



Welsh Government Response to the UK-EU implementation review of the Trade and Cooperation Agreement

I would like to thank all four committees for the work they have undertaken to produce these recommendations.

The European Union is our closest and largest trading partner, and the Trade and Cooperation Agreement (TCA) governs the relationship between the UK and the EU.

However, the agreement is not a like-for-like replacement for the market access that the UK had as an EU member, and it has created barriers for Welsh businesses.

The Welsh Government has always advocated for a closer association with the EU. The announcement of a Common Understanding between the UK and EU in May 2025 provides opportunities to open negotiations, reset the relationship between the UK and the EU and reduce barriers for Welsh businesses.

Both these negotiations, and the TCA review, are upcoming negotiations and what can be set out and discussed publicly is necessarily limited due to sensitivities around international negotiations.

Contents

Responses to the Culture, Communications, Welsh Language, Sport, and International Relations Committee Recommendations..... 6

Recommendation 1..... 6

Recommendation 2..... 6

Recommendation 3..... 7

Recommendation 4..... 7

Recommendation 5..... 8

Recommendation 6..... 8

Recommendation 7..... 9

Recommendation 8..... 9

Recommendation 9..... 10

Responses to the Economy, Trade, and Rural Affairs Committee Recommendations..... 11

Recommendation 10..... 11

Recommendation 11..... 11

Recommendation 12..... 12

Recommendation 13..... 12

Recommendation 14..... 13

Recommendation 15..... 13

Recommendation 16..... 13

Recommendation 17..... 14

Recommendation 18..... 14

Recommendation 19..... 14

Recommendation 20..... 15

Recommendation 21..... 15

Recommendation 22..... 16

Recommendation 23..... 16

Recommendation 24..... 16

Recommendation 25..... 17

Recommendation 26.....	17
Recommendation 27.....	17

Responses to the Climate Change, Environment, and Infrastructure Committee Recommendations 19

Recommendation 28.....	19
Recommendation 29.....	19
Recommendation 30.....	20
Recommendation 31.....	20
Recommendation 32.....	21
Recommendation 33.....	21
Recommendation 34.....	21
Recommendation 35.....	22

Responses to the Legislation, Justice and Constitution Committee Recommendations.....23

Recommendation 36.....	23
Recommendation 37.....	23
Recommendation 38.....	23
Recommendation 39.....	24
Recommendation 40.....	24
Recommendation 41.....	24
Recommendation 42.....	25
Recommendation 43.....	25
Recommendation 44.....	25
Recommendation 45.....	26
Recommendation 46.....	26
Recommendation 47.....	26
Recommendation 48.....	27
Recommendation 49.....	27
Recommendation 50.....	27
Recommendation 51.....	28
Recommendation 52.....	28

Recommendation 53.28

Recommendation 54.....29

Recommendation 55.29

Responses to the Culture, Communications, Welsh Language, Sport, and International Relations Committee Recommendations

Recommendation 1.

The Welsh Government should continue to regularly review and update its EU priorities, closely monitoring developments for their potential impact on Wales.

Response: Accept

The Welsh Government actively updates and reviews its priorities as negotiations develop and circumstances change. We will continue to review and update EU priorities and consider any potential impact on Wales as part of this ongoing work.

Financial Implications: None

Recommendation 2.

The Welsh Government should work to strengthen its relationships with EU institutions in order to advance Welsh interests and gain deeper insight into the EU's position and develop a dedicated EU Strategy.

Response: Accept in Principle

The Welsh Government already has active relationships with many EU institutions, and we will continue to strengthen these as our work progresses. These relationships have developed through the work undertaken by our Brussels office and our dedicated Representative for Europe as part of the delivery remit for our International Strategy, which includes our relationship with Europe and the EU. The focus and foundation of any developments of the relationship with the EU should be around recreating a relationship that works for both sides and this is already happening. As the current International Strategy draws to a close, and we move into a new phase of Wales' relationship with the EU, consideration will be given to whether a dedicated EU Strategy is required as part of our wider work on our approach to international relations.

Financial Implications: None

Recommendation 3.

The Welsh Government should, in its response to this report, confirm whether it is:

- actively pursuing full participation rights at UK-EU meetings where it has observer status.
- requesting to attend UK-EU meetings that fall outside the TCA institutional framework.

