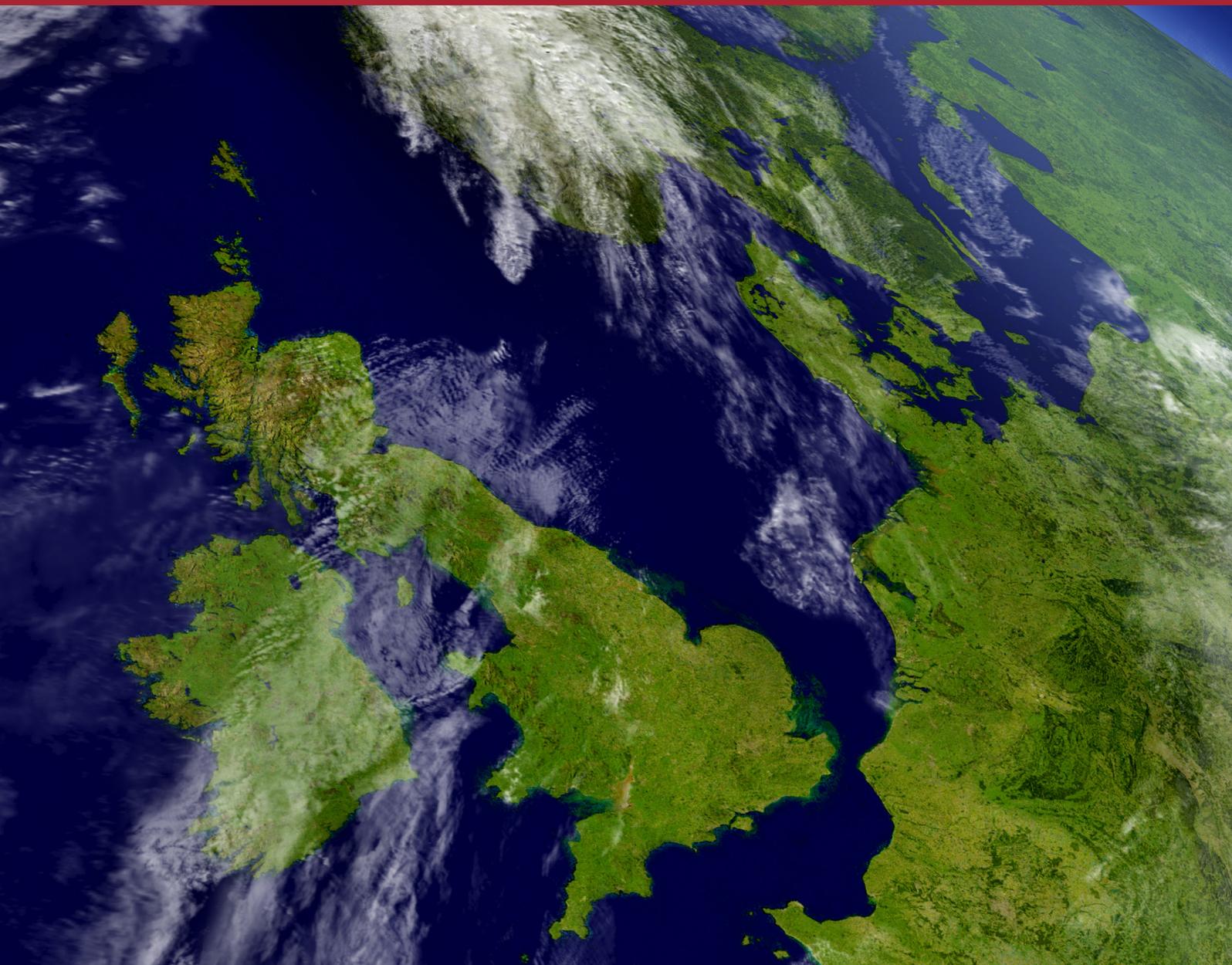


# Inquiry into UK-EU governance

November 2023



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Welsh Parliament

**Legislation, Justice and Constitution Committee**

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# Inquiry into UK-EU governance

November 2023



# About the Committee

The Committee was established on 26 May 2021. Its remit can be found at [www.senedd.wales/SeneddLJC](http://www.senedd.wales/SeneddLJC)

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Current Committee membership:



**Committee Chair:**  
**Huw Irranca-Davies MS**  
Welsh Labour



**Alun Davies MS**  
Welsh Labour



**James Evans MS**  
Welsh Conservatives



**Adam Price MS**  
Plaid Cymru

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## Chair's foreword

The UK's relationship with the European Union remains of considerable importance to citizens in Wales. It shapes so much of our everyday lives: the ability of Welsh companies to trade, the management of our environment and fisheries, and our ability to travel, work and study. It also affects our ability to collaborate on research, and coordinate health security with our nearest international neighbours.

Many areas within the agreements that govern the UK's new relationship with the EU are the responsibility of the Senedd and Welsh Government. Much of their implementation falls to us in Wales.

The UK left the EU almost four years ago. The period since has been a time of rapid change involving continued negotiation, adaptation and adjustment.

It is therefore perhaps not surprising that the structures that have emerged to manage this new relationship are complex and still evolving. Moreover, the transparency of these structures, their accountability to parliaments and the proper engagement of devolved nations, EU regions, local governments and civil society have not received enough attention.

Our inquiry sought to consider and address these issues, and we are grateful to all those who took time to contribute by providing evidence about their views and experiences, including during our visit to Brussels.

This report sets out our findings but in doing so it does not delve into the detail of what the future UK-EU relationship should be. Rather, it covers a range of key issues, including:

- whether and how Wales and Welsh interests are represented;
- who is involved in decisions the UK takes about its future partnership with the EU;
- how we know what decisions are being taken and by whom, including in areas of our legislative competence here at the Senedd;

- how we hold governments and executives on both sides of the relationship to account.

Without resolving these fundamental issues, any future relationship—no matter its terms—may be less informed, less effective and less likely to succeed.

A window of opportunity to pause and reflect on how these agreements work in practice, and how they are managed, has been provided by the Windsor Framework's conclusion. Our report finds that we should take advantage of this opportunity and the goodwill generated to resolve issues that have arisen in these early years of the relationship.

The Committee is not alone in its deliberations. Committees in the UK Parliament and the Scottish Parliament have all produced important work in this field, as have the European Parliament, the Committee of the Regions, the European Economic and Social Committee and civil society organisation in the UK and EU. This shows the shared interest and desire to continue to develop and work together to improve those structures that govern our relationship.

Our report is intended to contribute a view from Wales to this debate that builds on the work already undertaken. We hope our report acts as a catalyst for further debate on how structures and accountability can be improved. For that reason, we will seek to actively engage with organisations in Wales, the UK and the EU to take our recommendations forward.

At this moment of international uncertainty and instability it has never been more important to ensure the enduring relationship between the UK and the EU works for all our citizens.

# 1. Introduction

## Background

- 1.** As part of its remit, the Legislation, Justice and Constitution Committee considers the constitutional impact of Wales's external affairs, including the governance and implementation of UK–EU agreements.
- 2.** The UK-EU agreements establish complex new governance structures for UK-EU relations and agreements post-Brexit. As these governance structures have begun to operate in practice, common issues and challenges have emerged for parliaments and institutions in the UK and EU tasked with their scrutiny.
- 3.** The Committee has undertaken a short inquiry into the UK-EU governance structures that exist to implement the Withdrawal Agreement, Trade and Cooperation Agreement and subsequent supplementing agreements (see Annex 1 for an infographic explaining these structures). The inquiry builds on early findings on the role and representation of the Welsh Government and Senedd in post-Brexit UK-EU relations, as outlined in the Committee's submission<sup>1</sup> to the House of Lords European Affairs Committee in October 2022.
- 4.** The terms of reference for the inquiry are outlined in Annex 2.

## Evidence gathering

- 5.** The Committee gathered evidence through oral evidence sessions and written submissions. A list of the evidence gathered is outlined in Annex 3 and Annex 4.
- 6.** We also visited Brussels from 5-7 September 2023 to take evidence from EU institutions and stakeholders.<sup>2</sup>

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<sup>1</sup> House of Lords European Affairs Committee, *Written evidence from the Legislation, Justice and Constitution Committee*, November 2022 (published)

<sup>2</sup> *Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit*, October 2023

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## 2. The importance of UK-EU governance

**7.** The evidence we received sets out a compelling case as to why careful scrutiny of UK-EU governance is essential, and why it should be considered a priority for legislatures.

### **The power of UK-EU governance bodies to make decisions in devolved areas**

**8.** The substantial power embedded in joint UK-EU governance structures to take decisions in devolved areas was identified as a key issue in the evidence we received.

**9.** Professor Lock highlighted the power of the UK Government and European Commission to take "unilateral" decisions that could significantly change the terms of both the Withdrawal Agreement<sup>3</sup> and the Trade and Cooperation Agreement (TCA)<sup>4</sup> without any parliamentary oversight or control.<sup>5</sup>

**10.** Professor Lock gave the example of substantial changes made to the Northern Ireland Protocol by the Windsor Framework with minimal parliamentary scrutiny and agreement in both the UK and the EU.<sup>6</sup>

**11.** Charles Whitmore told us that, post-Brexit, there has been a transfer in the balance of power on UK-EU matters away from legislatures to executives, leading to a diminished role for legislatures on matters that would have previously been considered by them.

**12.** Charles Whitmore said:

*"The UK's withdrawal from the EU has marked a notable shift in power away from legislatures towards executive function, ..."*<sup>7</sup>

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<sup>3</sup> For more information see Senedd Research, [Wales and the UK-EU Withdrawal Agreement](#), October 2022 and Senedd Research, [Wales and the Windsor Framework](#), May 2023

<sup>4</sup> For more information, see Senedd Research, [Wales and the UK-EU Trade and Cooperation Agreement](#), May 2023

<sup>5</sup> [Professor Lock, Written evidence](#)

<sup>6</sup> Professor Lock, Written evidence

<sup>7</sup> [Charles Whitmore, Written evidence](#)

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**13.** This, he argued, supports the need for parliamentary scrutiny and oversight of the Welsh Government's participation in the intergovernmental relations and TCA structures<sup>8</sup>.

**14.** We heard similar concerns during our meetings with EU colleagues in Brussels, where we were told that the nature of the TCA in particular means that power lies in the hands of UK-EU executives with a limited role for parliaments in the governance structures.

