



The Scottish Parliament
Pàrlamaid na h-Alba

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BY E-MAIL

4 April 2019

Dear Tim,

Post-Brexit UK-EU interinstitutional relations, and the role of the devolved institutions

Following my letter of 18 February, the Culture, Tourism, European and External Affairs Committee [hereafter 'the Committee'] has now taken evidence on, and considered the issue, of Post-Brexit UK-EU inter-institutional relations with regard to the role of devolved institutions. I therefore considered that it would be appropriate to respond more fully to your letter of 25 January. In taking evidence on this issue, the Committee recognises the continuing uncertainty over the terms of the potential withdrawal of the UK from the EU. Nevertheless, the Committee acknowledges that your letter sought to look beyond Brexit in order to explore the UK-EU relationship, and the role of devolved institutions, in the longer term.

The Committee recognises that the Withdrawal Agreement and Political Declaration, if agreed, would represent an unprecedented relationship between the UK and EU with a considerable degree of institutionalisation. Accordingly, the structures proposed would have a considerable impact upon devolved competences and upon issues where there is a significant Scottish interest. As a result, the issues that you raised in your letter are of considerable interest to the Committee. Whilst the Committee recognises that the role of Scottish Government and / or Parliament is not dealt with in the Political Declaration, these matters are of direct interest to us. Accordingly, we welcome that the House of Lords European Union Committee is cognisant of these issues and of the approach you have taken. The Committee considers that it is essential that the future relationship between the UK and EU should

be underpinned by the principles of accountability, transparency and access to information for the legislatures across the United Kingdom.

The Committee recognises that the nature of interest representation in Brussels will change post-Brexit. The Scottish Government, and indeed Scottish organisations representing a broad swathe of Scottish economic, civic and political interests, have a substantial track record of engagement with European Union Institutions. Much of this activity has been conducted in an environment where there is not a 'formal' locus. This position will now apply, in a post-Brexit environment, to UK organisations more generally and specifically to UK Government and UK Parliament representation in Brussels. The Committee considers that it will be essential, in a post-Brexit environment, that there is a significant intensification of Scottish interest representation vis-à-vis European Union institutions given that Scotland will form part of a third country. Nevertheless, the Scottish experience of informal interest representation to date should provide a sound basis upon which to extend this approach.

I note that your Committee has recently published its report on inter-institutional relations entitled '*Beyond Brexit: How to win friends and influence people*'. I would also like to take this opportunity to reflect on some of the recommendations in your report as they relate to devolved institutions.

Firstly, I note that your report highlights the four key roles that you consider the UK Parliament will have in relation to UK-EU inter-institutional relations. These are scrutiny of EU legislative proposals, examination of the governance mechanisms and institutional mechanisms associated with the Withdrawal Agreement and Political Declaration, scrutiny of the future relationship negotiations and lastly, engaging in inter-parliamentary dialogue with the European Parliament, bi-laterally with Member State legislatures and with devolved legislatures. The Committee considers that these priorities apply equally to Scottish Parliament committees and specifically the Culture, Tourism, Europe and External Affairs Committee.

Secondly, the Committee notes the concerns expressed by the EU Select Committee regarding "the lack of transparency in the work of the governance mechanisms established in the Withdrawal Agreement". The Committee considers that this is a matter of considerable concern and supports the recommendations made by your Committee regarding measures that would facilitate effective scrutiny.

Thirdly, your report highlights the important role that the UK Government envisages the Northern Ireland Executive fulfilling in the formal inter-institutional structures set out in the Withdrawal Agreement. The Committee considers that this creates a significant imbalance in the degree of involvement of devolved administrations within these structures. The Committee, therefore, welcomes your recommendation that there is a case for devolved administrations be 'in the room' when devolved competences or interests are engaged within these structures.

More generally, the Committee considers it imperative that the Scottish Government be part of the decision-making process that underpins the UK's participation within these governance mechanisms. Accordingly, the Committee welcomes your

recommendation that the UK Government should explain what it means by an 'enhanced role' for the Scottish Government in the future relationship negotiations. Furthermore, the Committee supports the recommendation that this should, at the very least, involve a role for the devolved administrations in dialogue at summit, ministerial and technical level.

Lastly, the Committee welcomes the recommendations made in relation to engaging devolved legislatures in the work of UK delegations involved in dialogue with the European Parliament. This is a matter which we would be happy to discuss further with your Committee or within forums such as the Inter-Parliamentary Forum on Brexit.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Joan McAlpine', with a long horizontal line extending to the right.

Joan McAlpine
Convener
Culture, Tourism, Europe and External Affairs Committee