

# Negotiations on the UK's withdrawal from the EU

## Brexit Monitoring Report

12 April 2019



The Assembly and

BREXIT

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**Authors:**

Manon George, Peter Hill, Sara Moran and Gareth Thomas

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Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

**National Assembly for Wales**  
**Cardiff Bay**  
**CF99 1NA**

Tel: **0300 200 6317**

Email: [Manon.George@Assembly.Wales](mailto:Manon.George@Assembly.Wales)

Twitter: [@SeneddResearch](https://twitter.com/SeneddResearch)

Blog: [SeneddResearch.blog](http://SeneddResearch.blog)

LinkedIn: [Senedd Research, National Assembly for Wales](#)

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The Assembly and

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## 1. Introduction

This report provides an update on developments relating to the Article 50 Negotiations on the UK's withdrawal from the EU since 25 March 2019.

This paper provides:

- Analysis of the key developments at Westminster and Brussels; and
- Analysis of the Welsh Government and National Assembly for Wales' response to the latest developments

## 2. Developments in Westminster

### Timeline of key developments

On 25 March, the Prime Minister **made a statement** to the House of Commons on the decision of the European Council the previous week to formally endorse the so-called **Strasbourg agreement**, as well as to allow a short extension to the Article 50 process. In doing so, she emphasised the Council's position on the Withdrawal Agreement, saying that 'however the House decides to proceed this week, everyone should be absolutely clear that changing the Withdrawal Agreement is simply not an option.'

The Prime Minister said that she continues to believe that the right path forward is for the UK to leave the EU with a deal as soon as possible—that date now being 22 May. She also stated her belief that there was not sufficient support in the House at that time to bring back the deal for a third meaningful vote, adding that she would continue to have discussions with colleagues across political parties to build support, to bring the vote forward and guarantee Brexit. If this does not happen, she said:

*The bottom line remains that if the House does not approve the withdrawal agreement this week and is not prepared to countenance leaving without a deal, we will have to seek a longer extension. This would entail the UK having to hold European elections, and it would mean that we will not have been able to guarantee Brexit.*

Following the Prime Minister's statement, there was a vote **on the motion** that the Government was required to move under the EU Withdrawal Act 2018 after Parliament rejected its deal for a second time on 12 March. This motion 'takes note' of the statement that sets out the Government's plan to ask the EU for an extension to Article 50. Following the debate, MPs voted in favour of an amendment to the motion by Oliver Letwin (329 votes to 302). The amendment adds a clause to the end of the motion to set out a way for the House 'to debate and vote on alternative ways forward'. This is the amendment designed to pave the way for the so-called 'indicative votes'. To do this, it suspends Standing Order 14(1)—which gives government business precedence—on 27 March. Instead, precedence will be given to a **business motion** connected to the UK's withdrawal from the EU, and then to other motions relating to the withdrawal and future relationship with the EU.

The Prime Minister said that she believes that the agreement of the Letwin amendment sets an unwelcome precedent, which would 'overturn the balance between our democratic institutions'. In advance of the vote, she said:

*I must confess that I am sceptical about such a process of indicative votes. When we have tried this kind of thing in the past, it has produced contradictory outcomes or no outcome at all. There is a further risk when it comes to Brexit, as the UK is only one half of the equation and the votes could lead to an outcome that is unnegotiable with the EU.*

On 27 March 2019, the House of Commons held indicative votes to ascertain a majority for the next steps in the Brexit process. **Eight options** were put forward, however each one was rejected by MPs as follows:

| Motion | Description                          | For | Against    |
|--------|--------------------------------------|-----|------------|
| B      | No deal                              | 60  | <b>400</b> |
| D      | Common market 2.0                    | 188 | <b>283</b> |
| H      | EFTA & EEA                           | 65  | <b>377</b> |
| J      | Customs Union                        | 264 | <b>272</b> |
| K      | Labour's alternative plan            | 237 | <b>307</b> |
| L      | Revocation to avoid 'no deal'        | 184 | <b>293</b> |
| M      | Confirmatory public vote             | 268 | <b>295</b> |
| O      | Contingent preferential arrangements | 139 | <b>422</b> |

Additionally, it was **reported** that the Prime Minister offered to stand down if the Withdrawal Agreement, previously rejected twice, is accepted. Speaking at the backbench 1922 Committee, the Prime Minister acknowledged that she is prepared to leave her role earlier than intended so as not to stand in the way of the second phase of Brexit. On 18 March 2019, speaker John Bercow **confirmed** that parliamentary convention prohibits the same question being presented repeatedly and has advised that a third vote will not be permitted without substantive changes.