### **Potential constraints**

**15.** The evidence we received highlights that UK-EU agreements cover areas that are in, or significantly affect, areas of devolved competence. Professor Lock states that decisions could also be taken within the governance structures which constrain the use of devolved competencies.<sup>9</sup>

**16.** Professor Catherine Barnard reminded us that policy and legislative developments in the EU will continue to have an “extra-territorial” effect on Welsh citizens and companies due to the importance of the EU's market to Wales. Professor Barnard advocated that careful scrutiny of on-going developments within the EU should take place.<sup>10</sup>

**17.** During our visit to Brussels, we were advised about the importance of the UK continuing to monitor and shape EU legislation that could impact business and organisations in the UK, particularly in areas outside the scope of TCA governance structures. The importance of following legal files and policies through the EU's institutions and particularly European Parliamentary committees was also highlighted.<sup>11</sup>

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<sup>8</sup> Charles Whitmore, Written evidence

<sup>9</sup> Professor Lock, Written evidence

<sup>10</sup> ~~Legislation, Justice and Constitution (LJC) Committee, 19 June 2023~~, RoP [80]

<sup>11</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

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## **The ‘normalisation’ of relations provides an opportune moment to consider the effectiveness of structures in place**

**18.** Many of the witnesses noted that reaching agreement on the Windsor Framework appears to have led to a ‘normalisation’ of relations between the UK and the EU.

**19.** Dr Lisa Whitten discussed hopeful signs that the relationship between the UK and the EU was becoming more “settled”.<sup>12</sup> Several witnesses suggested that a period of more settled relations provides an opportunity to carefully consider what Wales and the UK want from the relationship and how UK-EU governance could be improved.

**20.** In highlighting this point, Professor Simon Usherwood stated:

*“...we're now at a point where it looks like the governance and institutional architecture of the relationship is starting to be accepted and settle down, and so we're now in a phase where there needs to be really active thought about how best to input Welsh priorities and preferences into that process. So, at a point where the London Government has maybe turned the page, or a page, I think there are lots of opportunities for the Senedd and for Wales more generally to be doing that.”<sup>13</sup>*

**21.** Professor Barnard also noted that the relationship “has become boring”, which she said was “good news”.<sup>14</sup>

**22.** During our visit to Brussels, we heard that relations between the UK and the EU have improved following the agreement of the Windsor Framework. Reaching an agreement on the UK-EU Memorandum of Understanding on Financial Services was also seen as a positive step in rebuilding trust and in “normalising the relationship”.<sup>15</sup>

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<sup>12</sup> [LJC Committee, 26 June 2023](#), RoP [11]

<sup>13</sup> LJC Committee, 19 June 2023, RoP [7]

<sup>14</sup> LJC Committee, 19 June 2023, RoP [12]

<sup>15</sup> Legislation, Justice and Constitution Committee: UK-EU Governance: Key Themes Arising from Visit, September 2023

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**23.** In its Report on the implementation of the EU-UK TCA and accompanying motion for a European Parliament Resolution, the European Parliament's Committees on Foreign Affairs and International Trade sets out the view that the TCA established a cooperative framework "which should form the basis of a strong and constructive future partnership".<sup>16</sup>

**24.** We heard in Brussels and as it noted in the same European Parliament report, some areas of concern remain for EU stakeholders, particularly on issues related to deregulation and *the Retained EU Law (Revocation and Reform) Act 2023*. However, there is a willingness and desire in the EU to continue cooperation with the UK governments, institutions and civil society organisations.<sup>17</sup>

## **Our view**

**25.** It is clear that the substantial decision-making powers granted to the UK and EU executives by the UK-EU agreements necessitates the development of effective systems of parliamentary oversight.

**26.** The scrutiny work we have carried out to date, and the evidence we received, highlights that both UK-EU agreements cover significant areas of devolved legislative competence (i.e. the ability of the Senedd to make law for Wales). Decisions taken by governance bodies could limit the ability of devolved institutions to exercise their legislative competence.

**27.** It is clear from the evidence we have gathered that EU legislation and policy will continue to have an "extra-territorial"<sup>18</sup> effect on the UK and Wales and that systems for effectively monitoring EU developments to understand their implications for the UK and Wales must be put into place by both governments and legislatures.

**Conclusion 1.** There is an urgent need to find better ways of ensuring parliamentary oversight of UK-EU agreements. This issue will be common to all

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<sup>16</sup> European Parliament, Committee on Foreign Affairs and Committee on International Trade, [Report on the implementation of the EU-UK Trade and Cooperation Agreement, Motion for a European Parliament Resolution](#), 3.11.23 (2022/2188(INI))

<sup>17</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>18</sup> LJC Committee, 19 June 2023, RoP [80]

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legislatures across the UK. We therefore intend to engage with parliamentarians on sister committees to consider common ways of addressing this issue.

**Conclusion 2.** The agreement of the Windsor Framework and the ‘normalisation’ of relations between the UK and the EU provides a key opportunity to reflect on the operation of the governance structures and to decide what Wales and the UK want from the relationship. This opportunity should not be lost.

**Conclusion 3.** During our visit to Brussels, it was heartening to hear of an on-going desire to retain and build positive and constructive relationships between the UK and the EU and it is incumbent on all organisations with a role in the relationship to make the most of the opportunities this provides.

**Recommendation 1.** The Welsh Government should inform the Senedd by written statement of any decisions taken within the governance structures in areas of devolved legislative competence. It should set out its view on these decisions and any discussions that took place, with the UK and/or other devolved governments in advance of these decisions being taken.

**Recommendation 2.** The Welsh Government should set out in its response to this report how it monitors EU policy and legislative developments across government to assess their potential impact on Wales and how it shares this information with stakeholders. It should also clarify where ministerial responsibility lies in the Welsh Government for coordination on input into the governance structures of the Withdrawal Agreement and Trade and Cooperation Agreement, and UK-EU issues more broadly.

## 3. Roles in UK-EU governance

### Existing roles and improving influence

#### Wales's role in UK-EU relations

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**28.** Dr Elin Royles noted that:

*“The UK’s withdrawal from the EU has had a fundamental impact on the devolved government’s ability to influence the UK Government’s position in relation to the EU. Whilst the different arrangements inevitably influence Welsh devolved matters, overall devolved government influence is more limited and variable, and seems unstructured and inconsistent.”<sup>19</sup>*

**29.** Professor Barnard stated that “in respect of Wales’s influence in the wider European debate, it has been a loss ... because I think Wales managed to punch above its weight”.<sup>20</sup> Professor Barnard also stated that it was important that Wales works “quite hard” to participate in the post-Brexit structures available to it.<sup>21</sup>

**30.** Charles Whitmore noted that Wales needs to make the most of the new opportunities to engage but warned that this is harder to do than when the UK was a member of the EU.<sup>22</sup>

#### The lack of “territorial depth” in UK-EU agreements

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**31.** The Chair of the Committee of the Regions (CoR) Contact Group, President Loïg Chesnais-Girard of Brittany, highlighted the CoR’s position, that the UK-EU agreements lack “territorial depth”. The submission states that engagement of Local and Regional Authorities (LRA) in the EU in the implementation of the TCA has not been sufficient, despite responsibility for implementation falling in areas of LRA responsibility and competence.<sup>23</sup>

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<sup>19</sup> [Dr. Royles, Written evidence](#)

<sup>20</sup> LJC Committee, 19 June 2023, RoP [5]

<sup>21</sup> LJC Committee, 19 June 2023, RoP [5]

<sup>22</sup> LJC Committee, 26 June 2023, RoP [41]

<sup>23</sup> [President Loïg Chesnais-Girard of Brittany, Written evidence](#)

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## The role of the devolved governments

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**32.** In our submission to the House of Lords European Affairs Committee inquiry into the future UK-EU relationship,<sup>24</sup> we shared the Welsh Government's concerns that its requests to attend Withdrawal Agreement meetings which could directly impact Wales had been denied. We also shared the Welsh Government's concerns about it only having observer status at the Partnership Council.<sup>25</sup>

**33.** The Welsh Government's Minister for Economy outlines in his most recent statement on the Interministerial Group (IMG) on UK-EU Relations the Welsh Government's "continued concern" that it is yet to be invited to be part of the UK delegation at the Withdrawal Agreement Joint Committee.<sup>26</sup>

**34.** Whilst acknowledging that there is a case against the devolved governments having a greater role, Professor Lock states that the case for them having a greater role in decision-making processes appears stronger. He argues that:

- the Withdrawal Agreement interacts devolved legislative competence in a way that means decisions adopted by Withdrawal Agreement bodies could affect policy areas that are devolved;
- the TCA cuts directly across devolved legislative competence, meaning that decisions taken by the UK Government and the EU Commission in the governance structures can constrain the competence of the Welsh Government and the Senedd;
- it is a flawed argument that, because EU Member States do not have a role in the governance structures, the devolved nations should not either. He points out that the subject matter of both agreements falls within the exclusive competence of the EU acting on behalf Member States, whereas

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<sup>24</sup> House of Lords European Affairs Committee, [Written evidence from the Legislation, Justice and Constitution Committee](#), November 2022 (published)

<sup>25</sup> Minister for Economy, Vaughan Gething MS, [Letter to Lord Frost](#), 21 June 2021

<sup>26</sup> Minister for Economy, Vaughan Gething MS, [Written Statement Meeting of the Inter-Ministerial Group on UK-EU Relations- 11 September 2023](#) (published 9 November 2023)

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for the UK, they are not “within the exclusive competence of the UK Parliament or UK Government”; and

- the imbalance in the UK’s devolution settlement means England and English interests will always be represented by virtue of UK Ministers also being Ministers for England. This makes it important that fair representation is given to Wales, Scotland and Northern Ireland who may experience different implementation issues to England.<sup>27</sup>

**35.** Professor Barnard highlighted that a lack of presence for Wales in Withdrawal Agreement meetings is a “real problem” because of the impact of the Northern Ireland Protocol and the Windsor Framework on Welsh ports.<sup>28</sup>

**36.** In relation to the Windsor Framework, Professor Barnard stated that “there are going to be a lot of operational matters that need to get sorted out over the next few months – things that will directly affect Wales”.<sup>29</sup> Professor David Phinnemore and Dr Whitten expressed a similar view and drew particular attention to the Special Body on Goods established under the Windsor Framework which they say Welsh business may have a particular interest in.<sup>30</sup>

**37.** The Welsh Government has since confirmed that its officials are members of Programme and Project Control Board and the overarching Northern Ireland Programme Board which oversee the implementation of the Windsor Framework. Its officials are “in discussion with DEFRA over the governance arrangements to ensure Welsh interests and views on the [Windsor Framework’s] Retail Movement Scheme are considered and addressed” and a Memorandum of Understanding has been proposed setting out how agreement on future changes to the Scheme will be reached.<sup>31</sup>

## **The role of sub-state institutions**

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**38.** The important role of sub-state actors, regions, local authorities and civil society in the implementation of the TCA and the development of UK-EU relations was emphasised in meetings in Brussels. We were informed of the

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<sup>27</sup> Professor Lock, Written evidence

<sup>28</sup> LJC Committee, 19 June 2023, RoP [13]

<sup>29</sup> LJC Committee, 19 June, RoP [13]

<sup>30</sup> [Professor Phinnemore and Dr Whitten, Written evidence](#)

<sup>31</sup> [Letter from the Minister for Rural Affairs and North Wales, and Trefnydd](#), 21 July 2023

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important work taking place by different actors in the UK and the EU at the sub-state level, but also heard how these could be strengthened, better resourced and utilised.

