

Negotiations on the UK's withdrawal from the EU **Special Edition EU Council Summit** Brexit Monitoring Report

23 October 2019



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National Assembly for Wales
Senedd Research

Negotiations on the UK's withdrawal from the EU

Special Edition EU Council Summit

Brexit Monitoring Report

23 October 2019

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1. Introduction

This report provides a summary of developments at the European Union Council Summit held on 17-18 October 2019.

It provides:

- A headline summary of developments running up to the Council meeting;
- A more detailed analysis of key developments at the Council;
- Analysis of the new Withdrawal Agreement and Political Declaration;
- An overview of developments in the UK since the EU Council Summit.

Summary of developments

On the 17 October the UK Government and EU announced that they had reached an agreement on a deal for the UK's Withdrawal from the EU and a revised political declaration on a future relationship. The revised agreement includes a new protocol on Northern Ireland and Ireland which would see Northern Ireland following the EU's customs code, VAT rules and regulatory order on goods but remain within the UK's customs territory. This new arrangement would apply for a four-year initial period and then its continuity would be subject to the consent of the Northern Ireland Assembly. The revised Political Declaration supports a 'deep and ambitious' free trade agreement with the EU and cooperation agreements in other sectors.

The revised agreement was supported by the EU 27 Member States at their Council meeting on 18 October. On the EU side, the agreement will now be subject to ratification by the European Parliament before being formally adopted by the European Council.

The UK Prime Minister called an extraordinary session of the UK Parliament on Saturday 19 October to seek a meaningful vote on the terms of the withdrawal agreement. The UK Government failed to secure support for the Withdrawal Agreement. Instead the UK Parliament voted in favour of an amendment to the Government's motion which states that a meaningful vote on the revised agreement can only take place once legislation to implement the withdrawal agreement has been considered and passed by Parliament.

The failure to secure the vote meant the Prime Minister has to comply with the requirements of the 'Benn' Act (The EU Withdrawal (No.2) Act 2019) and request an extension from the European Council to the negotiation period to 31 January 2020. At the time of writing the European Council is considering this request.

On 21 October, the UK Government introduced a motion asking Parliament to approve the Withdrawal Agreement, Political Declaration and Unilateral Declaration on the operation of the democratic consent in Northern Ireland provision. House Speaker, John Bercow, rejected the motion. Meanwhile, the First Ministers of Wales and Scotland issued joint letters to the Prime Minister and European Council President, Donald Tusk. Both letters request more time for the devolved nations to fully scrutinise the latest proposals and implementing legislation.

The UK Government also introduced the Withdrawal Agreement Bill to implement the revised Withdrawal Agreement on 21 October. A vote to move the legislation to its next stage passed by 329 votes to 299. However, shortly afterwards the UK Government's programme of scrutiny for the Bill was rejected by 322 votes to 308. In response, the Prime Minister announced that the legislation would be paused until the EU has reached a decision on whether or not to extend the Article 50 negotiation period to 31 January 2020.

The UK is scheduled to leave the EU on 31 October unless the European Council grant the request. The UK Government has indicated that a general election could be called during an extension.

2. EU Summit

Pre-Summit developments

The EU Council, meeting in its EU27 format, held its **General Affairs Council on 15 October**, in which Michel Barnier provided updates on the negotiations. Tytti Tuppurainen, Minister for European affairs of Finland, advised:

The ministers today have shown their unity in what could, hopefully, be the last stretch of these very long negotiations. The EU is still committed to finding an orderly solution to Brexit. Time is of the essence.

See the **European Council's timeline** for more detailed background information in the run up to the Summit.

Key developments during the Summit

The **Summit Agenda** set out items for discussion over the two days, with Brexit following the long-term budget, strategic agenda and the climate.

New deal announced

On 17 October, the UK and EU announced a new agreement had been reached. Shortly afterwards, the following documents were published:

- **Revised Protocol on Ireland/Northern Ireland;**
- **Revised Political Declaration;**
- **EU Commission recommendation;** and
- **European Commission press release** recommending the European Council endorse the agreement.

Additionally, the UK published **a Unilateral Declaration on Consent** regarding Northern Ireland.

The full text of the **revised Withdrawal Agreement was** published by the UK Government on 19 October.