On 27 March 2019, both houses of Parliament considered the **European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019**. The statutory instrument (SI) amends the definition of 'exit day' in the **European Union (Withdrawal) Act 2018**, which was previously 29 March 2019. Following a **request from the UK Government**, an extension was agreed by the **European Council** on 22 March 2019. 'Exit day' will now either be 11pm on 22 May 2019 (if the Prime Minister's withdrawal agreement is approved by the House of Commons by 29 March) or 11pm on 12 April 2019 (if it is not). The **House of Commons** voted 441 to 105 in favour of the SI and it comes into immediate effect.

In the House of Lords, **Lord Callanan** explained:

A large volume of EU exit legislation preparing the statute book for the moment when EU law ceases to apply is due to enter into force automatically on exit day. Without this instrument being put in place, there would be a clash in our domestic law whereby contradictory provisions applied to both EU rules and new UK rules simultaneously, and in some cases new UK rules would replace EU rules prematurely.

The SI remains in the debate stage at the House of Lords.

Under Assembly Standing order 30A, a member of the Government must lay a Statutory Instrument Consent Memorandum (SICM) in relation to any statutory instrument laid before the UK Parliament by UK Ministers which makes provision in relation to Wales and amends primary legislation within the legislative competence of the Assembly. It is worth noting that a Statutory Instrument Consent Memorandum has not been laid by the Welsh Government in relation to these regulations.

On **29 March** the House of Commons debated and voted on a **motion** to approve the Withdrawal Agreement. The motion asked the House of Commons to approve the Withdrawal Agreement only, not the Political Declaration as well, after the Speaker of the House John Bercow ruled on **18 March** that a third 'meaningful vote' under the EU (Withdrawal) Act 2018 would not be permitted without substantial changes. However, the Withdrawal Agreement was rejected once again in Parliament, with MPs voting 344 to 286 against the motion.

Following the vote, the Prime Minister made a **statement** in which she said:

I think that it should be a matter of profound regret to every Member of this House that once again we have been unable to support leaving the European Union in an orderly fashion. The implications of the House's decision are grave. The legal default now is that the United Kingdom is due to leave the European Union on 12 April, in just 14 days' time. That is not enough time to agree, legislate for and ratify a deal. Yet the House has been clear that it will not permit leaving without a deal, so we will have to agree an alternative way forward.

The European Union has been clear that any further extension will need to have a clear purpose and will need to be agreed unanimously by the Heads of State of the other 27 member states ahead of 12 April. It is almost certain to involve the United Kingdom being required to hold European parliamentary elections.

On **1 April** the House of Commons held a second round of indicative votes to ascertain a majority for the next steps in the Brexit process. **Four options** were put forward, however each one was rejected by MPs as follows:

| Motion | Description   | For | Against    |
|--------|---|-----|------------|
| C      | Customs Union   | 273 | <b>276</b> |
| D      | Common market 2.0 (UK joins the European Economic Area and forms a new customs union with the EU) | 261 | <b>282</b> |
| E      | Confirmatory Public Vote  | 280 | <b>292</b> |
| G      | Parliamentary Supremacy   | 191 | <b>292</b> |

Following the votes on 1 April, the Secretary of State for Exiting the EU Stephen Barclay said in a **statement** to the House of Commons:

To secure any further extension, the Government will have to put forward a credible proposition to the EU as to what we will do with that extra time. This House has continuously rejected leaving without a deal, just as it has rejected not leaving at all. Therefore, the only option is to find a way through that allows the UK to leave with a deal. The Government continues to believe that the best course of action is to do so as soon as possible. If the House were to agree a deal this week, it may still be possible to avoid holding European parliamentary elections.

