

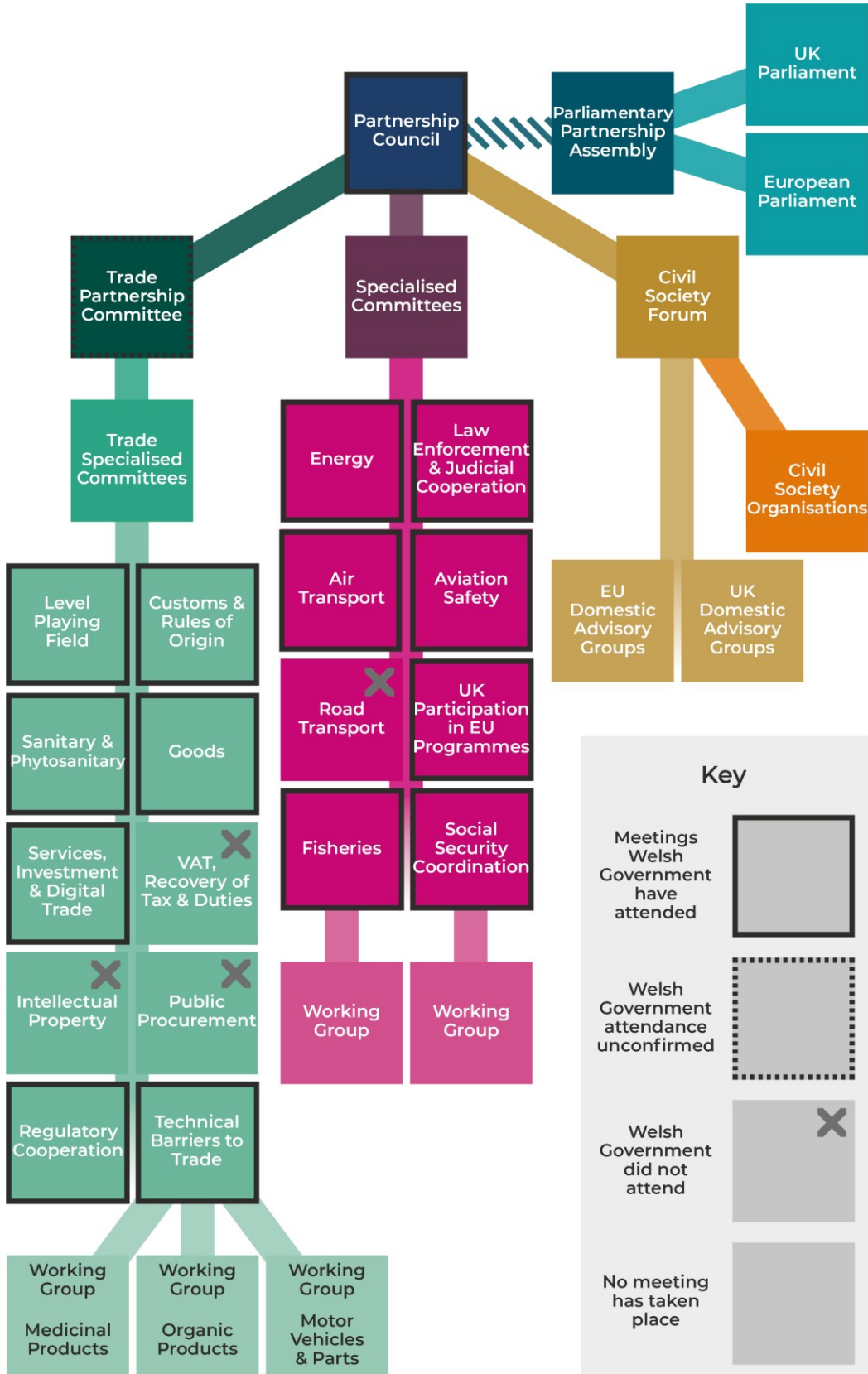
The Senedd's Legislation, Justice and Constitution Committee considers matters in relation to Wales's external affairs, including the governance and implementation of the UK–EU Trade and Cooperation Agreement (TCA).

This submission to the House of Commons European Scrutiny Committee outlines the key issues we as a Committee have identified during our scrutiny of the TCA to date.

Institutional framework

The infographic shows our understanding of Welsh Government attendance at TCA meetings.

UK-EU forums: Trade and Cooperation Agreement



Representation: Partnership Council

The Welsh Government has expressed discontent with its observer status at the Partnership Council, the TCA's oversight body. Both the Minister for the Economy and the First Minister have requested they attend future meetings as full participants. We share the Welsh Government's concerns relating to its observer status at the Partnership Council, and support its request to attend future meetings as full participants.