**39.** The CoR-UK Contact Group identified concrete examples of areas where engagement of EU LRAs is critical to the successful implementation of the TCA.<sup>32</sup>Pre These include on areas such as fisheries management, issues of regulatory cooperation, and non-compliance on issues such as sewage management and mobility.

**40.** The CoR outlined its position, that there should be formal recognition of the CoR-UK Contact Group in the TCA in order for it to provide “an assessment of the subnational dimension of the key policy and legislative issues that will have an impact on the EU-UK bilateral relationship”. It acknowledged that this may require treaty change and may therefore be a long-term ambition.<sup>33</sup>

**41.** In Brussels, we were advised about the potential for coordinating the timing of different UK-EU meetings both within and outside the formal governance structures to maximise opportunities for engagement between sub-state and state actors. For example, holding Civil Society Forum (CSF) and Parliamentary Partnership Assembly (PPA) meetings on similar dates and in the same locations.

## **Possible improvements**

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**42.** Although we received evidence in support of a stronger role for the devolved governments and legislatures within the UK-EU governance structures, witnesses expressed concern that it was unlikely to be implemented at present.<sup>34, 35</sup>

**43.** Nonetheless, we received a number of recommendations for immediate improvements that could be made, short of allowing the devolved governments

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<sup>32</sup> President Loïg Chesnais-Girard, Chair of the CoR-UK Contact Group, Written evidence

<sup>33</sup> President Loïg Chesnais-Girard, Chair of the CoR-UK Contact Group, Written evidence

<sup>34</sup> LJC Committee, 19 June 2023 RoP [53]

<sup>35</sup> LJC Committee, 26 June 2023 RoP [30]

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full participant status. This included improving intergovernmental relations, engagement and structures domestically.<sup>36</sup>

**44.** Whilst treaty change to provide a more substantive role for devolved governments and legislatures was recognised as being a long-term matter, the CoR set out, as an interim measure, a number of other possible options for engagement with EU LRAs and devolved institutions within the TCA governance structures. Whilst these would fall short of the formal recognition the CoR outlined, they could still provide a meaningful role. The CoR called on the UK and CoR members of the Contact Group to develop a common joint position on enhancing their role in monitoring the implementation of the TCA.<sup>37</sup>

## **Our view**

**45.** It is disappointing, but perhaps not surprising, that during a period where intense UK-EU negotiations have been taking place, the role of devolved governments, institutions and EU LRAs in decision-making has diminished. The evidence we received highlights that devolved governments, legislatures and EU LRAs will be instrumental in the successful implementation of the UK-EU agreements.

**46.** There is strong evidence to support the need for an enhanced role for devolved governments in the governance structures. This would recognise and acknowledge the inherent imbalance of UK Ministers acting as both Ministers for England and for the UK.

**47.** There is a need for the practical operation of the governance structures shaping the agreements and relationship to continue to evolve and adapt as their practical effects become clear.

**48.** The devolved legislatures in the UK are responsible for passing laws and scrutinising the implementation of the agreements by devolved governments. Improving the “territorial depth” of the agreements must include a recognition of the vital role the devolved legislatures play in both oversight of the actions of their governments but also in making law.

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<sup>36</sup> LJC Committee, 19 June 2023 RoP [88]

<sup>37</sup> President Loïg Chesnais-Girard, Chair of the CoR-UK Contact Group, Written evidence

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**Conclusion 4.** We agree that there is a lack of “territorial depth” to the UK-EU agreements which the normalisation of relations provides an opportunity to rectify.

**Conclusion 5.** There is a compelling case to be made for the further inclusion of sub-state and other regional voices, such as devolved institutions and EU Local and Regional Authorities voices in governance structures, particularly because responsibility for the implementation of key parts of UK-EU agreements falls to them. A better understanding of the issues at these levels will provide important practical intelligence, experience and evidence to the UK Government and the European Commission, including on potential barriers to implementation which could inform their work and avoid unnecessary duplication, cost and/or delay.

**Conclusion 6.** We support the long-term aim of the Committee of the Regions for the Trade and Co-operation Agreement to provide formal recognition of the role of UK and EU members of the Committee of the Regions contact group in monitoring and supporting the implementation of the agreement.

**Conclusion 7.** In the interim, there are a number of practical ways in which engagement of devolved institutions and Local and Regional Authorities can be improved and we commit to lead work with other devolved institutions, UK local authority organisations and the Committee of the Regions to develop practical solutions and a joint position on how this could be implemented. One immediate solution could be to coordinate timings and venues for existing meetings, such as the Committee of the Regions-UK Contact Group, the Parliamentary Partnership Assembly and the Civil Society Forum, to ensure opportunities to develop common positions and share information across these structures are not lost.

**Recommendation 3.** The Welsh Government should continue to make the case for it to be provided with a full role at the Partnership Council and observer status at relevant meetings of the Joint Committee and other Withdrawal Agreement committees, as relevant.

## **Intergovernmental relations on UK-EU matters**

**49.** Charles Whitmore advised that, in some ways, it is hard to reach a definitive assessment on intergovernmental relations on UK-EU issues due to a lack of

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transparency and scrutiny. However, available information suggests a decline in intergovernmental engagement and relations on UK-EU issues.<sup>38</sup> This position was supported by Dr Royles and Professor Lock.

**50.** Dr Royles stated that, compared to structures for managing intergovernmental relation on EU policy pre-Brexit (namely the Joint Ministerial Committee (JMC) on Europe), there is little clarity or coherence to the engagement of devolved governments by the UK Government in UK-EU relations post-Brexit.<sup>39</sup>

**51.** Dr Royles highlighted that a significant problem with current intergovernmental relations is the lack of clarity about when, and on what issues, devolved governments will be engaged. In highlighting this, Dr Royles outlined the various documents and structures that cover intergovernmental relations on UK-EU relations including: Memorandums of Understanding (MoUs) and Concordats on EU Policy Issues and International Relations; the principles set out in the review of Intergovernmental Relations and the principles set out in the letter from Lord Frost in May 2021,<sup>40</sup> which set out the basis on which devolved governments would be engaged in the Withdrawal Agreement and TCA structures.<sup>41</sup>

**52.** Dr Royles highlights that the MoU on EU Policy Issues provides a broad interpretation of the role of devolved governments in UK-EU decision-making, as compared to the narrow definition set out in the letter from Lord Frost. This lack of clarity and consistency, she argues, means that the new IMG on UK-EU Relations has become a place where the devolved governments argue and advocate for a greater role, rather than a place where agreed UK positions on UK-EU relations and EU policy can be discussed and developed.<sup>42</sup>

**53.** Professor Lock added that the fact that the IMG meetings on UK-EU relations appear to take place three to four days prior to UK-EU governance

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<sup>38</sup> Charles Whitmore, Written evidence

<sup>39</sup> Dr Royles, Written evidence

<sup>40</sup> Letter from Lord Frost to the Counsel General and Minister for the Constitution and others, 27 May 2021

<sup>41</sup> Dr Royles, Written evidence

<sup>42</sup> Dr Royles, Written evidence

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meetings suggests the IMGs are used as a mechanism to exchange information, rather than to engage.<sup>43</sup>

**54.** In Brussels, we were informed that there is good coordination between the devolved governments and between them and the UK Mission to the EU. However, it was highlighted that improvement is needed in the intra-UK intergovernmental structures on UK-EU issues and decision-making. We were also informed that the level of interest, recognition and engagement with devolved governments was ‘mixed’ across Whitehall departments and is often dependent on a department’s awareness and previous experience of working on devolved issues.<sup>44</sup>

**55.** The Counsel General has previously explained to us that:

*“... we have made clear that we expect to be given proper notice of all intergovernmental meetings of this nature, consistent with the principles agreed under the review of IGR. Welsh Government officials have fortnightly meetings with the UK Government’s EU Secretariat and the other Devolved Governments, and through this we will continue to seek to ensure future meetings of the IMG operate in line with these principles”.*<sup>45</sup>

**56.** The House of Lords European Affairs Committee, in its report on the UK-EU Future Relationship, recommended that relevant IMGs should be convened routinely in advance of meetings of the UK-EU governance structures to enable devolved governments to feed in their views.<sup>46</sup> We welcome its recommendations.

**57.** The latest statement from the Minister for Economy on the work of the IMG on UK-EU Relations says that the meeting on 11 September was held in preparation for a range of UK-EU meetings under the TCA for the remainder of 2023 and the next UK-EU meeting of the Withdrawal Agreement Joint

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<sup>43</sup> Professor Lock, Written evidence

<sup>44</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>45</sup> [Letter to the Chair of LJC from the Counsel General](#), 20 April 2022

<sup>46</sup> House of Lords European Affairs Committee, [4<sup>th</sup> Report The future UK-EU relationship](#), HL Paper 184, April 2023

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Committee expected to be held in early January 2024. This indicates that earlier engagement has taken place for up-coming meetings than in previous cases.<sup>47</sup>

**58.** Professor Phinnemore and Dr Whitten concluded that “Overall the post-Brexit regulatory environment in the UK is extremely complex”,<sup>48</sup> citing a lack of clarity about how different UK internal bodies and structures, such as common frameworks, formal governance bodies under the UK-EU agreements and domestic bodies such as the Office for the Internal Market interact.

**59.** Suggestions made in the evidence for improving intergovernmental relations on UK-EU matters include:

- setting out clear principles, roles and responsibilities for the management of intergovernmental relations for EU relations;
- consistent engagement of devolved governments by the UK Government based on these clear principles; and
- more meaningful and timely engagement of the devolved governments through the IMG on UK-EU relations so that it becomes a group where devolved governments are properly consulted and where joint positions on devolved matters covered by UK-EU agreements are reached.

**60.** Professor Lock suggested that devolved governments should be able to suggest issues to be placed on the agenda of UK-EU meetings.<sup>49</sup>

**61.** Charles Whitmore noted that there are signs that the European Commission would be amenable to allowing time for further domestic engagement in the UK and/or the EU. He pointed to meeting minutes of the TCA’s Trade Specialised Committee, in which the EU called for the agenda to be agreed further in advance to give the European Commission more time to engage with EU Member States.<sup>50</sup>

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<sup>47</sup> Minister for Economy, Vaughan Gething MS, Written Statement Meeting of the Inter-Ministerial Group on UK-EU Relations, 11 September 2023 (published 9 November 2023)

<sup>48</sup> Professor Phinnemore and Dr Whitten, Written evidence

<sup>49</sup> Professor Lock, Written evidence

<sup>50</sup> Charles Whitmore, Written evidence

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**62.** Professor Barnard suggested that more could be done to develop the direct relationship between the UK Mission to the EU, devolved governments and devolved legislatures so that more regular feedback on issues takes place.<sup>51</sup>

**63.** Dr Whitten and Professor Phinnemore concluded that “Ensuring that the views of the devolved institutions, particularly those in Wales and Scotland, are represented is set to remain a major challenge”.<sup>52</sup> However, Charles Whitmore noted that it is important that the case continues to be made for better engagement of the devolved governments.<sup>53</sup> Professor Lock and Dr Royles also conclude that the devolved governments should be provided with a voice in agreements they must implement.<sup>54</sup>

## **Our view**

**64.** Intergovernmental relations and engagement on UK-EU relations have declined post-Brexit but could easily be improved.

