



HOUSE OF LORDS

European Affairs Committee

Corrected oral evidence: The future UK-EU relationship

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11.40 am

Members present: Earl of Kinnoull (The Chair); Lord Hannay of Chiswick; Lord Liddle.

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Questions 162 - 167

Witnesses

[I](#): Charles Whitmore, Coordinator, Wales Civil Society Forum on Brexit; Dr Elin Royles, Senior Lecturer in International Politics, Aberystwyth University.

Examination of witnesses

Charles Whitmore and Dr Elin Royles.

Q162 The Chair: I welcome our witnesses to the European Affairs Committee of the House of Lords, sitting today in the Welsh Senedd in Cardiff. We are very grateful for having been lent this magnificent committee room. We are almost at the end of our inquiry into the future relationship between the UK and the EU. The inquiry has various parts and you are both here to tell us about some of them, for which we are grateful.

It is a public evidence session and, although it is not being broadcast, a transcript will be taken and sent to you. We would be grateful if you could check it and notify us of any corrections as that will be the basis on which we write our report, which we expect to come out in the middle of April this year.

We are pleased to welcome two witnesses. We know exactly who you are but those who read the record will not, so it would be helpful if when you speak for the first time you give a two-line summary of yourself and your particular interest. The first witness is Dr Elin Royles, a senior lecturer in the Department of International Politics at Aberystwyth University. The second witness is Charles Whitmore, a research associate at the Wales Governance Centre and co-ordinator of the Wales Civil Society Forum, an entity created thanks to the trade and co-operation agreement, which we will get on to in due course.

I will start the questions rolling and then my two wiser colleagues will take up the running as we go through the questions set. Perhaps I can start with a general question. Dr Royles, what do you consider the most important specific implications for Wales of the trade and co-operation agreement as it is currently framed?

Dr Elin Royles: The situation is that the trade and co-operation agreement is associated with a range of devolved matters in a range of policy areas, from energy to climate change and from health to fisheries. The TCA has implications across Welsh Government departments and across Welsh ministerial portfolios. There are implications for devolved government and obligations in terms of compliance with significant parts of the TCA arrangements. They are responsible for the implementation in devolved areas. There are implications overall.

On specific implications, there are priority areas for the Welsh Government that might be more distinct than for those elsewhere in the UK. For instance, the outstanding issue around Erasmus funding is a key priority for the Welsh Government in their engagement with the EU. Obviously, that is an issue across the UK but it is seen as a key priority here. Over the period since 1999, as part of the UK's membership of the EU and then becoming a substate of a third country of the EU, the Welsh Government have had a range of different interests in EU matters and in their engagement with different networks. There are implications across the TCA for those types of relationships, and more broadly for different

businesses and sectors in Wales that will be impacted by the TCA as the journey progresses.

The Chair: Thank you for your description. Before I come to Charles Whitmore, I have a minor additional question and then I will ask him the two questions in one. Is there anything that applies in particular to Wales that does not apply to other bits of the United Kingdom? Are there any particular issues where the trade and co-operation agreement and things around it have affected Wales in ways that have not affected other bits of the UK?

Dr Elin Royles: We cannot say conclusively that there are ways it affects Wales entirely differently. It is more to do with the particular complexion of sectors in Wales, where the key interests are and the differences in priorities. For instance, cross-border issues with Ireland are quite significant for Wales because of the ports. It is about geography and key sectors. There is nothing distinct per se; the emphases and priorities are different.

The Chair: That is very helpful. I am sure we will come to sheep at some point.

Charles Whitmore: Thank you for the invitation to give evidence today. Before I address the question, I will introduce myself and add a point of clarity. I am a research associate with the Wales Governance Centre at Cardiff University and with the Wales Council for Voluntary Action. I co-ordinate the two institutions' partnership, which is called the Wales Civil Society Forum and is funded to support the voluntary or third sector in Wales with the legal, constitutional and administrative changes flowing from the UK's withdrawal. That is distinct from the unhelpfully named civil society forum under the TCA, in which we participate. I want to make that distinction clear.