The Welsh Government has explained to us that it does have "a more active" role at the TCA's committee on regulatory cooperation because it falls within devolved competence. This includes preparing materials and agendas, minutes and associated materials.

Parliamentary Partnership Assembly (PPA)

As you will be aware, the first meeting of the Parliamentary Partnership Assembly (PPA) took place in May 2022. The Senedd was represented by one of our members, Alun Davies MS, and a member of the Economy, Trade and Rural Affairs Committee, Sam Kurtz MS. They attended as observers.

In a letter to the Chair of the UK Delegation to the PPA following that meeting, our Chair expressed a hope that Members of the Senedd will be able to speak on devolved matters at future meetings of the Parliamentary Partnership Assembly.

We believe that observer status for the devolved legislature representatives is unsatisfactory and that full status should be granted. We also believe that the potential for interparliamentary cooperation between officials as it relates to PPA meetings should be explored.

Civil society

As you will be aware, the TCA establishes mechanisms for the EU and UK to engage civil society jointly and in their own capacity, including establishing Domestic Advisory Groups. The UK has announced membership of its Domestic Advisory Group, with some Welsh representation. The First Minister told us the Welsh Government does not know how many Welsh bodies submitted expressions of interest for membership. This is because a number of submissions did not give permission for their information to be shared outside the UK Government. Based on the limited information available to us, we are concerned as to the extent to which Wales is represented in the UK's Domestic Advisory Group.

We note that a new joint UK-EU Civil Society Forum is yet to be formed.

Information regarding meetings

We have found there is limited information available regarding TCA meetings.

In May 2021, the [UK Government informed](#) the devolved governments of how it would involve them in future UK-EU meetings. They could attend meetings led by UK Government departments where items of devolved competence are on the agenda and assist in meeting preparation.

We note the [European Commission website](#) holds the most detail on UK-EU meetings in one place. Some documents list attendee information but not all. Welsh Government attendance at meetings is shown on the infographic above.

We will be seeking further information from the Welsh Government relating to its attendance at UK-EU meetings, and will share any information we receive which may be relevant to your inquiry.

Decision to attend

The Welsh Ministers or their officials have attended most meetings, regardless of whether the subject is in a devolved or reserved area.

However, they chose not to attend some meetings that cover Welsh Government responsibilities. The Minister for Finance and Local Government [told the Senedd](#) that it did not attend the meeting on procurement because “there were no items on the agenda which warranted attendance”. The [agenda](#) and [minutes](#) show that policy and legislative developments and implementation issues were discussed.

We note that officials from the Scottish Government, Northern Ireland Executive and Isle of Man Government attended meetings without the Welsh Government on [road transport](#) and [VAT, recovery of tax and duties](#).

We believe that the Welsh Government should ensure it attends all meetings that cover its responsibilities, whether at ministerial or official level. As such, we will be seeking further information from it on its decision-making processes for attendance at meetings, and will share any information we receive which may be relevant to your inquiry.

Between meetings

As you will be aware, the Partnership Council is required to meet at least annually, or sooner on request from the UK or EU. The Council can take decisions in writing between meetings but it is not clear what role, if any, the devolved governments have in this.

We would like to see more information about the role devolved governments have in decision-taking at the Partnership Council, including between meetings.

Transparency

The Welsh Government does not publish information relating to its attendance and therefore we, and the Senedd as a whole, rely primarily on written ministerial statements, exchanges with individual ministers and the European Commission's website for information.

In correspondence with the First Minister, we have noted the challenge of navigating the new system and would like to see more transparency.

In January, he told us how the Welsh Government would keep the Senedd informed of its involvement at UK-EU meetings, by:

- directing Members of the Senedd to the European Commission's website to obtain information on UK-EU meetings;
- promising to continue issuing written statements following meetings of the Partnership Council; and by
- updating the Senedd on meetings of the new Inter-Ministerial Group (IMG) on UK-EU relations.

We welcomed his intention to continue issuing written ministerial statements following meetings of the Partnership Council. However, we expressed disappointment at his response and requested he:

"consider a proportionate but more transparent mechanism for informing the Senedd of Welsh Government attendance at these meetings, the issues discussed and the points made by the Welsh Government in representing Welsh interests."

We also recommended that all four governments collectively consider concerns regarding a lack of transparency in TCA structures.

The First Minister responded to us on 10 March, stating that he is:

- committed to providing information proactively on intergovernmental meetings;
- happy to explore how more information on the government's involvement in TCA structures can be provided; and
- suggests a meeting between the Senedd and Welsh Government officials.

We will seek further information from the Welsh Government on its approach to improving transparency of TCA structures, and will share any information we receive which may be relevant to your inquiry.

June 2022