**65.** Earlier, more consistent and more meaningful engagement by the UK Government could improve the role of devolved governments in UK-EU governance structures, which is important for all the reasons outlined in chapter 3 of this report. We note that the latest meeting of the IMG on UK-EU relations indicates that earlier engagement has taken place ahead of the next round of UK-EU meetings. This is to be welcomed and we hope this good practice continues.

**66.** The need to revisit and re-draft the basis on which devolved governments are engaged on these issues is clear. It would ensure that the UK Government is better placed to put forward the strongest possible evidence in its discussions with the EU. The governments of the UK may not always agree on every issue but final positions on areas of devolved legislative competence should be made on the basis of fair and robust discussions and debate between the governments.

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<sup>51</sup> LJC Committee, 19 June 2023, RoP [36]

<sup>52</sup> Professor Phinnemore and Dr Whitten, Written evidence

<sup>53</sup> Charles Whitmore, Written evidence

<sup>54</sup> Professor Lock, Written evidence and Dr Royles, Written evidence

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**67.** Each of the four governments of the UK have their own expertise and experience that they can bring to the table. Prior to the UK's exit from the EU it was common practice for the devolved governments to be engaged in the development of a UK position on EU proposals. The value of this collective expertise should not be underestimated. Providing more meaningful engagement and input for the devolved governments in the development of a UK position on EU relations could generate ideas and solutions that would benefit the whole of the UK.

**68.** Evidence we received suggests that there are multiple MoUs, letters and documents which set out various roles for the devolved governments in UK-EU relations. Some of these relate to the period when the UK was still a member of the EU and others were developed whilst the UK was still in the midst of negotiations. The relative 'normalisation' of relations provides an opportunity for this to be reviewed and for a clear position to be set out in a new MoU on UK-EU relations.

**69.** We acknowledge that the delivery of some of our recommendations below will be impacted by the absence of an Executive in Northern Ireland and that agreement on a new and revised basis for intergovernmental engagement on UK-EU relations can only take place once power sharing is restored in Northern Ireland. However, we consider that it is possible to take some immediate steps for improvement.

**70.** We address the issue of the transparency of these intergovernmental structures later in this report.

**Recommendation 4.** The governments of the UK should urgently undertake a review of the principles and terms upon which the devolved governments are engaged in UK-EU relations. This should result in the adoption of new terms of reference for the Interministerial Group on UK-EU Relations.

**Recommendation 5.** The Interministerial Group on UK-EU relations should adopt a new Memorandum of Understanding on the role of devolved governments in UK-EU relations in order to ensure a clear understanding, and consistent engagement, by different UK and devolved government departments.

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**Recommendation 6.** The Interministerial Group on UK-EU Relations should provide for more meaningful engagement by ensuring that meetings take place sufficiently in advance of meetings of the Joint Committee of the Withdrawal Agreement and the Partnership Council of the Trade and Cooperation Agreement, to allow for full devolved input. This should include providing devolved governments with sufficient opportunity to suggest agenda items for inclusion in governance meetings between the UK and the EU.

**Recommendation 7.** Our work on Common Frameworks and the *United Kingdom Internal Market Act 2020* supports the view outlined above, that governance structures in the UK post-Brexit on UK-EU matters are complex. The governments of the UK through the Interministerial Standing Committee should set out an agreed position for how these new bodies interact and work together, which includes the roles of different governments and organisations within them.

**Recommendation 8.** The Welsh Government should raise the issues we identify in recommendations 4, 5, 6 and 7 with other governments of the UK in the appropriate fora and report the outcome within 3 months of this report being published.

## 4. Strategic direction

### Strategies and priorities for UK-EU relations

**71.** Evidence we received indicates that both the UK Government and the Welsh Government could seek to improve their influence over UK-EU relations by adopting clear strategies and priorities for the relationship.

**72.** Professor Usherwood said one of the key issues is that “the Government in London has not been clear about what it wants from the relationship”.<sup>55</sup>

**73.** Reference was made by Professor Phinnemore and Dr Whitten<sup>56</sup> to evidence from Professor Katy Hayward to the House of Lord which states:

*“Withdrawal from the EU has seen the UK abandon membership of and formal influence over the strategic priorities of and policy making in the EU. Early experiences reveal a rather weak UK influence over the terms of both the Withdrawal Agreement and the TCA. Greater preparedness, internal UK cohesion, time and ambition may have led to a less imbalanced outcome to the withdrawal negotiations and those on the TCA.”*

**74.** However, the same evidence concludes that the two UK-EU agreements provide an opportunity for the UK now “to shape the development of relations as well as, notionally at least, influence EU policy making”.<sup>57</sup>

**75.** In relation to Wales and the Welsh Government, Tom Jones<sup>58</sup>, Charles Whitmore<sup>59</sup> and Dr Royles<sup>60</sup> called for the Welsh Government to develop its own dedicated strategy on EU or European relations.

**76.** Dr Royles suggested that a clear strategy and set of priorities would enable Wales to better influence UK Government and EU positions.<sup>61</sup> Charles

<sup>55</sup> LJC Committee, 19 June 2023, RoP [19]

<sup>56</sup> Professor Phinnemore and Dr Whitten, Written evidence

<sup>57</sup> Professor Phinnemore and Dr Whitten, Written evidence

<sup>58</sup> LJC Committee, 26 June 2023, RoP [26]

<sup>59</sup> LJC Committee, 26 June 2023, RoP [42]

<sup>60</sup> LJC Committee, 26 June 2023, RoP [150]

<sup>61</sup> LJC Committee, 26 June 2023, RoP [150]

Whitmore<sup>62</sup> and Tom Jones<sup>63</sup> also articulated similar views and stated that a clear strategy would allow for more effective coordination between different Welsh institutions and bodies working on UK-EU issues.

**77.** Tom Jones noted that this would ensure that Wales was able to better influence issues of importance to Wales, stating “You can’t just turn up once a year and expect to have an influence”.<sup>64</sup>

**78.** This was echoed by Professor Barnard, who pointed to the example of Norway, who, despite not being an EU Member, has one of the biggest diplomatic missions in Brussels.<sup>65</sup>

**79.** Charles Whitmore called for the Welsh Government to either develop a dedicated Wales-Europe strategy, or for its International Strategy to be updated to articulate more detailed and clear priorities for Wales’s relationship with the EU and Europe more broadly.<sup>66</sup>

**80.** In Brussels, we heard that, in many ways, the UK is still adapting to its role as a third country and is still trying to understand and adapt to working with the EU in this way.<sup>67</sup>

**81.** A clear message we heard from stakeholders in Brussels was the importance of stability, reliability and a clear direction from the UK about what it wants from the UK-EU relationship. The need for a clearly articulated list of priorities of what the UK Government and the devolved governments want was drawn to our attention. This issue was highlighted by the Senedd’s Culture, Communications, Welsh Language, International Relations and Sport Committee. In its submission to the House of Lords European Affairs Committee, it stated that “the absence of dedicated strategies for UK-EU relations at a UK-

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<sup>62</sup> LJC Committee, 26 June 2023, RoP [62]

<sup>63</sup> LJC Committee, 26 June 2023, RoP [71]

<sup>64</sup> LJC Committee, 26 June 2023, RoP [95]

<sup>65</sup> LJC Committee, 19 June 2023, RoP [79]

<sup>66</sup> Charles Whitmore, Written evidence

<sup>67</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

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and Wales-level presents challenges when navigating and providing effective scrutiny of, the post-Brexit UK-EU relationship.<sup>68</sup>

**82.** When providing evidence to us, the First Minister outlined some areas on EU funding programmes where Wales would like to see UK participation, namely Erasmus, Creative Europe and Interreg. The First Minister told us that the Welsh Government hopes that the UK Government will negotiate a veterinary agreement to facilitate the movement of livestock and food.<sup>69</sup>

**83.** The First Minister also told us that he did not agree that a new strategy on Europe was needed. However, he did state that a refresh of the Welsh Government's International Strategy is due before the end of the Sixth Senedd and that "there may be opportunities to make the Europe dimension of that a bit more explicit".<sup>70</sup>

**84.** The importance of soft power and participation in European networks open to both EU and non-EU countries was emphasised in meetings held in Brussels. Networks mentioned included the Vanguard Initiative, European Regions Research and Innovation Network (ERRIN) and the Conference of Peripheral and Maritime Regions (CPMR). We were informed that such networks can provide access to information and opportunities to shape EU policy through allied partners and regions that the UK would not otherwise have. The continued participation in such networks by Welsh bodies was praised by those we met.

**85.** We also heard about the importance of the work of the Welsh Government's Representative on Europe, Derek Vaughan, in increasing the awareness of the work of the Welsh Government and Wales more generally in the EU institutions.

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<sup>68</sup> [House of Lords European Affairs Committee, Written evidence from the Culture, Communications, Welsh Language, International Relations and Sport Committee](#), October 2022

<sup>69</sup> [Letter to the Chair of the Legislation, Justice and Constitution Committee from the First Minister 6 October 2023](#)

<sup>70</sup> [LJC Committee, 18 September 2023](#), RoP [105]

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**86.** Cultural and thematic events that help promote UK nations and emphasise areas of common interest were also identified as being important for maintaining relationships and building networks and contacts.<sup>71</sup>

## **Our view**

**87.** We agree with the view that the ‘normalisation’ in relations provides an important opportunity for both the UK Government and the Welsh Government to clearly articulate their strategies and priorities for future UK-EU relations. There is a clear desire for this from EU and Welsh stakeholders.

**88.** Stakeholders in Wales highlighted that they did not know what the Welsh Government’s strategic priorities for UK-EU relations are and that, during times of limited resource, it is important that they can focus their own resource to support the delivery of Welsh priorities.

**89.** We note the First Minister’s view, that a distinct strategy for Wales-European relations is not needed, but that a refresh of the International Strategy before the end of this Senedd could provide an opportunity to make the Welsh Government’s European priorities more explicit. We welcome the additional information on Welsh Government priorities he provided.

**90.** Nonetheless, neither organisations in Brussels nor Welsh stakeholders appear to have a clear understanding of the strategic priorities of the Welsh Government for its future relationship with the EU. It is vital therefore that a mechanism can be found to clearly articulate these priorities in an open and transparent way to enable all bodies and organisations to work in partnership with the Welsh Government to deliver positive outcomes for communities across Wales.

**91.** Wales’s continued participation in European networks through representative bodies and organisations, and the work of the Welsh Government’s Representative on Europe is highly regarded in Brussels. It is evident that the benefits to Wales from participation in these networks are greater and additional to the direct work of the networks themselves. There are opportunities to influence, gather information, share best practice and promote

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<sup>71</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

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Wales through these European networks that it is important to recognise. In refreshing its International Strategy and developing strategic priorities for its future relationship with the EU, the Welsh Government should consider with civil society whether membership of further networks would be beneficial to Wales. For example, participation in bodies such as the Association of European Regions.

