

PARLIAMENTARY BUREAU

PARLIAMENTARY PARTNERSHIP ASSEMBLY – NOMINATION OF MEMBERS

Introduction

1. The Rt Hon Sir Oliver Heald MP, Chair of the UK Delegation to the EU-UK Parliamentary Partnership Assembly (PPA), has written to the Presiding Officer seeking nomination of two MSPs as observers at the inaugural meeting of the PPA on 12-13 May in Brussels. The letter is attached at **Annex A**.

Background

2. The PPA is part of the governance structure established by the EU-UK Trade and Co-operation Agreement (TCA). The TCA also established a Partnership Council which is co-chaired by the EU and UK Government.
3. The role of the Partnership Council is to oversee implementation, application and interpretation of the TCA. The Partnership Council, and its specialised committees, also seeks to resolve any issues that may arise during implementation of the TCA and can be a forum for the EU and the UK Government to agree to amendments of aspects of the TCA.
4. The Partnership Council will inform the PPA of its decisions and recommendations. The PPA may make recommendations to the Partnership Council. The PPA is composed of a delegation of UK Members of Parliament meeting together with a delegation of Members of the European Parliament and acts as a forum for parliamentarians to exchange views on the implementation and operation of the TCA. There are 35 Members in each delegation. The PPA is expected to meet twice a year, once in London and once in either Brussels or Strasbourg, issuing a report following each meeting.
5. The leader of the UK delegation and co-chair of the PPA is Rt Hon Sir Oliver Heald MP. The Earl of Kinnoull and Hilary Benn MP are vice chairs of the UK delegation.
6. The UK Government has indicated that, where matters within devolved competence are on the agenda for the Partnership Council or any specialised committees, devolved governments will be invited to attend at the appropriate level. Scottish Ministers were invited as observers to the inaugural meeting of the Partnership Council in June.
7. The Constitution, Europe, External Affairs and Culture Committee's view is that the Scottish Parliament's scrutiny of the implementation of the TCA requires it to invite the appropriate Scottish Government Minister to give evidence after each meeting of the Partnership Council.
8. The Convener of the Constitution, Europe, External Affairs and Culture Committee, along with equivalent committees of the Senedd Cymru and the Northern Ireland Assembly, have been working jointly in discussions with the UK Parliament regarding the role of the devolved legislatures on the PPA. For the

Bureau's information, a letter sent by the Constitution, Europe, External Affairs and Culture Committee, along with equivalent committees of the Senedd Cymru and the Northern Ireland Assembly, is attached at **Annex B**.

Nomination of Members

9. The Presiding Officer proposes that, using the d'Hondt system to determine which parties should be invited to nominate Members, the nominees should be from the SNP and the Conservatives. It may be appropriate for the SNP member to be the Convener of the Constitution, Europe, External Affairs and Culture Committee, given that committee's involvement in this issue.
10. The Presiding Officer considers that it would be helpful to nominate two alternate Members in case one of the principal nominees is unable to attend. Again using the D'Hondt system, this would suggest the alternate members should be from the SNP and Labour.
11. The Presiding Officer also considers it important that Business Managers have regard to gender balance in considering who to nominate.

Recommendation

12. The Parliamentary Bureau is invited to agree to the proposal for nomination of members to attend the inaugural meeting of the PPA.
13. Business managers are asked to provide names of the nominees and alternate nominees to the Presiding Officer by 12 noon on Friday 29 April.

Annex A



**The Rt Hon Alison Johnstone MSP, Presiding Officer
The Scottish Parliament
Edinburgh EH99 1SP
Scotland**

8 April 2022

Dear *Alison,*

UK-EU Parliamentary Partnership Assembly: first meeting, Brussels 12-13 May 2022

I am writing as the UK Co-Chair of the UK-EU Parliamentary Partnership Assembly (PPA) to invite the Scottish Parliament to send two elected representatives as observers to the inaugural meeting of the UK-EU Parliamentary Partnership Assembly. The meeting is to take place at the European Parliament in Brussels on Thursday 12 May (2.30pm to 6pm) and Friday 13 May (9.00am to 12.30pm).

The draft agenda will be agreed and circulated at least 8 days before the meeting. It is likely to include exchanges of views on the state of play within the Partnership Council as well as on specific subjects such as the situation in Ukraine. Although the draft Rules of Procedure for the PPA do not include a right for your colleagues to participate in debates within the PPA, I am sure that it would be beneficial to all concerned for representatives from the Scottish Parliament to attend the working sessions.

