Hansard Society – Written Evidence (DYN0063)

Hansard Society – Dynamic Alignment Call for Evidence

Hansard Society evidence to the House of Lords European Affairs Committee

Date: April 2026

Inquiry: Dynamic Alignment

Summary

This submission focuses on two strands of the Committee's inquiry: What is dynamic alignment and the current arrangements for parliamentary scrutiny of UK-EU relations and how these could be improved in relation to dynamic alignment.

We identify 7 key points at which Parliament should engage, each requiring effective scrutiny and, in most cases, strengthened procedures to ensure that scrutiny is meaningful.

- **Scope of delegated powers:** What powers Ministers are given (via the EU reset bill or other legislation) to introduce or expand dynamic alignment, and what limits apply.
- **Scrutiny procedures:** What level of parliamentary scrutiny applies when these powers are exercised (e.g. negative vs affirmative Statutory Instrument (SI) procedures).
- **International agreements:** How agreements containing dynamic alignment obligations are scrutinised before ratification.
- **Domestic implementation:** How Parliament examines legislation that transposes EU rules into UK law.
- **Updating agreements:** Parliament's role when new EU laws are added or existing ones amended within agreements.
- **Monitoring and early engagement:** Parliament's ability to track EU developments early and influence UK Government positions during the "decision-shaping" phase.
- **Ongoing oversight:** How Parliament reviews the long-term operation of dynamic alignment and wider UK–EU relations.

We identify the key issues as:

- **Uncertain scope of powers:** The EU reset bill may grant broad, potentially open-ended powers (including so-called "Henry VIII" powers) to extend alignment across sectors.
- **Timing concerns:** Legislation may be introduced before a treaty text is available, limiting meaningful scrutiny.
- **Weak scrutiny system:** Current SI procedures (negative and affirmative) provide limited effective oversight, particularly in the House of Commons.
- **Inadequate scrutiny of UK-EU agreements:** The Constitutional Reform and Governance Act scrutiny framework is insufficient, with limited Commons control in practice. Enhanced scrutiny procedures apply only to Free Trade Agreements and thus will not apply in respect of any UK-EU reset agreement.
- **Constrained parliamentary leverage:** Even where formal powers exist, political and economic pressures may deter their use.
- **Limited early influence:** The UK's ability to shape EU rules is greatest before proposals are formalised, but Parliament currently lacks the necessary structures to engage effectively at this stage.
- **Devolution implications**: Dynamic alignment may affect devolved competences, requiring stronger inter-parliamentary coordination.

Recommendations

1. Limit and clarify delegated powers: Define powers in the EU reset bill as narrowly as possible (e.g. sector-specific) and ensure clear safeguards and conditions on their use.

2. Strengthen scrutiny of delegated legislation through reform of the system as proposed by the Hansard Society:

- Move beyond the current negative/affirmative system;
- Introduce a sifting committee model so scrutiny reflects the significance of each SI;
- Create dedicated House of Commons regulatory scrutiny committees and a properly resourced bicameral Parliamentary Office of Statutory Instruments; and
- Allow the House of Lords to refer SIs to the Commons and the Commons to exercise a conditional amendment power in exceptional cases.

3. Reform treaty scrutiny: Replace or strengthen the CRaG Act with a system requiring parliamentary consent votes for significant agreements.

At minimum, guarantee debates and votes on agreements involving dynamic alignment.

4. Ensure scrutiny at multiple stages: Maintain a clear distinction between: treaty approval (whether to agree) and legislative implementation (how to implement).

5. Strengthen interparliamentary relations: Develop a formal Inter-Parliamentary Assembly involving Westminster and the devolved legislatures as previously proposed by the Hansard Society and the Study of Parliament Group. Improve co-ordination across devolved and UK-level scrutiny.

6. Enhance early engagement and monitoring: Equip Parliament to engage at the decision-shaping stage of EU policymaking. Provide sufficient resources and access to information.

