

The Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office
Cabinet Office

23 March 2021

Dear Michael,

As we approach the end of the Fifth Senedd, and the point at which the External Affairs and Additional Legislation Committee will be dissolved, I wanted to write to you with a final view from the Committee on a number of issues related to our remit.

I would like to start by thanking you and the Minister of State for the Constitution and Devolution for your previous engagement with the Committee. By extension, I would also like to extend our thanks to Ministers from the former Department for Exiting the European Union that were willing to engage with us.

The outstanding issues that we wish to raise with you are set out below.

Intergovernmental Relations

We have recently written to the First Minister of Wales to express our concern at the apparent decline of intra-UK intergovernmental relations over the past five years of our work.

We have consistently called for the Welsh Government to have a meaningful and structured role in both the withdrawal phase of EU exit and in the development of the UK's future relationship agreement with the EU.

Regrettably, the level of meaningful engagement that we had expected to be afforded to the Welsh Government has not occurred.

In terms of intergovernmental structures, whilst there have been some minor developments (for example, the creation of JMC EN and a new Ministerial Forum on Trade) the overall impression that we have is that the state of intergovernmental relations has worsened over the course of the five-years of this Senedd. The lack of recent meetings of the JMC Plenary and JMC EN contribute to this view, along with recent UK Government decisions to proceed with legislation in devolved areas against the will of the Welsh Government and the Senedd.

It is disappointing that we end this Senedd without seeing Lord Dunlop's review of UK Government Union Capability or the JMC review of intergovernmental relations.



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Following the establishment of new governments in Wales and Scotland later this year, we hope that renewed efforts can be made by all governments to improve both the structure and conduct of UK intergovernmental relations.

Governance of the UK-EU Trade and Cooperation Agreement

We believe that the Welsh Government should have a formal role in the governance arrangements associated with the TCA, insofar as they relate directly to an area of devolved policy or have a material impact on devolved policy.

There is a need for a clear structure for engagement with devolved governments in relation to the work of the Partnership Council. A good starting point would be something akin to the arrangements that existed under the JMC Europe. We understand that the EU has confirmed the possibility of individual Member States sending representatives to the Partnership Council which we believe strengthens the case for devolved representation. .

Additionally, there should be Welsh Government representation on the specialised committees, working groups and domestic advisory groups where their work relates to or has a material impact on devolved policy areas.

Given the devolved governments and legislatures' responsibility for implementing much of the TCA, we believe that this broader base of representation and engagement can only be positive from the perspective of ensuring that the TCA is implemented in an efficient and effective manner.

In line with our comments above we believe that it is vital that the Civil Society Forum envisaged by the TCA should also include a balance of representatives and organisations from across the UK in order to ensure that it takes account of the interests of every part of the United Kingdom.

UK-EU Parliamentary Partnership Assembly

We have recently written to senior members of both Houses of Parliament to seek Senedd representation as part of the UK Parliament's delegation.

Whilst we presume that this is ultimately a matter for the UK Parliament to decide, I draw your attention to this as I understand that the UK Government might be playing a role in developing arrangements in relation to the PPA.

I would be grateful if you could consider our position, should the UK Government be playing a role. Senedd officials would be very happy to discuss this with your officials should developments occur whilst the Senedd is not sitting due to its elections.

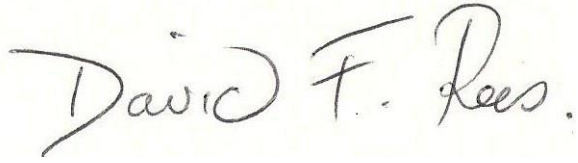
If possible, a response to this letter by the end of the month would be much appreciated as the Committee will, effectively, cease to operate shortly thereafter.

A later reply will be held by Senedd officials and communicated to a relevant committee of the Sixth Senedd, once established.



Cc. Chloe Smith MP, Minister of State for the Constitution and Devolution

Yours sincerely,

A handwritten signature in black ink on a light yellow background. The signature reads "David F. Rees." in a cursive style.

David Rees MS

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