**92.** We note that the post of the Welsh Government's Representative on Europe was initially intended for a two-year period and will be subject to review in January 2024. It is clear to us that the creation of this role has been vital to the Welsh Government's approach to its relationship with the EU. The outcome of the review of the role should be published and how the post delivered on the Welsh Government's objectives.

**93.** In considering future iterations of the post, the Welsh Government should set out what outcomes the post would seek to deliver and ensure that regular updates on the work of the post-holder are provided to the Senedd so that Ministers can be held accountable for the work undertaken by the role.

**Conclusion 8.** There is a clear need for the UK to adopt and publish clear strategic priorities for the UK's relationship with the EU. We hope that the UK Government gives urgent consideration to this issue. In developing a set of clear strategic priorities, it is vital that devolved governments are engaged and consulted on its contents.

**Recommendation 9.** Strategic priorities and a clear vision for the future of the relationship between Wales and the EU should be clearly articulated by the Welsh Government either in a dedicated strategy or within a refreshed International Strategy.

**Recommendation 10.** The Welsh Government should begin consulting civil society and stakeholders in Wales on these priorities and its vision immediately.

**Recommendation 11.** The Welsh Government's direct participation in European networks and its support for Welsh civil society to engage with them should continue, and their importance should be reflected in the refresh of its International Strategy.

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**Recommendation 12.** In refreshing the International Strategy and development of strategic priorities for its future relationship with the EU, the Welsh Government should work with civil society to consider opportunities for further engagement in European networks that can help deliver on strategic priorities for Wales.

**Recommendation 13.** The appointment of a Welsh Government Representative to Europe has been an important part of the relationship with the EU institutions post-Brexit. We recommend that the Welsh Government continues this role after January 2024. The work of a future post-holder should align to the Welsh Government's strategic priorities for its relationship with the EU and regular updates on work delivered by the post-holder should be provided to the Senedd.

## 5. Transparency

### The transparency of UK-EU governance structures

**94.** In our submission to the House of Lords European Affairs Committee, we called on all four governments in the UK to collectively address concerns regarding the lack of transparency in the Withdrawal Agreement and TCA structures, and to establish more transparent mechanisms for informing legislatures and stakeholders of the outcomes of UK-EU meetings.

**95.** Evidence submitted to this inquiry supported the conclusions outlined in our submission.

**96.** Professor Barnard advised us that the absence of transparency in UK-EU decision-making is “absolutely shocking”.<sup>72</sup> She stated that published agendas are “skeletal” and information is “very difficult” to find.<sup>73</sup> Professor Barnard also stated:

*“... transparency is required and at the moment, some of it feels pretty much like the transparency of a black box”.<sup>74</sup>*

**97.** Dr Brigid Fowler<sup>75</sup> and Charles Whitmore<sup>76</sup> agreed with this assessment by Professor Barnard.

**98.** Charles Whitmore highlighted that the transparency commitments in the TCA itself are extremely limited. He suggested that this makes better transparency and scrutiny of UK intergovernmental structures for UK-EU relations all the more important.<sup>77</sup>

**99.** Tom Jones suggested that a lack of transparency on EU relations is also a Wales-specific issue and that, post-Brexit, no structures for proper accountability

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<sup>72</sup> LJC Committee, 19 June 2023, RoP [28]

<sup>73</sup> LJC Committee, 19 June 2023, RoP [28]

<sup>74</sup> LJC Committee, 19 June 2023, RoP [29]

<sup>75</sup> LJC Committee, 26 June 2023, RoP [87]

<sup>76</sup> LJC Committee, 19 June 2023, RoP [90]

<sup>77</sup> Charles Whitmore, Written evidence

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in Wales have been developed.<sup>78</sup> He welcomed the inquiry as a first important step in that process.<sup>79</sup>

**100.** Both Dr Fowler<sup>80</sup> and Professor Usherwood<sup>81</sup> stated that structures at Westminster for scrutiny of EU matters post-Brexit have yet to develop fully, leaving a scrutiny gap.

**101.** Professor Phinnemore and Dr Whitten emphasised that better transparency on the operation of the Northern Ireland Protocol and the Windsor Framework will be essential to ensuring stakeholder buy-in in Northern Ireland.<sup>82</sup>

**102.** In February 2022, we wrote to the First Minister<sup>83</sup> to ask him to consider “a proportionate” and “transparent mechanism” for informing the Senedd of attendance at TCA meetings. In his response in March 2022<sup>84</sup> the First Minister stated that Welsh Government officials would discuss what information could be provided to the Senedd with counterparts in other UK governments and the Welsh Government officials would meet with Committee Clerks to update them on those discussions. This meeting has not yet taken place.

**103.** As set out in chapter 3 of this report, evidence also highlights the lack of transparency of intergovernmental structures on UK-EU relations.

## **Our view**

**104.** The transparency of matters discussed and decisions taken within UK-EU governance structures is poor and should be improved. This is particularly important given the power for decision-making that lies within them, as we highlight in this report.

**105.** We note that whilst agendas for some UK-EU governance meetings have been published up to two weeks in advance others have been published only

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<sup>78</sup> LJC Committee, 26 June 2023, RoP [37]

<sup>79</sup> LJC Committee, 26 June 2023 RoP [26]

<sup>80</sup> LJC Committee, 26 June 2023, RoP [18]

<sup>81</sup> LJC Committee, 19 June 2023, RoP [63]

<sup>82</sup> Professor Phinnemore and Dr Whitten, Written evidence

<sup>83</sup> [Letter from the Legislation, Justice and Constitution Committee to the First Minister](#), 15 February 2022

<sup>84</sup> [Letter from the First Minister to the Legislation, Justice and Constitution Committee](#), 10 March 2022

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two days prior to meetings taking place. In many cases minutes, even when detailed, can take many months to appear by which time events may have bypassed decisions taken.

**106.** We also note that in their Report on the Implementation of the TCA, the European Parliament's Committees on Foreign Affairs and on International Trade call on the European Commission to “fully and immediately provide Parliament with information relating to the implementation of the TCA to ensure adequate scrutiny”.<sup>85</sup>

**Conclusion 9.** The UK Government and EU Commission should endeavour to publish and advertise meeting agendas consistently at least two weeks in advance and publish as much information as possible in minutes and meeting documents within as short a timescale as possible after the meetings, ideally one month after the meetings have taken place. Better notification of decisions taken in-between meetings is also essential to improving transparency.

**Recommendation 14.** The Welsh Government should aid transparency in Wales by routinely informing the Senedd of governance meetings attended and the Welsh Government's priorities for these meetings, and, following these meetings when possible, the outcomes and implications for Wales. We will pursue the previous offer made by the First Minister for officials to discuss how this could be achieved.

**107.** The transparency of discussions in the IMG on UK-EU Relations should also be improved, with more detailed information provided in Communiqués and more detail provided by the Welsh Government to the Senedd on the outcome of these meetings. We note that the IMG on UK-EU Relations does not appear on the UK's intergovernmental relations webpages, making Communiqués and agendas difficult for stakeholders to find.

**108.** We intend to write to the UK Government on this matter but consider that the Welsh Government should make representations on this very practical issue itself.

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<sup>85</sup> European Parliament, Committee on Foreign Affairs and Committee on International Trade, Report on the implementation of the EU-UK Trade and Cooperation Agreement, Motion for a European Parliament Resolution, 3.11.23 (2022/2188(INI))

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**Recommendation 15.** The Welsh Government should make representations to the UK Government seeking improvements to its webpages on intergovernmental relations to ensure all agendas and Communiqués are accessible for every Interministerial Group meeting undertaken to date and that future updates are undertaken in a timely manner.

**Recommendation 16.** The Welsh Government should seek to publish and share as much information as possible with the Senedd on the issues discussed at Interministerial Group meetings and the outcome of discussions. It should make representations to the other government to ensure Communiqués published provide stakeholders and parliamentarians with as much information as possible on the outcome of meetings.

**Recommendation 17.** Given the importance of the UK-EU governance structures and the need for better parliamentary scrutiny, it is incumbent on parliaments and legislatures in the UK to themselves improve oversight of these structures and to better work together to improve transparency and hold governments to account. UK parliamentary committees working on these issues should seek to work more closely together both through direct engagement and through the Interparliamentary Forum. As set out in conclusion 1, we will engage with our sister-committees to consider how this could be achieved.

## 6. Engagement

### Opportunities for the Senedd

#### The evolution of the UK-EU Parliamentary Partnership Assembly

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**109.** Dr Fowler noted that there are signs that the Parliamentary Partnership Assembly (PPA) is developing into a useful forum for engagement between the UK and the EU, and she welcomed the innovation in its working practices.<sup>86</sup> In addition to being a useful forum for building interpersonal relationships, Dr Fowler suggested the PPA could be used to test ideas and find common ground for future areas of cooperation, and to explore what solutions to UK-EU issues might be politically feasible.<sup>87</sup>

**110.** However, Dr Fowler suggested that it is unclear how the scrutiny of the TCA bodies undertaken by the PPA is fed back “into the wider ecosystem of scrutiny of EU affairs at Westminster”.<sup>88</sup> She highlighted that the momentum of the PPA is likely to be disrupted in the next 12 months by both European Parliament and UK elections.<sup>89</sup>

**111.** In our written submission to the House of Lords European Affairs Committee, we suggested that observer status for the devolved legislatures at the PPA was unsatisfactory, and that they should be allowed to participate more actively. This was also supported by the Senedd’s Culture, Communications, Welsh Language, Sport, and International Relations Committee in its response to the same inquiry.<sup>90</sup>

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<sup>86</sup> LJC Committee, 26 June 2023, RoP [11]

<sup>87</sup> LJC Committee, 26 June 2023, RoP [6]

<sup>88</sup> LJC Committee, 26 June 2023, RoP [15]

<sup>89</sup> LJC Committee, 26 June 2023, RoP [9]

<sup>90</sup> House of Lords European Affairs Committee, Written evidence from the Culture, Communications, Welsh Language, International Relations and Sport Committee, October 2022

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**112.** Charles Whitmore,<sup>91</sup> Tom Jones<sup>92</sup> and Tanja Buzek, Chair of the EU's Domestic Advisory Group (DAG),<sup>93</sup> called for further engagement between the PPA and UK and EU civil society representatives.

**113.** Tom Jones informed us that there has been some engagement from the UK Chair of the PPA, Sir Oliver Heald, with the UK's DAG members and that this was welcome.<sup>94</sup>

**114.** In relation to Wales, Charles Whitmore stated that there was a need to better “mobilise” within Wales around the PPA and for better coordination across all the different actors in Wales involved in the TCA structures.<sup>95</sup> He noted that, whilst it is “difficult ... to envisage a pathway to a more active role in the PPA and other bodies under the current UK Government”, much more could be done in terms of “coordinating, consulting, supporting and information sharing within Wales in the run up to the PPA”.<sup>96</sup> He also recommended that there should be a “transparent process by which Wales can input into relevant PPA and other TCA body agendas” in advance.<sup>97</sup>

**115.** Members of the Senedd attending the second and third meetings of the PPA have published reports that seek to draw to the attention of other Senedd Committees, Members of the Senedd and civil society in Wales key issues of importance to Wales discussed in the PPA.<sup>98</sup> The reports acknowledge that more needs to be done to engage civil society in Wales ahead of PPA meetings to seek to influence the agenda and raise issues of importance to Wales.

