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Prìomh Mhinistear na h-Alba



Llywodraeth Cymru
Welsh Government

His Excellency Mr Donald Tusk
President of the European Council
Council of the European Union
Rue de la Loi 175
B-1048 Brussels
Belgium

21 October 2019

Dear President Tusk

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.

As you are aware the Withdrawal Agreement cannot come into effect before the UK Parliament has passed the legislation allowing UK ratification. We understand that the Withdrawal Agreement Bill will be introduced in the House of Commons today. This Bill will be among the most important piece of legislation ever considered by the UK Parliament, with far-reaching implications for the whole of the United Kingdom and indeed the European Union.

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.

The concern that Parliament could not in any way adequately undertake the scrutiny of the Bill in a 10 day period, as required in the absence of an extension, lay behind the decision of the House of Commons to withhold its approval of the Withdrawal Agreement 'unless and until the implementing legislation is passed'.

This is a concern we fully share. 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.

We would like to take this opportunity to express our sincere thanks for your consistent efforts to ensure the option of the UK remaining in the EU is not closed off on the EU side.

We are copying this letter to the President of the European Parliament, the President of the European Commission, the European Union's Chief Negotiator and the European Parliament's Brexit Co-ordinator. We are also sending a copy to the Prime Minister and leaders of the political parties within the House of Commons.



NICOLA STURGEON



MARK DRAKEFORD