



The Rt. Hon. The Lord Fowler
Lord Speaker of the House of Lords
House of Lords
Westminster
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8 January 2020

Deu Lord Fowler,

EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL

I am writing on behalf of the Welsh Government to invite Peers to consider tabling amendments to the European Union (Withdrawal Agreement) Bill which are intended to protect the interests of the devolved institutions.

While these amendments focus on securing an appropriate role for the devolved institutions as we leave the EU, they also serve the purpose of entrenching the rights of Parliament in respect of oversight of the forthcoming negotiations, which the UK Government has sought to remove from earlier drafts of the Bill.

While the conduct of international relations is a reserved matter under the devolution settlements, we are responsible for implementing international agreements. The Future Economic Partnership with the EU will inevitably have very serious impacts on areas within devolved competence, such as agriculture and rural affairs, education, economic development, research and development, including requiring changes to devolved legislation. It is essential that the devolved institutions are fully engaged with these negotiations – and indeed the negotiation of other international trade agreements – in order to ensure that we are not required to make changes within our competence which are at odds with the values and interests of our nations.

In brief, the amendments aim to:

- Ensure that the very wide-ranging Henry VIII powers in respect of the Northern Ireland Protocol (Clauses 21 and 22) are limited in a way other such powers are in the Bill, and were in the EU (Withdrawal) Act. This includes a restriction on amending the Government of Wales Act and other enactments fundamental to the devolved settlements in Scotland and Northern Ireland.

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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.

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.

- Provide for appropriate transparency and scrutiny by Parliament and the devolved legislatures at all stages of the negotiations (New Clause 30B inserting sections 13C to 13G to the EU (Withdrawal) Act): this is based on the model proposed in the version of the Bill published in October, noting that in the current version any role for Parliament has been stripped out.
- Ensure that where the UK Government sets negotiation positions, and prior to ratification, the agreement of the devolved governments is normally obtained (New Clause 30B inserting section 13H to the EU (Withdrawal) Act).
- Remove the prohibition on the UK Government from agreeing to an extension to the transition period (remove Clause 33) and provide a process for requiring the Government to request an extension of the transition period if no agreement on the future relationship is likely to be in place by December 2020 (New clause 30A inserting section 13C to the EU (Withdrawal) Act).
- Amend the clause on Parliamentary sovereignty (amendment to Clause 38) to make clear that this makes no changes to the current devolved settlements.
- Amend clause 26 to ensure that the Welsh Ministers are consulted before any regulations under clause 26 relating to the interpretation of retained EU law are made.
- Amend the provisions for transferring the functions of the Independent Monitoring Authority (amendment to Schedule 2, paragraph 39), to make equivalent provision for the transferee to have knowledge of practice in Wales.

While these amendments have been prepared and are proposed by the Welsh Government, they are supported by the Scottish Government.

I hope that members of the House will be prepared to table and support these amendments.

I am copying this letter to the Leader of the House of Lords, the Shadow Leader of the House of Lords, the leader of the Liberal Democrats in the House of Lords, the Convenor of the Crossbench peers, and the First Minister of Scotland.

Yours sincerely,

Mark Drakeford

MARK DRAKEFORD