Response: Accept

The Welsh Government can confirm that it is not actively pursuing full participation rights at UK-EU meetings where it has observer status. The EU does not allow devolved governments to have participation rights. This is comparable to individual EU Member States also having observer status. However, we can confirm that we continue to engage with the UK Government on the committees that fall within the TCA institutional framework, to ensure that our interests are represented at these meetings. The Welsh Government will request attendance at any relevant UK-EU meetings that fall outside of the TCA institutional framework, where we believe this is appropriate.

Financial Implications: None

Recommendation 4.

The Welsh Government should update its review priorities to reflect its stated position, outlined by the Cabinet Secretary in response to the Culture shock report, of fully supporting the PPA's recommendation for a comprehensive solution for touring artists, covering both the movement of people and goods.

Response: Accept

Our International Delivery Plan 2025 reaffirmed our commitment to European engagement and the priority that the Welsh Government places on working with the UK Government on its ambitions to reset the UK-EU relationship. We continue to use all available levers to encourage the UK Government and the EU to ease the difficulties faced by creative sector workers. At the UK-EU relations Inter-Ministerial Group (IMG) meeting on 23 September 2025, the Cabinet Secretary for Economy, Energy and Planning raised the issue of touring artists and the importance of coming to a solution for them.

We welcome the recent re-set in relations between the UK and the EU and the announcement of the UK-EU Common Understanding Agreement. We

particularly welcome the announcement made by the UK and EU governments at the summit on 19 May to establish a mutual commitment to negotiating a youth experience scheme. We believe such a scheme could potentially benefit young artists, as it is generally younger, less-established artists who face the greatest challenges when touring with increased costs, time limits, and bureaucracy resulting from EU exit.

Financial Implications: None

Recommendation 5.

The Welsh Government should make representations to the UK and the EU to ensure that the issue of touring artists remains a priority. This should include calling for the UK and EU to articulate plans for improvements.

Response 5: Accept

The Welsh Government are using all available levers to encourage the UK Government and the EU to ease the difficulties being faced by creative sector workers, particularly touring artists. This includes actively engaging with the UK Government and the EU, to ensure that the interests of Welsh creative workers are represented and advanced. We recognise that further discussions are needed about supporting touring artists and we will continue to raise this matter with the UK Government. At the UK-EU relations Inter-Ministerial Group meeting on 23 September 2025, the Cabinet Secretary for Economy, Energy and Planning raised the issue of touring artists and the importance of coming to a solution for them.

Financial Implications: None

Recommendation 6.

The Welsh Government should provide a comprehensive list of EU programmes that it would like to participate in and indicate the extent to which there is agreement between the four UK governments on participation.

Response: Accept

The written Statement¹ published by the Cabinet Secretary for Economy, Energy and Planning following the EU summit in May, set out our ambition for Wales to participate in a broader range of EU programmes, including Erasmus+ as well as accessing other EU programmes such as Creative Europe and European Territorial Cooperation.

¹ [Written Statement: EU- UK Summit \(19 May 2025\) | GOV.WALES](#)

Financial Implications: None

Recommendation 7.

The Welsh Government should share its understanding of why UK association to additional EU programmes, including Creative Europe, was not agreed in Common Understanding, and whether association to other programmes is still being pursued by the UK Government.

Response: Accept

Access to additional EU programmes such as Erasmus+ and Creative Europe is a priority that we regularly emphasised with the UK Government ahead of the May summit. The Welsh Government is pleased that the UK and EU agreed to work towards association of the Erasmus+ programme and are working intensively with the UK Government to ensure that Welsh interests are represented in these negotiations and the other areas of cooperation agreed as part of the Common Understanding.

We cannot comment on the negotiations that took place between the UK and EU ahead of the May Summit. We note and welcome the commitments in the Summit Joint Political Statement for regular meetings to consider joint strategic interests and ensure opportunities for future cooperation are maximised. In this context, we will continue to press the UK Government to include access to additional EU programmes, such as Creative Europe, as a priority for future EU-UK discussions.

Financial Implications: None

Recommendation 8.

The Welsh Government should clarify whether changes to the TCA are required to facilitate UK participation in additional EU programmes.

Response: Accept

The written evidence refers to the implementation review of the TCA, the text relating to the review is standard text commonly used by the EU in its trade agreements. Reviews conducted under these agreements have not led to significant changes to the respective agreements in the past.