The only significant changes agreed to the text of the Withdrawal Agreement, as compared to that agreed by Theresa May, are in relation to the Protocol on Northern Ireland and Ireland. Changes were also made to the text of the Political Declaration which sets out the parameters for discussions on the future relationship between the UK and the EU.

Revised Protocol

The new protocol removes the so-called 'backstop' included in the previous Withdrawal Agreement. The 'backstop' provided for the whole of the UK to remain in the EU Customs Union to avoid the introduction of a 'hard' land border on the island of Ireland, if a future relationship between the UK and the EU couldn't be agreed. The new protocol only applies to Northern Ireland. The key features of the Protocol are:

- Northern Ireland will stay aligned to the majority of EU's regulations on goods;
- Northern Ireland will be a part of the UK customs territory but will apply the EU's customs code and tariffs to any goods entering Northern Ireland which are at risk of entering the EU market via Ireland. The tariffs will be collected by the UK.
- Northern Ireland will be included within any future Free Trade Agreements the UK signs with other countries in relation to services, the export of goods and the import of goods if they are not at risk of entering the EU.
- Northern Ireland will remain within the VAT area of the UK but will follow the EU's VAT rules on goods.
- After four years following the ratification of the agreement Members of the Northern Ireland Assembly will be provided with an opportunity by a simple majority to vote as to whether to continue to apply the Protocol or to opt to diverge from the EU and Ireland. If the vote is passed by a simple majority then consent will be given for a further four year period. If the motion receives cross-community support from the unionists and nationalists in line with current voting procedures in the Assembly then consent will be deemed to have been given for 8 years.

The Political Declaration

Changes were also agreed to the Political Declaration that accompanies the Withdrawal Agreement. This is not a legal text but instead provides a political framework for discussions on a future relationship. Whilst some important changes have been made to the Declaration, much of the text remains the same.

Key Changes

- The Declaration explicitly states that both sides will aim to reach an agreement on a future relationship by end of the current transition period (31 December 2020).

- The Declaration make looser commitments in terms of customs alignments and therefore rules of origin.
- A more detailed paragraph has been added on ensuring a level playing field between the UK and EU in any future relationship. Paragraph 77 of the Declaration states that both parties will 'uphold the common high standards' on state aid, competition, taxation, social and employment standards, environment and climate change in any future agreement. It states that 'the precise nature of commitments should be commensurate with the scope and depth of the future relationship'.
- Some changes have been made to the sections on governance of a future relationship. The revised Declaration calls on the Parties to first 'make every attempt' to resolve any disputes on a future relationship through 'discussion and consultation' prior to seeking a formal resolution. It also removes the reference to parties being able to seek financial compensation in the event of non-compliance and states that the European Court of Justice will only have a role in resolving disputes where they relate to the interpretation of EU law.

Unchanged commitments

- The Declaration retains a commitment to an 'ambitious, broad, deep and flexible partnership' based on a Free Trade Agreement with wider sectoral cooperation.
- It retains the commitment to establish general principles for the UK's participation post-Brexit in some of the EU's programmes on science, youth, culture, education, overseas development, space and defence.
- It retains the option for the UK to explore a future relationship with the European Investment Bank and to explore the possibility of UK cooperation with some EU agencies such as the European Medicines Agency, the European Chemicals Agency and the European Aviation Safety Agency.
- That the future agreement between the UK and EU could take the form of an Association Agreement.

Next steps

For the Withdrawal Agreement to be ratified, it must be agreed and implemented by legislation. It must also be adopted by the European Parliament before it is formally adopted by the European Council. Unless an extension is granted, this will need to take place by 31 October.

EU Commission President Jean-Claude Juncker **advised that should the Withdrawal Agreement be ratified discussions** on the UK-EU future relationship will begin on 1 November 'without delay'. The next **EU Council meetings** are scheduled for 12-13 December and 26-27 March 2020.

3. UK response

UK Government statements

The Prime Minister **held a press conference** on 17 October announcing that an agreement had been reached:

[W]hat it means is that we in the UK can come out of the EU as one United Kingdom - England, Scotland, Wales, Northern Ireland, together, and it means we can decide our future together, we can take back control, as the phrase goes, of our money, our borders, our laws, together. And we will be able to do free trade agreements around the world. We can also build now, after three and a half years, we can build now on our relations with our friends and partners in the EU.

And that:

It hasn't always been an easy experience for the UK. It has been long, it has been painful, it has been divisive, and now is the moment for us as a country to come together.

