



Elin Jones MS
Llywydd
Senedd Cymru

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21 September 2023

Dear Llywydd,

In my letter of 27 July on the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023, I said that I would commission a review of the circumstances around our correspondence.

The review was carried out by the Director of Propriety and Ethics, who had no previous involvement in this matter, and is now complete. He considered all the relevant documentation and spoke with the key people who were involved in this process, including your senior legal advisers. I have received the review and accepted its recommendations.

I was reassured to learn from the review that everyone involved in this process had acted in good faith and with the intention of giving the best possible advice. As we have noted previously, dealing with international trade obligations after Brexit is new territory for all of us, so it is perhaps unsurprising that we should find some grey areas which need to be worked through as we aim to establish the best approaches for the long term.

The advice given to Ministers was that the best way to comply with the World Trade Organisation (WTO) recommendation of six months between publication and coming into force, was to delay the application of the Welsh Seal. This advice was given in good faith after consideration of the options and risks and in the absence of any precedent. It was recognised as novel.

I recognise your view, however, that the First Minister has a responsibility not to delay unduly the application of the Seal, and that to do so might be seen as frustrating the intention of the Senedd to give prompt effect to legislation which it has approved.

Clearly, I have no wish for the Welsh Government to act in ways which might be seen as disrespectful to the Senedd. In this light, should we find ourselves in similar circumstances again, I appreciate that we will need to collectively consider alternative ways forward.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to the Chair of Climate Change, Environment and Infrastructure Committee, the Chair of the Legislation, Justice and Constitution Committee and Chair of the Finance Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD