

House of Lords  
London  
SW1A 0PW

19 February 2018

Dear ,

### **European Union (Withdrawal) Bill**

I am writing to seek your support for the changes to the European Union (Withdrawal) Bill that we, the Assembly's External Affairs Committee, believe are necessary.

These changes are set out as six objectives. These objectives are those of a cross-party committee of the National Assembly for Wales. The External Affairs Committee is, in short, the Assembly's Brexit Committee. It was established by the Assembly to consider the implications for Wales of exiting the European Union and to safeguard Welsh interests in the withdrawal process and in the setting of post-exit arrangements.

The objectives are based on written and oral evidence received from a wide range of stakeholders and have benefitted from the input of constitutional and legal experts from across the United Kingdom. Further information is available from our website. This work builds on the report we published in June 2017 on the White Paper associated with the Withdrawal Bill: *The Great Repeal Bill White Paper: Implications for Wales.*

Before setting-out our objectives, I wish to emphasise again that **we are not, in any way, seeking to frustrate the UK's withdrawal from the EU.** As we stated in our



report on the White Paper, we understand the need to retain and convert EU law and to make it operable from the day of exit. Our concern lies in the treatment of the devolution settlement and the lack of engagement with the Assembly, through its committees, in relation to the delegation of powers to Welsh Ministers and the setting of scrutiny arrangements.

We have a formal role in the Assembly's process for considering whether to grant its legislative consent for the Bill.

We have published an [interim report on the Legislative Consent Memorandum](#) attached to the Bill. In this report, **we recommended that the Assembly withhold its consent for the Bill in its current form.**

Parliament's response to the six objectives set out below will have a significant bearing on whether we are able to revise our position and recommend that the Assembly grants its consent.

Our six objectives are to:

1. **Remove the Clause 11 restriction on the devolution settlement.**
2. **Ensure the Welsh Ministers and the Assembly are responsible for correcting all aspects of EU-derived law in areas of devolved competence.**
3. **Ensure powers available to Welsh Ministers under the Bill are strictly limited and far more tightly drawn than those currently set out in the Bill.**
4. **Prevent UK Ministers from amending aspects of EU-derived law that affect Wales unless reserved.**
5. **Prevent UK or Welsh Ministers amending the Government of Wales Act using delegated powers.**
6. **Ensure that the Assembly can set its own scrutiny arrangements.**

Attached to this letter is a paper that explains each of these objectives. Whilst we maintain our desire to see each objective met in full, we have reflected on the debate and response to them in the House of Commons.



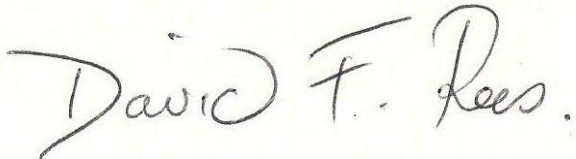
To that end, we remain open to considering pragmatic suggestions to move closer to our position in some areas.

Where this is the case, we have indicated this in the attached paper.

We are aware that further amendments are likely to be tabled, including amendments from the UK Government. We will consider these once tabled and hope that they might contribute to meeting our objectives.

Please contact me if you require any further information, or wish to discuss these objectives in more detail.

Yours sincerely,

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

