



Rt. Hon. Mark Drakeford AM

Welsh Government
Ty Hywel
Cardiff CF99 1NA

25 April 2019

Dear First Minister,

Now that the European Council has given us more time to seek a solution to the current crisis, and that the Government and the Labour leadership is engaged in talks, our supporters across Wales urge you now - as First Minister of Wales - to bring the utmost pressure to bear on both the UK Government and the leadership of your own party in Parliament.

On November 25th 2016 in a speech at Swansea University - then in your capacity as the Welsh Finance Minister - you outlined 10 tests that the Welsh Government would insist upon in assessing any Brexit deal. These were well-crafted tests designed to safeguard the interests of Wales.

In January 2017 your predecessor as First Minister, Carwyn Jones, stated in a white paper – Securing Wales’ Future, published jointly with Plaid Cymru - that “the terms of exit must protect Wales’s vital interests” and that “people were [not] persuaded to vote Leave with the intention that Wales should be worse off as a result.” Since then further economic forecasts have served only to underline the severity of the consequences Wales could face.

Eighteen months after setting out the Welsh Government’s tests it is now clear than on any reading of the current state of negotiations only one of these 10 tests has been met, three have been partly met, while no fewer than six have not been met. Some may regard even this assessment as generous to the UK Government.



In summary, even if some compromise agreement is reached in the talks between Theresa May and Jeremy Corbyn, there is no realistically available deal that offers Wales, either economically and politically, outcomes that are better than or anywhere near as good as those available through our continued membership of the European Union.

In this situation, we believe it is already clear that the UK Government has failed abjectly to secure the interests of the people of Wales as you yourself defined them at the time of your Swansea address - and confirmed in the Welsh Government/Plaid Cymru White Paper.

We have no doubt that this situation has arisen from a combination of the inherent contradictions of Brexit, gross mishandling by the UK Government, and a failure to engage meaningfully with the Welsh and Scottish Governments.

This being the case, we believe that the Welsh Government is duty bound to make these failures of the UK Government plainly manifest to the Welsh public and, in consequence, to demand a new public vote in which our continued membership of the EU would be a stated option.

It is no longer enough to say that a 'confirmatory vote' remains on the table for whatever arrangement squeezes through Parliament, or that there could be a choice between a general election and a referendum. A general election is not an adequate alternative to a referendum.

Whatever way forward is agreed by Parliament, the only way to test public opinion anew, in a way that respects the result of the 2016 referendum, unmuddied by other issues, is to hold a new People's Vote. This is the only fair democratic option, and should be an essential commitment in any Labour manifesto, whether for European elections or for a General Election.



The decision by the European Council to extend the Article 50 period at least until 31st October means that we now have time both for a less frenetic debate and for the passage of the legislation necessary for a referendum to be held in the autumn of this year.

In the current dangerously precarious circumstances for Wales we ask that you commit the Welsh Government urgently and unequivocally to supporting a new referendum, to making this clear to the Labour Party's negotiators, and to securing the backing of our National Assembly for this course at the earliest opportunity.

Yours sincerely,

Geraint Talfan Davies
Wales For Europe

Helen Wales
Cardiff For Europe

Shaun Thomas
Valleys For Europe

Peter Frederick Gilbey
Wales For Europe

Paul Willner
Swansea For Europe

Silas Jones
North Wales For Europe

On behalf of Wales for Europe and 18 local groups in every local authority area in Wales.

The Welsh Government's 10 Brexit tests set out by Mark Drakeford AM, then Finance Minister of the Welsh Government at Swansea University on 25 November 2016

AN ASSESSMENT

1. Full, unfettered access to the single market, unencumbered by tariffs, quotas or any other technical barriers to trade.

NOT MET. *Full access to the single market and the customs union has not been agreed even as a UK objective, despite the customs union option securing considerable support in Parliament (only three short of a majority in the last indicative vote). The Political Declaration does not seek access for service industries that represent 80% of the UK economy.*

2. A calibrated approach to the free movement of people, which preserves its many advantages, while bearing down on the exploitation of labour.

NOT MET. *The UK Government's white paper on immigration proposes a single skills-based immigration system, but after a transition period it proposes to apply an annual salary threshold of £30,000. This is likely to result in a barrier to immigration for lower paid jobs in the health and social services, causing severe difficulties for these services.*

3. Finance: a full guarantee that funding which flows from the EU today, and would continue to flow in the future, will be provided at or above that level by the UK Treasury, once Brexit has taken place.