**116.** The CoR-UK Contact Group welcomed the steps that have been taken to invite the Committee of the Regions to attend the PPA as observers, and for the recognition of the role of EU LRAs by the European Parliament's delegation to the PPA.<sup>99</sup>

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<sup>91</sup> LJC Committee, 26 June 2023, RoP [28]

<sup>92</sup> LJC Committee, 26 June 2023, RoP [25]

<sup>93</sup> [Tanja Buzek, Written evidence](#)

<sup>94</sup> LJC Committee, 19 June 2023, RoP [25]

<sup>95</sup> LJC Committee, 26 June 2023, RoP [29]

<sup>96</sup> LJC Committee, 26 June 2023, RoP [30]

<sup>97</sup> Charles Whitmore, Written evidence

<sup>98</sup> These reports are available on the [Legislation, Justice and Constitution web page](#)

<sup>99</sup> President Loïg Chesnais-Girard, Chair of the CoR-UK Contact Group, Written evidence

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**117.** In Brussels, we were informed that there was broad support for the PPA and its work. The need for the PPA to continue to evolve and make the most of the powers provided to it in the TCA to was emphasised. It was also suggested that the PPA needed to focus on implementation of the TCA and barriers to its full implementation, in addition to wider areas of interest outside the scope of the TCA.<sup>100</sup>

**118.** In their Report on the Implementation of the TCA, the European Parliament’s Committees on Foreign Affairs and on International Trade “calls for the devolved territories of Northern Ireland, Scotland and Wales to have greater involvement in the EU-UK PPA”.<sup>101</sup>

**119.** The possibility of developing sub-structures that could allow for more detailed discussion and further, deeper engagement of sub-state legislatures, LRAs and civil society was also suggested.

### **Engagement with EU institutions**

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**120.** During our visit to Brussels, the importance of in-person engagement with the EU institutions, Member States, regions and stakeholders in the EU was emphasised.

**121.** Witnesses and stakeholders in Brussels also emphasised that EU policy and legislative developments will continue to have an ‘extra-territorial’ effect on Wales due to the importance of the EU’s market to Wales.<sup>102</sup>

**122.** Professor Usherwood advised that being a third country and a Member State means that UK institutions need to increase capacity in Brussels to influence, stating:

*“... Norway shows the need, actually, to increase your capacity locally and in Brussels, those are the kinds of things that you could do that would really help to improve the oversight and, by*

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<sup>100</sup> Legislation, Justice and Constitution Committee: UK-EU Governance: Key Themes Arising from Visit, September 2023

<sup>101</sup> European Parliament, Committee on Foreign Affairs and Committee on International Trade, Report on the implementation of the EU-UK Trade and Cooperation Agreement, Motion for a European Parliament Resolution, 3.11.23 (2022/2188(INI))

<sup>102</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, September 2023

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*extension, the opportunity to inform and influence what was going on, rather than reading about it in a circular from the Official Journal of the European Union.”<sup>103</sup>*

**123.** Professor Barnard also advocated the need for in-person engagement in Brussels, stating:

*“I think you need to brush up your travel on the Eurostar, get out to Brussels and really put some effort into making a difference by meeting the relevant people from the European Parliament, who I think are sympathetic and are helpful to Wales, but also the European Commission, if they will see you.”<sup>104</sup>*

**124.** In its response to the House of Lords European Affairs Committee, the Senedd’s Culture, Communications, Welsh Language, International Relations and Sport Committee also concluded that “We continue to believe in the importance of direct contact between the devolved government and legislatures with EU institutions”.<sup>105</sup>

## **Our view**

**125.** The continued evolution and development of the PPA should be welcomed as it has vital role to play as the only mechanism for joint oversight by legislatures of the TCA. As noted in the evidence we received, it has become an important avenue for the development of political solutions, common understanding and wider civic and legislative engagement between the UK and the EU. It has already had an important impact and has opportunities to evolve and grow further. The increased role for devolved institutions, LRAs in the EU and civil society in the PPA should also be welcomed but could be strengthened further, as this would also further strengthen the voice of the PPA.

**126.** Our meetings in Brussels and the evidence we received emphasised the importance of in-person engagement with organisations in the EU for building

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<sup>103</sup> LJC Committee, 19 June 2023, RoP [65]

<sup>104</sup> LJC Committee, 19 June 2023, RoP [90]

<sup>105</sup> House of Lords European Affairs Committee, Written evidence from the Culture, Communications, Welsh Language, International Relations and Sport Committee, October 2022

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understanding, knowledge and positive relationships between Senedd Members, Wales and the EU.

**Conclusion 10.** The PPA should continue to evolve and develop its role in monitoring and finding solutions to the practical implementation of the TCA and consider the possible development of sub-structures or ongoing engagement between meetings. This would reflect the options available to the Partnership Council to take decisions in writing between meetings. We hope the engagement of the devolved nations in the work of the PPA will continue to be strengthened.

**Recommendation 18.** The Senedd Commission and the Remuneration Board should continue to provide appropriate and sufficient support to Members of the Senedd and the Senedd Committees to enable them to directly engage with EU institutions and stakeholders in order to ensure that key issues of importance to Wales are raised directly in Brussels.

### **Opportunities for civil society**

**127.** The TCA requires both the UK and EU to establish or use existing DAGs made up of business groups, trade unions and other non-governmental organisations. The Wales Council for Voluntary Action (WCVA) is the only organisation solely representing Wales's interests on the UK DAG.

**128.** We received evidence from the WCVA's representatives on the DAG, Tom Jones and Charles Whitmore, as well as from the Chair of the EU DAG, Tanja Buzek, and met with officials from the European Economic and Social Committee (EESC) UK Follow Up Committee.

**129.** In addition to the DAGs, the TCA provides for a broader Civil Society Forum (CSF) to be established and to meet on an annual basis. Its remit covers Part 2 of the TCA only (on trade, energy, aviation safety, air and road transport, social security coordination, visas for short term visits and fisheries).

## Operation of the UK DAG

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**130.** Tom Jones and Charles Whitmore stated that there have been some improvements in the practical operation of the group since its inception.<sup>106</sup> They welcomed the recent agreement for sub-groups to be established within the DAG, including one on nations and regions. However, they outlined several challenges that remain.

**131.** Tom Jones and Charles Whitmore advised us that they receive no funds or resources to participate in the UK DAG, whilst EU DAG members do.<sup>107</sup> Charles Whitmore also advised that his post is currently funded by a grant from the Legal Education Foundation and that, when this runs out, it is not certain whether WCVA will be able to continue to participate and represent Wales.<sup>108</sup>

**132.** Whilst they both welcome the opportunity to participate in the UK DAG, they also emphasised that it has been a learning curve, and their limited resources mean that they are continually trying to balance two issues: the actual work to understand and feed into the TCA with domestic priorities, and the need to continue to search for funding to carry on their work.<sup>109</sup>

**133.** Charles Whitmore also noted that they were only able to attend the first CSF meeting in Brussels due to an unexpected travel allowance provided by the Trade Union Congress. There would have been no Welsh in-person participation otherwise.

**134.** The House of Lords European Affairs Committee, in its report on the UK-EU Future Relationship, called on the UK Government to discuss the matter of funding with UK civil society representatives as a priority ahead of the second meeting of the CSF, with the aim of ensuring that UK representatives are able to participate on an equivalent basis to their EU counterparts.<sup>110</sup>

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<sup>106</sup> LJC Committee, 26 June 2023, RoP [57 to 58]

<sup>107</sup> LJC Committee, 29 June 2023 RoP [39 and 73]

<sup>108</sup> LJC Committee, 19 June 2023, RoP [73]

<sup>109</sup> LJC Committee, 19 June 2023, RoP [41]

<sup>110</sup> House of Lords European Affairs Committee, 4<sup>th</sup> report, The future UK-EU relationship, HL Paper 184, April 2023

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**135.** Charles Whitmore called for a more “purposive approach” to the DAG by the UK Government.<sup>111</sup> He called for a workplan for the DAG with substantive items that would allow the representatives on the group to consult with other civil society groups and to feed back issues and solutions on the operation of the TCA to the UK Government.

### **Lessons from the operation of the EU DAG**

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**136.** Tanja Buzek highlighted that the EU DAG has developed a UK-EU issues tracker in which its members can draw practical challenges and implementation issues to the attention of the European Commission and other EU bodies.<sup>112</sup> The EU DAG is fully focussed on the full implementation of the TCA and making the most of opportunities for regulatory and other cooperation provided for in the agreement.

**137.** We were advised that this practical and ‘granular’ approach has been welcomed by the European Commission and evidence gathered used to inform discussion within the TCA governance structures.

**138.** Whilst the EU DAG received welcome resource to enable Members to travel to Brussels for meetings, it is limited to three people, and for the CSF meetings, a maximum of six people may attend in person.

**139.** Tanja Buzek emphasised that DAG to DAG cooperation in areas of common interest is key, stating that “DAG to DAG collaboration is the ‘beating heart’ of every trade agreement”.<sup>113</sup>

### **UK-EU civil society cooperation**

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**140.** Cillian Lohan, Chair of EESC UK Follow Up Committee, drew our attention to that Committee’s Information Report<sup>114</sup> on the implementation of the EU-UK Follow up Committee. Members of this Committee and other Members of the Senedd gave evidence to inform the Information Report, which includes sections on its findings in Wales.

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<sup>111</sup> Charles Whitmore, Written evidence

<sup>112</sup> Tanja Buzek, Written evidence

<sup>113</sup> Tanja Buzek, Written evidence

<sup>114</sup> Cillian Lohan, Written evidence

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**141.** The Information Report concluded that there is an “overwhelming desire” to strengthen UK-EU civil society cooperation and that “unless civil society links are nurtured and sustained through formal structures, they will wither away”. It also noted that investing in these links will “optimise the potential of the Withdrawal Agreement and the TCA”.<sup>115</sup>

**142.** We note that the report of the European Parliament’s Committees on Foreign Affairs and on International Trade on the Implementation of the TCA also recognises the importance of UK and EU civil society engagement within the TCA governance structures.<sup>116</sup>

**143.** The importance of youth engagement was particularly emphasised in the Information Report, and by other stakeholders in Brussels.

### **Operation of the Civil Society Forum (CSF)**

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**144.** Both Charles Whitmore<sup>117</sup> and Tanja Buzek<sup>118</sup> highlighted lessons that could be learned from the first meeting of the CSF in Brussels in Autumn 2022.