The Common Understanding Agreement, agreed in May 2025, is a framework agreement which set out areas where the UK and the EU are seeking closer cooperation. The negotiations for this work are currently underway and are separate to the review of the TCA. As negotiations are currently active, we

cannot comment on what may be included in any finalised agreement and if this finalised agreement may lead to amendments to the TCA.

Financial Implications: None

Recommendation 9.

The Welsh Government should confirm whether it has calculated the cost of participation in Erasmus+ and Creative Europe using the formula set out in the TCA, or whether it has been part of joint UK-wide exercise to do so.

Response: Accept

The decision to rejoin EU programmes such as Erasmus+ and Creative Europe is a reserved matter for the UK Government. The Welsh Government has not undertaken its own cost calculations for rejoining these programmes, nor has it participated in any UK-wide exercise to do so.

However, the UK Government has committed—through the Common Understanding with the EU—to work towards rejoining Erasmus+, and Welsh Government officials have been actively collaborating with the Department for Education (DfE) on this effort.

Additionally, the Welsh Government has clearly communicated to the UK Government its desire to participate in a broader range of EU programmes, including Creative Europe.

Financial Implications: None

Responses to the Economy, Trade, and Rural Affairs Committee Recommendations

Recommendation 10.

The Welsh Government should produce a perspectives document on the Trade and Cooperation Agreement in line with its approach to other international trade agreements as a matter of urgency.

Response: Reject

The Welsh Government published *'The new relationship with the EU: What it means for Wales'* in 2021². The 'perspective' documents have been published for newly signed trade agreements to provide an overview of potential impacts on Wales. The TCA has been in operation for several years and analysis on its impacts is already available. It should also be noted that the potential outcomes of any new arrangements with the EU as part of upcoming negotiations will render any immediate report out of date almost immediately. Should new arrangements be agreed with the EU, we will publish our views on these at that time.

Financial Implications: None

Recommendation 11.

The Welsh Government should report to the committees on the extent to which the Welsh and UK Governments' implementation review priorities align on trade and what the implications are for Wales. Where the UK and Welsh governments' priorities do not align, the Welsh Government should outline how it is going to support the affected sectors.

Response: Reject

I published a Written Statement responding to announcements made at the UK-EU Summit in May, including where the announcements represented the Welsh Government's high-level priorities, for example on seeking an SPS Agreement, cooperation on energy, alignment of Emission Trading Schemes, Youth Mobility and Erasmus+. However, our more detailed priorities on these areas form part of ongoing discussions between the UK and the EU and we cannot comment on upcoming negotiations. The Welsh Government meets regularly with the UK Government and continues to set out its priorities.

Financial Implications: None

² [The new relationship with the EU: What it means for Wales | GOV.WALES](#)

Recommendation 12.

The Welsh Government should continue to call on the UK and EU to prioritise practical steps to address trade friction and should provide this Committee with quarterly updates on progress in the areas listed in this chapter.

Response: Accept

The Welsh Government has always called on the UK and the EU to improve its trading relationship. The EU is our most important trading partner and any steps to reduce trade frictions are welcome. Updates are provided during the Cabinet Secretary's regular appearances before the Committees.

Financial Implications: None

Recommendation 13.

The Committee expects the Welsh Government to raise at intergovernmental meetings, practical steps to address trade barriers. It should provide detailed reports to this Committee on progress in its written statements and meeting notifications.

Response: Accept in principle

Intergovernmental meetings are forums for discussing the active trade negotiations. We follow the process of informing committees when meetings will take place and what is discussed. Whilst we are limited in including sensitive information, this includes the key points discussed at the meetings.

The various committees established under the Trade and Cooperation Agreement are often a better forum to discuss existing trade barriers and the Welsh Government makes representations to these committees on trade barriers. Minutes of committees are published by the UK and the EU accordingly.

Financial Implications: None

Recommendation 14.

The Welsh Government should ensure its business support for sectors are tailored to reflect the impacts the different treatment of goods and services are having on companies and sectors.

Response: Accept in Principle

The Welsh Government accepts that support needs to be updated and specific; however, the review of the TCA, which is due to take place in 2026, and the active negotiations for the common understanding which are currently underway are both variables which may influence how the treatment of goods and services will be considered, therefore it is prudent to actively monitor these negotiations and tailor support and guidance when information becomes available.

Financial Implications: None

Recommendation 15.

