08112017.pdf>



that contingency planning and delivery for the continued supply of medicines across the UK is co-ordinated and aligned.

**Any other issues you would wish to bring to the attention of the External Affairs Committee**

The draft Withdrawal Agreement sets out the terms of the implementation period that will operate between March 2019 and December 2020<sup>2</sup>. Agreement on the terms of the implementation period is dependent on agreement between the UK and EU on the overall Withdrawal Agreement. The terms of the draft Agreement indicate that the UK would have a very limited role in the European Medicines Agency (EMA) during the implementation period.

Article 123 indicates that ‘the UK shall not act as leading authority for risk assessments, examinations, approvals and authorisations at the level of the Union’ and that the UK may only ‘upon invitation, exceptionally attend meetings or parts of meetings or the committees’ in the event that a number of conditions are fulfilled.

The ABPI are seeking for a future relationship between the UK and the EU which is based on closer collaboration than that described in the draft Withdrawal Agreement. It is essential that the future relationship between the UK and the EU regarding medicines regulation is closer than that described for the implementation period.

I hope that the above is useful. Please do not hesitate to contact me if I can provide any further information or clarification.

Best Regards,

**Dr Richard Greville**  
**ABPI Director Wales and Supply Chain**

---

<sup>2</sup> *Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community,*  
[https://ec.europa.eu/commission/sites/beta-political/files/draft\\_agreement\\_coloured.pdf](https://ec.europa.eu/commission/sites/beta-political/files/draft_agreement_coloured.pdf)

Y Gymdeithas Feddygol Brydeinig  
Pumed Llawr  
2 Pentir Caspian  
Ffordd Caspian  
Bae Caerdydd  
Caerdydd  
CF10 4DQ

British Medical Association  
Fifth Floor  
2 Caspian Point  
Caspian Way  
Cardiff Bay  
Cardiff  
CF10 4DQ

# BMA

Cymru Wales

**Ffôn/Tel** 029 2047 4608  
**Ffacs/Fax** 029 2047 4600  
**Ebost/Email** [lanstey@bma.org.uk](mailto:lanstey@bma.org.uk)

## **FOLLOW-UP INQUIRY INTO HOW THE WELSH GOVERNMENT IS PREPARING FOR BREXIT – HEALTH AND MEDICINES**

**Inquiry by the National Assembly for External Affairs and Additional Legislation Committee**

**Response from BMA Cymru Wales**

**07 September 2018**

### **INTRODUCTION**

BMA Cymru Wales welcomes the opportunity to provide a response to the follow-up inquiry by the National Assembly for Wales External Affairs and Additional Legislation Committee into how the Welsh Government is preparing for Brexit in the sphere of health and medicines.

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

### **RESPONSE**

At our annual representative meeting in June 2018, doctors made clear their worries that Brexit poses a major threat to the NHS and the nation's health. Given what is now known about the potential impact of Brexit on the NHS and the dangers a 'no deal' Brexit presents for the NHS, the BMA voted to change our policy to opposition to Brexit and to support the public having a final say on the Brexit deal.

The BMA has published a series of briefings, which outline our policy positions on a range of key issues relating to the impact of Brexit on the UK healthcare system. These briefings can be read [here](#).

BMA Cymru Wales continues to work with other organisations to highlight the dangers of a 'no deal' Brexit and engage and raise concerns with the Welsh Government.

**Cyfarwyddwr Cenedlaethol (Cymru)/National director (Wales):**

Rachel Podolak

Cofrestrwyd yn Gwmni Cyfyngedig trwy Warant. Rhif Cofrestredig: 8848 Lloegr  
Swyddfa gofrestrdig: BMA House, Tavistock Square, Llundain, WC1H 9JP.  
Rhestrwyd yn Undeb Llafur o dan Ddeddf Undebau Llafur a Chysylltiadau Llafur 1974.  
Registered as a Company limited by Guarantee. Registered No. 8848 England.  
Registered office: BMA House, Tavistock Square, London, WC1H 9JP.  
Listed as a Trade Union under the Trade Union and Labour Relations Act 1974.



## Workforce and future immigration policy

The EU's principles of freedom of movement and the mutual recognition of professional qualifications have enabled many health and social care professionals from countries within the EEA (European Economic Area) to work in the UK. Migration from the EEA and elsewhere provides a range of benefits to the UK beyond staffing services. Medicine and medical research thrives on the interchange of experience, knowledge and training across countries and backgrounds. Allowing doctors and medical researchers to work, train, teach, conduct research and practice in different countries contributes to widening the understanding of healthcare and advances new breakthroughs in medicine.

EEA doctors play a key role in staffing vital services. In Wales approximately 6.4% (624) of doctors currently working in the medical workforce are EEA graduates<sup>1</sup>. There is a very real risk that many EEA nationals, including highly skilled doctors and medical researchers will choose to leave the UK due to the ongoing uncertainty in the Brexit negotiations.