**145.** Charles Whitmore called for greater clarity and more awareness amongst civil society in the UK about the role and purpose of the CSF. He advised that the European Commission took a narrow approach to the CSF’s remit in the first meeting which resulted in a technical trade discussion, as opposed to a high level strategic and inclusive discussion on cooperation.<sup>119</sup>

**146.** In Brussels, we were advised of the importance of ensuring that the CSF allows for participatory dialogue and conversations between civil society, organisations rather than a formal exchange of views on technical topics.<sup>120</sup>

**147.** This was also highlighted by Tanja Buzek, who called for the European Commission and the UK Government “to allow for a more dynamic civil society

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<sup>115</sup> [Cillian Lohan, Written evidence. \(Information Report\)](#)

<sup>116</sup> European Parliament, Committee on Foreign Affairs and Committee on International Trade, Report on the implementation of the EU-UK Trade and Cooperation Agreement, Motion for a European Parliament Resolution, 3.11.23 (2022/2188(INI))

<sup>117</sup> Charles Whitmore, Written evidence

<sup>118</sup> Tanja Buzek, Written evidence

<sup>119</sup> Charles Whitmore, Written evidence

<sup>120</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

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interaction with the parties and among each other” at the next meeting of the CSF in London.<sup>121</sup>

### **Engagement in UK-EU governance structures**

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**148.** As outlined above, Tom Jones<sup>122</sup> and Charles Whitmore<sup>123</sup> called for better coordination between those in Wales who are engaged in different elements of UK-EU governance, i.e. the Welsh Government, the Senedd and civil society, namely the Wales Civil Society Forum and the WCVA.

**149.** Tom Jones and Charles Whitmore also referred to the former Welsh Government EU Advisory Group, established during the negotiations on the future UK-EU relationship, as a possible model. They expressed disappointment that it was not re-established during the Sixth Senedd.<sup>124</sup>

**150.** Charles Whitmore advised that it felt as if the Group was “stood down at just the wrong moment”<sup>125</sup> and they both called for a similar body to be established to share information and coordinate engagement efforts from Wales.<sup>126</sup>

**151.** In relation to the Senedd, Charles Whitmore stated it “can also play a crucial role in continuing to participate, encourage and support intra Wales dialogue and coordination between institutions and sectors”.<sup>127</sup>

### **Lessons from Northern Ireland on stakeholder engagement**

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**152.** Dr Whitten highlighted that there is increasing evidence that bottom-up solutions and issues identified by stakeholders in Northern Ireland have led to the UK and EU adopting these solutions in the Windsor Framework and in broader discussions.<sup>128</sup>

**153.** Whilst acknowledging that Northern Ireland is in a unique position, Dr Whitten noted that it demonstrates that there is a hope that bottom-up

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<sup>121</sup> Tanja Buzek, Written evidence

<sup>122</sup> LJC Committee, 26 June 2023, RoP [37]

<sup>123</sup> LJC Committee, 26 June 2023, RoP [42]

<sup>124</sup> LJC Committee, 26 June 2023, RoP [37 and 42]

<sup>125</sup> LJC Committee, 26 June 2023, RoP [43]

<sup>126</sup> Charles Whitmore, Written evidence

<sup>127</sup> Charles Whitmore, Written evidence

<sup>128</sup> LJC Committee, 26 June 2023, RoP [153]

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solutions can solve disagreements between the UK and the EU<sup>129</sup>. Professor Phinnemore and Dr Whitten also highlighted that there is continued cross-community and sectoral support in Northern Ireland for stakeholders to be properly engaged on UK-EU relations.<sup>130</sup>

## Our view

**154.** Civil society in the UK and the EU plays a vitally important role in the governance and implementation of UK-EU agreements. Evidence on the practical barriers, solutions, and opportunities can only come from civil society actors who are experiencing the reality of the agreements on the ground.

**155.** Important lessons can and should be learned from the experience of Northern Ireland where bottom-up solutions have resolved difficult issues between the EU and the UK.

**156.** It is clear there is a strong desire on both sides for increased civil society cooperation but that this important work needs to be properly resourced and supported. In Wales there is a clear desire for better coordination and information sharing between the Welsh Government, the Senedd, civil society organisations and other actors engaged in UK-EU relations work. We are now at a point where the governance mechanisms are in operation and the role of different actors within them is more certain and defined. A new advisory group could play an important role in maximising opportunities for Wales to shape the agenda.

**157.** There is an important role for the Senedd to play in engaging Welsh civil society on UK-EU issues. Not only could this work support Senedd Committees, Senedd representatives on UK-EU bodies and scrutiny more broadly, it could act as a focal point for these important discussions in Wales. It is key that the Senedd's work in this area reflects the priorities of citizens and civil society, particularly during times of limited resource.

**158.** The role of the DAGs under the TCA is of particular importance as the unique breadth of their remit signals. The work of the EU DAG on a practical

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<sup>129</sup> LJC Committee, 26 June 2023, RoP [153]

<sup>130</sup> Professor Phinnemore and Dr Whitten, Written evidence

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issues tracker provides an excellent example of the specialist resource that can be provided by DAGs.

**159.** We commend the work of the Wales Civil Society Forum on Brexit and WCVA in seeking to ensure a distinct Welsh voice is heard within the UK DAG. We acknowledge that the process of establishing the DAG is new for the UK and that support for the UK DAG, its procedures and process continues to evolve as lessons are learnt from the early days of its operation. We welcome the development of the sub-groups within the UK DAG, in particular the sub-group on nations and regions.

**160.** Evidence we received suggests that the UK Government and devolved governments, if they engage in a meaningful way, have much to gain from working with the UK DAG and its members.

**161.** We note the views from the UK and EU on the need to improve the operation of the CSF to allow for more participatory dialogue and engagement on the full range of areas important to UK-EU cooperation and hope that improvements were made in the second meeting of the Forum on 7 November 2023.

**Conclusion 11.** Civil society engagement and cooperation is vital to the successful implementation of the UK-EU agreements and the broader relationship. The structures for civil society engagement within UK-EU governance structures should be properly resourced and supported. Consideration should also be given to supporting opportunities for UK-EU civil society engagement outside of these structures.

**Recommendation 19.** The Welsh Government should convene a new advisory group on UK-EU relations to share information, evidence and coordinate input into UK-EU governance groups and structures. Given the Senedd's role in UK-EU governance structures, it would be appropriate for Members of the Senedd representing the Senedd on these groups to be invited to take part.

**Recommendation 20.** The Senedd Commission should facilitate regular engagement with civil society organisations in Wales on UK-EU issues. For example, in respect of regular meetings involving Members of the Senedd on

relevant external networks, UK-EU bodies, relevant Committee Chairs and civil society organisations engaged in work on these issues.

**Conclusion 12.** Whilst acknowledging current resource constraints facing the governments in the UK, we do not consider that it is sustainable for the inclusion of a Welsh voice within the UK DAG to be dependent solely on grant funding from external organisations.

**162.** It is disappointing that in its response to the House of Lords European Affairs Committee the UK Government stated that no funding was planned for DAG members' travel or accommodation.<sup>131</sup> Given the potential benefits of more meaningful engagement with the UK DAG and between the UK DAG and EU DAG, we urge the UK Government to reconsider this position.

**Recommendation 21.** The Welsh Government should make representations to the UK Government seeking assurances that proper financial support and resourcing is made available for organisations to participate in the UK Domestic Advisory Group and the Civil Society Forum.

**Recommendation 22.** In the absence of direct support from UK Government, the Welsh Government must ensure that sufficient resource is provided to Welsh organisations to ensure the continuation of a unique Welsh voice in these groups.

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<sup>131</sup> [UK Government response](#) to House of Lords European Affairs Committee, 4<sup>th</sup> Report, The future UK-EU relationship, June 2023

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## 7. Future engagement

### Implementation of UK-EU agreements

**163.** In Brussels, we were advised that full and proper implementation of the TCA is key to deepening the UK-EU relationship and for future cooperation.<sup>132</sup>

**164.** Institutions and organisations in Brussels expressed the view that ‘only 10% of the TCA’ was really fully in operation and that there was much more to be done to make full use of its provisions.<sup>133</sup>

**165.** We were told about the importance of using the existing agreements as a ‘foundation’ for future cooperation. We were also advised that the UK should seek to do this first before looking at areas of cooperation outside the TCA, and that the EU will ask ‘do you have your own house in order?’ before it looks to build on the relationship by introducing new elements.<sup>134</sup>

**166.** As a third country, we were informed that the UK should seek to ensure it implements fully its current agreements and to use good will and trust generated from doing so to deepen collaboration in areas of mutual interest.

**167.** This is echoed in the EESC Information Report, which states that:

*“Despite its limitations, implementation of the “zero tariff, zero quota” EU-UK Trade and Cooperation Agreement (TCA) and the EU-UK WA still offers the best available avenue to a mutually beneficial, prosperous, and secure future for both the UK and the EU. However, this very much depends on developing a deeply constructive and cooperative EU-UK relationship, built on the secure foundations of the TCA and EU-UK WA and especially the former’s level-playing field (LPF) provisions.”<sup>135</sup>*

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<sup>132</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>133</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>134</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>135</sup> Cillian Lohan, Written Evidence, (Information Report)

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## The implementation review of the TCA

**168.** The TCA provides for multiple reviews of its provisions, in whole or in part. Parts of the TCA are also time-limited and must be regularly renegotiated.

**169.** A five-yearly implementation review must take place before May 2026. As such, it is likely that this process will run throughout 2025, as the deadline approaches.

**170.** Witnesses provided a note of caution about the likely scope of the review and the possibility for extensive changes to the governance provisions. However, Professor Lock outlined that the TCA is drafted broadly to allow for scope for further areas to be included within the agreement if the “mood is very good” between the two sides.<sup>136</sup>

**171.** Professor Lock highlighted that the review, the re-negotiation of the fisheries agreement, and other unilateral decisions that the UK and the EU need to take, provide an opportunity to mobilise Welsh business and stakeholders to ensure issues of importance to Wales are raised.<sup>137</sup>

**172.** Professor Usherwood advised that our Committee, the Welsh Government, and the Senedd should not wait until the review, as both the UK Government and the EU have shown a willingness to make changes and agree to solutions where needed outside of any formal review periods.<sup>138</sup>

**173.** In Brussels, there appeared to be a consensus that while ‘the door is ajar’ for further cooperation, the implementation review of the TCA in 2025/26 will not be a re-negotiation.

**174.** We were advised that, whilst there could be an opportunity to look for improvements based on areas identified within the TCA, the EU would not be keen to have a re-negotiation every five years. There was also a consensus that

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<sup>136</sup> LJC Committee, 26 June 2023, RoP [170]

<sup>137</sup> Professor Lock, Written evidence

<sup>138</sup> LJC Committee, 19 June 2023, RoP [58]

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the UK and EU could look for ‘win-win’ situations within the scope of the TCA which could allow for further cooperation.<sup>139</sup>

**175.** Professor Usherwood,<sup>140</sup> Professor Barnard,<sup>141</sup> Dr Royles,<sup>142</sup> Tom Jones<sup>143</sup> and Charles Whitmore<sup>144</sup> also highlighted the opportunities for Wales to build relationships outside the formal structures governing UK-EU relations.