The Welsh Government should confirm if Common Understanding could require renegotiation of non-EU trade agreements.

Response: Accept

As the negotiation of elements of the Common Understanding, such as a potential SPS agreement, are not yet completed, it is impossible for us to say whether any final agreements will require re-negotiation of non-EU trade deals.

Financial Implications: None

Recommendation 16.

The Welsh Government should set out how it will ensure that Wales's unique position in post-Brexit trade flows is taken into account in discussions with the UK Government on a UK-EU SPS agreement.

Response: Accept

The Welsh Government recognises the strategic importance of the SPS agreement and is committed to ensuring that Wales's distinct trade profile, and devolved responsibilities, are fully reflected in ongoing discussions with the UK Government. We continue to support the UK Government's position in seeking an SPS agreement with the EU.

The Welsh Government will continue its active engagement with UK Government departments to ensure Welsh priorities are embedded in SPS negotiations. This includes continuing the frequent official level engagement we already have in place

and ensuring that Ministerial engagement takes place in a way that reflects the pace of any negotiations.

Financial Implications: None

Recommendation 17.

The Welsh Government should ascertain its role in the early consultation mechanism with the EU as part of an SPS agreement and inform the committees as soon as possible.

Response: Accept in Principle

The Welsh Government's role in the early consultation mechanism is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations and we are unable to comment on live negotiations; we will inform the committee of such a role as soon as possible.

Financial Implications: None

Recommendation 18.

The Welsh Government should keep the implications of an SPS agreement on border control posts under review and provide the Committee with an update in its response to this report and on a quarterly basis thereafter.

Response: Accept in Principle

The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs set out the Welsh Government's position on Border Control Posts (BCPs) in Wales and this statement (highlighted under paragraph 154) remains the current position. The decision to pause the implementation of the Border Target Operating Model (BTOM) arrangements was made by the UK Government which has indicated that this will remain subject to review. Working with colleagues in the UK and Scottish governments, the Welsh Government will keep the implications of an SPS agreement on border control posts under review. We will update the Committee as appropriate but, while negotiations are still live, a quarterly review would not be appropriate.

Financial Implications: None

Recommendation 19.

In line with recommendations 12 and 13 of this chapter, the Welsh Government should provide the Committee with regular updates on the progress of UK-EU discussions, and discussions with the UK Government on the provision of services and the subsequent implications for Wales.

Response: Accept

The Welsh Government will, within the limits of what is possible to report during live negotiations, update the committee on the progress of UK-EU discussions during the Cabinet Secretary's regular appearances before the committee.

Financial Implications: None

Recommendation 20.

In its response to this report the Welsh Government should set out:

- why further improvements to MRAs on conformity assessments were not pursued in Common Understanding;
- confirm if this issue is still being pursued with the EU; and
- if it will form part of the implementation review.

Response: Accept

Currently the EU does not believe that there is reciprocal value in negotiating a Mutual Recognition Agreement (MRA) on conformity assessment with the UK and, as such, it was not included as part of the Common Understanding. The Welsh Government will continue to pursue both the UK and the EU in the value of a MRA to be included in future UK-EU Summit announcements.

Financial Implications: None

Recommendation 21.

The Welsh Government should provide an update and analysis of the historic and potential future effects of this issue on the shellfish farming sector and Welsh trade.

Response: Accept:

Due to lack of granular trade data for Wales, it is not currently possible to determine the value of trade in shellfish between Wales and the EU. However, published HMRC data shows, in the year ending June 2025 there was £9.3m worth of seafood exports (of which shellfish is a part of) from Wales to the EU. This is considerably lower than the £23.5m exported the year ending June 2015.

Statistics on Welsh aquaculture production from 2012 to 2023 are currently being developed as part of the UK Data Collection Framework. As these are Official Statistics in development we are unable to share until they are published. When the data is available Welsh Government will provide the committee with an analysis as requested.

Financial Implications: None

Recommendation 22.

In its discussions with UK Government on its priorities for the implementation review, the Welsh Government should emphasise the importance of addressing issues related to rules of origin.

Response: Accept

The Welsh Government has regular dialogues with the UK Government on rules of origin issues. We believe that the UK should seek to open negotiations to join the Pan European Mediterranean (PEM) Convention and have made this view clear to the UK Government.

Financial Implications: None

Recommendation 23.

