



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The European University Institute (EU Exit) Regulations 2022**

DATE **8 November 2022**

BY **Jeremy Miles MS, Minister for Education and Welsh Language**

Standing Order 30C and Inter-Institutional Relations Agreement – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd

Members of the Senedd will wish to be aware that following consent provided by the previous Education Minister in October 2019 and December 2020 to the above titled Statutory Instrument (SI), the SI was laid before the UK Parliament in draft under the affirmative procedure on 17 October 2022. The SI will be made by the Secretary of State in exercise of powers conferred by section 8(1) of, and paragraphs 21(a) and (b) and 38(1) to (3) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16).

These Regulations are also made in exercise of the powers conferred on the Treasury by section 90(1)(b) of the Finance Act 2019 (c. 1), in so far as they have the effect of imposing or increasing taxation by removing retained EU law relating to income tax.

Policy Overview of the SI

The European University Institute is an international centre for postgraduate and post-doctoral studies and research. It is not an EU institution. The European Communities (Definition of Treaties) Order 1975 (SI 1975/408) designates the Convention setting up a European University Institute (EUI Convention) as an 'EU Treaty' as defined in section 1 of the European Communities Act 1972. The UK automatically fell out of the EUI Convention upon exit of the EU irrespective of this instrument, as being an EU member state is an essential condition of joining the EUI Convention under the terms of the Convention. The UKG engaged in negotiations with the EUI to explore the possibility of ongoing engagement with the Institute. UKG has stated that it has not been possible to conclude an agreement to define future UK engagement.

The purpose of the SI is to ensure that the statute book reflects the practical reality of the UK no longer being a participant in the EUI Convention.

The purpose of the amendments

The purpose of the amendments is to correct deficiencies in legislation arising from the UK leaving the European Union relating to the UK's membership of the EUI Convention. The SI was submitted to the sifting committees as a 'proposed negative' on 19 February 2019 and it was since recommended that the SI be subject to the affirmative procedure in Parliament and the UK Government has accepted that recommendation.

Currently only EU member states may accede to the EUI Convention. The UK's membership of the EUI ceased as a result of the UK exiting the European Union; the purpose of the SI is therefore to remove redundant legislation from the UK statute book and to provide legal certainty. The SI removes from domestic law any rights, powers, liabilities, obligations, restrictions, remedies and procedures ("rights etc.") which might derive from the UK's membership of the EUI Convention and which otherwise, despite the UK's exit from the EU and that Convention, remain on the statute book as 'retained EU law' by virtue of section 4 of the European Union (Withdrawal) Act 2018. The SI also saves some of the rights etc. in certain cases.

The draft SI and accompanying Explanatory Memorandum, are available here:

[The European University Institute \(EU Exit\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2022/0000/2022-01-27/1)

Impact the instrument may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence:

The SI has no impact on the Senedd's legislative competence or the Welsh Ministers' executive competence.

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.