## **Our view**

**176.** We agree that the foundation of the UK-EU relationship needs to be the full and proper implementation of existing UK-EU agreements.

**177.** Whilst there is a consensus that the 2025-26 review of implementation of the TCA is not at present an opportunity for re-negotiation, it does provide an opportunity for dialogue and reflection on the operation of the agreement and to consider practical solutions to some of the governance issues identified in this report.

**Recommendation 23.** The Welsh Government should be prepared for a number of key milestones for implementation and reviews of the UK-EU Trade and Cooperation Agreement during the Sixth Senedd. This should include engaging with Welsh stakeholders in discussions about their implications. The development of Welsh positions ahead of these milestones will be crucial, particularly as the next review cycle of the Agreement could stretch into, or beyond, 2031.

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<sup>139</sup> Legislation, Justice and Constitution Committee, UK-EU Governance: Key Themes Arising from Visit, October 2023

<sup>140</sup> LJC Committee, 19 June 2023, RoP [75]

<sup>141</sup> LJC Committee, 19 June 2023, RoP [90]

<sup>142</sup> LJC Committee, 26 June 2023, RoP [163 and 179]

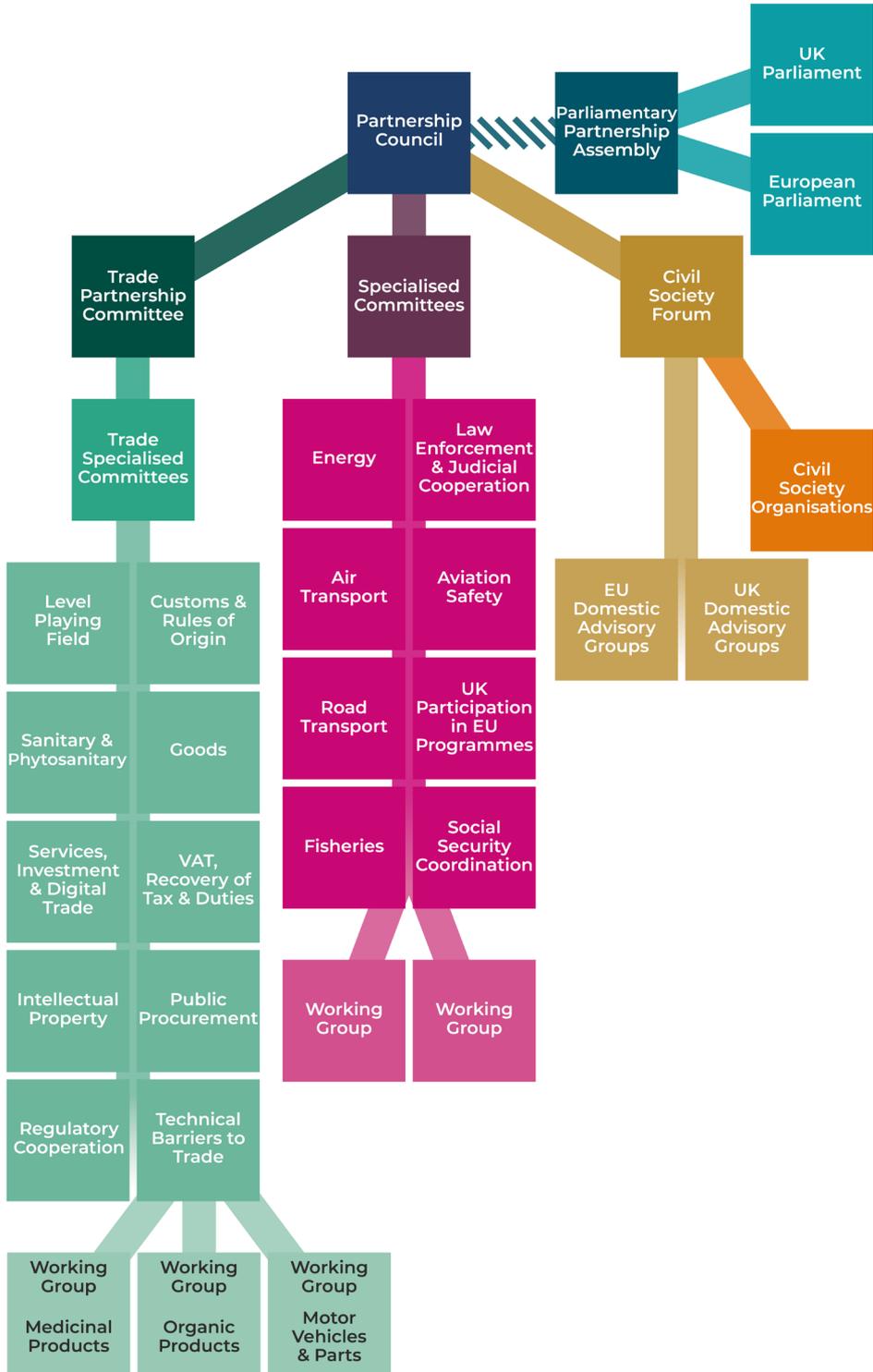
<sup>143</sup> LJC Committee 26 June 2023, RoP [26]

<sup>144</sup> LJC Committee, 26 June 2023, RoP [98]

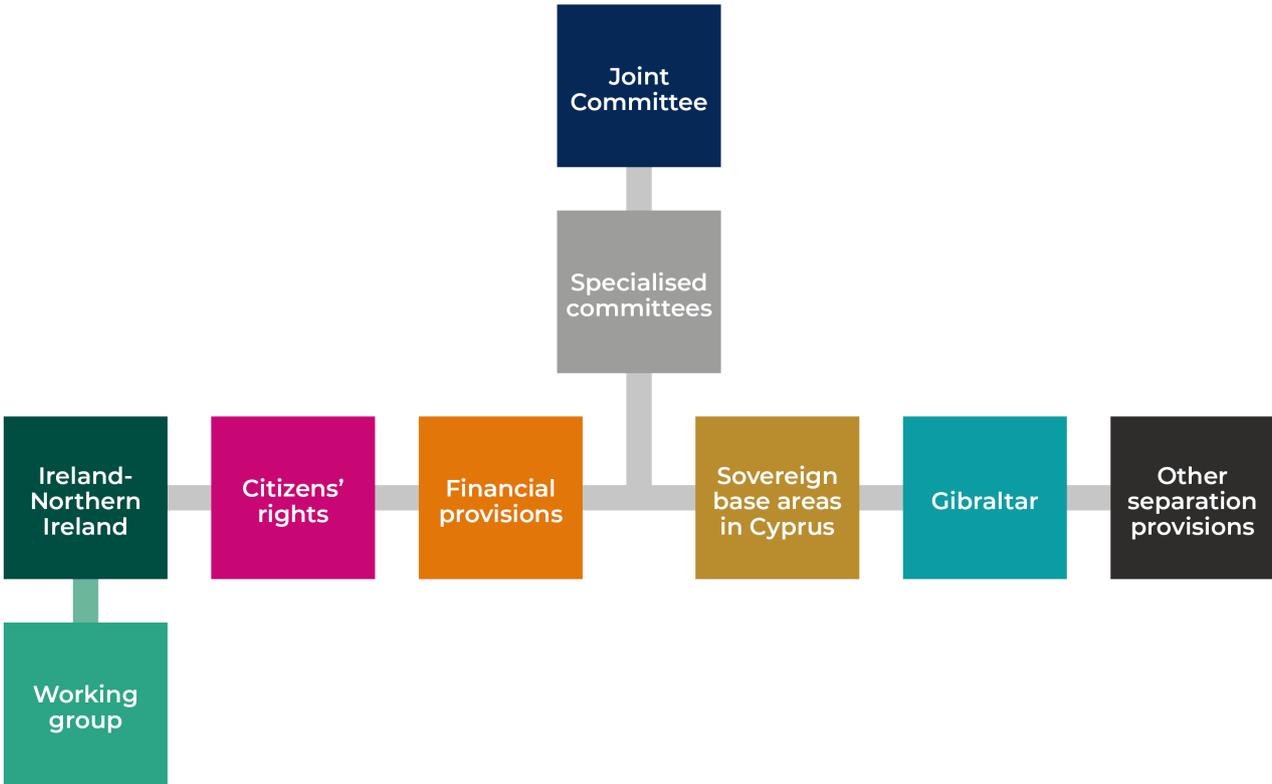
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# Annex 1: Infographics

## Trade and Cooperation Agreement



# Withdrawal Agreement



## Annex 2: Terms of reference

The UK-EU agreements establish complex new governance structures for the management of UK-EU relations and agreements post-Brexit. As these governance structures have begun to operate in practice, common issues and challenges for parliaments in the UK tasked with their scrutiny have emerged.

The role and place of the devolved governments and legislatures in these structures also remains unclear.

In its evidence to the House of Lords European Affairs Committee, this Committee concluded on the basis of initial information it has been able to gather:

“The role of the devolved nations in UK-EU structures is not yet clear and the transparency of these structures and the intergovernmental work related to UK-EU relationships needs urgent improvement.”

The Committee is now holding a short inquiry to build on its initial findings and test its conclusions with experts, stakeholders, parliaments, governments and institutions in Wales, the UK and the EU.

In particular the inquiry will consider:

- the institutional architecture and governance of UK-EU agreements and how these have evolved in practice;
- the role of the devolved governments in the institutional architecture and governance of the UK-EU agreements themselves and UK intergovernmental arrangements in place to support their engagement;
- the role of UK legislatures and particularly devolved legislatures in the oversight of decision-making and scrutiny of the operation of the agreements;
- the role of civil society in the operation of the agreements and in particular the role of the Civil Society Forum and Domestic Advisory Groups under the Trade and Cooperation Agreement;

- the transparency and accountability of these new UK-EU governance structures.

## Annex 3: List of oral evidence sessions

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name and Organisation
19 June 2023	<p><b>Professor Catherine Barnard</b>, Cambridge University</p> <p><b>Professor Simon Usherwood</b>, Open University</p>
26 June 2023	<p><b>Charles Whitmore</b>, Wales Civil Society Forum</p> <p><b>Tom Jones</b>, WCVA representative on the UK-EU Civil Society Forum</p> <p><b>Brigid Fowler</b>, Hansard Society</p>
26 June 2023	<p><b>Professor Tobias Lock</b>, National University of Ireland</p> <p><b>Dr Lisa Whitten</b>, Queen's University Belfast</p> <p><b>Dr Elin Royles</b>, Aberystwyth University</p>

## Annex 4: List of written evidence

The following people provided written evidence to the Committee. All written submissions can be viewed on the [Committee's website](#).

<b>Name and Organisation</b>
Professor Tobias Lock, National University of Ireland
Dr Lisa Whitten and Professor David Phinnemore, Queen's University Belfast
Charles Whitmore, Wales Civil Society Forum
Dr Elin Royles, Aberystwyth University
Tanja Buzek, Chair of the EU Domestic Advisory Group
Cillian Lohan, Chair of the EESC EU-UK Follow up Committee
President Loïg Chesnais-Girard, Chair of the CoR-UK Contact Group