In line with recommendations 12 and 13 of this chapter, the Welsh Government should provide the Committee with regular updates on progress relating to rules of origin.

Response: Reject

We are unable to provide detailed regular updates due to industry sensitivities and/or impact on live negotiations. We can continue to provide high-level updates.

Financial Implications: None

Recommendation 24.

In its response to this report, the Welsh Government should set out what its priorities are for addressing animal welfare issues through both the implementation review and the UK-EU reset and set out how it will balance the benefits of both alignment and divergence in this area.

Response: Accept

Welsh Government has always made clear that we will seek the inclusion of firm commitments within trade agreements to help improve animal welfare standards. This remains the case for both the implementation review and the negotiations for the UK-EU reset. We are working closely with the UK Government and other Devolved Governments to ensure that they are aware of our priority to maintain and enhance our high standards and ambitions for animal health and welfare and biosecurity in all UK Government Free Trade Agreement (FTA) negotiations. The UK and the EU both share commitments to improving Animal Welfare standards. We are proud of the high standards we have in Wales, including for animal health and welfare, traceability, and food safety.

Financial Implications: None

Recommendation 25.

In line with recommendations 12 and 13 of this chapter the Welsh Government should provide regular updates to the committees on this matter, including on the animal welfare dimensions of an SPS agreement.

Response: Accept in Principle

The Welsh Government will not be able to provide detailed updates on live negotiations but will comment on the provisions included in the final agreement.

Financial Implications: None

Recommendation 26.

The Welsh Government should explore with the other UK governments the development of a UK-wide mechanism to monitor alignment and divergence with the EU.

Response: Accept

The Welsh Government will explore with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations, the potential to develop a UK-wide mechanism to monitor alignment with, and divergence from, the EU.

Financial Implications: None

Recommendation 27.

The Welsh Government should:

- set out how it feeds in Welsh assessments of alignment and divergence into UK intergovernmental discussions;
- clarify what discussions take place currently on alignment and divergence within the Welsh Government and its Trade Policy Advisory Group; and
- set out how it works with other stakeholders to seek their input on the effects of alignment and divergence.

Response: Accept

The Welsh Government meets frequently with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations and the IMG EFRA to discuss a range of topics. This including discussions on alignment and divergence, where it is relevant to upcoming EU negotiations. In addition, the Welsh Government works with stakeholders through the Trade Policy Advisory Group to discuss alignment and divergence and its view on

EU reset work more broadly. We also engage with specific industry bodies when specific discussions on issues are needed.

Financial Implications: None

Responses to the Climate Change, Environment, and Infrastructure Committee Recommendations

Recommendation 28.

The Welsh Government should set out its position on whether the TCA meets the environment-related tests outlined in its 2024 approach to trade policy document.

Response: Accept

The Welsh Government's Approach to Trade Policy does not set out formal "environment-related tests." Instead, it outlines a series of policy expectations that trade agreements should meet to support Wales's environmental objectives and legal duties under the Well-being of Future Generations Act.

The expectation is for environmental provisions to be a key part of any trade agreement and that there should be no impact on our ability to meet our existing commitments both domestically or internationally or prevent us from making ambitious commitments in the future. This reflects the importance that the Welsh Government places on the environment, both in terms of addressing climate change and ensuring high levels of environmental protection.

The TCA generally aligns with these expectations, with shared commitments to non-regression, high levels of environmental protection and seeking to improve upon these standards. The environmental scope of the TCA is broad, including detailed provisions related to climate action and nature and biodiversity conservation, which are key Welsh Government priorities, in addition to several other areas related to environmental protection.

Financial Implications: None

Recommendation 29.

The Welsh Government should clarify whether it supports enhanced or additional UK-EU cooperation and/or agreements beyond the current provisions in the TCA.

Response: Accept

We accept and welcome the importance of enhanced cooperation in the areas identified under the common understanding, whilst recognising that the TCA does not replace the cooperation framework that existed across EU members prior to EU exit. However, the existing TCA does provide several routes for the exchange of views, for sharing information on areas of environmental policy and to identify areas of mutual interest and topics which would benefit from further discussion. For example, at the Level Playing Field -Trade Specialised Committee, the UK and the EU are able

to discuss core policy areas where further discussion may be beneficial. Welsh Government officials engage with counterparts on relevant agenda items.

Financial Implications: None

Recommendation 30.