I have also secured a provision in the draft Rules of Procedure that PPA papers may be shared with those who attend its meetings. I will ensure that any such papers are communicated to you as soon as they are available for circulation. In addition, I would be very happy to offer you an opportunity to discuss the agenda with myself and other members of the Bureau ahead of the meeting. The delegation staff will be in touch to make the necessary arrangements.

Please could you confirm as soon as possible whether you wish to send observers to this meeting.

I look forward to hearing from you.

Yours sincerely,
Oliver Heald

Rt Hon Sir Oliver Heald QC MP
Leader and Co-Chair, United Kingdom Delegation to the
UK-EU Parliamentary Partnership Assembly
House of Commons
London SW1A 0AA
United Kingdom

Annex B



Lord Kinnoull,
Chair of the European Union
Committee, House of Lords and Sir
Oliver Heald

The Scottish Parliament
EDINBURGH
EH99 1SP

CEEAC.committee@Parliament.scot

16 November 2021

Dear Charles and Oliver,

Parliamentary Partnership Assembly

Further to the helpful and constructive discussion with you both on the role of the devolved legislatures in the role of the Parliamentary Partnership Assembly please find below a joint response on your proposals.

We note that the Partnership Council and its subordinate Specialised Committees may make binding decisions which the parties are required to implement thereby changing domestic law in the UK. The Partnership Council is therefore effectively exercising legislative powers without external scrutiny from either parties' legislatures; hence the importance of the Parliamentary Partnership Assembly in providing oversight of its operation.

Given that potential changes in domestic law arising from binding decisions of the Partnership Council may also include devolved areas it is essential that the devolved legislatures have a role in the PPA. Indeed, we note that most of the regulatory areas covered by the TCA are within devolved competence.

Plenary Meetings

We, therefore, welcome your view that the devolved legislatures should have a role in the plenary meetings of the PPA in some form of observer status whilst acknowledging that this is of course subject to agreement with the European Parliament. We request that in your discussions with the European Parliament that you seek to include –

- speaking rights on invitation from the chair in discussions on issues relevant to devolved matters;
- agenda and papers to be shared with devolved legislatures at the same time as they are shared with the UK delegation
- timeous notification to us of:
 - the decisions and recommendations of the Partnership Council;
 - recommendations the PPA may make to the Partnership Council and the response received;
 - requests the PPA may make to the Partnership Council and sight of any papers received in response

Meetings of the UK Delegation

We also considered your suggestion that the devolved legislatures could contribute to the work of the PPA through a refreshed inter-parliamentary forum. Our preferred approach is that the devolved legislatures have a formal role in the work of the UK delegation. For example, through attendance and contributing to meetings of the delegation in advance of plenary sessions. We welcome your suggestion that you would consult the devolved legislatures ahead of Bureau meetings of the PPA at which decisions on the agenda will be made but are not convinced that the inter-parliamentary forum is the appropriate vehicle at this time for this engagement to take place.

In our view while we recognise the challenges in securing formal participation in plenary meetings we do not see the same challenges in fully contributing on a formal basis to the work of the UK delegation outwith plenary sessions. This should include the opportunity to –

- Have sight and an opportunity to comment on draft agendas and papers in advance of plenary sessions of the Assembly;
- Comment on any proposals to make recommendations to the Partnership Council in areas related to devolved competences;
- Initiate proposals for recommendations to the Partnership Council in areas related to devolved competence;
- Be involved in any other work the UK delegation may agree in relation to oversight of the Partnership Council and the Specialised Committees which relates to devolved competences.

Finally, we request that the agreed procedures for the involvement of the devolved legislatures in both plenary meetings and in meetings of the UK delegation are

subject to periodic review once the method of operation of the PPA becomes clearer and more embedded.

We are happy to meet with you again to discuss these matters and look forward to hearing from you.

Yours Sincerely,

Clare Adamson Huw Irranca-Davies

Sinead McLaughlin

Clare Adamson, Chair of the Constitution, Europe, External Affairs and Culture Committee, Scottish Parliament

Sinéad McLaughlin, Chair of the Committee for the Executive Office, Northern Ireland Assembly

Huw Irranca-Davies, Chair of the Legislation, Justice and Constitution Committee, Welsh Senedd.