Now this is the moment for our parliamentarians to come together and get this thing done, and, as I say, to begin building a new and progressive partnership with our EU friends, with whom, of course, we share so many priorities.

Opposition statements

Leader of the Opposition, Jeremy Corbyn MP

Leader of the Opposition, **Jeremy Corbyn MP tweeted:**

From what we know, it seems the Prime Minister has negotiated an even worse deal than Theresa May's, which was overwhelmingly rejected.

These proposals risk triggering a race to the bottom on rights and protections: putting food safety at risk, cutting environmental standards and workers' rights, and opening up our NHS to a takeover by US private corporations.

This sell-out deal won't bring the country together and should be rejected. The best way to get Brexit sorted is to give the people the final say in a public vote.

First Minister of Scotland, Nicola Sturgeon

First Minister of Scotland, Nicola Sturgeon, **told the BBC:**

It's hard to imagine a deal that could be worse for Scotland, it's worse even than Theresa May's deal. It takes Scotland out of the EU, out of the single market, out of the customs union, all against our will. It would put us at a competitive disadvantage with Northern Ireland and it leaves us as the only part of the UK that has no say over our future. England and Wales voted to leave, Northern Ireland voted to remain like Scotland but it's to be given a say over how closely it will remain aligned with EU rules.

So that's the position this deal would put Scotland in, the SNP will not vote for that. And it's becoming crystal clear now that the only way for Scotland actually to be in charge of our own future is to be independent, which is why having that say over our own future next year is so important.

First Minister of Wales, Mark Drakeford

The **First Minister tweeted:**

[T]his deal does nothing to protect Welsh interests, let alone safeguard our economy and jobs. It would wrench us out of the single market and customs union and create new barriers to trade which would make Wales poorer.

4. EU response

EU Commission President, Jean-Claude Juncker

Responding to the Agreement the EU Commission President **stated:**

This agreement is a fair compromise between the EU and the UK. It is testament to the commitment and willingness of both sides to do what is best for EU and UK citizens. We now have a newly agreed Protocol that protects peace and stability on the island of Ireland and fully protects our Single Market. I hope that we can now bring this over the line and provide the certainty our citizens and businesses so deserve.

Following the Council meeting the EU Commission President, **told reporters outside the EU Council** meeting that:

There will be no prolongation. We have concluded a deal and so there is not an argument for the delay. It has to be done now.

President of the European Council Donald Tusk

President of the European Council Donald Tusk **stated:**

We have a deal, which allows us to avoid chaos and an atmosphere of conflict between the EU27 and the United Kingdom. (...) Now we are all waiting for the votes in both Parliaments.

President of France, Emmanuel Macron:

President of France, **Emmanuel Macron was quoted** as saying:

I am not trying to read into the future but I do not think we shall grant any further delay. I think it is time to put an end to these negotiations and move on to the future relationship. And put to an end to what is currently ongoing.

What matters is to stick to the commitment we made and the deadline we set ourselves. It is up to each and every one to make their own decisions. There shall be no delay unless there are major changes.

Chancellor of Germany, Angela Merkel

It was reported that the Chancellor of Germany, Angela Merkel, told fellow EU leaders in private talks at the Council meeting that **an extension would be 'unavoidable'** if one is requested by the UK.

5. Developments in the UK

Queen's Speech

On Monday 14 October the Queen delivered her opening of Parliament speech and outlined the UK Government's forthcoming legislation for the next parliamentary year. The Queen's speech included seven Bills relating to the delivery of Brexit. These are the:

- European Union (Withdrawal Agreement) Bill,
- Agriculture Bill,
- Fisheries Bill,
- Trade Bill,
- Immigration and Social Security Co-ordination (EU Withdrawal) Bill,
- Financial Services Bill,
- Private International Law (implementation of Agreements) Bill.

Legal challenges to the new Withdrawal Agreement

Court of Sessions

The latest Withdrawal Agreement **prompted a legal challenge** in Scotland's Court of Session by campaigner and Good Law Project's Jo Maugham QC on the grounds that it contravenes section 55 of the Taxation (Cross-border Trade) Act 2018, which states that it is:

[U]nlawful for Her Majesty's government to enter into arrangements under which Northern Ireland forms part of a separate customs territory to Great Britain.