7. Create a House of Commons EU Relations Scrutiny Committee to: horizon-scan EU developments; manage volume/complexity of documents; co-ordinate with Commons departmental select committees and Lords EU Relations; assess the evolution of UK–EU relations.

About the Hansard Society

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What is dynamic alignment? How does dynamic alignment operate under EU agreements with non-EU countries other than the UK?

1. Dynamic alignment describes a set of arrangements in which one party commits to keeping its rules updated in line with those of another. It contrasts with static alignment, where rules are aligned only as they existed at a particular point in time (for example, with the rules as they stood when an agreement was signed).

2. Dynamic alignment is not a single model; it can take several forms.

- It may be **voluntary**, where a party unilaterally chooses to keep pace with another party's rules in a particular area. For example, section 2(7) of the Product Regulation and Metrology Act 2025 allows the UK Government to make regulations specifying that "a product requirement is to be treated as met if a requirement of relevant EU law specified in product regulations is met". This creates the option of voluntary alignment with particular EU product requirements, should the Government choose to do so.

- Or it may be **bilateral**, where there is a binding commitment to align, arising from an international agreement. Proposed arrangements in areas such as sanitary and phytosanitary (SPS), the Emissions Trading Scheme, and the electricity market in the UK-EU "reset" are expected to involve binding treaty commitments to align.

3. Dynamic alignment also differs in how legislative changes are incorporated:

- Automatic alignment uses "ambulatory" references, meaning changes to the original rules are incorporated as they happen.
- Non-automatic alignment requires an explicit decision, such as by a Joint Committee, before updates are incorporated.

The Windsor Framework/Northern Ireland Protocol to the UK-EU Withdrawal Agreement, for example, provides that EU acts listed in the Annex apply in Northern Ireland "as amended or replaced", with the effect that any amendments or replacements to those acts are automatically incorporated.[1]

The new Switzerland-EU agreements rely on a Joint Committee to formally update the Annex to reflect any changes to legislation considered to be in scope. The Windsor Framework/Northern Ireland Protocol also requires the UK–EU Joint Committee to adopt decisions but only when adding *new* EU acts to the Annex.[2]

[1] *Protocol on Ireland/Northern Ireland to the EU–UK Withdrawal Agreement*, Article 13(3)

4. Even when updated rules are incorporated into a treaty, and thereby become binding under international law, they are not always incorporated automatically in domestic law, unless specific provision is made for this.

Section 7A of the European Union (Withdrawal) Act 2018 (as inserted by the European Union (Future Relationship) Act 2020), for example, incorporates the UK-EU Withdrawal Agreement, including the Windsor Framework/Northern Ireland Protocol) into domestic law. This means updates to the relevant EU legislation in the Annex automatically apply in Northern Ireland (subject to the Stormont Brake). Where no such provision exists, further domestic legislation – such as a Statutory Instrument – may be required to incorporate the EU updates into UK law.

5. Dynamic alignment arrangements also vary in how they are enforced in the event of non-compliance. Differences may include:

- the role of arbitration or joint governance bodies;
- the availability and severity of sanctions; and
- the scope for countermeasures.

6. Taken together, these variations suggest that dynamic alignment is best understood as a spectrum. At one end lies a highly integrated model: automatic updates, immediate domestic incorporation, and strong enforcement mechanisms. At the other end of the spectrum is a purely voluntary approach, where alignment is discretionary and therefore unenforced.

Are current arrangements for parliamentary scrutiny of UK-EU relations adequate for scrutinising dynamic alignment? What would an ideal system for parliamentary scrutiny of UK dynamic alignment comprise?

7. The introduction and ongoing implementation of dynamic alignment creates multiple points of potential parliamentary engagement each of which raises important questions about the adequacy of parliamentary scrutiny. Broadly, these points of engagement fall into seven areas.

I. **Scope of delegated powers:** what powers will an EU reset bill (or any other future legislation) delegate to Ministers to introduce dynamic alignment, and what constraints and conditions will be applied to their use?

[2] *Protocol on Ireland/Northern Ireland to the EU–UK Withdrawal Agreement*, Article 13(4)

II. **Scrutiny procedure for dynamic alignment:** When the Government uses delegated legislation (for example, Statutory Instruments) to introduce or extend dynamic alignment to particular sectors, perhaps to reflect a new international agreement, what scrutiny procedure will be assigned to the exercise of that power?

III. **Scrutiny of international agreements:** Where dynamic alignment obligations are included in new international agreements, what scrutiny will those agreements be subject to prior to ratification?

IV. **Scrutiny of domestic implementation:** How will Parliament scrutinise domestic legislation that transposes the relevant EU rules into UK law, whether before or after those rules fall within the UK's alignment obligations?

V. **Role in updating the scope of agreements:** When new EU acts are proposed for inclusion in an agreement, or when existing EU acts within scope of the agreement are amended or replaced, what role, if any, does Parliament have in approving or objecting to those changes, and at what point in the process?

VI. **Monitoring and early engagement:** What structures, resources and procedural mechanisms will enable Parliament – particularly its committees - to monitor developments, review relevant documents, and engage with the EU – particularly its parliamentary bodies - at the early "decision-shaping" stage?

VII. **Ongoing scrutiny of UK-EU relations:** How will Parliament assess and oversee the evolution of UK-EU relations, including but not limited to the operation and implications of dynamic alignment over time?

The EU reset bill: (i) the scope and (ii) the scrutiny procedure for delegated powers

8. As the text of the EU reset bill has not yet been published, the nature of the framework it will establish for dynamic alignment is unclear. Will the bill's powers be explicitly limited to specified sectors, or will there be a general power to extend dynamic alignment to any sector? Wil the powers be confined to implementing obligations arising from agreements with the EU, or will they also permit forms of voluntary alignment, similar to the approach taken in the Product Regulation and Metrology Act 2025? Recent reporting by *The Guardian* suggests the Bill will contain powers "enabling the government to dynamically align with Europe on areas where it has already made agreements", but will also "allow the UK to quickly

implement evolving single market rules if it determines it is in the national interest, without having to face full parliamentary scrutiny each time."[3]

9. Given the constitutional significance of dynamic alignment, which entails an ongoing commitment to adopt and implement rules developed in another jurisdiction without direct UK participation in their creation, it would be preferable for as much substantive detail as possible to appear on the face of the bill. In particular, any powers to implement dynamic alignment should ideally be limited to clearly defined sectors and circumstances.

10. There is a possibility that the EU reset bill could be introduced to Parliament before the final UK–EU treaty text is published – potentially even well into the scrutiny process. Such sequencing would raise clear constitutional concerns. The House of Lords International Agreements Committee has emphasised that "treaty scrutiny should precede the presentation to Parliament of implementing legislation".[4] Although further implementing (likely through delegated or secondary legislation) would follow once the treaty is finalised, introducing a bill in advance would nevertheless require the House of Commons or House of Lords – at least at Second Reading - to approve a legislative framework for an agreement it has not yet seen. In effect this would grant Ministers broad delegated powers without a clear indication of how, or for what purposes, those powers would be exercised.

11. Much commentary has focused on whether the bill will include so-called "Henry VIII" powers - delegated powers that allow Ministers to amend, repeal or otherwise alter primary legislation through delegated legislation. Such powers are constitutionally sensitive, as they challenge the principle that Parliament is the primary law-making authority with the power to create, amend or repeal primary legislation.[5] However, not all "Henry VIII" powers are problematic. In practice, such powers are sometimes used for limited or technical purposes – for example, updating references or making minor adjustments. The key issue is not whether a power has "Henry VIII" characteristics, but rather its scope, purpose and safeguards.

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[3] A. Topping and P. Walker, 'Britain could adopt single market rules without MPs' vote as part of UK-EU reset', *The Guardian*, 12 April 2026

[4] House of Lords International Agreements Committee (2024-26), 10th Report, *Treaty Scrutiny in Westminster: Addressing the Accountability Gap*, HL Paper 168, para. 34

[5] Hansard Society, *Framework legislation and Henry VIII powers: Our evidence to the Scottish Parliament's Delegated Powers and Law Reform Committee*, 2 June 2025

12. It is helpful to distinguish between two likely uses of delegated – and potentially "Henry VIII" – powers.

- Initial implementation: powers to make the first set of legislative changes required to give effect to a new dynamic alignment agreement. This may include regulations to insert the governance framework into primary legislation, and to align UK law with relevant EU acts at the point the agreement is concluded.
- Ongoing updates: powers enabling Ministers to implement in UK law any future changes to EU acts as and when these are incorporated into the relevant agreement over time.

Importantly, such powers would typically be constrained by their purpose - for example, implementing EU legislation within a particular sector. In this respect, their scope may be similar to that of section 2(2) of the European Communities Act 1972, which allowed Ministers to implement EU obligations through delegated legislation and itself constituted a wide-ranging "Henry VIII" power enabling Ministers to make "any such provision (of any such extent) as might be made by Act of Parliament".

13. The Delegated Powers and Regulatory Reform Committee has generally taken the view that "Henry VIII" powers should be subject to the affirmative procedure, unless there is a special justification otherwise.[6] Notably, however, the comparable power in section 2(2) of the European Communities Act 1972 was not subject to the affirmative procedure.

14. In practice, it is important for the affirmative procedure to apply particularly to the *initial* regulations implementing a new dynamic alignment agreement. This is because, in the House of Commons, the Government can decline to provide time for debates on motions to block treaty ratification, often on the basis that Parliament will instead scrutinise the implementing legislation. However, that scrutiny is only meaningful – allowing for debate and a substantive vote – if the affirmative procedure applies. If the bill does not provide for affirmative scrutiny of implementing powers, the need for robust scrutiny mechanisms at other stages of the process becomes even more pressing.

15. Whichever scrutiny procedure is applied, parliamentary influence and oversight will remain constrained by longstanding weaknesses in the delegated legislation system – issues that are unrelated to the UK's relationship with the EU. Moving an SI from the negative to the affirmative procedure amounts, in practice, to shifting from one weak

[6] Vangimalla, D. (25 April 2022), *Compendium of Legislative Standards for Delegating Powers in Primary Legislation* (Hansard Society), para. 3.4, n102

form of scrutiny to a slightly less weak one, while consuming considerable ministerial and parliamentary time and resources for limited practical gain.

The need to scrutinise a new generation of EU-related rules and regulations only underlines the urgency of reform. Priority should be given to replacing the current system with a reformed model which could, for example, adopt a sifting committee approach, ensuring that the level of scrutiny applied to each Statutory Instrument reflects its legal and political significance, rather than being determined solely by the provisions of the parent Act. Such a system would also benefit from stronger institutional support: dedicated Commons regulatory select committees to examine significant instruments in detail; a properly resourced Parliamentary Office of Statutory Instruments to provide Members with high-quality legal and policy advice (addressing the current imbalance between legislative, committee, and financial scrutiny support); and more meaningful mechanisms for inter-House engagement. In particular, the House of Lords should be able to refer instruments of concern to the Commons for further consideration, rather than relying on the limited and often ineffective "regret" motion. In exceptional cases, the House of Commons could also be given a conditional amendment power, enabling it to propose changes to the Government before approval of a Statutory Instrument is granted. A detailed proposal for these reforms to the delegated legislation system has been made by the Hansard Society following a cross-party review in the last Parliament.[7]

(iii) Scrutiny of international agreements

16. Under the UK's current framework for parliamentary scrutiny of treaties, set out in the Constitutional Reform and Governance Act 2010 (the "CRaG Act"), international agreements are subject to a relatively limited form of *ex post* scrutiny. Before a treaty may be ratified, it must be laid before Parliament for 21 sitting days. During that period either House may resolve that it should not be ratified. If only the House of Lords objects, the Government may proceed to ratify the treaty, provided it makes a statement to Parliament explaining its reasons for doing so . If the House of Commons objects, ratification is delayed for a further 21 sitting days, during which the House of Commons may again resolve against the treaty.