We remain deeply concerned that the UK Government is yet to provide detail on a framework for a future immigration system for managing migration from the EU. A 'no deal' scenario will create uncertainty about the status of future EU nationals wanting to come and work in the Welsh NHS. Any reduction in the number of doctors migrating to the UK, or an increase in the number leaving the UK because of Brexit, will have a destabilising effect on the medical workforce, and the staffing of health and social care services across the UK. This will impact on already over stretched staffing levels on hospital wards, in GP practices and in community settings across the UK, putting at risk the quality of patient care and patient safety.

We believe that the Welsh Government should work with the UK Government to ensure free movement for healthcare and medical research staff; permanent residence for EU doctors and medical researchers currently based in Wales and the rest of the UK and continued rights for EEA medical students in Wales to train, work and live in Wales.

## Employment rights

The UK's withdrawal from the European Union will have the potential to significantly affect working rights for doctors. The EWTD (European Working Time Directive) and the measures which it has transposed into the UK WTR (Working Time Regulations) – namely the limit of a 48-hour average working week, rest breaks and statutory paid leave – form key health and safety legislation, which alongside ECJ judgements (the SiMAP and Jaeger rulings which enshrined the principle of time spent on-call at the workplace being regarded as work, and other rulings such as those ensuring the correct calculation of holiday pay) has reduced fatigue amongst doctors and improved the safety of both patients and doctors in the UK. The EWTD could be repealed following Brexit.

To minimise these potential effects, the Welsh Government should work with the UK Government to protect and enhance the WTR after the UK's departure from the EU, maintain their incorporation of the EWTD. We believe that junior doctors should have protected training time within safe working limits to avoid tiredness-related accidents.

We also believe that the Welsh Government should work with the UK Government to fully incorporate the right to equal pay, in Article 157 of the EU Treaty, into UK law.

By adopting this approach, the Welsh Government would strengthen the current arrangements in the WTR, which allows doctors to opt out of the rules up to a maximum average 56-hour week if they wish and enables sufficient flexibility as well as ensure that current standards of equality in doctors' employment are upheld, rather than weakened.

---

<sup>1</sup> [GMC \(November 2017\) Our data about doctors with a European primary medical qualification in 2017.](#)

**Health protection**

Health protection and security in Wales has been fundamentally shaped by the UK's membership of the EU. This includes efforts to combat infectious diseases such as measles and limit the spread of antimicrobial resistance. Other areas of shared competence include climate change, water, waste and air pollution and maintaining high food safety standards. It has also included facilitating the sharing of data, expertise and national strategies for pandemic preparedness planning and response via ECDC (the European Centre for Disease Prevention and Control).

It is imperative that the Welsh Government urges the UK Government to ensure that there is an agreement between the UK and EU to continue to share data and emergency preparedness planning in relation to cross-border threats.

31 August 2018

David Rees AM  
Chair of the External Affairs and Additional Legislation Committee  
Ty Hywel  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear David

**RE: Follow-up inquiry into how the Welsh Government is preparing for Brexit – health and medicines**

Thank you for your letter and invitation to respond to your Committee's follow-up inquiry into how the Welsh Government is preparing for Brexit. This is a vitally important issue and we are very pleased that the Committee is looking at it in detail. We outline our response to the specific areas of interest to you below.

***The preparedness of the healthcare and medicines sector in Wales for the UK's departure from the EU***

On 10<sup>th</sup> July the Royal College of Nursing Wales held a seminar to discuss the implications of Brexit on the health and social care sectors. This was attended by a number of professional bodies and other trade unions and provided an excellent opportunity to discuss in detail the issues and concerns for the sector. As such, whilst as the Royal College of Nursing we do not represent the entire healthcare and medicines sector and cannot speak for it, we are able to provide an overview of the discussions which we have had with colleagues from across the sector. We are also attaching the follow-up report which we produced following the event on 10<sup>th</sup> July and this can be found attached. **(N.B. This has already been sent to Members on Monday 24 September)**

A central theme to all areas of concern is uncertainty, and the fact that the full implications and risks posed by Brexit are, to a certain extent, an unknown quantity. This makes it difficult to predict or plan for the future. Until the full implications of Britain leaving the European Union are fully understood, there will be uncertainty around

issues such as workforce supply, workers' rights terms and conditions, research funding and collaboration and reciprocal healthcare arrangements. It is essential therefore that the Welsh Government commissions research and engages with experts in order to help mitigate this uncertainty, and enabling an informed assessment of possible risks.

Furthermore, throughout this period of uncertainty it is vital that quality of care is maintained and that nurses and health care workers from the EU who are working across the UK continue to feel valued. We know that there has been a decline across the UK in the number of nurses from the European Economic Area (EEA) joining the UK workforce, whilst at the same time there has also been a significant number of staff from the EEA who have left the Nursing & Midwifery Council (NMC) Register in order to return to their home country.

