

Scrutiny of the UK EU Trade and Cooperation Agreement

Working arrangements with the Constitution, Europe, External Affairs, and Culture (CEEAC) Committee

January 2024

1. Purpose

1.1 This paper sets out the Scottish Government's (SG) proposed approach to engaging with the CEEAC Committee on matters relating to the UK EU Trade and Cooperation Agreement (TCA). It aims to increase clarity on SG activity, and contribute to the Committee's forward planning.

2. Principles of approach

2.1 SG shares the view of the CEEAC Committee that the Parliament's scrutiny of the implementation of the TCA and its engagement with the Parliamentary Partnership Assembly requires transparency in relation to positions taken in areas of devolved competence.

2.2 SG will engage openly and constructively with the Committee on all relevant aspects of its work programme relating to the governance of the TCA. We will share information in a timely manner, working under the following principles:

- In order to avoid unnecessary duplication, we will not proactively share information that is readily available in the public domain (e.g. Partnership Council press statements), unless specifically requested by the Committee. The exception to this approach is where binding decisions of the Partnership Council relate to matters within devolved competence.
- We may on occasion have to limit some of the detail we provide due to confidentiality agreements to which SG is bound. This is particularly relevant when reporting on Intergovernmental Relations, e.g. Inter-Ministerial Group (IMG) meetings.

3. Scrutiny of the Trade and Cooperation Agreement

Specialised Committees

3.1 We will:

- Provide a forward plan of Specialised Committee (SC) meeting dates, once this has been received from the UK Government.
- Write to the Committee twice a year with an update on SG's TCA activity and associated SCs. To date each SC has met annually, with several clustered together – an initial 'spring round' in May/June, and an 'autumn round' of the remainder in October/November. Letters will be timed to follow the conclusions of these rounds as promptly as possible, and will include the following:
 - An overview of SG's overarching priorities for the TCA, particularly where these have changed since the previous reporting period.
 - A note of the Committees that have met during the reporting period.

- An indication of which of those Committees is remitted to consider issues of devolved competence, and a summary of the associated issues SG asked to be included on the SC agenda (noting that SG is not permitted to participate directly in most SC meetings, and that it is ultimately for the UK Government and EU to agree the agenda); and
- An overview of associated outcomes.
- Share UK Government Explanatory Memorandums (EMs) on EU Council Decisions that establish the EU position for SC meetings (NB: not all SCs will require an EU Council Decision to establish the EU's position).
- Inform the Committee as and when appropriate if either the UK Government or the EU instigates dispute resolution mechanisms relating to TCA implementation.

Partnership Council

3.2 We will:

- Write to the Committee normally within two weeks after each TCA Partnership Council (PC) meeting and in advance of the Cabinet Secretary appearing before the Committee. Information shared will be contingent on the confidentiality arrangements required by the UK Government and European Commission, and will set out a summary SG priorities for the meeting and the outcome, both in terms of the UKG position and any subsequent EU response.
- Seek to schedule the appearance before the Committee of the Cabinet Secretary CEEAC to follow the annual meeting of the PC.
- Share UK Government EMs on European Council Decisions that establish the EU position for the PC, before meetings where possible.

Parliamentary Partnership Assembly

3.3 We will:

- Provide official-level written and (on request) oral briefing to the Convenor and Deputy Convenor in advance of all Parliamentary Partnership Assembly (PPA) meetings.

3.4 We would be grateful for feedback where appropriate from the Convenor and/or Deputy Convenor following their attendance at PPA meetings.

Inter-Ministerial Group on UK-EU relations

3.5 We will:

- Inform the Committee in writing when an IMG meeting has been arranged, including an overview of key agenda items.
- Write to the Committee normally within two weeks following IMG meetings to update members on key points raised by SG Ministers, highlighting the positions advocated in respect of areas of devolved competence and the associated outcomes from the meeting.

Ministerial appearances before the Committee

3.6 We will:

- Commit to the Cabinet Secretary CEEAC providing oral evidence to the Committee on TCA implementation at least once a year. As set out above, this will usually follow the annual meeting of the PC.

ENDS