In answer to your question, I raise three points. The first is quite specific and perhaps obvious, while the other two are more nebulous but reflect a certain Welsh specificity. As my colleague Elin said, the experience in Wales has been not unique but different. First, given the cost of living crisis at the moment, the TCA and its merits relative to not having a trade agreement in place with the EU is a significant concern to Wales, particularly given the financial hardships faced in parts of Wales relative to other parts of the UK. The wider macroeconomic implications have a Welsh dimension that is often overlooked, which is the impact on Welsh ports. The fact that trading under the Northern Ireland protocol is preferable to trading under the TCA regime means that Welsh ports such as Fishguard, Holyhead and Pembroke Dock have suffered quite harshly as a result of the shifting patterns of trade.

Lord Liddle: Can you explain that? I do not quite follow why it has had a negative impact on Welsh ports.

Charles Whitmore: This is not my area of specialism but I can direct you to research by Colin Murray and Jonathan Evershed. My

understanding is that the land bridge is no longer as profitable for businesses as it used to be. The grace periods granted under the Northern Ireland protocol mean that goods can enter via that route much more easily than through ports in Wales, so there has been a certain redirection of trade through Scottish ports and transit through Northern Ireland rather than direct connections between Welsh ports and Dublin. I am happy to direct the committee to more research on that.

Lord Liddle: Okay.

Charles Whitmore: The other points I want to raise are more about the impact of Brexit on the third sector. A report launched this morning from the European Economic and Social Committee, which I am happy to share with the committee and which we fed into, explores some of these points in more detail.

The impact stems not from what is in the TCA and its implications but from what is not in the TCA. My colleague Elin touched on some of these points. For example, in the TCA and the new relationship there is lack of participation in EU programmes, lack of provisions to facilitate mobility for arts and cultural organisations, loss of opportunities for younger people, which I think we will come to later with mobility, and absence of support for cross-border volunteering. Our sector particularly feels that absence. Some of it has yet to be experienced but, as you probably know, historically Wales has been quite reliant on EU funding that will be phased out in a matter of months, so we will start to feel the implications quite quickly.

Thirdly, there is the role of civil society in Wales in helping to rebuild trust between the UK and the EU more broadly and to shape the relationship as we approach the critical review junctures in the TCA. Thinking about where we are and where we are going, we would like to start building examples of collaboration between Welsh, EU and broadly UK civil society. A big question for us over the TCA is whether, as it stands, the UK Government's approach to it and the mechanisms we have will provide a foundation for us to build those types of relationship. I do not think we are necessarily there yet, but perhaps that is something we can explore in your questions on other mechanisms.

Lord Hannay of Chiswick: Before I put a new question, can I ask you this? You did not mention the impact on the Welsh economy of various trade agreements being negotiated by the UK with Australia and New Zealand, together with continued tariff and quota-free access to the European Union. Can you say a quick word about that?

Charles Whitmore: Absolutely. I am not an economist and am not in a position to address the economic impacts, but we have worked with civil society organisations in Wales that have looked at these trade agreements. As a result of the negotiations, we would like to see opportunities to shape relationships that would work for the types of values that, for example, environmental NGOs are keen to pursue through the agreements. In reality, the agreements have been

negotiated at pace and so far we do not have mechanisms in place at UK level to facilitate participation in and the shaping of those negotiations.

The narrative we hear back from the third sector in Wales is of concern about the trade agreements. The RSPCA in Wales and the farmers' unions have all expressed concern about the trade agreements, in particular those with Australia and New Zealand, as you mentioned, over animal welfare rights and not being consistent with the UK's climate change objectives. They are certainly not consistent with the climate change provisions in the TCA. We feel that comes back to the lack of a central trading policy at UK government level for us to engage with. That is proving problematic for us.

Q163 Lord Hannay of Chiswick: Do the process and institutional structures set up under the withdrawal agreement and the TCA at top ministerial level, in the committees and so on, provide for input from political and civil society actors in Wales? How effective have those arrangements been so far in allowing a Welsh voice to be heard, and which aspects of the arrangements work more or less effectively than others?