***How the Welsh Government is leading efforts to prepare the Welsh healthcare and medicines sector for the UK's departure from the EU, including contingency planning for a 'no deal'***

The Royal College of Nursing Wales have held a number of meetings with Welsh Government officials regarding Brexit which have provided opportunities to be updated on the efforts of Welsh Government in preparing for Brexit. We are reassured that work is being undertaken in many of the key areas of health and social care, and that a certain amount of contingency planning for a possible 'no deal' scenario is being conducted. We remain concerned however that this work is relatively early on in its development and that sufficient time to work through all of the detail may be running out.

The UK Government has recently published a number of technical papers setting out information to help prepare for the event of a 'no deal', a number of which are related to health and medicine. We hope the Welsh Government is working closely with the UK Government on the detail of this guidance notes, particularly in relation to vital areas such as the supply of medicines.

With only a matter of weeks left before the UK Government is expected to have a deal on the table, there are a number of significant unknowns and areas of uncertainty which must be clarified. For instance, there were a number of questions which were raised during discussions at our event in July and included in our final report, and these are directed at both Welsh Government and UK Government. These questions are:

1. What plans does the UK Government have to update the EU/EEA agreement to ensure that nurses from the EEA looking to revalidate post-Brexit are able to do so?

Currently all nurses who are on the Nursing and Midwifery Council register have to re-register every three years through a process known as revalidation. Post Brexit if there is no clear EU/EEA agreement in place then potentially those nurses who are currently on the register and looking to revalidate may not be able to do so under the Nursing and Midwifery Order 2001.

2. Is the Welsh Government planning new guidance for the NHS on data sharing and access to the relevant international electronic systems in relation to public health protection?

Central to the control of infectious diseases is data protection and data sharing. Without rules underpinning the EU system of data sharing, it is unclear how necessary data will be shared and accessed. It is thought that this could even lead to reintroducing a system of quarantine in order to control the spread of disease. The centre for disease control is based in Stockholm but, under data protection legislation, they would not be able to share their data legally with the UK once is outside of the EU. The UK must retain the ability to contribute to, and compare, surveillance data to ensure health systems can deal with cross-border health threats e.g. infectious diseases and the threat of antimicrobial resistance and have robust protection arrangements.

3. Has the Welsh Government completed an assessment of risk to the continued and uninterrupted supply of medicines, medical radioisotopes, vaccines, equipment, devices and other supplies?

After Brexit the UK may find it more difficult to access medicines and medical devices if we choose to create new frameworks which are different from EU regulations. This may cause delays in new drugs being made available for patients, with the potential to cause significant harm. Ensuring timely access to medicine is critical for all patients in the UK. The UK Government should also agree mutual recognition of the CE mark between the UK and the EU. The CE mark indicates compliance with EU health and safety standards and allows for free movement of products.

Similarly, there are serious concerns within the health arena in relation to radioisotopes and their movement (currently governed by Euratom). Radioisotopes are highly valuable in medicine, and are widely used in the diagnosis and treatment of disease. Not surprisingly, there are tight regulations surrounding the transportation and importation of radioactive materials. Radioisotopes also have a very short half-life and rapid decay meaning there cannot be any delays in the products reaching patients if they are to be effective. Plans need to be put in place now to ensure that the supply of these resources is not interrupted.

4. What are the arrangements for implementing the Falsified Medicines Directive and what will happen after March 2019?

the Falsified Medicines Directive which is due to be rolled out across EU member states from 9 February 2019. The Directive aims to address the significant problems and threats caused by fake medicines. Under the Directive, all new packs of prescription medicines put on the market from February 2019 will need to be booked onto a European Medicines Verification System (EMVS) and will have to have two safety features: a unique identifier and an anti-tampering device. Health

professionals will be required to scan medicines prior to administering them and that would then record them as decommissioned from EMVS. IT systems will have to register with SecureMed which is setting up 13 national hubs, and the equipment to scan medicines will need to be available in all GP practices, pharmacies and hospitals.

There are clearly significant logistical and financial implications for complying with this Directive, and there is a complete lack of clarity over what work is currently underway to prepare for being compliant, or what alternative measures will be put in place after Brexit to ensure the UK is still safeguarded against false medicines.

5. What scenario-planning is the Welsh Government doing in case of a 'no deal'?

Although this is a question which is being posed to stakeholders as part of your Committee's inquiry, this is an area which we would also value more information, and we would be grateful for any detail the Committee is able to gather and share with stakeholders in this area. Through our meetings with Welsh Government officials we know that some work is being undertaken by Welsh Government in relation to a 'no deal' and this is certainly very welcome. However, what this work entails, or the Welsh Government's official line in terms of what a 'no deal' would mean for Wales is not clear. Considering the increasing amount of consensus that a 'no deal' is a distinct possibility, more information should be in the public domain about what scenario-planning the Welsh Government is conducting.