On **2 April** the Prime Minister made a statement following a day of Cabinet meetings, confirming that she will seek a further extension to Article 50 in order to sit down with the Leader of the Opposition to agree a plan:

Any plan would have to agree the current Withdrawal Agreement – it has already been negotiated with the 27 other members, and the EU has repeatedly said that it cannot and will not be reopened. The ideal outcome of this process would be to agree an approach on a Future Relationship that delivers on the result of the Referendum, that both the Leader of the Opposition and I could put to the House for approval, and which I could then take to next week's European Council.

However, if we cannot agree on a single unified approach, then we would instead agree a number of options for the Future Relationship that we could put to the House in a series of votes to determine which course to pursue. Crucially, the Government stands ready to abide by the decision of the House. But to make this process work, the Opposition would need to agree to this too. The Government would then bring forward the Withdrawal Agreement Bill. We would want to agree a timetable for this Bill to ensure it is passed before 22nd May so that the United Kingdom need not take part in European Parliamentary Elections.

Talks were held with the Leader of the Opposition, as well as the First Ministers of Scotland and Wales on 3 April.

On 2 April Yvette Cooper MP presented a Private Members' Bill, which was fast-tracked through Parliament.

On 3 April the Bill was **debated in the House of Commons**. The Second Reading of the Bill was passed by 315-310, and the Bill passed its Third Reading by just one vote, 313-312. It has now completed its passage through the House of Commons, and was considered by the House of Lords on 4 and 8 April. The **European Union (Withdrawal) Act 2019** subsequently received Royal Assent on 8 April. Section 1 of the Act requires a UK Government Minister to move a motion in the House of Commons to seek its approval for an extension, which is then debated. If the motion is then approved, the Prime Minister must then write to the European Council to ask for an extension to that specific date. Amendment 5, inserted in the House of Lords, means that once an extension date has been agreed between the UK and EU it does not need to be approved by Parliament.

On 3 April the Commons Select Committee on Exiting the EU held an evidence session with the Secretary of State for Exiting the EU, Stephen Barclay MP. Following the Prime Minister's statement on 2 April, he confirmed that the Prime Minister will officially request a further extension at the EU Council meeting on 10 April and speculated that the request would be until 22 May 2019 but also made mention of a potential extension to the end of June 2019. He confirmed that the UK Government has contingency plans in place should the European Parliamentary elections go ahead in the UK, including the reimbursement for expenses incurred by the Electoral Commission. Stephen Barclay confirmed that a second statutory instrument would be needed to again change "exit day". Whether or not a third round of indicative voting would take place would be dependent on discussions held with the Leader of the Opposition on 3 April.

The role of devolved nations was briefly discussed. The Secretary of State confirmed that UK Government is keen to involve the devolved nations, particularly at officials-level, and it is one of the lessons learned from the first phase of the Brexit negotiations. He confirmed that the UK Government has commissioned a review of intergovernmental relations in the UK and will provide further written information to the Committee regarding this. He advised that issues exist in involving devolved nations in the UK's future international relations, for example that ultimately decisions are to be made by the UK Government, but reaffirmed a desire to work more closely to share information.

On 5 April, the Prime Minister **wrote to Donald Tusk** to request an extension of Article 50 to 30 June 2019. In the Prime Minister's letter, she stated that she was reluctantly seeking this extension, as the UK had not been able to ratify the Withdrawal Agreement and Political Declaration. She also highlighted her intention that the UK is able to ratify the Withdrawal Agreement and Political Declaration before 23 May, so that the UK is able to leave the EU without holding elections to the European Parliament.

On 9 April, the House of Commons **debated a motion** to extend Article 50 to 30 June 2019. This motion was put before the House of Commons by the UK Government to meet the requirements of the **European Union (Withdrawal) Act 2019**. The House of Commons approved the motion to extend Article 50 to 30 June 2019 by 420 votes to 110.

