

Rt Hon Ben Gummer MP
Cabinet Office
70 Whitehall
London
SW1A 2AS

Thursday, 13 April 2017

Dear Ben,

The domestication European Union procurement law

I am writing to you as Secretary General of Co-operatives UK, the national network representing the UK's co-operative businesses, to request assurances in relation to the domestication European Union (EU) procurement law in the Brexit process.

In response to the UK's vote to leave the EU Co-operatives UK set out an overarching principle that co-operatives should not be put in a disproportionately worse position by the Brexit process. Now, with Article 50 triggered and policymakers' attention turning towards the Great Repeal Bill, we believe it is timely to put forward our key positions in relation to this principle.

We have been working with our member co-operatives to identify what specifically needs to be safeguarded for co-operatives during the Brexit process. In identifying our Brexit safeguards we have focused on areas of public policy that will be central to the Brexit process, namely the repatriation of EU law into UK law, and the replacement (or otherwise) of EU policy and competency with UK policy and competency. Within this we have focused on aspects where co-operatives have a distinct interest and have defined what we believe needs to be safeguarded.

Due to the growing number of co-operatives and mutuals providing public services, the domestication of EU procurement law is one such area. While still seen by some as a check on the state's ability to forge 'public-social partnerships' in the delivery of services, the most recent iteration of EU procurement law contains some useful provisions for the social economy, most notably the Light Touch Regime and the Mutuals Reservation.

Co-operatives in the UK would welcome the following assurances:

- That repatriation of EU procurement law via the Great Repeal Bill and related legislation will ensure that the current UK Public Contract Regulations remain unchanged on 'Brexit day'

Co-operatives UK is the network for Britain's thousands of co-operative businesses. We work together to promote, develop and unite member-owned businesses across the economy.

- That government will not use 'delegated powers' after Brexit to change current regulations without proper public consultation and Parliamentary scrutiny
- That co-operatives and other social economy organisations will have an opportunity to participate fully in a review of UK public procurement regulations after Brexit

Co-operatives UK would be happy to provide government with further representations and information on this issue if this is deemed useful.

Our request in relation to procurement law has also been included in a letter to Robin Walker, Parliamentary Under-Secretary of State at the Department for Exiting the European Union.

I look forward to a reply and hope you can provide the assurances sought by co-operatives in the UK. I anticipate this is a very busy time, so if it is more expedient please feel free to initiate a response from the relevant officials rather than your ministerial office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ed Mayo', with a stylized flourish at the end.

Ed Mayo
Secretary General

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