



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Freedom of Establishment and Free Movement of Services
(EU Exit) Regulations 2019**

DATE **15 July 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019 under powers in the European Union (Withdrawal) Act 2018.

The retained EU law which is being disapplied

- Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018 and are derived (directly or indirectly) from –
 - Article 49 of the Treaty on the Functioning of the European Union;
 - Article 31 of the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;
 - Article 4 of the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons signed at Luxembourg on 21st June 1999; and
 - Article 13 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12th September 1963 and Article 41 of the additional Protocol to that Agreement signed at Brussels on 23rd November 1970.

- Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018 and are derived (directly or indirectly) from –
 - Articles 56 and 57 of the Treaty on the Functioning of the European Union;
 - Articles 36 and 37 of the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;
 - Article 5 of the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons signed at Luxembourg on 21st June 1999; and

- Article 14 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12th September 1963 and Article 41 of the additional Protocol to that Agreement signed at Brussels on 23rd November 1970
- Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018 and are derived (directly or indirectly) from –
 - Article 18 of the Treaty on the Functioning of the European Union;
 - Article 4 of the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;
 - Article 2 of the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons signed at Brussels on 21st June 1999;
 - Article 9 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12th September 1963 and Article 41 of the additional Protocol to that Agreement signed at Brussels on 23rd November 1970,

so far as they relate to the cessation of rights etc. set out further above.

Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence

The proposed amendments will have no impact on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence.

The purpose of the amendments

The purpose of the amendments is to provide that directly effective rights relating to the freedom of establishment and the freedom to provide services which would continue to apply in domestic law by virtue of section 4(1) of the European Union (Withdrawal) Act 2018, are to cease. The SI also ensures that any directly effective rights relating to the prohibition of discrimination on the grounds of nationality are also to cease, insofar as they relate to those directly effective treaty rights relating to the freedom of establishment and the freedom to provide services.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/r01NiaNN>

Why consent was given

There is no divergence between the Welsh Government and the UK Government on the policy for the correction. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility during this period of change. In these exceptional circumstances, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.