The Welsh Government should clarify the Cabinet Secretary's comments, that closer alignment with the EU could lead to "a potential reduction in some of our standards or values around the environment", including examples of where this may be a concern.

Response: Accept

Whilst closer alignment may realise potential benefits, these need to be assessed on a case-by-case basis depending on the specific details of what that alignment might look like, to ensure any changes would support Wales's policy goals. Whilst there are a very small number of environmental regulations in scope of the common understanding, such as around the Emission Trading Schemes (ETS) provisions, the majority are out of scope. The EU and the Welsh Government both have high ambitions for environmental protection and, importantly, the TCA allows the UK and Devolved Governments to develop and implement policies appropriate for our domestic circumstances, including improving on existing levels of protection. However, the Welsh Government does not, and cannot know, what legislation the EU may introduce in the future. Thus, a situation could exist in the future where the EU could introduce legislation that runs counter to some of our environmental standards and values.

Financial Implications: None

Recommendation 31.

The Welsh Government should publish and share its views on the list of sectors that will be covered as a minimum by a future UK-EU ETS linking agreement, as set out in Common Understanding,

Response: Reject

ETS linkage is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations, and we are unable to comment in detail on upcoming live negotiations. However, the only sectors that can be covered by a linking agreement are those currently within the UK ETS and the EU ETS.

Financial Implications: None

Recommendation 32.

The Welsh Government should finalise a clear position on ETS linkage as a matter of priority.

Response: Accept in Principle

ETS linkage is subject to negotiation in the forthcoming UK-EU Common Understanding negotiations. There are potential benefits in linking which come with being part of a larger market. However, our view on ETS linkage will be informed by those negotiations, and we are unable to comment on live negotiations.

Financial Implications: None

Recommendation 33.

The Welsh Government should provide its view on the environmental and climate implications of the ETS linkage and CBAM exemptions envisaged by Common Understanding.

Response: Accept in Principle

The Welsh Government will take a view on the environmental and climate implications of ETS linkage and Carbon Border Adjustment Mechanism (CBAM) exemptions, once the forthcoming UK-EU Common Understanding negotiations have progressed. We will provide these views once negotiations have been completed.

Financial Implications: None

Recommendation 34.

The Welsh Government should explain how it is promoting the importance of UK-EU cooperation on energy infrastructure in Wales-adjacent seas, including in the Irish and Celtic seas.

Response: Accept

The Welsh Government is actively engaged on the energy portfolio between Wales and Ireland. The Welsh Government's Ireland team is an active member and participant in the UK-Ireland MoU meetings, supporting our energy policy officials on active projects.

The Welsh Government's team in Ireland works directly with Irish Government officials in the departments of Foreign Affairs, Transport and Energy on joint opportunities and

this has ensured that the Ireland-Wales 2030 Shared Statement³, which the First Minister signed in July 2025, had a key theme of collaborative working on energy.

The Welsh Government is also working with Celtic Sea developers on active projects to explore ways in which the Welsh ports and supply chain can maximise the benefits on offshore energy projects in the Celtic Sea. The Welsh Government are also working the Irish Maritime Area Regulatory Authority and undertaking collaborative working with Welsh counterparts. The Welsh Government is also active in exploratory discussions with the UK Government on possible UK access to the single EU electricity market as part of the Common Understanding between the European Commission and the United Kingdom.

Financial Implications: None

Recommendation 35.

The Welsh Government should confirm whether the mechanisms being considered for the resumption of shellfish trade include the UK's dynamic alignment to EU rules on water quality.

Response: Accept

The Welsh Government will monitor ongoing negotiations but will be unable to report on these until the final agreement is reached.

Financial Implications: None

³ [Ireland-Wales shared statement 2030 \[HTML\]](#) | [GOV.WALES](#)

Responses to the Legislation, Justice and Constitution Committee Recommendations

Recommendation 36.

The Welsh Government should provide information on discussions between the UK and the EU and between the UK's governments with the aim of reducing complexity arising from current arrangements.

Response: Accept in Principle

While discussions between the UK and the EU are sensitive, and not something the Welsh Government would be able to provide information on without the consent of both the UK and the EU. The Welsh Government does write to the committee to highlight discussions and minutes of IMG meetings. TCA committee meetings are published online.

Financial Implications: None

Recommendation 37.