During the Bill's passage through Parliament, this formed an amendment ('new' clause 37) tabled in the name of Laurence Robertson MP on behalf of the UK Government. During the **accompanying debate**, Mr Robertson explained:

This new clause would provide a guarantee that shows we value the Union and recognise the importance of strengthening it, but also acknowledge the importance and the value of our most important trading arrangement, the UK internal market. Above all, it would contribute to upholding the constitutional integrity of the United Kingdom and safeguard the Union for the future.

New clause 37 reinforces a view that I am confident is shared on both sides of the House, which is that we cannot accept a deal that would allow Northern Ireland to be considered a separate customs territory from Great Britain.

The petitioners requested an interdict that would suspend the new Withdrawal Agreement as well as a court order to place the full and final text of the Agreement before MPs.

On Friday 18 October, the Court **ruled against** the petitioners. Lord Pentland ruled that the petition was of 'very doubtful competency' as it would have interfered to a 'major extent' with the proposed proceedings in the UK Parliament on Saturday 19 October. Additionally Lord Pentland found that the petitioner's argument that the Withdrawal Agreement removed Northern Ireland from the customs territory of the UK was 'weak'. Lord Pentland stated his opinion that Article 4 of the new draft protocol has the clear intention of keeping Northern Ireland within the UK's customs territory.

Court of Appeal

A second request calling for an Order to compel the UK Government to comply with the Act was made to the High Court in England and Wales on the 8 October by members of the Low Paid Workers Union and Liberty.

This case will be heard on Friday 18 October by three judges in the Court of Appeal. All three judges rejected the appeal and **it was reported** that they will issue their full reasons at a future date.

Attorney General publishes legal opinion

The **legal opinion of Attorney General**, Geoffrey Cox, on the 'terminability on the Protocol on Ireland/Northern Ireland' was published on 18 October. The opinion advises that there are 'no grounds' on which the EU could insist that Northern Ireland continues to adhere to agreed EU rules in the absence of consent of the Northern Ireland Assembly:

Article 18 of the Protocol provides for a process by which democratic consent in Northern Ireland must be obtained to the continued application of Articles 5 to 10 of the Protocol after an initial period ending four years after the end of the transition period. The mechanism for obtaining democratic consent is set out in the unilateral declaration referred to in paragraph 2 of Article 18.

Article 18 plainly makes the continuation of the application of Articles 5 to 10 of the Protocol conditional upon the obtaining of consent by the mechanism described in the Unilateral Declaration.

There are no grounds for supposing that the EU would have any legal basis to assert that Articles 5 to 10 of the Protocol should continue to apply absent that consent or that the EU would possess a veto over the right of members of the Northern Ireland Legislative Assembly to withhold consent to the continued application of those provisions.

Additionally, the **Attorney General was reported** to have told the Cabinet that there was 'no incompatibility' with the Good Friday Agreement in a meeting on 17 October.

Emergency Saturday session of UK Parliament

A **motion was introduced** by the Leader of the House, Jacob Rees-Mogg to hold an emergency on Saturday 19 October was the first Saturday sitting in 37 years. The **House has sat on a Saturday** on four previous occasions: for the outbreak of the Second World War in 1939, for summer adjournment in 1949, for the Suez Canal crisis in 1956 and for the invasion of the Falklands in 1982. The **motion passed** by 287 to 275.

On Wednesday 17 October, the Select Committee Chair on Exiting the European Union, Hilary Benn, wrote to the Minister for Exiting the European Union, Stephen Barclay, **requesting the Government provide an economic impact assessment** of the revised Agreement ahead of Saturday's vote, writing:

Given the significance in particular of the revised political declaration and the Government's previous assessment of the adverse economic impact of a free trade agreement with the EU, I think it is really important that colleagues have the fullest assessment available to them in order to inform their decision.

On Friday 18 October, the **Chancellor, Sajid Javid MP, stated** that he did not believe a new economic impact assessment was needed.

Amendments

The **UK Government tabled two motions** for Saturday's session. The first motion considers leaving the EU with a deal and the second, without a deal. The first reads:

That, in light of the new deal agreed with the European Union, which enables the United Kingdom to respect the result of the referendum on its membership of the European Union and to leave the European Union on 31 October with a deal, and for the purposes of section 1(1)(a) of the European Union (Withdrawal) (No. 2) Act 2019 and section 13(1)(b) of the European Union (Withdrawal) Act 2018, this House approves the negotiated withdrawal agreement titled Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and the framework for the future relationship titled Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom that the United Kingdom has concluded with the European Union under Article 50(2) of the Treaty on European Union, as well as a Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the Democratic consent in Northern Ireland provision of the Protocol on Ireland/Northern Ireland, copies of these three documents which were laid before this House on Saturday 19 October.