NOT MET. *Although commitments have been made to honour funding awards made before the end of the transition period, beyond that date there is no guarantee of any kind that Wales will receive the same level of funding as we receive today via the EU's Regional and Social Funds, the CAP and the funding of research and culture.*

In the 2017 General Election, the Conservative manifesto proposed a Shared Prosperity Fund. To date, we have seen no detail on the proposed size of the fund or the criteria for its distribution. Neither have we seen any detail on a replacement of the funds that emanate from the Common Agricultural Policy. Welsh agriculture and rural communities will be left in a damaging limbo. Continued funding for research and collaboration will be determined in negotiations only after we have left the EU.

4. Full maintenance of social, environmental and economic protections, currently provided to Wales by our membership of the EU, including all protections provided to workers.

PARTLY MET. *Although there is a commitment to a ‘level playing field’ (as part of the ‘backstop’) that includes fair competition in the area of labour and environmental standards, there is no commitment to dynamic alignment beyond that.*

5. Rapid confirmation of the permanent status of EU nationals currently living in Wales in the post-Brexit era.

NOT MET. *Although the UK Government has now set out a process through which EU nationals can confirm their settled status, one could hardly say that the process has been rapid. The future status of, in particular, vulnerable EU citizens remains precarious and subject to a successful application for pre-Settled or Settled Status. There are various obstacles that may cause a large number of people to fall through the net, leaving them undocumented. The future status of EU citizens in the UK will also be subject to future immigration legislation and may be subject to unilateral change by the UK Government. Some of this may be done via secondary legislation, so won’t need detailed Parliamentary approval. Reunification rights will expire by 2022, and the right of return is being curtailed.*

6. A new focus on transitional arrangements. There must be no cliff edge to UK membership of the EU. The complexity of Article 50 negotiations means they will

inevitably focus on how the UK will extricate itself from current arrangements. Future relationships with the EU and the rest of the world will have to be developed and agreed over a far longer period. Transitional arrangements which remain as close as possible to the existing position will provide the most stable platform for future negotiations.

***MET.** A transition period was agreed as part of the process, but it will come into force only if the UK leaves the EU with an agreement. That said, it is difficult to find any informed commentators who believe that the negotiations can be concluded within a period of only two years.*

7. Full involvement in shaping the UK's negotiating position and direct participation in those negotiations which involve devolved areas of responsibility, using the model of the devolved administrations' participation in the Council of Ministers.

***NOT MET.** Although Welsh and Scottish Governments have attended many meetings with UK Government ministers, both the Welsh and Scottish Governments have, on several occasions, had to express their strong displeasure at the lack of consultation. This has been particularly evident in the most recent stages of the negotiations. Often this has been in stark contrast to the involvement of Northern Ireland's DUP. There has been no direct participation by the devolved governments in the negotiations with the EU.*

8. Unambiguous recognition of the uninterrupted continuation of existing devolved competencies as the UK leaves the EU: devolved competencies currently regulated at the EU level must continue to be exercised by the devolved administrations, once we are no longer members of the EU: any new UK frameworks must be freely negotiated between all four Governments.

***PARTLY MET.** This is met in the strict sense that the Welsh Government did reach an agreement with the UK Government that EU powers relating to areas of devolved*

competence should be transferred to Cardiff. But in specified areas, powers will reside at Westminster for a period of five years. It has yet to be seen what influence devolved governments will have when any UK policy frameworks are set.

9. Wholehearted commitment to redrawing the relationship between the component parts of the United Kingdom, in the post European Union period, including both the distribution of responsibilities and the machinery of government between the four nations.

NOT MET. *While there has been a discussion of the way in which the UK Government will discuss ‘framework agreements’ with the devolved governments, there has been no discussion or commitment to ‘redrawing the relationship between the component parts of the UK’ in more general terms.*

10. Wales may be leaving the EU, but we are not leaving Europe. There is a clear and urgent need to secure the continuation of participation in key European networks and partnerships.

PARTLY MET. *There are two issues here. First, participation in existing networks and partnerships that are dependent on EU funding – e.g. Horizon 2020, Erasmus, Creative Europe. Our continued participation in these schemes has not been settled. It would be scheduled for discussion after we have left the EU under the processes outlined in the Political Declaration. Second, this also refers to networks that Wales would need to maintain as part of an ongoing European/international strategy for Wales if Brexit happens. We appreciate the steps the Welsh Government has taken towards a more robust international strategy.*