[7] Hansard Society, *Proposals for a New System for Delegated Legislation: A Working Paper*, 6 February 2023

17. Although this mechanism appears to give the House of Commons the ability to delay ratification indefinitely, in operates as a weak safeguard in practice. The Government controls whether time is allocated for debates in the House of Commons, and such time is not always granted. Even where debates do take place, they are not always held on substantive motions capable of triggering the CRaG Act procedure. Recent practice shows that requests from Commons select committees or opposition parties for such debates are often declined. In contrast, debates have been more readily been provided in the House of Lords.[8]

18. A more robust system would move beyond the CRaG Act model by requiring a parliamentary consent vote for all significant international agreements, as the Hansard Society and others recommended to the Lords International Agreements Committee which it endorsed in its recent report.[9] Without such reform, there remains a real risk that agreements with profound political and constitutional implications will be ratified with minimal scrutiny. Pending such reform, the Government should at least commit to facilitating debates in both Houses on substantive motions not to ratify any agreement involving dynamic alignment, particularly where such debates are requested by relevant committees or the Official Opposition.

19. The Government may argue that Parliament will have opportunities to scrutinise dynamic alignment through the EU reset bill and any subsequent Statutory Instruments. However, this conflates two distinct forms of scrutiny serving different purposes:

- treaty scrutiny addresses whether the UK should enter into an international obligation at all;
- legislative scrutiny concerns how that obligation is implemented in domestic law.

A treaty may have far-reaching implications beyond its initial implementation. Meaningful parliamentary oversight requires rigorous scrutiny at both stages.[10]

20. The Government has committed to enhanced scrutiny procedures for free trade agreements (FTAs),[11] but it is unclear whether these will apply

[8] House of Lords International Agreements Committee (2024-26), 10th Report, *Treaty Scrutiny in Westminster: Addressing the Accountability Gap*, HL Paper 168, para. 46(e)
[9] House of Lords International Agreements Committee (2024-26), 10th Report, *Treaty Scrutiny in Westminster: Addressing the Accountability Gap*, HL Paper 168, para. 70
[10] House of Lords International Agreements Committee (2024-26), 10th Report, *Treaty Scrutiny in Westminster: Addressing the Accountability Gap*, HL Paper 168, paras. 31 to 34; Hansard Society, *Parliamentary scrutiny of treaties - Our evidence to the House of Lords International Agreements Committee*, 3 June 2025

to agreements on dynamic alignment. Such agreements are likely to be sector-specific agreements and regulatory in nature; they are not comprehensive FTAs. However, the level of scrutiny should not depend on formal classification. Instead, it should reflect the legal, political and economic significance of the agreement. On that basis, agreements involving an ongoing commitment to adopt another jurisdiction's rules and regulations would plainly warrant the highest level of parliamentary scrutiny.

(iv) Scrutiny of domestic implementation and (v) updating the scope of agreements

21. Existing frameworks for dynamic alignment often either require, or leave scope for, domestic constitutional procedures to be fulfilled before new EU legislation is incorporated into an agreement. The precise nature and timing of these procedures vary depending on the agreement, the country and the type of legislative change involved.

The UK-EU Common Understanding agreed in May 2025 acknowledges the role that domestic constitutional procedures will play, noting that any sanitary and phytosanitary (SPS) measures or emissions trading (ETS) agreement would give "due regard to the United Kingdom's constitutional and parliamentary procedures".[12] In practice, however, Parliament's role will depend on both the terms of the agreements themselves and the domestic legal framework established by the EU reset bill.

22. One model involves parliamentary engagement before a decision is taken to incorporate new EU acts (rather than amendments or replacements). The Windsor Framework (as it applies in Northern Ireland) provides a clear example. Under the Windsor Framework:

- the EU must notify the UK when it considers a new EU act to be within scope of the Framework;
- the new EU act can only be added to the Framework with the UK's agreement in the Joint Committee; and
- once added, it is immediately implemented in Northern Ireland in accordance with section 7A of the European Union (Withdrawal) Act 2018.

