

Mark Drakeford AM
Cabinet Secretary for Finance

23 May 2018

Dear Mark,

European Union law in Wales: What happens during the Brexit transition?

At its meeting on 21 May 2018, the Committee agreed to start a new inquiry:
European Union law in Wales: What happens during the Brexit transition?

The terms of reference are:

"The Committee aims to understand how European Union law will be given effect in Wales during the Brexit transition period (29 March 2019 to 31 December 2020), including the role of the Welsh Ministers and Assembly scrutiny."

As you will be aware, the latest draft of the Article 50 Withdrawal Agreement includes provision for a transition period following the UK's exit from the European Union on 29 March 2019 until the end of 2020.

However, the mechanism via which Union law is currently applied to and in the United Kingdom is to be repealed by the European Union (Withdrawal) Bill on exit day.

This poses the question: how will European Union law be given effect during the transition period?

We have a partial answer from the UK Government, in that:



- the European Union (Withdrawal) Bill provides mechanisms for the continuation of existing EU law; and
- the proposed Withdrawal Agreement and Implementation Bill will provide a mechanism for giving effect to new EU law during the transition period.

The focus of this inquiry is to start exploring this second aspect i.e. what those transitional arrangements could be and the sort of arrangements the Welsh Government and the Assembly might need to prepare in advance of 29 March 2019.

Can you please provide the Committee with a written submission that outlines the Welsh Government's current position on the operation of the transition period, with particular reference to the following questions:

- What process will be followed for the transposition, implementation and enforcement of EU law during transition?
- What role should the Welsh Government have in this process?
- What preparatory steps will the Welsh Government need to take before the transition period begins?
- Will there be an intra-UK intergovernmental structure established to support this process (such as the current JMC Europe)?
- How will the two withdrawal Bills (the European Union (Withdrawal) Bill and the Withdrawal Agreement and Implementation Bill) interact with regards to the transition period?
- How will the views of the Welsh Government on draft EU laws in devolved areas be presented to the European Union?
- Will the Welsh Government be represented on the EU-UK Joint Committee established under the Withdrawal Agreement?

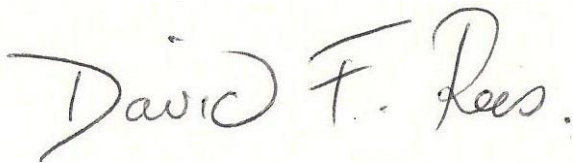


In addition to answering the above questions, we would welcome any additional information that you might consider to be of interest to the Committee.

I would be grateful if you could consider providing this written submission by Wednesday 20 June 2018.

Thank you for considering this request. I look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large initial 'D' and 'R'.

David Rees AM, Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