Dr Elin Royles: A whole architecture of relationships had to be constructed and put into operation very quickly in highly political and tense relationships when there were multiple concerns at hand. They were established in a period between two sets of intergovernmental relations. The infrastructure put in place from 1999 onwards, with the Memorandum of Understanding and the Concordat on Co-ordination of European Policy Issues, provided a framework for devolved Administrations to have input to UK-EU relationships. Key principles guided those relationships and there were structures and processes.

On the other side of things, since January 2022 we have had the new intergovernmental relations review and the processes in place there. I cannot quite see whether there is consistency in approach between the new intergovernmental structures and what was previously in place. Perhaps more importantly, given that this is the latest round of intergovernmental structures, the new intergovernmental relations review is a bit of a concern. In terms of the input of the devolved Administrations to the TCA arrangements, most of the relationships were established by a letter from Lord Frost in June 2021. That reflects the period—the challenges at the time—but it would be valuable to reflect on those relationships in the context of the new infrastructure for intergovernmental relations and some of the principles around them.

Under the previous intergovernmental relations, the idea was to involve the devolved Administrations as fully as possible in discussions about the formulation of UK policy positions. We do not see that in the current TCA arrangements. Another key principle to be aware of is that there was a commitment to involve devolved Ministers and Administrations in issues that were devolved matters, but there was also recognition that non-devolved matters would impact on devolved areas. That principle is not currently adhered to or recognised. For instance, I hear that, in consultation with devolved Administrations on trade agreements, there is

a process whereby Whitehall departments determine what is a devolved interest. There is no recognition that there might be non-devolved issues that impact on devolved matters. Civil servants in Cardiff are provided with only those clauses that Whitehall departments consider relevant devolved interests, rather than a broader framework that can assist them in contributing to determining to what extent something non-devolved impacts on a devolved issue. That is an important principle: how do we create effective joint working when there are such complex overlaps between different policy interests?

There are concerns about the involvement of devolved Ministers. We had a clear structure whereby there was an opportunity to contribute to developing the UK position. They would be able to speak in support of the UK position at Council of Ministers meetings. Those arrangements have not been replicated under the TCA Partnership Council arrangements. That contributes to quite a bit of frustration at devolved administration level. In Wales we have a unionist Government who want to support the UK, to see the UK flourish in future and to have constructive relationships. They are not trying to create conflict with the UK Government in any way, shape or form, but there is clearly dissatisfaction with how the structures operate to have meaningful relationships, given the impact of the TCA arrangements on devolved matters and their responsibilities.

The Chair: Interministerial groups were set up under the review that finally finished last year. Are those operating well? Are they not places where some of the cogent things you just put your finger on should be discussed?

Dr Elin Royles: Indeed, but where can we find information about the interrelationship between these different groups? It is not set out in any way. There are clear principles for the new intergovernmental relationships. Having embedded principles and ways of working is important. The interministerial group is a way of resolving that. We have a much clearer dispute resolution procedure, but it is unclear how the different structures work coherently together. We also have groups of committees around the common frameworks. It seems quite inconsistent and incoherent. It is very difficult to understand how they work together or whether the same values, principles and ways of operating are consistent across them. There would be real value in reviewing those relationships to see how we can embed greater consistency and be better informed by the current intergovernmental relations framework in the UK.

Charles Whitmore: On that final point, my colleague is absolutely right. A number of tensions are arising between the central and devolved levels at the moment—for instance, around the Retained EU Law (Revocation and Reform) Bill. It is interesting that discussions are taking place on the role that common frameworks might play in that. The new intergovernmental structures we have as a result of the review seem remarkably absent in those debates. There is a transparency issue and

there is not much for us to scrutinise to understand how the mechanisms are deployed or what role they might play in these types of difficulty.

