



Rt. Hon. Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London SW1A 2AS

Mike Russell MSP, Cabinet Secretary for the Constitution, Europe and External Affairs

Jeremy Miles MS, Counsel General and Minister for European Transition

Jenny Gilruth MSP, Minister for Europe and International Development

14 June 2020

Dear Mike, Jeremy and Jenny,

I have appreciated the close contact between our administrations as we prepare for the opportunities presented by life outside the EU's Single Market and Customs Union. While we have different views on the way forward, I am always grateful for your thoughtful and considered contributions. That is why I was disappointed to read your statement on Friday, including the decision by Scottish and Welsh Government ministers not to join a briefing call with the Paymaster General following Friday's UK-EU Withdrawal Agreement Joint Committee and ahead of Monday's High Level Meeting with the Presidents of EU institutions. I was glad that the call could go ahead with the First Minister of Northern Ireland nonetheless, and that officials from the Northern Ireland Executive, Scottish and Welsh Governments were in attendance.

In your statement you claimed that "we cannot accept a way of working in which the views of the devolved governments are simply dismissed before we have had a chance to discuss them". This is inaccurate. The UK Government respects and understands the fact that the SNP and the Labour Party in Wales supported extending the transition period with the EU, and has repeatedly discussed this in both public and private meetings with ministers from the Scottish and Welsh Governments. It is also important to note that, although the Scottish and Welsh Governments have a clear position in favour of extending the transition period, there is no such joint position in the Northern Ireland Executive.

The UK Government was elected on a clear manifesto commitment that the transition period would end this year. This was endorsed by Parliament in January in the European Union (Withdrawal Agreement) Act 2020. Section 33 of that Act makes clear that "a Minister of the Crown may not agree...to an extension of the implementation period". Not extending was therefore also a question of the rule of law.

The Government's position has been repeatedly set out in Parliament, including under questioning from SNP MPs and MPs from the Labour Party in Wales. I confirmed it on 11 June (twice), 4 June, 19 May, 4 May (also twice), and 27 February (also twice). The Paymaster General also confirmed the Government's position in Parliament on 9 June (at least nine times), in response to a question by the SNP MP Joanna Cherry QC on 4 June, and in a written response to a question from the Welsh Labour MP Ruth Jones on 13 March. Lord True has stated the Government's position on 9 June, 12 May, 5 May and 28 April, as well as on 6 May in a written

response to Baroness Smith of Gilmorehill. Other Government ministers, including of course the Prime Minister, have repeatedly confirmed the same position. There has been no ambiguity on this matter.

On 21 May, we discussed this issue at the last Joint Ministerial Committee (European Negotiations), at which the Prime Minister's Europe Adviser and Chief Negotiator of Taskforce Europe, David Frost, also set out the UK Government position. You were all in attendance at that meeting, as were the First Minister and deputy First Minister of the Northern Ireland Executive. You had an additional meeting ahead of last Friday's Joint Committee with the Paymaster General on 5 June, as well as a second call later that day including officials from your administrations. These followed on from the Paymaster General's call with Jeremy Miles on 29 April, and Mike Russell and Jenny Gilruth on 28 April.

I set out the Government's position on the transition period in a letter of 4 April to the First Minister of Wales, copied to the First Minister of Scotland and the First Minister and deputy First Minister of Northern Ireland. This responded to an explicit request to extend the transition period in a letter from the First Minister of Wales of 24 March. I also wrote to Mike Russell on 4 April, again setting out our position on the transition period, in response to his letter of 18 March which similarly included such a request. That letter was copied to the First and deputy First Minister of Northern Ireland, and the First Minister of Wales. A further letter from me to Mike Russell and Jeremy Miles on 20 May again restated the Government's position on not extending the transition period, and was also copied to the First and deputy First Minister of Northern Ireland.

In short, there have been ample opportunities to discuss, both in public and private, the question of the transition period. Ultimately there was a disagreement of approach on this question. The UK Government understood and respected the view of the Welsh and Scottish Governments but was always clear that this was a reserved matter. As I set out in writing to you before Friday's meeting of the Joint Committee, the UK Government used the meeting to confirm our position that we would not seek an extension of the transition period. My counterpart, EU Vice-President Maroš Šefčovič, confirmed that the EU has "taken note of the position of the UK on this issue" and said that he took this as a definite conclusion of this discussion.

My officials and Government ministers will continue to engage regularly with counterparts in the Scottish, Welsh and Northern Ireland administrations on matters relating to our negotiations with the European Union. We will not always agree on matters of policy, but we must continue to work together for the benefit of the whole United Kingdom.

I am copying this letter to the First Minister and deputy First Minister of Northern Ireland.

With every good wish,

A handwritten signature in black ink, appearing to read "Michael Gove". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the surname "Gove".

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
and Minister for the Cabinet Office**