The Welsh Government should set out the steps it is taking to simplify its own advice and guidance in respect of current UK-EU arrangements

Response: Accept in Principle

The Welsh Government is regularly reviewing its advice and guidance and, with the negotiations ongoing for the common understanding, this may amend the current trading arrangements. The Welsh Government will develop guidance when these negotiations have concluded.

Financial Implications: None

Recommendation 38.

The Welsh Government should develop its own guide to UK-EU arrangements, similar to that produced around the time of the UK's exit from the EU.

Response: Accept

As the review of the TCA is due to take place in 2026 and with negotiations ongoing for the common understanding, both of which may amend the current trading arrangements, the Welsh Government will develop guidance when negotiations for both have concluded.

Financial Implications: None

Recommendation 39.

The Welsh Government should call on the UK Government to outline its specific priorities for the implementation review and the scope of the review as a matter of urgency.

Response: Accept in Principle

The Welsh Government has regular discussions with the UK Government on the upcoming review, including where its priorities lie. The UK Government has currently not publicly outlined its specific positions for upcoming negotiations.

Financial Implications: None

Recommendation 40.

The Welsh Government should keep its priorities under review, monitor developments to understand their implications for Wales, and should notify the four committees if or when changes are made.

Response: Accept in Principle

As set out in recommendation 1, the Welsh Government will continue to review and update EU priorities and consider any potential impact on Wales as part of this ongoing work. Whilst we will notify the committee should changes be made to our high-level priorities, such as seeking an SPS Agreement, we will be unable to notify the committees of detailed negotiation positions during the negotiation period.

Financial Implications: None

Recommendation 41.

As we have previously recommended, the Welsh Government should make representations to the UK Government for the Inter-Ministerial Group on UK-EU Relations to take place sufficiently in advance of Trade and Cooperation Agreement meetings and UK-EU negotiations.

Response: Agree

The Welsh Government has made representations to the UK Government for IMG to take place in advance of negotiations.

Financial Implications: None

Recommendation 42.

The Welsh Government should call for the terms of reference of the Inter-Ministerial Group on UK-EU relations to be updated to take into account arrangements emanating from the reset, such as Common Understanding and the implementation review. This will make sure they remain fit for purpose for the next phase of UK-EU relations.

Response: Accept

The Welsh Government will ask for the terms of reference to be updated.

Financial Implications: None

Recommendation 43.

As we have previously recommended, the Welsh Government should call for a new memorandum of understanding on UK-EU relations to be agreed between the UK Government and the devolved governments.

Response: Accept in Principle

The Welsh Government is working with the UK and the other Devolved Governments on updating some of the four nations agreements that are currently in place. These discussions may be a route by which to explore cooperation around the UK and Devolved Governments' relationship with the EU.

Financial Implications: None

Recommendation 44.

The Welsh Government should ascertain how it will be involved in the early stage consultation mechanisms described in Common Understanding and should encourage the UK Government to reach an agreed position with the devolved governments.

Response: Accept in Principle

The role of the Welsh Government in early consultation mechanisms is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations and we are unable to comment on live negotiations. We will inform the committee of such a role as soon as possible.

Financial Implications: None

Recommendation 45.

The Welsh Government, in its response to this report, should provide an updated view on the compliance of border control arrangements with World Trade Organisation rules.

Response: Accept

World Trade Organisation (WTO) rules are applicable in situations where trading partners do not have a full scale free-trade agreement in place. As the UK and EU have a trade agreement in place, in the form of the Trade and Cooperation Agreement, preferential treatment on goods between the UK and the EU is permitted.

Financial Implications: None

Recommendation 46.

The Welsh Government should provide its view, in its response to this report, on whether the arrangements to be negotiated as part of Common Understanding could raise compliance issues with Wales's existing international obligations, including non-EU trade agreements.

Response: Accept

We are currently unable to comment on compliance of what may be included in the final arrangements that are part of the Common Understanding, as these have not yet been negotiated. However, we can be clear that the Welsh Government takes its international obligations seriously and would immediately raise with the UK Government if it thought that an arrangement being negotiated would lead to non-compliance. Once a final negotiated position has been reached, the Welsh Government will be able to set out its perspectives on any agreed position.

Financial Implications: None

Recommendation 47.

Welsh Government should provide its assessment of the operation of the European Union (Future Relationship) Act 2020, and of its implications for the devolution settlement, in the context of concerns raised with Senedd committees. This should include specific commentary on section 29.