On your question, I have two points. The overarching point is about the structures we do not have from a civic society perspective. I mentioned earlier that we fed into a report coming out from the European Economic and Social Committee this very morning, which addresses this to some extent. There is a need for an additional, permanent, open and inclusive structure for civil society at UK and devolved level to develop connections, to share information and learning, and to build understanding on shared interests and of the impact of the TCA in areas not covered by the institutions we have at the moment, such as the Partnership Council and the Trade Partnership Committee. That is a significant gap in the structures at the moment. My colleague Elin might know more about this, but local authorities have developed their own bespoke structure that sits alongside the TCA and the withdrawal agreement to address some of these matters. Civil society does not have a counterpart yet.

I will briefly consider the structures of the TCA, which are probably the focus of the question. Obviously, we have the Partnership Council and the Trade Partnership Committee at the top; the Parliamentary Partnership Assembly; and the domestic advisory group and the civil society forum, specifically for civil society stakeholders. There are implications across all three and lessons to learn from our first cycles of those structures having met, but each has slightly different nuances.

There is room for improvement across them all in at least three areas; transparency and openness to devolved input are both significant, and for some of them capacity is a challenge. We need to do more across all those bodies to ensure that civic society actors can input and play a role. Transparency is a necessary prior condition to that operating. There are challenges at the moment in the regularity with which they meet, whether devolved Governments can input to some but not others, and how frequently and how soon we have the agendas for meetings so that we can go out to stakeholders and talk to them, and potentially input to those structures. We are not yet where we need to be on those matters.

My colleague touched on this. On devolution, there is absolutely a case for formalising the input of devolved stakeholders in the various fora. It is good that we have seen a certain evolution in some of them. For instance, we had significant concerns about the first Parliamentary Partnership Assembly as it seemed quite ad hoc that the Senedd had been invited to contribute to that. We hoped that there would be a more formalised role for the Senedd to play in the longer term, and I think that was improved at the second Parliamentary Partnership Assembly.

A similar comment can be made about the involvement of civil society. I do not think there was much involvement in the first assembly but on the EU side civic society actors participated in the second Parliamentary Partnership Assembly. That shows some learning as we experience these mechanisms, but raises a concern for me about parity in how the

mechanisms are deployed on the EU side and the UK side. There is a slightly more inclusive approach at EU level and it would be good to see if we could explore that at UK level as well.

I think there is a specific question later about the domestic advisory group and the civil society forum and I am happy to come back to that in more detail as that is the body I have been most heavily involved with. There are certainly lessons to learn on that front. It is interesting that we had the first civil society forum not long before Christmas, organised by the EU. The UK will host it this year. It is important that we draw lessons from how the EU put that together. There were some challenges.

Lord Hannay of Chiswick: Finally on this point, I want to understand a specific issue. The TCA does not require or enable the UK as a whole to be consistent with sanitary and phytosanitary controls on exports to the EU or vice versa. There have been some suggestions that we would be better off with such an SPS agreement. Where does that fall on the devolved or non-devolved spectrum? I suppose it is another example where what the UK does affects Wales but is not a fully devolved area. Can you comment on that? It is an area of trade that we have looked at in the past and will continue to look at.

Charles Whitmore: Again, my involvement in these structures has been through the vision of the third sector, largely the voluntary sector, so it is not a topic we have explored heavily. Certainly, in discussions with our private sector colleagues that has emerged as an issue. As I touched on briefly about ports, and as you mentioned, it is largely a reserved competence. There is very little in the scope of devolved competencies that we could use to address that. The private sector in particular is keen to see the UK and the EU come to a negotiated outcome to make the arrangements more fluid.

Dr Elin Royles: I am not aware of the specific policy area but I know it is one of the areas where the Welsh Government issued guidance to companies on the implications, so there are clear Welsh interests in the implications for that particular sector in Wales. It is difficult to be more specific than that, but they identified it in their strategy documents and information shared with particular sectors following the implementation of the arrangements.

Q164 **Lord Liddle:** Looking forward, how can we improve what we have now? A major review of the TCA is coming in 2025, or something like that. The impression I get from what you are saying is that you feel that, when we were a member of the EU, Welsh concerns were taken into account through the ministerial and Civil Service arrangements and Welsh Ministers had a voice, but that since Brexit the UK Government have basically decided that they are responsible for relations with the EU and you do not have much of a voice at all. Is that an exaggeration?

