

## Jeremy Miles AS/MS

Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd  
Counsel General and Minister for European Transition



Llywodraeth Cymru  
Welsh Government

The Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

14 May 2020

Dear Michael,

I am writing to you to set out the Welsh Government's position in respect of the governance of the UK-EU agreement which we hope will be reached at the end of the negotiations.

In '*The Future UK/EU Relationship: Negotiating Priorities for Wales*', which we published in January, we argued for a strong institutional framework which supports the implementation of the agreements reached, and is in turn supported by appropriate supervision, and processes to manage disputes. We are concerned that the position you have taken on governance – including ruling out any role for the CJEU – could limit the scope and ambition of the future relationship. Our view is the governance arrangements should be designed to reflect the right future relationship, one which meets the needs of the Welsh and the UK economy, and we are concerned that a rigid position on governance could undermine this ambition.

We also called for representation and full involvement in the design and operation of the Joint Committee, based upon a recognition that implementation of many aspects of the UK's future relationship with the EU will be within the competence of the Welsh Government. The main purpose of this letter is to set out in a little more detail what our role in the governance of the UK-EU relationship should be.

We recognise that the UK Government will be the signatory to the agreement(s) which is/are eventually reached with the EU and we fully accept that the UK Government should have the lead role in the governance of the agreement(s). However, the Welsh Government's role in the overarching governance structures should be based upon a recognition of our Government's legitimate interests in the implementation of the agreement(s), and as such the UK Government should seek to reach agreement with the devolved governments with a presumption that agreement will be reached for matters within devolved competence. More specifically, we believe that Welsh Ministers and/or lead officials should be able to attend formal governance meetings (including any Joint

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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.

Committees which may be established) whenever matters which have an impact on devolved responsibilities are to be discussed. We also believe that where there is agreement between governments, Welsh Ministers – and Ministers in the other devolved governments – should be able to lead the UK delegation. This is in our view consistent with the longstanding arrangements for devolved Ministers' attendance at EU Council meetings when the UK was a member of the EU, as set out in the UK/DA Memorandum of Understanding, and is the solution that most fully reflects and respects devolved interests. Overall, the emphasis needs to be on all parts of the UK acting as a single UK team, underpinned by joint work at official level, and with meaningful engagement at ministerial level before decisions are made.

We will also need to agree an appropriate role for the devolved governments in the resolution of disputes between the UK and the EU, where the dispute impacts upon devolved interests. We will need to work together to develop agreed procedures for such a scenario, but it will be essential that such procedures are underpinned by a recognition that for any dispute relating to devolved interests, the approach taken by the UK should proceed on the basis of agreement with the devolved governments.

I am copying this letter to the Secretary of State for Wales, and the Paymaster General; to the Cabinet Secretary for Government Business and Constitutional Relations at the Scottish Government; and to the First Minister and Deputy First Minister of the Northern Ireland Executive.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Miles', with a stylized, cursive flourish at the end.

**Jeremy Miles AS/MS**

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