On 10 April the European Council held an emergency summit to discuss the Prime Minister's request to extend Article 50. **The EU27 and the UK agreed** a flexible extension to Article 50 until 31 October 2019. However, if the UK and EU are able to ratify the Withdrawal Agreement before then, the Withdrawal Agreement may enter into force before then. **The UK's withdrawal from the EU** will take place either on the first day of the month following completion of the ratification procedures, or 1 November 2019, depending on which is earliest.

The UK will be required to hold elections to the European Parliament if it is still an EU Member State between 23-26 May 2019. If it fails to hold the elections, the UK will leave the EU on 1 June 2019. The EU27 reiterated that there is no possibility of reopening the Withdrawal Agreement.

On 11 April the Prime Minister **made a statement** following the agreement to extend Article 50. She stated that:

I have just met with Donald Tusk, the President of the European Council, where I agreed an extension to the Brexit process to the end of October at the latest...

During the course of the extension, the European Council is clear that the UK will continue to hold full membership rights, as well as its obligations...

Tomorrow I will be making a statement to the House of Commons.

Further talks will also take place between the Government and the Opposition to seek a way forward.

On 11 April the Prime Minister made a **statement to the House of Commons**. She stated that:

I welcome the discussions that have taken place with the Opposition in recent days - and the further talks which are resuming today.

This is not the normal way of British politics - and it is uncomfortable for many in both the Government and Opposition parties.

Reaching an agreement will not be easy, because to be successful it will require both sides to make compromises.

But however challenging it may be politically, I profoundly believe that in this unique situation where the House is deadlocked, it is incumbent on both front benches to seek to work together to deliver what the British people voted for. And I think that the British people expect their politicians to do just that when the national interest demands it.

I hope that we can reach an agreement on a single unified approach that we can put to the House for approval.

But if we cannot do so soon, then we will seek to agree a small number of options for the future relationship that we will put to the House in a series of votes to determine which course to pursue.

And as I have made clear before, the Government stands ready to abide by the decision of the House. But to make this process work, the Opposition would need to agree to this too.

With the House's consent, we could also bring forward the Withdrawal Agreement Bill - which is a necessary element of any deal, whichever course we take.

This Bill will take time to pass through both Houses, so if we want to get on with leaving, we need to start this process soon.

And it could also provide a useful forum to resolve some of the outstanding issues in the future relationship.

## Brexit Legislation

The **Healthcare (European Economic Area and Switzerland Arrangements) Act 2019** received Royal Assent on 26 March. The Act allows the UK to maintain reciprocal healthcare arrangements with the European Economic Area and Switzerland after Brexit, in the event of either a Brexit deal or 'no deal' scenario. Its provisions were not originally limited to arrangements with the EEA and Switzerland, and also would have allowed the UK to strengthen existing reciprocal healthcare agreements with countries outside the EU, or to implement new ones. Following its passage through the House of Commons, the House of Lords tabled **several amendments**:

Firstly, the international scope of the Bill was rejected and subsequently limited to reciprocal healthcare between the UK and the European Economic Area (EEA) and Switzerland. This resulted in the name of the Bill being changed to the Healthcare (European Economic Area and Switzerland Arrangements) Bill.

Secondly, the Bill was amended to include a requirement to consult with devolved nations when making regulations to implement new healthcare agreements. Thirdly, more detailed reporting requirements were inserted.

These changes were later agreed to by the House of Commons.

As this subject is within the devolved competence of the Assembly, convention requires the Assembly to give consent to the relevant provisions in the Bill. The Assembly agreed its **consent to the Bill** on 12 March, during which time the amendments were made in the House of Lords. A supplementary LCM was not laid in relation to the changes made by the Lords.

Another Bill with significant Welsh provisions is the **Agriculture Bill**. On 26 March, the Welsh Government tabled a **supplementary legislative consent memorandum** in relation to the Bill. In that memorandum, the Welsh Government says that it is content with the amendments tabled by UK Government Ministers during the Commons Committee Stage in respect of the Red Meat Levy (Part 8), the amendments to Schedule 3 (Provision relating to Wales) and the amendments to Part 10 (Final Provisions). It says that it is also content with the provisions in respect of the WTO Agreement on Agriculture in view of the agreement reached with the Secretary of State on the exercise of those regulation making powers.