Looking forward to the review of the TCA, what kind of involvement would you want the Welsh Government, politicians and civil servants, and Welsh civil society, to have in engaging with London and Brussels? Does

it involve some direct Welsh engagement with Brussels or is it simply a question of better engagement with the London Government?

Charles Whitmore: To some extent I agree with that assessment, but it is much nuanced. Since Brexit, the role and place for the devolved Governments in how they engage with the EU and Brussels is much more nebulous than it used to be. We used to have defined mechanisms by which that would take place as it was part and package of EU membership. That is not so clear now that we are outside the EU.

Wales in particular has a long history in paradiplomacy. We can share some research that my colleagues at the Wales Governance Centre have done on that. The Welsh Government are trying to understand where there were spheres of influence at EU level that they could engage with while we were a member of the EU. We do not have comparative research yet on what that landscape looks like now that we are no longer a member. Certainly, my understanding is that the Welsh Government are trying to identify how and where they should engage at EU level. That is taking place.

It is important to bring this back to civic society, which is the angle I come from. The crucial point is that it is via the Welsh Government engaging in Brussels, and participating in meetings of the Partnership Council, the Trade Partnership Committee and other bodies under the TCA, that we then have a trickle-down engagement effect in Wales. When that engagement does not take place, a link in the chain is missing and it stymies our ability to engage and scrutinise those mechanisms and work with the Senedd and the Welsh Government to participate in the discussions. Yes, that is an accurate assessment, but it is more nuanced than that.

Lord Liddle: Elin, do you have anything to add?

Dr Elin Royles: Lots; I could speak all day about this but will try to restrain myself. First, yes, under the previous arrangements, devolved Administration and Welsh Government input into EU policy-making from the UK perspective was nearly an exemplar for quality intergovernmental relations in the UK. We had a mixed pattern of intergovernmental relationships and those were highly effective in the interconnections between UKRep and the Welsh Government office in Brussels, and in how relationships worked with civil servants in the UK itself, between Whitehall departments and Wales.

At ministerial level, those arrangements were not always seen as working fantastically; for instance, Plaid Cymru Ministers who attended Council of Ministers agriculture meetings were slightly frustrated at having to toe the UK line. But, overall, there was a sense of an ability to influence UK negotiating positions. They were able to attend pre-meetings, and to be involved in the structures and have an influence. Additional benefits arose from that. In my view, we had an exemplar, and we now see much decreased opportunities to influence such matters due, for instance, to having only observer status in the TCA arrangements.

There is lack of consistency in the approach. One quite interesting thing that happened is that UKRep previously had a co-ordinating role in determining who went to which Council of Ministers meeting. That would then go to the Welsh office in Brussels. Now that responsibility for TCA arrangements has been devolved to individual Whitehall departments, there is less of a co-ordinating role. It is more dependent on the whim, or on the tasks undertaken and awareness of devolution, of individual government departments, rather than there being a more overarching function of co-ordinating the TCA at a particular level. It seems from Lord Frost's letter that that is supposed to come from the EU Cabinet secretariat, but in practice there seems to be more inconsistency because the responsibility is with individual Whitehall departments.

Lord Liddle: The Foreign Office now seems to be responsible for a lot of Whitehall co-ordination. In your experience, does the Foreign Office take account of devolution when thinking about UK positions?

Dr Elin Royles: It is difficult. From what we see of the position of Welsh government Ministers, they feel that the official-level relationships work quite well. We are very dependent on the unified UK Civil Service and the commitment of civil servants to work together and make these relationships work. Is full account being taken of devolved issues and the need to recognise devolved Ministers and their involvement? It is not clear, because there is so much inconsistency at the moment. The transparency issues already raised by Charles exacerbate that. It is difficult to understand how things work together given the lack of coherence.