Three amendments were tabled to this motion. Amendment (a), tabled by Oliver Letwin MP, called on the House to withhold its approval 'unless and until implementing legislation is passed'.

The purpose of the amendment was to ensure that the UK Government is required to bring forward and pass the Withdrawal Bill Agreement implementing the text of the Withdrawal Agreement in UK law before the UK leaves the EU. The **amendment was passed** by 322 votes to 306.

Some opposition and independent MPs had expressed concern that the UK Government could, once they secured a meaningful vote in favour of the Agreement in Parliament, not bring forward the legislation needed to implement the Agreement in law causing the UK to leave by default with 'no deal' on 31 October.

Due to the passing of this amendment the Prime Minister was forced to send a letter to the EU asking for an extension to the negotiation period in line with the requirements of the European Union (Withdrawal) Act 2019, the so-called 'Benn' Act.

The second Government motion considered leaving the EU without a deal. It reads:

That this House approves the withdrawal of the United Kingdom from the European Union under Article 50 of the Treaty on European Union on exit day, without a withdrawal agreement as defined in section 20(1) of the European Union (Withdrawal) Act 2018.

As a result of the amendment made to the Government's first motion, this motion was not moved.

Withdrawal Agreement Bill

The Prime Minister **in his letter** to the President of the European Council, Donald Tusk, outlined that his Government will introduce the Withdrawal Agreement Bill early this week in order to proceed with the ratification of the Withdrawal Agreement. The Prime Minister states that he is confident this can be achieved by 31 October. The **Withdrawal Agreement Bill**, was introduced on 21 October and its **second reading** will begin immediately.

The First Minister for Wales, Mark Drakeford AM, **in response to the debate** in Parliament stated that any Bill should be amended to include a referendum on the deal.

Legal challenge to non-compliance of the Benn Act

The Benn Act requirements

On Tuesday 3 September, the UK Parliament voted and passed **The European Union (Withdrawal)(No.2) Act 2019**. The Act:

- Places an obligation on the UK Government to obtain the consent of Parliament in the event of a withdrawal agreement being agreed or not;
- If the procedures for obtaining consent are not completed by 19 October, the Bill requires the Prime Minister to send a specific letter (contained in the Act) on 19 October to the EU Council requesting a further extension of the Article 50 period to 31 January 2020.
- The Bill places a duty on the Prime Minister to 'immediately accept' the offer of an extension from the EU Council, including accepting an alternative date suggested by the EU.
- The acceptance of an alternative date must be within two days unless this is rejected by the House of Commons.

Legal challenge to non-compliance

On Monday 7 October, **the Outer Scottish Court of Session rejected** the request from Dale Vince, a green energy entrepreneur, Jolyon Maugham QC, and Joanna Cherry QC SNP MP for the Court to issue an order compelling the UK Government to comply with the requirements of the 'Benn Act'. The Court found that reassurances provided in legal papers to the Court by the UK Government on Friday 4 October that the Prime Minister would comply with the Act had to be taken at face value and could not be second guessed by the Court:

Following the judgment of the Outer Court, the same appellants submitted the case to the Inner Scottish Court of Session.

On Tuesday 8 October, **the Inner Scottish Court of Session decided** to hold the case over until the 21 October so that it could act in the event that the Prime Minister failed in any way to comply with the requirements of the 'Benn Act':

At this stage, there is no basis for granting any of the orders sought by the petitioners in either process. Before coercive measures are granted, the court must be satisfied that they are necessary; i.e. that there are reasonable grounds for apprehending that a party will not comply with the relevant statutory or other legal obligation. In the normal case, that will often involve that party having already failed to comply with the obligation within the statutory or other time limit. In this case, whether the Prime Minister will ever require to send a letter containing an extension request is uncertain. The UK Government and the EU may reach a deal. Parliament may approve a "no deal" Brexit. If neither event occurs, it has not been disputed that the PM must send the letter. Until the time for sending the letter has arrived, the PM has not acted unlawfully, whatever he and his officials are reported to have said privately or in public.