Welsh Ministers acknowledge that further changes are likely to be made to the Bill at House of Commons Report stage and in the House of Lords, in which case further memoranda will be laid before the Assembly as appropriate. Because of this, the Welsh Government says that it is not possible to give an unequivocal recommendation to the Assembly to consent to the Bill at this stage.

In terms of **Brexit subordinate legislation**, the First Minister gave an update on the latest position in the EAAL committee session **on 25 March**. He said that 41 Brexit-related statutory instruments have been laid by the Welsh Government, and that they are expecting one more SI related to healthcare charging, adding that they are waiting on the UK government's policy position before forming a Welsh SI. He also said that eight SIs are not intended to be introduced by 29 March, but are not required by that point, and so they will be introduced at a later stage.

During the session, the First Minister also referred to **his response** to the Constitutional and Legislative Affairs Committee progress report on Brexit statutory instruments. When asked about the balance between SIs made by UK Ministers in devolved areas and SIs made by Welsh Ministers, the First Minister made reference to the 'extraordinary' situation of Brexit:

Where there is a policy issue in place, then we bring an SI to the Assembly itself so that it can be scrutinised by the body here. If we were not in the extraordinary times we are in, would we have drawn that line in a slightly different place on that spectrum? Well, I suppose we would have done, because we would not be under the enormous pressure of events that says that we have to have a functioning statute book ready to protect Welsh businesses, Welsh citizens and Welsh public services in place by 29 March. That's why I take a different view to the committee, because the committee did not appear to me to recognise the extraordinary pressures that this creates, and it slightly looked to me as though we had the luxury of time on our side, when clearly we do not.

### 3. Developments in Brussels

On 25 March, the European Commission **issued a statement** to say that it has completed its 'no deal' Brexit contingency plans and that the EU is now prepared for a 'no deal' scenario. However, it also said that precise arrangements for the Irish border if the UK leaves without a deal are still yet to be finalised.

To help with communicating the 'no deal' measures to citizens across the EU, the Commission has published a **series of less technical summaries** and is also training staff at their call centre about EU policies so that it can act as a hotline to deal with a surge in enquiries in a 'no deal' scenario.

The statement noted that people and goods will face longer waiting times when crossing borders if there is 'no deal'. The EU has confirmed that in a 'no deal' British citizens who are not currently resident in the EU will have their passports stamped and be asked a few questions once entering the EU.

In relation to the Irish border, **it has been reported** that officials are 'in intense discussions with the Irish authorities about these matters...We will of course continue and intensify these discussions over the coming days'.

They added that, in a 'no deal' scenario, both the UK and Ireland 'will need to take unilateral and temporary measures to protect legitimate trade, consumer, and public health', saying that they would expect the UK to live up to its commitment to avoid a hard border while protecting Ireland's place in the internal market.

On 27 March, Donald Tusk **gave a statement** to the European Parliament on the recent European Council meeting where the Council approved the Strasbourg agreement and granted a short extension to Article 50 under two scenarios. In relation to a long extension, he acknowledged that this would mean the UK's participation in the European Parliament elections. He said that some people were saying that this would be harmful, but said that such thinking is unacceptable:

You cannot betray the six million people who signed the petition to revoke Article 50, the one million people who marched for a People's Vote, or the increasing majority of people who want to remain in the European Union. They may feel that they are not sufficiently represented by the UK Parliament, but they must feel that they are represented by you in this chamber. Because they are Europeans.

The European Commission published a **statement** on 29 March in which it said that it regretted the negative vote in the House of Commons on the Withdrawal Agreement earlier that day. As a result of the decision in the Commons, the statement confirmed that the Article 50 negotiating period has been extended until 12 April, but according to the Commission 'it will be for the UK to indicate the way forward' before that date for consideration by the European Council, adding that leaving the EU without a deal 'is now a likely scenario'. The Commission stated that:

The EU has been preparing for this since December 2017 and is now fully prepared for a "no-deal" scenario at midnight on 12 April. The EU will remain united. The benefits of the Withdrawal Agreement, including a transition period, will in no circumstances be replicated in a "no-deal" scenario. Sectoral mini-deals are not an option.

On 29 March President of the European Council Donald Tusk also **announced** that a meeting of the Special European Council (Article 50) will take place in Brussels on 10 April to enable the EU27 to discuss the latest developments on Brexit following the rejection of the Withdrawal Agreement in the House of Commons.

On 2 April, in a **speech** at the European Policy Centre following the second round of indicative votes in the Commons the day before, the EU's chief Brexit negotiator Michel Barnier outlined three possible Brexit scenarios for the UK ahead of the European Council meeting on 10 April:

**1. A successful meaningful vote in the coming days:** Referring to the second round of inconclusive indicative votes in the Commons, Mr Barnier said that the EU is willing to accept 'a Customs Union, or a relationship similar to the Norway model'. He said that the Political Declaration as drafted could accommodate these options, but that they would also be open to reworking it 'as long as the fundamental principles of the EU are respected'. Mr Barnier highlighted that voting in favour of the Withdrawal agreement would not signal the end of the process in the UK as both the UK and EU Parliaments would need to ratify the Agreement. He said that he did not foresee a problem with the European Council granting a short extension to allow this to happen but added that it would be up to the EU27.

**2. Leaving the EU without a deal:** Mr Barnier said that 'no deal' was 'never our desired or intended scenario, but day by day it is becoming more likely'. He emphasised that the EU27 is prepared for 'no deal' but said that being prepared 'does not mean that there will be no disruption'.

**3. Extending Article 50:** Mr Barnier explained that the UK could ask for an extension to the Article 50 negotiating period at the European Council meeting on 10 April. However, he said that such an extension would 'carry significant risks for the EU' and as a result 'strong justification would be needed'. Mr Barnier also said that the UK will have to hold European elections if it is still a Member State on 23 May.

On 3 April, the EU Council and Parliament reached an **agreement** that British citizens will not require a visa to travel within the EU on short stays of up to 90 days within a 180 day period. The waiver also applies to Norway, Iceland and Liechtenstein and Switzerland (Schengen area). The agreement is granted on condition of the UK Government reciprocating.

On 3 April, the European Parliament held a **Plenary debate on Brexit**. During the debate, Jean-Claude Juncker **stated that:**

In light of Prime Minister May's statement last night, I believe we now have a few more days. If the United Kingdom is in a position to approve the Withdrawal Agreement with a sustainable majority by 12 April, the European Union should be prepared to accept a delay until 22 May.

But 12 April is the ultimate deadline for the approval of the Withdrawal Agreement by the House of Commons. If it has not done so by then, no further short extension will be possible. After 12 April, we risk jeopardising the European Parliament elections, and so threaten the functioning of the European Union...

Much of the debate in the House of Commons has related to the future relationship between the European Union and the United Kingdom. The European Union stands ready to add flexibility to the Political Declaration, to pave the way for a close economic partnership between the European Union and the United Kingdom in the future.

We stand ready to refer to a range of options, from a free trade agreement, to customs arrangements, to a Customs Union all the way to the European Economic Area.

Following the decision to extend Article 50 to 31 October 2019, Donald Tusk **stated that:**

Tonight the European Council decided to grant the United Kingdom a flexible extension of the Article 50 period until the 31st of October. This means an additional 6 months for the UK. During this time, the course of action will be entirely in the UK's hands. It can still ratify the Withdrawal Agreement, in which case the extension will be terminated. It can also reconsider the whole Brexit strategy. That might lead to changes in the Political Declaration, but not in the Withdrawal Agreement. Until the end of this period, the UK will also have the possibility to revoke Article 50 and cancel Brexit altogether.

The UK will continue its sincere cooperation as a full member state with all its rights, and as a close friend and trusted ally in the future.

Let me finish with a message to our British friends: this extension is as flexible as I expected, and a little bit shorter than I expected, but it's still enough to find the best possible solution. Please do not waste this time.