You asked about direct representation in Brussels. One of my areas of expertise is Wales's influence and engagement with the EU since 1999, and previous to that. We have seen a dual strategy—recognising that the main channel for involvement is via the UK Government and through the UK channel routes as a member state but, alongside that, Wales having its own direct representation in Brussels, engaging with different EU institutions and networks, drawing on opportunities for regional government involvement, developing its own preferences in engagement with different types of networks, and reflecting its interests in particular policy areas such as biodiversity, climate change and energy. We would expect that to continue as EU policies continue to have repercussions for Wales.

The office in Brussels is now evolving into a substate government office of a third country. Derek Vaughan has been established in a new role as Welsh Government representative in Europe, and that seems to be working effectively. In many respects, the arrangements for direct representation and opportunities to engage with EU institutions have continued very similarly to what was in place post 1999. The Welsh Government need to inform the UK Government of their engagement with different institutions, but overall it seems to be working well.

Lord Liddle: The problem is the relationship between Cardiff and London at political level.

Dr Elin Royles: Yes, but there is a problem with the structure as well.

Lord Hannay of Chiswick: I think what you are saying is that it is a problem of co-ordination in London between different departments. Lord Frost, who was of course responsible for a substantial team in the Cabinet Office, gave evidence to the committee and said that the system was no longer functioning properly. From the Welsh point of view, you are basically confirming that what he said is recognisable.

Dr Elin Royles: Indeed. There are issues of political will and political incongruence. There are two different political parties involved, and the Welsh Government conceives of Wales as a European nation. There are also institutional and infrastructural issues about how the arrangements work and whether they are sufficiently robust for devolved interests to be represented.

The Chair: Under the TCA there are 24 committees of various types, one of which is a political committee and 23 of which are entirely full of officials. Are you satisfied that the 23 officials-only committees have at least some mechanism for involving Welsh officials when matters of interest to Wales come up?

Dr Elin Royles: The impression is that they work relatively well, but, as I mentioned, it is the role of individual government departments to identify what is a devolved interest, when previously we had in place a recognition that non-devolved matters would impact on devolved matters, which is a very different approach.

The Chair: Those committees are not fully functioning yet because of the Northern Ireland protocol, but the good thing about them is that their agendas and minutes are matters of public record. One can see what the committees are doing. They might not work perfectly but there is at least the opportunity for someone in Wales to say, "Hang on a second; this is of direct relevance to us". A cock-up can then be prevented. I think what you were saying is that at political level there is neither the visibility nor a mechanism for the Welsh interest to feed in properly.

Dr Elin Royles: Yes. Is observer status sufficient for devolved Ministers when the TCA arrangements have vast implications for devolved matters? I am not sure that it is. I am sure there is potential, looking forward and reviewing things, to place their involvement on a much more substantive basis, with a more concrete role in determining the UK position. We previously had an arrangement with full understanding that they would have to keep to the UK line, but that at least there would be a process of negotiating what that UK line would be. In Council of Ministers fora, devolved Ministers had an opportunity to advocate the UK line, particularly in areas such as agriculture or culture where there was an interest. We have baselines and existing arrangements that could inform the current arrangements and strengthen the position of the devolved Administrations and their input.

Q165 **The Chair:** That is really helpful. Of course, culture is spread across

several of those many committees, so it is quite difficult all around.

Sadly, time is pressing and we need to move on, and I want to ask Charles Whitmore about the domestic advisory groups. About a dozen DAGs, as they are known, operate at European level where they are built into various treaties around the world. This is our first. What are you doing, or is effort being made, to learn from the EU side of the table? One difficulty is that we do not have muscle memory of them.

Charles Whitmore: Ours is a joint project with the Wales Council for Voluntary Action, which holds one of the seats on the UK's domestic advisory group. In fact, it is the only Welsh representative on that group. As you said, the EU has a long history. Pretty much all modern EU trade agreements have a system of civic society engagement involving a domestic advisory group on the one hand and a civil society forum on the other, with the former serving as a domestic platform for the EU and its trading partners' civic society bodies to talk among themselves. The UK DAG talks to the UK Government, and the same happens at EU level.