In addition to the above questions, our report also makes a number of recommendations for the Welsh and UK Governments:

1. The Welsh Government needs to prepare a strategy for international and EU recruitment. The needs of the health and social care sector in Wales need to be a factor in any future UK immigration framework.
2. Health and Social Care professions in Wales value highly the ability of the Welsh Government to make and implement policy and legislation for Wales to be responsive to the country's needs. Our hope is that the Welsh Government and the UK Government will work together over the repatriation of legal powers from the EU in a manner that robustly protects the devolution settlement for Wales.
3. The Welsh Government must engage as widely as possible with relevant experts and agencies within the health sectors in order to inform future policies or legislative changes.
4. The Welsh and UK Government should work closely to ensure that statutory employee protections continue.
5. The Welsh Government needs to prepare a strategy around continued access and promotion of participation in international and EU research collaboration specifically considering its impact on improving patient care and workforce retention. The UK Government also need to consider this matter at UK level.

6. The Welsh and UK Governments should ensure a regulatory system is in place, without break of continuity, to ensure the continued mutual recognition of professional qualifications
7. The Welsh and UK Government should ensure that clear arrangements are in place protect the healthcare rights of Welsh citizens living in Europe and EU citizens living in Wales. Furthermore these arrangements need to be clearly communicated to the communities concerned and to health and social care service providers.
8. The Welsh and UK Government should ensure that arrangements for the continued surveillance of infectious diseases, sharing of relevant data and cross-border health control are in place. Moreover these arrangements need to be communicated clearly to the relevant health and social care organisations and other public bodies both accountable and responsible for action

As with the other areas of uncertainty, the Royal College of Nursing and other organisations across the profession would welcome any work that the Committee is able to carry out which might encourage or support the Welsh Government in progressing these recommendations and in engaging with stakeholders.

We would be very happy to provide further information or to discuss with you in more detail if that would be helpful.

Kind regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tina Donnelly', written in a cursive style.

**TINA DONNELLY, CBE, TD, DL, FRCN, CCMi  
DIRECTOR, RCN WALES**

	The Welsh NHS Confederation response to the External Affairs and Additional Legislation Committee follow-up inquiry into how the Welsh Government is preparing for Brexit – health and medicines.
<b>Contact:</b>	Nesta Lloyd – Jones, Policy and Public Affairs Manager, the Welsh NHS Confederation. <b><a href="mailto:Nesta.lloyd-jones@welshconfed.org">Nesta.lloyd-jones@welshconfed.org</a></b> Tel: 02920 349857
<b>Date created:</b>	3 September 2018

### Introduction

1. The Welsh NHS Confederation, which represents the seven Health Boards and three NHS Trusts in Wales, welcomes the opportunity to comment further on Wales’ preparedness for exiting the European Union. As you noted in your letter, this is done amid ongoing negotiations between the UK Government and the European Union (EU) and the continued uncertainty about the eventual outcome. The comments below should be seen in this light, with developments happening on a weekly basis between the EU and the UK Government, the UK Government and the Welsh Government and the information shared and engagement between the Welsh Government and the NHS in Wales.
2. The Welsh NHS Confederation has previously provided detailed responses to the External Affairs and Additional Legislation (EAAL) Committee inquiries into Brexit, namely:
  - In November 2016 we provided a written response to the EAAL Committee consultation on the implications for Wales of Britain exiting the European Union;
  - In October 2017 we provided a written response and gave oral evidence to the EAAL Committee inquiry into resilience and preparedness: The Welsh Government’s administrative and financial response to Brexit.
  - In January 2018 we attended and provided evidence to the EAAL Committee roundtable discussing the implications of Brexit for Wales.
  - In February 2018 we responded to EAAL Committee inquiry into Wales’ future relationship with the European Union.
3. Our response on this occasion highlights the key developments following our written response in February 2018 in relation to how the Welsh Government and the NHS in Wales are preparing for the UKs departure from the EU.