23. Crucially, however, domestic constitutional requirements apply before the UK can agree to such incorporation. Schedule 7B of the Northern

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[11] House of Lords International Agreements Committee (2024-26), 10th Report, *Treaty Scrutiny in Westminster: Addressing the Accountability Gap*, HL Paper 168, para. 35
[12] *UK-EU Summit - Common Understanding*, 19 May 2025, paras. 27 and 40

Ireland Act 1998 (inserted by the Windsor Framework (Democratic Scrutiny) Regulations 2024) requires the UK Government to secure approval from the Northern Ireland Assembly via an "applicability motion" with cross-community support, before consenting in the Joint Committee. The Government may proceed without such approval only:

- where there are "exceptional circumstances", including the absence of a functioning Northern Ireland Assembly or Executive; or
- where the new EU act "would not create a new regulatory border between Great Britain and Northern Ireland".

If the UK declines to incorporate a new EU act considered to be within scope of the agreement the UK and EU must seek alternative solutions to maintain the functioning of the Framework. Failing that, the EU may take "appropriate remedial measures" against the UK.[13]

24. Other dynamic alignment agreements place domestic constitutional requirements after a Joint Committee decision is made; either before the decision enters into force, or before it is implemented in domestic law.

25. Article 103 of the Agreement on the European Economic Area (EEA) allows EEA Joint Committee decisions to take effect "only after the fulfilment of constitutional requirements". Where a decision specifies a date for entry into force:

- it comes into force on that date only if the relevant constitutional requirements are met;
- otherwise, the decision comes into force at the beginning of the second month after the requirements are fulfilled;
- if they are not fulfilled within six months, the state may provisionally apply the decision subject to those requirements being fulfilled or notify the EEA Joint Committee that it declines to ratify it.

26. In Norway, most EU law is incorporated through regulations that do not require a parliamentary vote. However, where explicit consent is needed (for example, via legislation), the Government may either :

- agree to incorporation subject to parliamentary approval (using the Article 103 procedure); or
- seek parliamentary consent before the Joint Committee makes its decision.[14]

[13] *Protocol on Ireland/Northern Ireland to the EU–UK Withdrawal Agreement*, Article 13(4)
[14] Storting Library, *The Norwegian Parliament and the EEA Agreement*, last updated 23 November 2021

27. Switzerland adopts a different approach, as obligations in international law automatically become part of its domestic law. As a result, constitutional requirements must be satisfied before ratification of any updates to its EU agreements and any new obligations become binding.[15]

The new Protocol on Food Safety, for example, establishes a Joint Committee on Food Safety to agree the incorporation of new EU acts into the Protocol. In evidence to your Committee, the Swiss Ambassador characterised this as a system of "dynamic alignment" but not "automatic alignment", as Switzerland retains control over whether or not to accept new obligations.[16]

Under its agreement with the EU, Switzerland:

- may give notice that a Joint Committee decision is subject to constitutional requirements (such as parliamentary approval or a referendum) before it becomes binding;
- then has up to two-years (or three where a referendum is required) to fulfil those constitutional obligations;
- may face "proportionate compensatory measures" from the EU if it fails to fulfil its obligations within the required timeframe.[17]

The Joint Committee decision becomes binding, however, as soon as Switzerland gives notice that the obligations have been fulfilled.[18]

28. The UK will need to determine what its own constitutional requirements should be in this context. The EU reset bill may address this, but it may do so in a limited way – for example, by allowing Ministers to transpose updates to EU legislation through Statutory Instruments.