Response: Reject

The Welsh Government's positions on the implementation of post-EU legislation has been stated on numerous occasions. The UK Government has committed to not normally legislate in areas of devolved competence without our consent and never without consultation. The Welsh Government will continue to monitor the operation

of the Act and section 29 but does not consider a specific assessment to be required at this time.

Financial Implications: None

Recommendation 48.

The Welsh Government should provide an update on discussions with the UK Government on the provision of financial support for UK Domestic Advisory Group participants.

Response: Accept

This issue has been discussed directly with the UK Government and it has confirmed that no funding is available and that all UK Domestic Advisory Group (UK DAG) meetings have a hybrid option for attending.

Financial Implications: None

Recommendation 49.

The Welsh Government should set out how it engaged with the UK Government's 2024 review of the membership of the UK DAG, and should explain the steps it took to raise awareness amongst Welsh organisations of the UK Government's expressions of interest campaign.

Response: Accept

The standard process we follow when membership of groups such as the UK DAG are being recruited for, or reviewed, is to use our existing networks, such as our Trade Policy Advisory Group, to raise awareness of these opportunities. However, in the specific case of the 2024 DAG review we do not have a record of whether this process was followed.

Financial Implications: None

Recommendation 50.

The Welsh Government should clarify the link, if any, between the Welsh Government's Trade Policy Advisory Group and the TCA's civil society forums.

Response: Accept

There is no formal link between the Trade Policy Advisory Group (TPAG) and the TCA's Civil Society Forum (CSF). The Trade Policy Advisory Group was set up provide the Welsh Government with advice on matters relating to Trade Policy, with its remit increasingly focusing on the EU Trade in 2024. Membership of both TPAG and the CSF is broad, including business bodies and a range of other organisations. Although,

some members of TPAG may also attend CSFs, there is no deliberate effort to ensure that CSF attendees are also TPAG members.

Financial Implications: None

Recommendation 51.

The Welsh Government should clarify how it monitors and engages with the work of the UK Domestic Advisory Group and the Civil Society Forum.

Response: Accept

While it is the responsibility of the UK Government to monitor the work the UK Domestic Advisory Group (DAG), some members of the Welsh Government's Trade Policy Advisory Group (TPAG) are also members of the UK DAG and as such we are able to hear their views directly. We also actively engage with other DAG members such as APBI, BSI, SMMT and UKAS⁴ to understand their views on key matters and identify opportunities to collaborate.

Financial Implications: None

Recommendation 52.

The Welsh Government should confirm if the governments of the UK are developing a central mechanism to monitor changes to EU law for the purposes of monitoring alignment and divergence.

Response: Accept

The Welsh Government will explore with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations, the potential to develop a UK-wide mechanism to monitor alignment with, and divergence from, the EU.

Financial Implications: None

Recommendation 53.

The Welsh Government should set out how it has ascertained whether alignment and divergence has occurred between the UK and the EU, and between Wales and the EU, since the UK's exit from the EU.

Response: Accept in principle

This work is already underway in the areas that are currently being negotiated.

⁴ APBI - Association of the British Pharmaceutical Industry, BSI - British Standards Institution, SMMT - Society of Motor Manufacturers and Traders, UKAS - United Kingdom Accreditation Service

Financial Implications: None

Recommendation 54.

The Welsh Government should seek clarity on how EU law will apply in the UK if it is to dynamically align to the EU. It should ensure this process respects the role of the devolved governments and legislatures.

Response: Accept

We are currently engaging with the UK Government on how it intends to take forward legislation to implement any future agreements with the EU, including on the role that devolved legislatures will need to take to implement agreements in devolved areas. We have been clear that any legislative process must respect the devolution settlement and existing processes in the devolved governments.

Financial Implications: None

Recommendation 55.

The Welsh Government should clarify what role common frameworks will play in decision-making about UK alignment to the EU.

Response: Accept

Common Frameworks are an important mechanism for discussion and cooperation between the four governments in policy areas previously governed by EU law. They provide a forum to share evidence and explore the impacts of regulatory alignment and divergence, helping governments to make informed decisions on EU alignment. Each government retains the right to decide on EU alignment within its own competence. Frameworks help ensure those decisions are transparent and can support coordinated approaches where appropriate, while respecting each government's ability to diverge.

Financial Implications: None