



Department  
for Exiting the  
European Union

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David Rees AM  
Chair  
External Affairs and Additional Legislation Committee  
National Assembly for Wales  
Cardiff Bay  
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13 August 2018

Dear David,

**EXTERNAL AFFAIRS AND ADDITIONAL LEGISLATION COMMITTEE - INQUIRY INTO  
EUROPEAN LAW IN WALES DURING THE IMPLEMENTATION PERIOD**

Many thanks for your letter of 20 July, and for setting out so clearly the thinking of the External Affairs and Additional Legislation Committee of the Welsh Assembly.

As you know from my previous appearances in front of your committee, I am keen to engage with the Welsh Government and the National Assembly as we continue preparations for exiting the EU, and progress the programme of exit legislation.

**Legal Mechanism**

We set out the UK Government's early expectations for the European Union (Withdrawal Agreement) Bill in the White Paper on *Legislating for the Withdrawal Agreement between the UK and the EU* on 24 July. This Bill will give legislative effect to the Withdrawal Agreement, and will only be introduced once the negotiations have concluded and Parliament has approved the final deal we agree with the EU.

Chapter 3 of the White Paper sets out the Government's plans for legislating for the implementation period. The EU (Withdrawal) Act will repeal the European Communities Act 1972 (ECA) with effect from 29 March 2019. However, we will need to ensure that EU law continues to apply in the UK for the duration of the time-limited implementation period. This will be achieved by way of transitional provision, in which the EU (Withdrawal Agreement) Bill will amend the EU (Withdrawal) Act so that those elements of the ECA necessary for the operation of the implementation period are preserved. This approach will provide legal certainty to businesses and individuals, and will ensure there is continuity in the effect that

EU law has in the UK during the implementation period. The Bill will make provision so that, on 31 December 2020, the saved effect of the ECA will cease to apply.

With regard to the transposition, implementation and enforcement of EU law in Wales during the implementation period, your expectation of a 'high degree of similarity' with current processes is correct. The Welsh Government and the National Assembly for Wales will have powers of transposition and implementation, in relation to Wales, over non-reserved policy areas requiring domestic implementation. Responsibility for implementing EU law in reserved policy areas (and in any non-reserved areas agreed with the Welsh Government) will continue to sit with the UK Government and Parliament in Westminster for the duration of the IP.

### **The Assembly's scrutiny role**

The UK Government has noted with interest the External Affairs and Additional Legislation Committee's considerations regarding the Welsh Assembly's scrutiny role during the implementation period.

The scrutiny arrangements during the implementation period will need to be informed by the detailed arrangements for the period agreed between the UK and the EU, and the exact nature of involvement in the EU institutions, agencies and bodies during the implementation period.

I do however wish to take this opportunity to assure you that the UK Government supports a strong ongoing parliamentary scrutiny process, and will continue to support this process for as long as EU legislation will continue to affect the UK. We will be engaging in further dialogue with the UK Parliament's committees as to how scrutiny during the implementation may best be achieved.

### **Intergovernmental relations relating to the EU during transition**

At present, the devolved administrations work closely with UK Government departments in developing the final UK Government position on draft EU laws which impact on devolved areas. We anticipate maintaining this system during the implementation period. The Intergovernmental Relations review commissioned by the Plenary of the Joint Ministerial Committee in March 2018 may further refine this process.

A handwritten signature in black ink, appearing to read 'Robin Walker', is centered on the page.

**ROBIN WALKER MP  
PARLIAMENTARY UNDER SECRETARY OF STATE FOR  
EXITING THE EUROPEAN UNION**