29. Parliament may wish to apply the affirmative procedure to the exercise of some powers in certain circumstances, depending on the significance of the legislative change. This could be achieved by:

- specifying criteria in the EU reset bill; or

[15] Swiss Federal Department of Foreign Affairs, *The relationship between international law and national law*, 1 February 2026
[16] House of Lords European Affairs Committee, *Oral Evidence: Dynamic Alignment*, Evidence Session No. 2, 14 April 2026, Q14
[17] *Protocol to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products establishing a Common Food Safety Area*, Article 14
[18] *Protocol to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products establishing a Common Food Safety Area*, Article 21(1)

- delegating a "sifting" function to select committees in each House, similar to arrangements under the European Union (Withdrawal) Act 2018 and the Retained EU Law (Revocation and Reform) Act 2023.[19]

Where an EU-UK Joint Committee is involved, the UK must also determine how its representatives are authorised to take decisions, an issue already addressed in the context of the Windsor Framework.

30. However, any formal parliamentary role – such as an affirmative vote on Statutory Instruments – would operate in a politically and economically constrained environment. Decisions to reject updates to EU law could expose the UK to consequences arising from:

- non-compliance with international obligations;
- regulatory divergence from the EU; and
- potential EU countermeasures.

In practice, such pressures may discourage the use of formal veto powers. For example, although Norway retains the right under Article 102 of the EEA Agreement to refuse incorporation of EU acts, this power has never been exercised.[20]

31. These constraints make it all the more important that Parliament can perform its wider scrutiny, engagement, and influence functions effectively. Even if formal veto powers are rarely used, robust oversight earlier in the process remains essential to maintaining meaningful parliamentary oversight and accountability.

In determining how the UK's constitutional requirements operate within a framework of dynamic alignment, particular attention will need to be paid to the role of the devolved governments and legislatures. Where dynamic alignment extends into policy areas that overlap with devolved competences, similar scrutiny challenges are likely to arise at the devolved level. This, in turn, underscores the need for stronger inter-parliamentary relations (IPR). Existing mechanisms – such as the Inter-Parliamentary Forum, whose initial priorities included oversight of certain UK-EU agreements – provide a useful foundation but are unlikely to be sufficient for the more demanding task of scrutinising dynamic alignment. A more developed model will be required, ideally in the form of a formal Inter-Parliamentary Assembly. Such a body could be tasked with monitoring intergovernmental relations, co-ordinating with scrutiny

[19] *European Union (Withdrawal) Act 2018*, Schedule 7; *Retained EU Law (Revocation and Reform) Act 2023*, Schedule 5

[20] House of Lords European Affairs Committee, *Oral Evidence: Dynamic Alignment*, Evidence Session No. 2, 14 April 2026, Q18

committees across the relevant legislatures, and playing a dedicated role in examining certain common legislative frameworks, including those arising from dynamic alignment. The Hansard Society has outlined the potential role and remit of such an Inter-Parliamentary body in a paper jointly published with the Study of Parliament Group.[21]

(vi) Monitoring and early engagement and (vii) ongoing scrutiny of UK-EU relations

32. In existing models of dynamic alignment, the EU has consistently maintained that non-Member States cannot participate in the formal decision-making processes on EU acts. The UK-EU Common Understanding reflects this position, stating that the UK's rights under any agreement "would not extend to participation in the work of the Council or its preparatory bodies".[22]

33. Therefore, the UK's greatest opportunity to influence EU legislation will arise before proposals are formally drafted and published. The UK-EU Common Understanding suggests that the European Commission would consult the UK Government at an early stage of policymaking, allowing the UK to "contribute appropriately for a country that is not a member of the European Union to the decision-shaping process of European Union legal acts".[23]

This phase – when policy is still being shaped - is therefore also the point at which Parliament can exert the greatest influence, even though, as a non-member state, that influence will inevitably remain limited. To make effective use of whatever influence can be exerted, Parliament will need appropriate procedures and sufficient resources to scrutinise UK Ministers and to engage early with both UK and EU stakeholders.

34. In terms of direct UK-EU parliamentary engagement, the Parliamentary Partnership Assembly's remit is currently limited to the Trade and Cooperation Agreement. As a large membership body that meets only twice a year, it is not an adequate model for continuous and fast-moving scrutiny work of the kind that is required.

35. Key functions and tasks facing Parliament will include (but are not limited to):

[21] For more information, see: Evans, P. and Silk, P. (24 February 2023), *A new structure for interparliamentary relations* (Hansard Society)
[22] *UK-EU Summit - Common Understanding*, 19 May 2025, paras. 30 and 44
[23] *UK-EU Summit - Common Understanding*, 19 May 2025, paras. 30 and 44

- scrutinising the (delegated or secondary) legislation used to transpose EU rules into UK law;
- monitoring EU policymaking and legislative developments from an early stage;
- ensuring departmental select committees are alerted to relevant developments in EU policymaking as soon as possible;
- scrutinising and influencing the UK Government's approach to "decision-shaping";
- assessing how existing dynamic alignment agreements are operating in practice; and
- overseeing the evolving nature of UK-EU relations across a broad spectrum of policy areas.

36. Each House will need to determine how these functions should be addressed. One option is to rely primarily on existing select committees. Another is to establish a new dedicated, cross-cutting committee focused on EU relations.

In the House of Lords, the European Affairs Committee is well-suited to a comprehensive role.

In the House of Commons, however, reliance solely on existing departmental select committees would be limiting. Several core aspects of scrutiny would be better addressed by a new specialised, cross-cutting select committee.

- **Horizon-scanning and early warning:** Effective influence depends on anticipating developments before they crystallise into legislative proposals. This requires specialist expertise in EU policy-making practices, as well as dedicated analytical capacity, which departmental committees may not possess. A dedicated EU Relations Scrutiny Committee in the Commons (working jointly with the European Affairs Committee where appropriate) could monitor developments across policy sectors and alert relevant departmental select committees in time for meaningful engagement.
- **Cross-cutting policy issues:** Even if dynamic alignment begins in a limited number of sectors, the issues involved are likely to span multiple policy areas and departments. A cross-cutting committee would be better placed to address these systemic questions and the trade-offs they entail.
- **Volume and complexity of material:** Dynamic alignment is likely to generate a substantial volume of EU documents and legislative proposals. Concentrating initial scrutiny in a dedicated committee

would help manage this workload, while still allowing departmental select committees to contribute their subject-matter expertise. Notably, the now-abolished Commons European Scrutiny Committee operated a system under which it could request opinions from other select committees on specific EU documents – an approach that could usefully be replicated.[24]

While dynamic alignment may initially be confined to a limited number of sectors, this may not remain static - particularly if the EU reset bill confers broad powers to extend alignment over time. Scrutiny arrangements should therefore be designed with scalability in mind from the outset, ensuring they can adapt to an expanding scope without a loss of effectiveness.

37. A dedicated EU Relations Scrutiny Committee in the Commons, could also play a broader strategic role, including:

- assessing the operation of existing dynamic alignment frameworks (for example, financial contributions to the EU, regulatory costs, the volume of EU acts in scope, and the UK's implementation record);
- evaluating the UK's effectiveness in influencing EU policy-making at the decision-shaping level;
- scrutinising proposals to extend dynamic alignment into additional sectors, including negotiating mandates and progress; and
- overseeing wider aspects of UK-EU relations beyond dynamic alignment, including other negotiations and agreements.

38. The Norwegian Parliament offers a useful comparative model. Its European Consultative Committee reviews EU acts proposed for incorporation into the EEA Agreement.[25] The Government consults the Consultative Committee before each Joint Committee meeting, and the Committee may recommend the position the Government should take. The Consultative Committee's membership draws on the Foreign Affairs and Defence Committee and Norway's delegation to the EFTA and EEA Parliamentary Committees, while also allowing participation from members of other committees where relevant. At the same time, subject-specific committees in Norway have increasingly taken on responsibility for monitoring EU/EEA developments within their policy areas.[26]

[24] House of Commons, *Standing Orders - Public Business*, 23 October 2023, HC 1932, Standing Order No. 143(11)
[25] Storting Library, *The Norwegian Parliament and the EEA Agreement*, last updated 23 November 2021
[26] Storting Library, *EU/EEA work*, last updated 16 February 2026

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