The civil society forum provides a transnational platform that takes place once a year for the civil societies of the two parties to meet and have a summit to discuss the relationship. We have had one cycle of those so far. As I mentioned, the UK is hosting the civil society forum this year and there is a lot to learn from that. It has been a challenge for the UK to put these things in place. We are quite a bit behind the EU in how quickly we started putting in place the UK DAG. We have had to deal with a number of issues in the initial phases of setting it up, such as the balance of representation between sectors on the UK's domestic advisory group, understanding where devolved interests fit into it, and trying to understand what the feedback loops with the UK Government would look like in their engagement through the domestic advisory group.

This connects to some extent to what Elin said earlier: we have had very good engagement with the FCDO officials who provide the secretariat for the UK domestic advisory group and they have been learning, as we and the EU have, that the set-up under the TCA is different from any other previous EU treaty. A significant difference is that the domestic advisory group's remit is the entirety of the trade and co-operation agreement. That is a significant remit and differs from usual practice.

We can learn from how the EU conducted such groups previously, but there are challenges. For example, the TCA usually calls for representation in the domestic advisory group to be balanced. We would usually see a tripartite structure of wider civic society bodies, trade unions and private sector interests. That was not the case for the UK. We ended up with a very different formulation for our domestic advisory group and that has been a bit of a challenge.

If I were to make a recommendation to the committee about what we need to change in how the UK's domestic advisory group operates at the moment, it would be about resourcing. As we have gone through this first year, there is a definite feeling that the FCDO secretariat does not have

the level of resource it needs to operate the domestic advisory group. For instance, it has been difficult to get agendas out in time or to publish materials online. At the moment, the domestic advisory group pages on the UK Government's website are not up to date, which makes feedback from stakeholders outside the domestic advisory group quite difficult.

Those issues are compounded by the fact that if you have a relatively hands-off secretariat at UK level, more falls on the DAG members to organise themselves and of course it is entirely unfunded. It became quite difficult when we had to nominate an executive council to take on board some of the functions. Quite simply, it is a logistical challenge. As I said, we had the first civil society forum in October last year, with less than a week's notice that the UK delegation would be invited. That had cost implications in getting to Brussels, accommodating everyone and other exclusive travel costs.

The Chair: I am grateful for that but we must move on as we have two substantive areas still to cover and not very long to do so.

Q166 **Lord Hannay of Chiswick:** The two areas that the Chair was talking about are rather different and perhaps you would each like to comment on one or other of them. It is up to you.

First, as you probably know, environmental policy, energy policy and other such matters are very much to the fore in Brussels at the moment, as they are in Whitehall and Westminster. Are Welsh views consulted or expressed on things such as the emissions trading scheme and the possible imposition of CBAMs, which are measures that could affect trade between the European Union and the UK?

Secondly, there are issues over educational schemes and youth mobility arising from the fact that the UK has left Erasmus+. I understand that in Wales you have two possibilities—we had good evidence on them this morning—in Taith and Turing. Is there any scope in future for a one-way student exchange programme such as Turing to be worked together with either a two-way programme such as Taith or in some British/UK relationship with Erasmus+, which was not pursued in the TCA but might possibly be pursued in future?

Dr Elin Royles: We are both more confident and have more to say about Taith than on the relationship with Turing.

Briefly, the EU agenda on environment and energy is developing apace. Given what we said about the current arrangements, there are questions as to whether the structures for Welsh interests to influence the UK position in its deliberations with the EU, and the implications of some of the schemes for different sectors, are effective channels for input at the moment.

There are issues around awareness of those developments and their repercussions. Previously, when the UK was a member state, working group papers would go to UKRep, and there was really good exchange of data and information with the Welsh government office in Brussels and

then to individual departments. How is that channel of information currently organised in terms of the implications of different EU developments for the UK and consequently for Wales? There are challenges there, and challenges for devolved legislatures to ensure that they keep oversight of some of the policy areas and their implications.

We are still in a process of dealing with the implications of Brexit and getting arrangements in place. There are still outstanding areas to address in the TCA. Maybe more time is spent on those than on being responsive to and proactive about policy developments in Brussels. That is why having direct representation in Brussels, through our Brussels office, with officials engaging with different departments in the Commission is really important.