### Key issues for health and social care organisations

4. As previously highlighted to the Committee, there are a number of issues for health and social care organisations as the UK prepares to leave the EU. Due to the issues being a concern for a range of health and social care organisations the Welsh NHS Confederation’s Policy Forum published a briefing in June 2018, “*The key issues for health and social care organisations as the UK prepares to leave the European Union*”,<sup>i</sup> which was endorsed by 20 organisations. **(N.B. This has been circulated to Members on Monday 24 September)** The Policy Forum briefing is submitted with this written response because it provides the most up to date information around the key issues and puts forward the desired outcomes when the UK leaves the EU. The outcomes highlighted with the briefing include:

- a. A continued domestic and international pipeline of high calibre professionals and trainees in health and social care to deliver sustainable NHS, social care, and independent health services to ensure the best care for our communities and people who use our services.
- b. Continued recognition of professional qualifications for people trained in the EU27 and mechanisms to alert each other of health and social care professionals who are prohibited or restricted to practice.
- c. Protection of workers' employment rights and patients' rights post-Brexit.
- d. Health and social care organisations across the UK continuing to participate in EU collaborative programmes, and lead and contribute positively to European Reference Networks and other collaborative EU networks, such as those which support medical research, post-Brexit.
- e. Patients continue to benefit from early access to the wide range of innovative health technologies available on the EU market and not miss out on participation in EU clinical trials.
- f. Regulatory alignment for the benefit of patients and the public's health, so that UK patients continue to have early access to the wide range of innovative health technologies available.
- g. Reciprocal healthcare arrangements preserved.
- h. Robust co-ordination mechanisms on public health and wellbeing with the same or higher level of safety guaranteed through domestic standards and regulations.
- i. A strong funding commitment to the healthcare sector, promoting solutions to minimise any additional pressures which may result from Brexit, as well as advocating for any loss of EU funds to be offset by alternative funding.
- j. Continued engagement between the Welsh Government and the UK Government to ensure the interests of the health and social care sector in Wales are safeguarded during the withdrawal process and beyond.

### **Welsh Government and UK Government**

5. As previously highlighted, the exact terms on which the UK will leave the EU are not yet clear, and this presents challenges in terms of forward planning for the Welsh Government. However, over the period since the referendum the Welsh Government has engaged with health and care bodies to identify areas that may be affected by leaving the EU, including NHS Executive Board and Wales NHS Partnership Forum.
6. The Welsh NHS Confederation and our members have been working with Welsh Government officials to consider and assess the scale of impact for Welsh health and social care services post Brexit, including contingency options. Since October 2017 the Welsh NHS Confederation has agreed to be the main contact for coordinating specific Brexit actions across NHS organisations and working with the Welsh Government. This work is intended to support discussions on managing risks effectively within health and social care and will support the development of a shared work programme considering priority areas including; workforce, professional qualifications, reciprocal healthcare, regulatory issues, medicines, research and innovation, procurement and competition law, public health, disease prevention and employment rights. Other relevant areas will also be considered as they arise.

7. Since our previous written submission in February 2018 the Welsh Government has now established a Health and Social Care EU Transition Leadership Group, of which the Welsh NHS Confederation is a member. The Leadership Group met for the first time in August 2018 and will now be meeting on a monthly basis. The vision of the Group is to maintain a strategic oversight of arrangements for EU Transition, including risks and mitigation actions pre and post EU exit. The purpose of the Group is to advise the Director General for Health and Social Services in Wales on: the challenges faced by Welsh services, including potential impacts of Brexit on services and on outcomes for people and patients; the development of appropriate responses to address challenges and potential impacts, and co-ordinated actions by service providers and partners, including the Welsh Government's strategy on EU transition for health and social services; the status of contingency planning for different credible scenarios, including 'no deal'; and encouraging co-ordinated communication by service providers and partners, with the public and other stakeholders, across Wales and beyond.
8. Specifically in relation to medicines, during the NHS Chief Pharmacists monthly meetings the Welsh Government has made the Chief Pharmacists aware of the work being undertaken by the Department of Health and Social Care in England to assess risks to the UK medicines supply chain. The NHS Chief Pharmacists expect to have further discussions regarding mitigating actions once further information is made available and following the UK Government Technical Notices issued on 23 August 2018 around the planning for a potential no-deal Brexit. The Chief Pharmacists will continue to discuss Brexit during their regular conference calls and Brexit has been added as a standing agenda item in their face to face meetings.
9. On 23 August the UK Government published the first batch in a series of technical notices advising businesses and citizens what they need to do to prepare for an unlikely 'no-deal' Brexit scenario. The Secretary of State for Health and Social Care, Matt Hancock, **wrote to all health and social care organisations**<sup>ii</sup> in England to update them on the UK Government's ongoing preparations to protect patients and health and social care services in the event of a March 2019 "no deal" scenario. The letter sets out what the health and social care system needs to do to step up preparations on the ground to ensure business continuity. In particular it announces a new scheme to ensure a sufficient and seamless supply of medicines, in collaboration with pharmaceutical companies, which will mean that hospitals, GPs, pharmacies and patients will not need to "stockpile" unnecessarily. Under the scheme, pharmaceutical companies are asked to ensure they have an additional six weeks supply of medicines in the UK on top of their own normal stock levels. This is the current planning assumption but will be subject to revision in light of future developments. The scheme also includes separate arrangements for the air freight of medicines with short shelf-lives, such as medical radioisotopes. The UK Government is working closely with companies who provide medicines in the UK to ensure patients continue to get the medicines they need. On the basis of the work they have undertaken, the UK Government are confident that supplies of medicines to patients can continue unhindered in the event of a no-deal Brexit. The Department of Health and Social Care has also written to **pharmaceutical companies**<sup>iii</sup> and **suppliers of medical devices**<sup>iv</sup> asking for their contingency plans and pinpointing where their concerns lie (e.g.

short-life products, warehousing, distribution) in order to focus national-level support where necessary.

