

15 July 2025

Dear

ATISN 24827 – Representations to UK Government over post-EU funding decision-making powers

Thank you for your request which we received on 17 June 2025. You asked for information relating any Welsh Government representations since July 2024 to the UK Government requesting:

- Powers over the management, oversight, or delivery of replacement EU funding (including, but not limited to, the Shared Prosperity Fund, Levelling Up Fund, or Local Growth Fund)?
- That such funds be devolved or managed in partnership with the Welsh Government?

You requested copies of any correspondence, briefings, meeting notes, or internal assessments relating to such representations, including communications with:

- The Wales Office,
- The Department for Levelling Up, Housing and Communities (DLUHC),
- HM Treasury,
- Or any other UK Government department.

Additionally, you asked whether the Welsh Government has ever formally requested full control or devolution of powers over successor funding to EU regional aid (e.g. as part of intergovernmental negotiations, JMC meetings, or through written correspondence).

Some information related to your request is available in the public domain, for example:

- The Secretary of State for Wales' evidence to the Welsh Affairs Committee on 15 January 2025. The written record is available here: committees.parliament.uk/oralevidence/15234/html/
- The First Minister's evidence to the Culture, Communications, Welsh Language, Sport, and International Relations Committee on 18 June. The written record is available here: <https://record.senedd.wales/Committee/15526>.
- The Secretary of State for Wales' evidence to the Welsh Affairs Committee on 9 July 2025, which is available here: <https://parliamentlive.tv/event/index/2b67dd70-d80e-43b5-a668-00b0f958c365>

I can confirm that all other information requested, where held, is exempt from disclosure under section 28 of the Freedom of Information Act and is therefore withheld. My reasons for withholding the information can be found at Annex 1.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

Application of exemptions

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

The information requested that is captured by section 28 relates to intergovernmental correspondence, briefings and meeting notes.

This Annex sets out the reasons for the engagement of section 28 of the of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Engagement of Section 28 – Relations within the UK

The Welsh Government believes that section 28 is engaged in relation to the information requested.

Guidance from the Commissioner on section 28 states:

Section 28(1) of FOIA states that information is exempt if its disclosure would or would be likely to prejudice relations between any administration in the UK and any other such administration. The administrations referred to are the Government of the United Kingdom, the Scottish Government, the Executive Committee of the Northern Ireland Assembly, and the Welsh Government.

The arrangements in place between the four UK administrations provide for the sharing of information between them in appropriate circumstances. The success of these arrangements requires the UK administrations to work together in an environment of mutual trust, cooperation and respect. The purpose of the exemption is therefore to protect good relations between the different administrations within the UK, and the Commissioner considers that the exemption will be engaged where the disclosure of the information would be likely to harm trust, openness and the free and frank exchange of views between any of the administrations.

As set out above, the expectation of confidentiality of discussion between Ministers is well established in both convention and in practice and is set out in the Devolution Memorandum of Understanding (MoU), and the subsequent Review of Intergovernmental Relation, both jointly agreed between the four UK administrations.

The Welsh Government considers the release of the information would amount to a break from the convention, MoU and Review. It would represent the removal of the presumed 'safe space' created by the convention/MoU and so would likely to make relations with the UK Government more difficult in that it would be likely to prejudice the Welsh Government's ability to continue constructive discussion at Ministerial and official level with UK Government.

The Welsh Government is actively pursuing the restoration of responsibility for post-EU funding (or 'local growth funding' as noted in the UK Spending Review on 11 June 2025) with the UK Government. This is an ongoing dialogue and negotiation following the UK

Government's confirmation of the financial allocation for this funding at the UK Spending Review.

The balance of public interest

The Welsh Government acknowledges the general public interest in openness and transparency that release would engender. We recognise there are public interest considerations which would favour disclosure; disclosure could inform the public about the Welsh Government's actions and may add to understanding of relations between the Welsh Government and UK Government and the matters under consideration.

However, there is a significant public interest in ensuring there are effective relations between the Welsh Government and UK Government, and the Welsh Government and other administrations. At this stage of dialogue over the restoration of responsibility for post-EU funding, the Welsh Government believes it is in the public interest for trust and confidence between the governments to be maintained. The material reflects an ongoing process rather than completed policy and disclosure could prejudice the development of the negotiations.

The prospect of future disclosure of the nature or content of discussions risks affecting the levels of candour and confidentiality between the two governments on these and other issues in future. If the content of discussions were routinely made public there is a risk this will inhibit the ability of Ministers and officials to be frank with one another. In all cases, the Welsh Government would likely need to take mitigating measures to address concerns and risks in relationships with other administrations.