The Court ruled that this 'is a matter which can only be ascertained at midnight on 19 October' [paragraph 11]. It indicated that it could sign the relevant letters on the Prime Minister's behalf should he fail to act using its *nobile officium* powers, *that is to undertake remedies to plug the gaps in laws where no other solution exists*:

It is only once that period has expired without the order being obtempered that the court would consider authorising an official to sign the letter which the PM may have failed to do. [paragraph 9]

Following the Prime Minister's multiple letters to the EU Council on 19 October, it was reported by the BBC that the Court has now been asked to rule whether doing so 'frustrated' the purpose of the Benn Act. A ruling is expected during the week of 21 October.

Letter seeking an extension to the Withdrawal Negotiations

On 19 October, in line with the requirements of the 'Benn' Act, the Prime Minister **sent a letter** to the President of the European Council, Donald Tusk. The letter followed the form required by the Act but was not signed by the Prime Minister.

In addition, the Prime Minister sent **a separate letter** to Mr Tusk setting out his disappointment that the Parliament did not vote in favour of the Withdrawal Agreement on 19 October. The letter states:

While it is open to the European Council to accede to the request mandated by the Parliament or to offer an alternative extension period, I have made clear since becoming Prime Minister, and made clear to Parliament again today, my view, and the Government's position, that a further extension would damage the interest of the UK and our EU partners and the relationship between us.

Mr Tusk **confirmed that** the request for an extension had arrived at that he would 'start consulting EU leaders on how to react'. EU 27 Ambassadors met on Sunday to consider the next steps but no immediate decision on the extension was announced. It **is reported** that the Ambassadors formally agreed to Mr Tusk beginning consultation with Member States on the way forward and may await further developments in the UK Parliament this week before reaching a final decision.

No Deal Preparations

The Chancellor of the Duchy of Lancaster, **Michael Gove MP, announced** on 20 October that he was putting the UK Government's no deal plan into action. Speaking to a reporter from Sky News he said he would chair a cabinet meeting later today in order to trigger Operation Yellowhammer, the government's contingency plan to prepare for a possible no-deal outcome.

6. Response from Wales and Scotland

On 21 October, the First Ministers of Wales and Scotland **issued joint letters**. The first was to the Prime Minister, in which they stated that:

◇ Both our governments believe the deal you have negotiated with the EU will be even more damaging to Wales, Scotland and the United Kingdom than the previous unacceptable agreement made by your predecessor. We therefore wish to state in the clearest possible terms that we and our legislatures need time to analyse and consider the draft Bill. We share the view which lay behind the amendment passed by a clear majority of the House of Commons that the time between now and 31 October provides insufficient opportunity to undertake this essential scrutiny.

The second joint letter was to European Council President, Donald Tusk, in which they requested an extension be granted:

We are writing subsequent to the agreement reached between the UK Government and the European Union on 17 October and proceedings in the UK Parliament on 19 October. The Prime Minister has now sent you a letter to request an extension to the Article 50 process from the European Council, as he is required to do by law in the EU (Withdrawal) No. 2 Act, 2019 ('the Benn Act'). We are writing to support that request for an extension so that there is no risk of a UK exit before a Withdrawal Agreement has been ratified by both the EU and UK. Our joint view is that the ultimate result of the Westminster Parliamentary process should be a referendum on EU membership. But in any event it is also essential to ensure that there is sufficient time for proper scrutiny of the Withdrawal Agreement Bill.

And that:

A critical part of the legislative process on any Bill which affects devolved competences is that the Scottish Parliament and National Assembly for Wales are invited to provide legislative consent. This is clearly the case with the Withdrawal Agreement Bill. This obviously requires detailed analysis and scrutiny of what we understand will be a lengthy and complex piece of legislation which has only been sent to us in the last 24 hours.

Finally, it stated that:

It is simply impossible for us to fulfil our constitutional responsibilities in this timescale, which is dictated by the way in which the Prime Minister delayed tabling formal proposals. An extension would allow us to adequately scrutinise the agreement and the draft legislation in accordance with our constitutional responsibilities. While clearly it is a matter for the Council to consider how long such an extension should be, we would favour one which is long enough to enable a referendum with remain on the ballot paper to be held in the UK. Both of our Governments and legislatures are in favour of such a referendum and of the UK remaining in the EU.