10. The UK Government published the first tranche of a series of papers setting out how the UK plans to deal with a range of issues, including health, in the event that we leave the EU in March 2019 without an agreement. Papers published so far cover:<sup>v</sup>
  - [How medicines, medical devices and clinical trials would be regulated](#)
  - [Submitting regulatory information on medical products](#)
  - [Batch testing medicines](#)
  - [Ensuring blood and blood products are safe](#)
  - [Quality and safety of organs, tissues and cells](#)
  - [Labelling tobacco products and e-cigarettes.](#)
11. Following the UK Government announcements, the Deputy Chief Executive – NHS Wales, Simon Dean, sent a letter (also on 23 August 2018) to all NHS Chief Executives setting out their applicability in Wales, especially around Continuity of Supply. The NHS in Wales has been advised that they do not need to take any steps to stockpile additional medicines beyond their current stock levels and there is no need for clinicians to write longer NHS prescriptions. Brexit will be a key agenda item for consideration at the next NHS Wales Executive Board meeting at the end of September.
12. The Welsh NHS Confederation will be hosting a Brexit Roundtable Event on 11 September. Over 25 health and social care organisations have been invited to the Roundtable event to discuss the key risks for the health and care system in Wales and what action is being taken to mitigate them. The Cabinet Secretary for Health and Social Services and the Minister for Children, Older People and Social Care will be attending the event and we will keep the Committee informed of any developments.

### **Brexit Health Alliance and Cavendish Coalition**

13. As an active member of the [Brexit Health Alliance](#)<sup>vi</sup> and [Cavendish Coalition](#)<sup>vii</sup> we have ensured that any briefings produced or any submissions to the UK Government, House of Lords or Westminster Committees reflect the issues impacting on the health and care system in Wales.
14. Since our previous submission to the Committee the Brexit Health Alliance has:
  - Published a briefing in February: [The impact of Brexit: Patient access to medical research](#).<sup>viii</sup>
  - Published a joint briefing with the Faculty of Public Health in June: [Protecting the public's health across Europe after Brexit](#).<sup>ix</sup>
  - Responded to the UK Government technical notices on 23 August "[Time for planning not panic, says Brexit Health Alliance after government publishes no-deal guidance](#)"<sup>x</sup> and "[No-deal guidance only a first step toward assurance for patients](#)".<sup>xi</sup> As highlighted in the "No-deal" press release the Brexit Health Alliance is calling for "*categorical assurance that patients will continue to get the medicines and treatment they need, no matter what happens in the negotiations. This guidance is a first step, but only a first step, towards*

*that. The NHS will now want to see more comprehensive operational advice on issues such as the stockpiling of medicines and equipment, medical research and public health, in time for them to take robust action locally well before the UK leaves the EU.....Of course the real prize must be no disruption in supply to or from the UK - it may be acceptable to argue about delays to some consumer products at the border - it cannot be acceptable when patient's lives are put at risk. We cannot afford to get this wrong".*

**NHS Workforce updated figure**

15. According to the latest figures (June 2018), 1420 individuals directly employed by the NHS in Wales identified themselves as EU nationals on the Electronic Staff Record. This equates to 1.6% of the total workforce.<sup>xii</sup> This is a significant number of trained, qualified and dedicated staff who could not be replaced in the short term – for example the percentage of medical and dental professionals working in the Welsh NHS is a higher percentage at 6.1%.

<b>Number of directly employed staff identifying as EU National</b>	<b>September 2016</b>	<b>% of total directly employed workforce</b>	<b>Excluding Unknown %</b>	<b>June 2018</b>	<b>% of total directly employed workforce</b>	<b>Excluding Unknown %<sup>xiii</sup></b>
<b>Add Prof Scientific and Technic</b>	49	1.6%	2.8%	66	2.1%	3.2%
<b>Additional Clinical Services</b>	162	0.9%	1.6%	185	1.0%	1.7%
<b>Administrative and Clerical</b>	95	0.5%	0.9%	96	0.5%	0.8%
<b>Allied Health Professionals</b>	110	1.8%	2.9%	124	2.0%	3.1%
<b>Estates and Ancillary</b>	104	1.2%	2.1%	110	1.3%	2.3%
<b>Healthcare Scientists</b>	31	1.5%	2.8%	37	1.8%	3.1%
<b>Medical and Dental</b>	410	5.8%	7.1%	434	6.1%	6.9%
<b>Nursing and Midwifery Registered</b>	352	1.4%	2.5%	368	1.4%	2.5%
<b>NHS Wales</b>	<b>1,313</b>	<b>1.5%</b>	<b>2.5%</b>	<b>1,420</b>	<b>1.6%</b>	<b>2.5%</b>