Charles Whitmore: Briefly, on the environmental point, everything Elin said is absolutely right. To some extent, this comes back to the review of intergovernmental relations and how we are not entirely sure yet what sort of mechanisms or platforms it will provide for input on matters such as those you raised. From the civic society perspective, one of our views on those and other environmental and climate change matters is that, as the UK Government put forward these proposals, there is a gap in understanding the regulatory divergence with the EU that they might produce. There is a need for that to be impact assessed and studied so that we can scrutinise what the changes will mean in regulatory divergence. That is wrapped up in the debates we are having at the moment on the Retained EU Law (Revocation and Reform) Bill.

Lord Hannay of Chiswick: What about Turing, Taith, Erasmus+ and all that?

Dr Elin Royles: My understanding is that there has been an enthusiastic welcome for Taith in Brussels. In a way, the aims of Taith are aligned with those of Erasmus, which should make it possible for European partners to participate more easily in the programme. At the level of my university, we have seen initial increased interest from overseas universities in partnering with Wales because of those issues. The inbound proportion of funds has helped to balance international relationships. That has been well received.

The lack of provision for two-way exchange with Turing is not well regarded by partners across the EU, and there has been no incentive for them to engage. Yes, there are advantages to Taith in enabling those kinds of relationship. Obviously, they are both in their early years of implementation. The introduction of the schemes has not been smooth, while Erasmus has been in place for more than 30 years, so it is in a very different position. It is work in progress but things are developing.

Alongside that, there are issues with the ongoing availability of funds for students with degrees with a mandatory time-abroad component, which used to be addressed by the Erasmus arrangements. The cost of living crisis is a live issue in impacting on the opportunities for students in higher education to travel abroad. There are broader concerns beyond

some of the mechanics of the programmes and how they can work with the existing Erasmus+ programme.

The Chair: That is helpful. We must move to our final question.

Q167 **Lord Liddle:** This is a completely different area. With the disappearance of free movement, can we have some more adventurous youth mobility scheme for those under 30 or under 35? Has there been any discussion of that in Wales or do you have views on it?

Charles Whitmore: Absolutely. It is perhaps one of the more significant implications of the TCA and, more generally, of the UK's withdrawal from the EU that has been of interest to civil society in Wales. Erasmus plays into it as well.

The story has been quite a negative one of lost opportunity. To add to what Elin said, and this plugs into your question about youth mobility, the Turing scheme does not replace things such as part-funded strategic partnerships. It does not replace the European Solidarity Corps, which is of significant interest to young people in Wales. Being able to volunteer abroad and have volunteers come to Wales is of immense benefit to their development, but that sector has been almost entirely wiped out as a result of there being no aspect of the TCA or any participation in EU programmes to allow it to continue.

That has not been addressed in Turing but it has been in Taith, which we very much welcome, particularly the cross-border volunteering aspect. A crucial thing to think about as a next step, as we approach the review of the TCA mentioned previously, is how we address this. There is a significant gap in UK and EU co-operation at the moment on youth mobility; for instance, there has been news about the degree to which school visits have ceased. I have not seen any Welsh-specific data on that but it is likely that there has been an impact, as there has been on cross-border volunteering.

Dr Elin Royles: It is more difficult and expensive for students to study or work in the EU because of the new Immigration Rules and the barriers to EU nationals coming to Wales. The passport requirements for school trips are an obstacle, because not all children have passports. There is an issue about what that means for particular demographics and their opportunities to travel.

Charles Whitmore: Some of it could be addressed unilaterally by the UK, if it so wished. For instance, we could address the issue of accepting ID cards.

Lord Liddle: Thank you for that. I am glad to know that it is a hot topic.

The Chair: We have overrun but it was well worth it. Thank you both very much indeed for being so frank in what has been a fascinating session. Charles Whitmore, you promised us a couple of things: some data on Welsh ports, or at least where we could find it; and some research on Welsh diplomacy and the success it had had. We would be

very interested in being pointed in that direction. In the meantime, on behalf of my colleagues, I thank you for coming along this afternoon. I declare the evidence session over.