## 4. Developments in Wales

In the External Affairs and Additional Legislation Committee **on 25 March**, the First Minister appeared before the committee for a Brexit scrutiny session. During the session, Members questioned him on areas including the latest Brexit negotiations, Welsh Government preparedness, Brexit legislation and intergovernmental matters. The main points made by the First Minister in relation to Brexit are summarised below.

- In terms of the next steps, the First Minister reiterated his view that the House of Commons should now decide whether to renegotiate the Withdrawal Agreement and Political Declaration or hold another referendum. He said that remaining in the EU is still the best option available, although confirmed that the Welsh Government respects the result of 2016 referendum.
- In relation to intergovernmental relations after Brexit, the First Minister referred to the ongoing review, although said that, since September, this work has not taken a priority, as both UK and Welsh Government have been preparing for a “no deal” Brexit.
- When asked about Brexit legislation, the First Minister said that there is a ‘moving, day-by-day analysis of how different outcomes would lead to different sorts of legislative needs’. In relation to the Agriculture Bill, he said that the Government are confident that the Bill would provide Welsh Ministers with all the powers they need in the short term to continue to design and deliver a system of agricultural support in Wales while they develop a bespoke Bill.
- When asked if he would recall the Assembly to ensure that we have an opportunity to scrutinise a Withdrawal Agreement Bill, he said that he would be having conversations with the Llywydd in relation to the 12 April cut-off date.
- Members also asked about the UK Shared Prosperity Fund and the **letter** that the Committee had received from the Secretary of State for Wales. In response, the First Minister said that the Secretary of State's response was ‘deeply unhelpful’ as his suggestion about allowing local authorities to make spending decisions in relation to the fund would mean that the Assembly would be ‘bypassed’.

In **Plenary on 26 March**, David Rees asked an Emergency Question about the Government's position following the European Council's decision on 21 March.

In response, Brexit Minister Jeremy Miles said that it is 'some comfort' that the EU 27 have given a narrow window to avoid a "no deal" Brexit. He welcomed the process of indicative votes in Parliament, adding that the Prime Minister must 'abandon her disastrous red lines and listen.'

When asked about the possibility of second referendum, Jeremy Miles said that a referendum is one of two ways of responding to the current situation:

We have been clear that if a deal is available that reflects the principles in 'Securing Wales' Future—one of close partnership and alignment in the future—that is the way forward that we advocate, and in the absence of that, then another referendum will be required in order to take us forward.

On 27 March, the Minister for Health and Social Services, Vaughan Gething, published a **written statement** on Brexit contingency planning and warehouse acquisition. This follows Jeremy Miles's comments in the EAAL committee session on 'no deal' preparedness on 11 March.

In the statement, the Minister said that the Government have acquired a warehouse in south-east Wales to provide additional storage capacity for medical devices and clinical consumables to ensure there is a continuity of supply for Wales. He added that the facility will enable the stocking of items in relation to healthcare and social care, meaning that dependency on external supply chains is decreased and resilience is increased.

On 29 March following the rejection of the Withdrawal Agreement in the House of Commons First Minister Mark Drakeford **tweeted**:

This is a farce of the PM's making, which risks turning into a national tragedy.

MPs must now put country 1st & find a compromise that can command a Commons majority. If this fails, then the only way forward is to take the decision back to the people through a public vote.

Three days later, following the second round of indicative votes in the House of Commons on 1 April, the First Minister **tweeted** that there is still time for Parliament to find a way forward but that 'we're veering dangerously close to a catastrophic 'no deal''. He **added**:

Our options continue to narrow. If this deadlock can't be resolved & Parliament fail to agree a way forward, then the decision should be taken back to the people through a public vote.

On 2 April 2019, the Counsel General and Brexit Minister, Jeremy Miles, provided an **update** on EU negotiations in plenary following a second round of indicative voting at Westminster the previous evening.

The Minister reaffirmed the Welsh Government's desire to achieve a compromise. He urged Parliament to find a stable consensus that reflects recent votes for a closer post-Brexit relationship through a customs union and EEA membership. He advised that the Welsh Government welcomes the emerging coalition in favour of a customs union, but continues to believe that the best economic outcome would be full participation in the single market in addition. Further, the Welsh Government would support a rewritten Political Declaration as a basis for passing the Withdrawal Agreement provided:

It is clearly understood to be in addition to the commitments which the UK Government has already made in terms of maintaining alignment with single market rules in terms of goods and agriculture.

Should the UK Government enshrine these objectives in legislation, the Welsh Government believes this would make it "virtually certain the backstop would never be needed". The Minister confirmed that he has written to David Lidington, Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, to urge the UK Government at the same time to commit to a statutory role for the Devolved Administrations in future negotiations. The Minister finished by urging Parliament to also back the option of a second referendum as an alternative solution.

During **First Minister's Questions** on 2 April 2018, Plaid Cymru leader, Adam Price, asked the view of the First Minister on the results of the indicative votes held on 1 April.

In response, the First Minister emphasised that "we face the most serious moment in this whole Brexit journey". In response to further questioning regarding the choice described by the Prime Minister of facing either a no deal scenario or revocation of Article 50, the First Minister said:

Because of the serious impact that a crash-out Brexit would have on people here in Wales, at that point, if I were casting a vote, I would cast it for revocation, because the consequences are so catastrophic for families in Wales. But for me, it would absolutely have to be that we knew we were in that final moment, because the constitutional and political consequences of using that course of action are really very, very profound.

During questions in Plenary on 2 April 2019, the Counsel General and Brexit Minister was asked two Brexit-related questions. In response to **a question** on the rights of Welsh citizens to challenge environmental decisions after Brexit, he stated that the Welsh Government's consultation on environmental principles and governance is underway and will aim to ensure "coherent and effective governance arrangements for Welsh citizens." The Minister advised that discussions with the UK Government have been ongoing for some time regarding UK-wide legislation in this area to ensure that future developments occur in parallel, but recognised the "different landscape" of Wales' environmental protection and rights.

The Minister **also reaffirmed the Welsh Government's view** that Brexit should not lead to any regression of rights, with discussions on strengthening and advancing rights already underway. When questioned further on whether Wales could enshrine the rights contained and established by the EU Charter of Fundamental Rights, the Minister advised that whilst this would be outside of competence, he also advised that research is underway that will clarify the framework and scope that is available to the Welsh Government as a means to legislate for such rights.

On 3 April, the Minister for Finance and Trefnydd **provided a breakdown** of recent Welsh Government funding allocations to prepare for a no deal Brexit using the Brexit transition fund:

Some of that funding has gone to the business resilience fund – that's £1.7 million; £1.2 million to strengthen the capacity of local authorities to respond to Brexit; £435,000 to develop police capacity to respond to any civil contingencies; £0.5 million for local resilience forums, who will co-ordinate the response to civil contingencies, as and when they emerge; and £0.5 million to expand the provision of information and support, including immigration advice, to help European Economic Area citizens who are living in Wales.

On 3 April, the First Minister met with the Prime Minister for talks on Brexit. Following the talks, he **stated that** the Prime Minister seemed genuinely willing to listen, and that he hopes that she has come to the conclusion that a different deal can be struck with cross-party support in the House of Commons. He hoped that this is what the ongoing cross-party dialogue is seeking to achieve.

On 9 April, the First Minister **wrote to the Prime Minister** to urge her to show flexibility in her discussions with the EU27, and to secure an extension to prevent a 'no deal' Brexit.

Responding to the extension of Article 50, the First Minister **stated that**:

This provides much needed breathing space & another opportunity for the Commons to reach an agreement – I hope on the kind of Brexit we have long-called for, which will minimise the damage to our economy, or a new public vote; or indeed both.

Our businesses and citizens need certainty as quickly as possible. We cannot waste more time on indecision or immovable red lines. Now is the time for consensus & compromise in order to avoid another Groundhog Day countdown to a disastrous No Deal.

On 11 April, the First Minister published a **written statement** in response to the agreement to extend Article 50.