## **Conclusion**

16. The Welsh NHS Confederation, on behalf of our members, will continue to highlight the possible implications of Brexit on NHS Wales with the Welsh Government, Assembly Members and our stakeholders. In addition, as a member of the Cavendish Coalition and the Brexit Health Alliance, we will ensure that the impact for Wales is being made clear at a UK level by highlighting the likely effects on Welsh policy and legislation.

---

## **References**

<sup>i</sup> Welsh NHS Confederation Policy Forum, June 2018. The key issues for health and social care organisations as the UK prepares to leave the European Union.

<sup>ii</sup> Department of Health and Social Care, August 2018. Government's Preparations for a March 2019 'No Deal' scenario.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/735742/Govt\\_preparations\\_for\\_potential\\_no\\_deal\\_-\\_letter\\_to\\_health\\_and\\_care\\_sector.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735742/Govt_preparations_for_potential_no_deal_-_letter_to_health_and_care_sector.pdf)

<sup>iii</sup> Department of Health and Social Care, August 2018. EU Exit – Human medicines supply in a March 2019 'no deal' scenario

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/735745/brexit-medicines-letter.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735745/brexit-medicines-letter.pdf)

<sup>iv</sup> Department of Health and Social Care, August 2018. EU Exit – Medical Devices and Clinical Consumables supply in a March 2019 'no deal' scenario.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/735746/brexit-medical-devices-letter.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735746/brexit-medical-devices-letter.pdf)

<sup>v</sup> <https://www.gov.uk/government/collections/information-for-the-health-and-care-sector-about-planning-for-a-potential-no-deal-brexit>

<sup>vi</sup> Brexit Health Alliance, [nhsconfed.org/BrexitHealthAlliance](https://nhsconfed.org/BrexitHealthAlliance)

<sup>vii</sup> Cavendish Coalition, [nhsemployers.org/your-workforce/need-to-know/brexit-and-the-nhs-eu-workforce/the-cavendish-coalition](https://nhsemployers.org/your-workforce/need-to-know/brexit-and-the-nhs-eu-workforce/the-cavendish-coalition)

<sup>viii</sup> Brexit Health Alliance, February 2018. The impact of Brexit: Patient access to medical research.

<sup>ix</sup> Brexit Health Alliance, June 2018. Protecting the public's health across Europe after Brexit.

<sup>x</sup> Brexit Health Alliance, August 2018. Time for planning not panic, says Brexit Health Alliance after government publishes no-deal guidance.

<sup>xi</sup> Brexit Health Alliance, August 2018. Brexit Health Alliance: No-deal guidance only a first step toward assurance for patients

<sup>xii</sup> This is the number recorded on the Electronic Staff Record as at November 2017. 34,563 individuals nationality are unknown/ blank therefore the number could be higher.

<sup>xiii</sup> Over 34,500 people, 38% of the workforce, do not state which nationality they are on the Electronic staff record.



# Hybu Cig Cymru Meat Promotion Wales

## External Affairs and Additional Legislation Committee

HCC additional response – 21/9/18

Thank you for your letter of 31 July, in which you request HCC's views on the preparedness of the food and drinks sector for Brexit.

On the second of your specific questions (how the Welsh Government is leading efforts to prepare the Welsh food and drinks sector), we feel that given HCC's status as an executive agency of Welsh Government and a statutory body wholly-owned by Welsh ministers, we are not in a position to give an objective view.

On the first question, there remain many challenges to the food and drink sector posed by the UK's exit from the EU.

In our sector, there are a large number of issues regarding the future of Geographical Indications, non-tariff barriers at port, additional administrative requirements for exporters (as laid out in the UK Government's technical notices), potential changes to labelling requirements and export health certificates, and the availability of non-EU labour in the processing sector (particularly qualified veterinary practitioners).

However the central concern of the red meat sector is that of tariff-free trade. The different potential outcomes to current negotiations – from a free trade arrangement between the UK and the EU, a no-deal WTO Tariffs scenario, or other possibilities – are projected to have a hugely different impact on Welsh red meat production, and on different sectors within the industry. Some of these scenarios are laid out here: <https://hccmpw.org.uk/en/news-industry-info/policies-analysis>

Trade in red meat would be subject to extremely high tariffs in the event of a WTO scenario, leading to the potential sudden loss of major export markets. This uncertainty of outcome in terms of trade is the key barrier to developing an appropriate post-Brexit policy.

Owen Roberts

Communications Manager, HCC.

Hybu Cig Cymru – Meat Promotion Wales (HCC)  
Tŷ Rheidol, Parc Merlin,  
Llanbadarn Fawr, Aberystwyth  
SY23 3FF

Tel: 01970625050  
Fax: 01970615148

[www.hccmpw.org.uk](http://www.hccmpw.org.uk)

Tudalen y pecyn 54

Mark Drakeford AM/AC  
Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Llŷr Gruffydd  
Cadeirydd Dros Dro  
Y Pwyllgor Cyllid  
Cynulliad Cenedlaethol Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1NA

30 Medi 2018

Annwyl Llŷr,

Cyn i Gyllideb ddrafft amlinellol 2019-20 gael ei chyhoeddi, rwy'n ysgrifennu i roi'r diweddaraf ichi am y gwaith i sefydlu cyd-ddealltwriaeth o'r diffiniad o atal.

Pan roddais dystiolaeth i'r Pwyllgor Cyllid yn ystod o broses o graffu ar Gyllideb y llynedd, dywedais fod trafodaethau ar y gweill gyda'n partneriaid yn y sector cyhoeddus a'r trydydd sector i ddiffinio gwariant ataliol.

Rydym wedi bod yn gweithio gyda nifer o sefydliadau, gan gynnwys Cyngor Gweithredu Gwirfoddol Cymru a Chomisiynydd Cenedlaethau'r Dyfodol, er mwyn bwrw ymlaen â'r agenda bwysig hon. Arweiniodd y trafodaethau at ddigwyddiad o amgylch y bwrdd ym mis Gorffennaf, wedi'i drefnu gan swyddfa'r Comisiynydd ac yn cynnwys swyddogion Llywodraeth Cymru, y trydydd sector, lechyd Cyhoeddus Cymru, y gwasanaeth tân ac academyddion. Roedd yn drafodaeth adeiladol ac mae wedi helpu i lywio ein syniadau.

Rydym bellach wedi cytuno ar ddiffiniad o atal. Rwy'n gobeithio y bydd yn rhoi fframwaith defnyddiol a fydd yn caniatáu cynnal gwerthusiad holistaidd o wariant y llywodraeth.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

[Gohebiaeth.Mark.Drakeford@llyw.cymru](mailto:Gohebiaeth.Mark.Drakeford@llyw.cymru)  
[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@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 55  
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.

**Atal yw gweithio mewn partneriaeth i gyd-gynhyrchu'r canlyniadau gorau posibl, gan ddefnyddio'r cryfderau a'r asedau sydd gan bobl a lleoedd i'w cyfrannu. Rhennir hyn yn bedair lefel a gall pob lefel leihau'r galw am yr un nesaf:**

- **Atal sylfaenol** – meithrin cadernid – creu'r amodau fel nad yw problemau'n codi yn y dyfodol. Dull gweithredu cyffredinol.
- **Atal eilaidd** – targedu camau gweithredu mewn meysydd lle mae risg uchel y bydd problem yn digwydd. Dull gweithredu wedi'i dargedu sy'n cadarnhau egwyddorion cyffredinoliaeth gynyddol\*
- **Atal trydyddol** – ymyrryd pa fydd problem er mwyn ei rhwystro rhag mynd yn waeth ac i'w hatal rhag digwydd eto yn y dyfodol. Dull gweithredu sy'n ymyriad.
- **Gwario aciwt** – gwario sy'n gweithredu i reoli effaith sefyllfa negyddol iawn, ond sy'n gwneud ychydig neu ddim i atal problemau rhag digwydd eto yn y dyfodol. Dull gweithredu adferol.

\***Cyffredinoliaeth gynyddol** yw bod yn benderfynol o ddarparu cymorth i bawb, rhoi llais a buddiant i bawb a phopeth, ond gan gydnabod y bydd angen mwy o gymorth ar y bobl neu'r meysydd hynny sydd â mwy o angen.

Byddwn yn defnyddio'r diffiniad hwn i ddsbarthu maes gwario ym mhob un o'r chwe Phrif Grŵp Gwariant (MEG) yn y cylch cyllidebol hwn.

Bydd dadansoddiad o'r canlyniadau, a fydd yn cael ei nodi yn y gyllideb ddrafft fanwl sydd i'w chyhoeddi ar 23 Hydref, yn rhoi cipolwg cychwynnol o ran cyfran y gwariant ym mhob categori. Bydd y canfyddiadau hyn yn helpu i lywio ein syniadau ymhellach a bydd yn rhoi llwyfan defnyddiol y gallwn barhau i adeiladu arno yn y dyfodol.

Rwy'n edrych ymlaen at gydweithio â'r Pwyllgor Cyllid wrth iddo graffu ar y Gyllideb ddrafft.

In gywir,  
Mark

**Mark Drakeford AM/AC**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance