



The Scottish Parliament
Pàrlamaid na h-Alba

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SPICe Briefing

Pàipear-ullachaidh SPICe

Issue 19: EU-UK future relationship negotiations

Iain Thom

Following the UK's departure from the EU, the negotiations to determine the future relationship began on 2 March 2020. Over the course of the negotiations, SPICe has published briefings outlining the key events, speeches and documents published. This briefing charts the provisional application of the EU-UK Trade and Cooperation Agreement. The briefing describes the agreement's structures for governance and ongoing negotiation of the EU-UK relationship, and the Scottish Government's calls for representation in this process.



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Summary

This is the nineteenth ([and final](#)) issue in a series of SPICe briefings covering the negotiations on the future relationship between the EU and the UK.

This briefing:

- Outlines the European Commission and UK Government's agreement of a draft Trade and Cooperation Agreement (TCA) on 24 December 2020.
- Charts the rapid process of provisionally applying the TCA before the end of the transition period on 31 December 2020 and discusses options to extend provisional application beyond 28 February 2021.
- Provides an overview of what is in the TCA, with a focus on its structures for future governance and the Scottish Government's calls for representation.
- Describes the ongoing negotiations that will be required to govern the EU-UK relationship under the TCA and Withdrawal Agreement.

Future relationship deal agreed

In coordinated announcements at 3pm (UK time) on 24 December 2020, the UK and EU confirmed that agreement had been reached on the legal text of a EU-UK Trade and Cooperation Agreement:

- [The Prime Minister's statement](#)
- [European Commission statement](#) and [press conference](#)

Alongside the Trade and Cooperation Agreement, fifteen declarations were published covering areas such as the basis for future negotiations or cooperation on, for example, road haulage, participation in scientific research programmes and cooperation on criminal matters. Agreement was also reached between the EU and UK on the Nuclear Cooperation Agreement (NCA) and the Security of Classified Information Agreement (SCIA).

The texts of the Agreements and other associated documents are available on the [UK Government website](#) and [European Commission's website](#).

Application ahead of 2021

Political agreement on the EU-UK Trade and Cooperation Agreement (TCA) and other agreements was [reached on 24 December 2020](#). However, in order to avoid a no-deal scenario at the end of the transition period on 31 December 2020, the TCA and associated agreements still required to be applied. This constitutional process in the UK Parliament, Scottish Parliament and European Union is charted below.

UK Parliament

Application of the Trade and Cooperation Agreement (TCA) in the UK required primary legislation to ensure that UK domestic law is aligned with the UK's new obligations.

On 30 December 2020, the UK Parliament was recalled for one day to consider a Bill to implement the TCA (and related agreements).

- Draft legislation was [published by the UK Government on 29 December](#).
- The European Union (Future Relationship) Bill was then [introduced, considered and passed by both houses of the UK Parliament and received Royal Assent \(i.e. became an Act\) on 30 December](#). No amendments were agreed to during the Bill's passage.
- The [European Union \(Future Relationship\) Act 2020](#)'s main provisions came into force at 11pm GMT on 31 December 2020.

The [European Union \(Future Relationship\) Act 2020](#) contains:

- specific changes to existing legislation to meet the UK's commitments under the Agreements (Part 1 - Security; Part 2 - Trade and other matters)
- powers for the UK Government and devolved administrations to make regulations to implement the Agreements, any remedial measures taken under these agreements or any dispute resolutions relating to these agreements (Part 3, Sections 31-33)
- a general 'catch all' provision such that, where the Government or devolved authorities have not taken steps to implement the agreements, all existing domestic law (including Scots law) is modified to ensure the UK is complying with its obligations under the TCA and SCIA (Part 3, Section 29). This is referred to as a glossing mechanism or 'the gloss'. While the modifications will not appear in the text of the law, the courts will need to treat the law as if it has been amended. This does not apply to domestic laws enacted or made after the agreements become provisionally applied.
- A provision to disapply the Constitutional Reform and Governance Act 2010 in respect of the agreements.

A letter from the UK Government to the Lords Constitution Committee explains the [nature of the UK's provisional application of the TCA and the role of the European Union \(Future Relationship\) Act 2020 in meeting the UK's international obligations](#):

“ In the UK’s dualist legal system domestic law must be brought into line with international law through legislation. This is the case whether applied provisionally or fully in force. It is distinct from the legal order in the EU and its Member States where the agreement will apply directly as part of EU law. We are giving effect in domestic legislation to the Agreements being provisionally applied in the same way as we would were we ratifying the Agreements immediately.”

A report on the draft legislation was published by the [Lords Select Committee on the Constitution on 29 December](#). A report on the TCA was published by the Commons [Committee on the Future Relationship with the European Union on 30 December](#). For further detail see [House of Commons Library Bill briefing](#).

Consideration by the Scottish Parliament

Because the [European Union \(Future Relationship\) Bill](#) proposed to legislate in areas of devolved competence and provide powers to Scottish Ministers, legislative consent was sought from the Scottish Parliament.

On 29 December 2020, the Scottish Government published a [Legislative Consent Memorandum](#) setting out its position that legislative consent should not be granted, and that therefore no legislative consent motion would be lodged in relation to the Bill.

On the morning of the 30 December 2020, the Culture, Tourism, Europe and External Affairs Committee took [evidence on the Scottish Government's position from Michael Russell, Cabinet Secretary for the Constitution, Europe and External Affairs](#). In his opening remarks, Michael Russell said:

“ On the basis of the bill and on two grounds that I shall outline, we recommend that consent be refused. First, the content of the deal between the EU and the UK, which the bill implements, is unacceptable. The Scottish Government’s position on Brexit has been well rehearsed: we would rather that Brexit did not happen. Nevertheless, in order to address a scenario in which it must happen, the Scottish Government put forward balanced proposals that would have limited the damage to Scotland. However, the UK Government never gave those proposals any serious consideration; instead, it pursued an increasingly hard Brexit—which is, short of no deal, pretty much as hard as one could imagine. Our initial critique of the deal is set out in the memorandum, and I hope that our detailed analysis is helpful to members. Suffice it to say that Scotland will be much worse off than we were when the UK was an EU member state and that the promises of those who championed Brexit have—alas, just as many of us predicted—been broken.”

“ The second reason for withholding consent is the extraordinary lack of proper scrutiny that the bill will be given in the time available. The lack of time is a situation entirely of the UK Government’s making—an extension to the transition period, which the Scottish Parliament supported, would have been perfectly possible. The bill, if it is passed, will implement a deal that runs to more than 1,200 pages. It will give wide-ranging powers to UK ministers and will affect every area of life in Scotland for years to come. A bill of such significance cannot be scrutinised between Christmas eve and Hogmanay—that is impossible.”

Following this session, the Committee [published its response in a letter \(this letter was not](#)

signed by Conservative members of the Committee). The Committee agreed that the European Union (Future Relationship) Bill "clearly engages devolved competences and will have profound implications for the devolution settlement" and recommended that the Scottish Parliament does not provide legislative consent to the Bill.

The Committee also concluded that:

- The process of seeking to scrutinise the Bill and future relationship agreement has been severely impaired by a timetable for consideration of the Bill which can only be characterised as unacceptable. The Committee intends to undertake further scrutiny in due course.
- The Committee has previously made clear that the arrangements being sought by the UK Government will have significantly negative impacts upon the economy, society and culture in Scotland and the Committee has called for mitigation from the UK and Scottish governments.
- The agreement reached ensures that negotiations between the EU and UK government will be an on-going feature of the future relationship. This process will continue to impact upon the devolution settlement for the foreseeable future. The Committee is unaware of any input the Scottish Government or Scottish Parliament has had to influence the Bill despite the impacts upon devolved competences. The Committee considers this to be unacceptable. In future, the Committee considers it imperative that the Scottish Government is fully engaged within the proposed governance framework where devolved competences are being considered. Similarly, the Committee considers it to be essential that the Scottish Parliament is represented on the Parliamentary Partnership Assembly and Scottish representation on the Civil Society Forum.

On 30 December 2020, the Scottish Parliament was recalled to consider a [Scottish Government motion](#):

Motion S5M-23815: Trade and Co-operation Agreement between the United Kingdom and the European Union

That the Parliament notes the legislative consent memorandum on the European Union (Future Relationship) Bill lodged by the Scottish Government on 29 December 2020; considers that, while a no deal outcome must be avoided, the Future Relationship Agreements negotiated by the UK Government would cause severe damage to Scotland's environmental, economic and social interests; regrets that, unless the UK Government follows the EU approach of provisional ratification, the European Union (Future Relationship) Bill will receive severely limited scrutiny in the UK Parliament, with very little time given to parliamentarians in the UK Parliament and devolved legislatures across the UK, failing to recognise the significance of the agreement and failing to respect the important role of the Scottish Parliament in scrutinising legislation requiring its legislative consent; therefore does not consent to the European Union (Future Relationship) Bill, and calls on the UK Government to seek a pause in current implementation while special arrangements are made to take account of these difficulties for Scotland and for the many others that will become apparent as the Bill is more fully considered.

Following the afternoon's debate, the motion S5M-23815 was [amended by S5M-23815.3 in the name of Richard Leonard MSP](#):

insert at end “; urges the Scottish Government to provide further mitigation to businesses and sectors impacted by this Agreement and the COVID-19 pandemic, and calls on the UK and Scottish governments to work together to ensure that the current rights of workers, and Erasmus, are protected and that the highest environmental standards are upheld.”

The motion as amended was [agreed by a majority](#).

European Union

[The UK in a Changing Europe's explainer on EU ratification](#), summarises the EU process for ratifying international agreements, such as the EU-UK Trade and Cooperation Agreement (TCA):

“ The process for ratifying international agreements in the EU is [complex](#). However, once the Commission reaches agreement on the EU's behalf, the process essentially boils down to gaining the approval of the two main legislative institutions: the [Council \[of the European Union\]](#) and [\[European\] Parliament](#). If an agreement is mixed, national and regional parliaments must also ratify before an agreement can apply in full.”

The TCA is not a mixed agreement. [The European Commission's view](#) is that the TCA:

“ can be concluded as an EU-only agreement since it covers only areas under Union competence, be it exclusive or shared with the Member States. The Commission has chosen Article 217 TFEU as the legal basis for the conclusion of the Agreement. This requires the unanimous agreement of the Member States in the Council and the consent of the European Parliament.”

The European Parliament had previously said it would [consider giving its consent to a EU-UK deal before the end of the transition period only if agreement was reached by 20 December 2020](#). However this deadline was missed and therefore consent by the European Parliament to the TCA before the end of the transition period was not possible. The Commission therefore proposed 'provisional application' of the Agreement from 1 January 2021.

On 29 December 2020, the Council of the European Union [unanimously agreed to provisional application of the TCA from 1 January 2021](#). This decision also stipulated [on-going roles for representatives of Member States in the governance of the TCA](#).

From 1 January 2021, the TCA has been provisionally applied. [The TCA specifies that](#) provisional application will end on the earlier of the following dates:

- 28 February 2021 or another date as decided by the [Partnership Council, the joint UK-EU body established to oversee the TCA](#); or
- The date on which the TCA enters into force. This would be the first day of the month

following the month in which both sides have notified each other they have completed their respective internal requirements and procedures for establishing their consent to be bound.

The European Commission's statement on the 24 December 2020 referenced the 28 February 2021 end date, emphasising that to allow the European Parliament to scrutinise the deal it:

“ proposes to apply the Agreement on a provisional basis, for a limited period of time until 28 February 2021.”

However, even before the TCA came into force, the [European Parliament had proposed extending the provisional application period](#) to allow it to hold its consent vote during its March plenary session. Plenary sessions are [scheduled for 8 to 11 and 24 to 25 March 2021](#).

[RTÉ News reported on 18 January 2021 that](#) Member States also wished to

“ [extend] the deadline from the end of February until April... to give both member states and the European Parliament more time to scrutinise the treaty and to allow the text to be translated into 23 official languages.”

As reported in the same article, a spokesperson for the UK Government said:

“ We and the EU agreed only last month to provisionally apply the EU-UK Trade & Cooperation Agreement until 28 February. The aim was to allow the EU a reasonable and proportionate length of time to ratify the agreement. That still seems the right basis on which to proceed and we look to the EU to complete its processes within this timeframe. We note that Vice President Sefcovic said today that that was still the Commission's intention. We will consider any request for extension if and when we receive one.”

In line with the provisions of the TCA, any decision to extend provisional application past 28 February 2021 will require a [decision by the Partnership Council](#).

What does the Trade and Cooperation Agreement cover?

The EU-UK Trade and Cooperation Agreement (TCA) consists of three pillars:

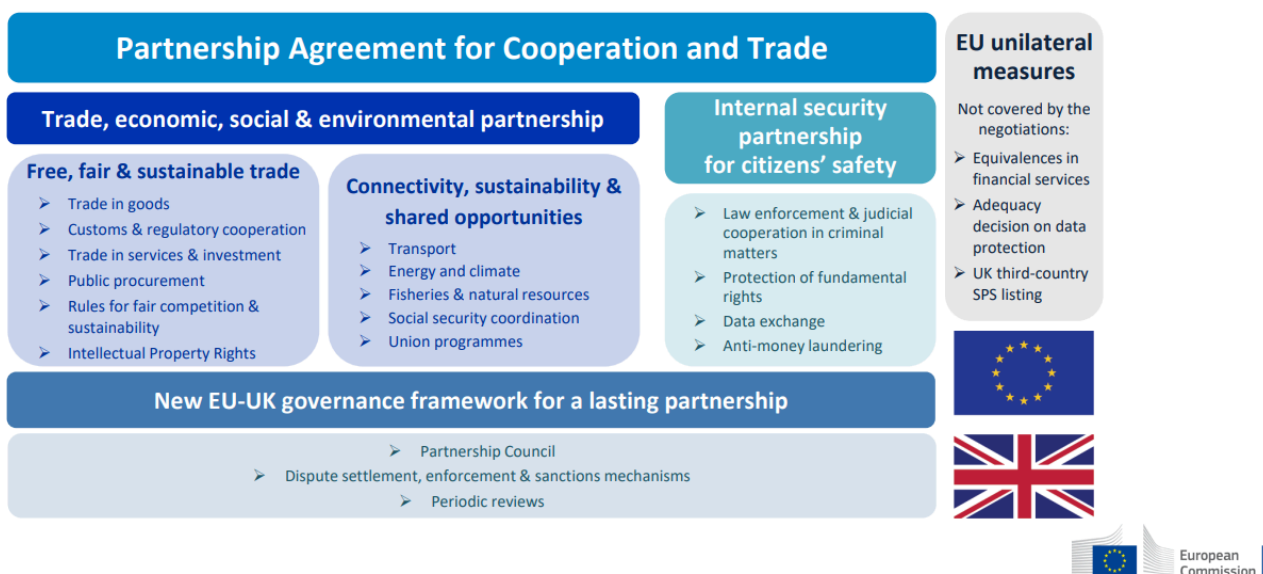
- A free trade agreement
- Law enforcement and judicial cooperation in criminal matters
- Governance arrangements, including dispute settlement

The UK Government, European Commission and Scottish Government have published interpretations of the Agreement:

- UK Government - [Summary Explainer](#)
- European Commission - [Q&A](#); [Brochure](#); [Overview of consequences and benefits](#)
- Scottish Government - [Summary of the implications for Scotland](#)

The European Commission's trade directorate also published a [91 slide deck focussed on the trade aspects of the TCA](#). This included a graphic summarising the architecture of the deal:

Architecture of the Trade and Cooperation Agreement



[European Commission](#)

The Agreement is [described by SPICe in a 'long read' blog post published on 28 December 2020](#). The TCA's [structures for future governance and the question of a role for devolved administrations in them are discussed below](#).

Other sources describing the content of the Agreement are:

- [The Institute for Government's explainer](#)

- [Commentary from UK in a Changing Europe](#)
- [House of Commons Library](#)

A summary of the TCA's key features by the House of Commons Library is included below:

House of Commons Library summary: EU-UK Trade and Cooperation Agreement (TCA)

Key features of the TCA include the following:

- **Trade:** There will be no tariffs or quotas on trade in goods provided rules of origin are met. There are increased non-tariff barriers, but measures on customs and trade facilitation to ease these.
- **Governance:** The Agreement is overseen by a UK-EU Partnership Council supported by other committees. There are binding enforcement and dispute settlement mechanisms covering most of the economic partnership, involving an independent arbitration tribunal. There is no role for the Court of Justice of the EU in the governance and dispute settlement provisions. Both parties can engage in cross-sector retaliation in case of noncompliance with arbitration rulings (through suspension of obligations, including imposition of tariffs). This cross-sector retaliation applies across the economic partnership.
- **Level playing field provisions:** Both parties have the right to take counter-measures including imposition of tariffs, subject to arbitration, where they believe divergences are distorting trade. There is also a review mechanism where this occurs frequently.
- **Subsidies/state aid:** Both parties are required to have an effective system of subsidy control with independent oversight. Either party can impose remedial measures if a dispute is not resolved by consultation.
- **Fisheries:** 25% of the EU's fisheries quota in UK waters will be transferred to the UK over a period of five years. After this, there will be annual discussions on fisheries opportunities. Either party will be able to impose tariffs on fisheries where one side reduces or withdraws access to its waters without agreement. A party can suspend access to waters or other trade provisions where the other party is in breach of the fisheries provisions.
- **Security:** A new security partnership provides for data sharing and policing and judicial co-operation, but with reduced access to EU databases. A new surrender agreement takes the place of the European Arrest Warrant. Cooperation can be suspended by either side swiftly in the case of the UK or a Member State no longer adhering to the European Convention of Human Rights.
- **EU Programmes:** Continued UK participation in some EU programmes: Horizon Europe (Research), Euratom Research and Training, ITER fusion and Copernicus (satellite system).
- **Review and Termination:** The TCA will be reviewed every five years. It can be terminated by either side with 12 months' notice, and more swiftly on human rights and rule of law grounds.

Three significant unilateral decisions by the EU affecting trade arrangements are still to be taken:

- equivalences for financial services

- adequacy of the UK data protection regime
- assessment of the UK's sanitary and phytosanitary regime for the purpose of listing it as a third country allowed to export food products to the EU

There are also a large number of [other decisions and future negotiations set up by the TCA \(and Withdrawal Agreement\)](#) which may lead to the EU-UK relationship developing. For example, cooperation on energy, fisheries negotiations and decisions on the mutual recognition of professional qualifications through the Partnership Council.

Scottish Government analysis

On 30 December 2020, the Scottish Government published an ["outcomes analysis" of the EU-UK future relationship agreement](#). This document compares the Trade and Cooperation Agreement to the UK's membership of the EU in the following areas:

- Economy overall
- Trade in goods
- Trade in services
- Fisheries
- EU programmes
- Law Enforcement and Judicial Cooperation in Criminal Matters (Internal Security)
- People
- Environment and energy
- Overall governance

The summary states:

“ Scotland's people will no longer be able to work, study and travel freely in the EU. Fewer people will migrate to Scotland, making our economy, culture and wider society poorer. Cooperation with the EU on security will be less effective, which means Scotland's police and judicial system will have reduced capacity and capability to combat crime. The UK will be out of the EU Single Market – Scottish businesses exporting goods and services will not be able to trade with the EU like they did before, making them less competitive. Scottish Government modelling estimates that, even with a deal of the kind the UK government has negotiated, Scotland's GDP could be around 6% lower by 2030 than it would be with EU membership (£9bn in 2016 cash terms).”

Structures for future governance and cooperation

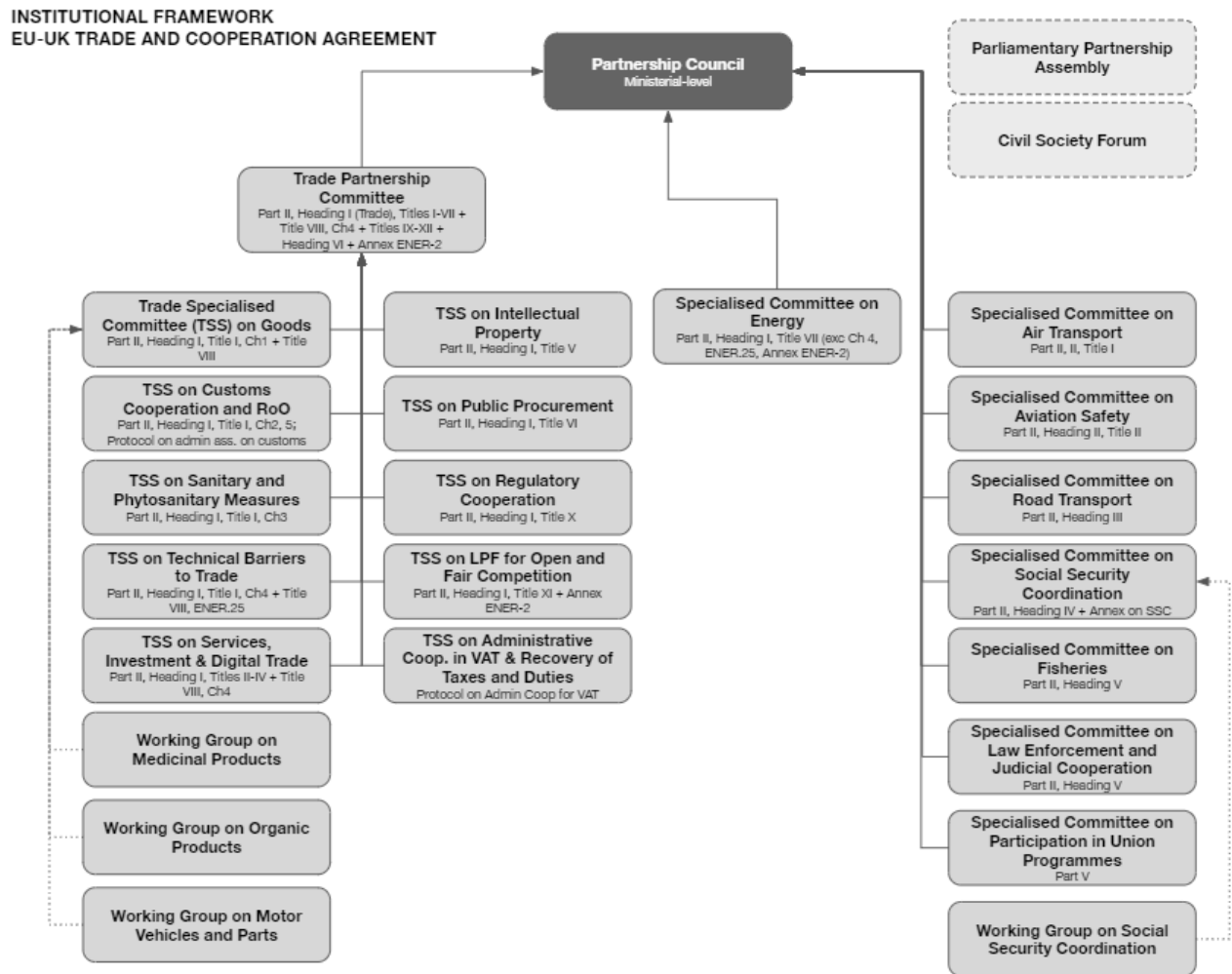
The [EU-UK Trade and Cooperation Agreement \(TCA\)](#) creates a set of new structures to manage and implement the Agreement. These will be forums for ongoing EU-UK negotiations under the terms of the TCA.

At a political level, a Partnership Council is created. This will be co-chaired by a Member of the European Commission and a representative of the UK at ministerial level. The EU or the UK can refer to the Partnership Council any issue relating to the implementation, application and interpretation of the Agreement (Article INST.1). Decisions are to be taken by mutual consent between the EU and the UK, and are binding on both parties (Article INST.4). If disputes cannot be resolved by mutual consent, parties can - depending on the subject of the dispute - use a number of dispute resolution mechanisms, trade remedies or agreement suspensions.

As its representative and co-chair on the Partnership Council, [the European Commission has appointed Vice-President Maroš Šefčovič](#), who also co-chairs the Withdrawal Agreement's Joint Council alongside Michael Gove MP. The UK's co-chair has not yet been confirmed.

Below the Partnership Council, a network of 19 committees and four working groups are created. They are to assist the Partnership Council in the performance of its tasks and their primary functions are set out in Articles INST.2 and INST.3. The committees and working groups are all to be co-chaired by representatives of the EU and UK.

Institutional framework of the TCA



<https://twitter.com/AntonSpisak/status/1342898562078793728>

The TCA allows for the European Parliament and UK Parliament to establish a "Parliamentary Partnership Assembly" consisting of MEPs and MPs (Article INST.5). This is envisaged as a forum to exchange views on the partnership. If established, it would have powers under the TCA to access information on implementation, be informed of the Partnership Council's decisions and recommendations and make its own recommendations to the Partnership Council. The TCA does not make provision for Members of the Scottish Parliament (MSPs) to be members of the "Parliamentary Partnership Assembly".

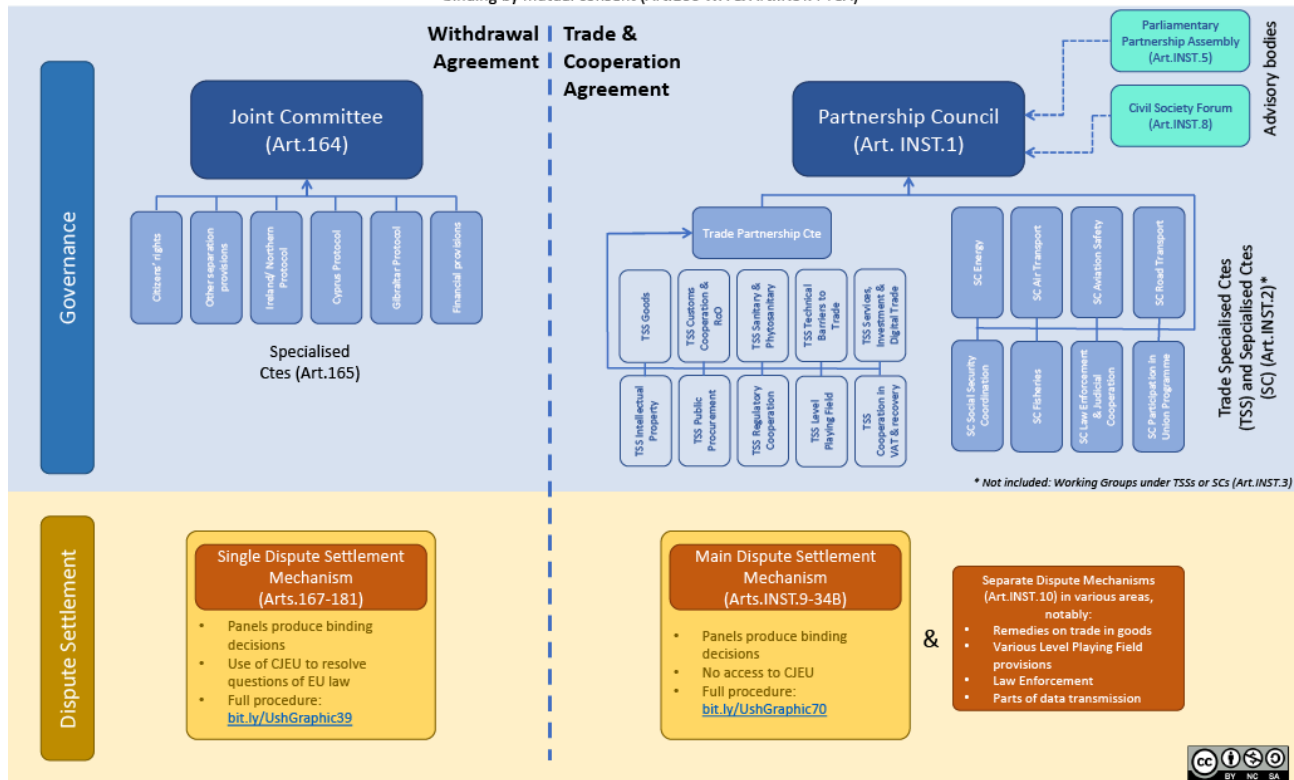
Consultation with domestic civil society groups and a joint civil society forum is also enabled under the TCA (INST.7 and INST.8).

In addition to the TCA, the Withdrawal Agreement and its governance structures remain important to the EU-UK future relationship. Professor Simon Usherwood has expanded the institutional framework diagram above to an overview of the governance architecture of both the TCA and the Withdrawal Agreement:

The governance architecture of the EU-UK relationship

Simon Usherwood (@Usherwood)

The Withdrawal Agreement and the Trade & Cooperation Agreement both create new institutions for the management of the EU-UK relationship, running in parallel to "ensure implementation, application and interpretation". In both treaties, decisions of these institutions is binding by mutual consent (Art.166 WA & Art.INST.4 TCA)



<https://twitter.com/Usherwood>

The European Commission's 'Task Force for Relations with the United Kingdom' (UKTF) - which negotiated the TCA for the EU - is to be **reorganised into a new 'Service for the EU-UK Agreements' (UKS)** from 1 March 2021 to "support the... implementation and monitoring of the agreements with the UK". The EU's Chief Negotiator, Michel Barnier, is to become Special Adviser to European Commission President as of 1 February 2021 advising on the same agreements.

The House of Lords European Union Committee took evidence on **governance of the TCA on 2 February 2021 from academic and legal stakeholders**.

Role for devolved administrations or legislatures?

The Scottish Government has **expressed its position that:**

It will be vital that Scotland has meaningful representation within [the Trade and Cooperation Agreement's] Governance structures.

In **evidence to the Culture, Tourism, Europe and External Affairs Committee on 30 December 2020** the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell said:

“ There was a joint ministerial committee meeting late yesterday afternoon, and I made the point forcibly—it was also made by Jeremy Miles for Wales and by Arlene Foster and Michelle O’Neill from Northern Ireland—that representation of the devolved Governments is needed across the entire structure, particularly where devolved responsibilities are involved.”

“ ...The foundation stone for that is the precedent of the presence of Scottish ministers at European Council meetings. When the UK was attending those meetings, we always sought to have a presence. That was arranged on a grace-and-favour basis, which was utterly wrong, but Scottish ministers did attend. I have attended meetings of the EU environment and education councils, and—probably since devolution, and certainly since we came into Government—a Scottish minister has always attended fishing talks.”

The brief communique for the Joint Ministerial Committee (EU Negotiations) meeting referred to by Michael Russell is [available on the Scottish Government's website](#).

Culture, Tourism, Europe and External Affairs Committee - in its [letter of 30 December 2020 \(not signed by Conservative members of the Committee\)](#) - also called for devolved representation in the TCA's governance structures which relate to devolved competencies:

- The Committee notes that some of the subject matter which will be considered within the governance framework deal with devolved competences such as law enforcement, judicial cooperation and fisheries. The Committee is not aware of any provision within the agreement for Scottish Government participation within the governance framework. **The Committee recommends that the Scottish Government, at Ministerial and official level as appropriate, should be present at meetings taking place under the governance framework that deal with devolved policy areas.**
- The Committee notes that the governance framework also establishes a ‘Parliamentary Partnership Assembly’ and a ‘Civil Society Forum’. The Parliamentary Partnership Assembly is proposed to consist of Members from the European Parliament and UK Parliament. **The Committee recommends that given the governance framework deals with devolved competences that representation from the Scottish Parliament be included on the Parliamentary Partnership Assembly.**

On the European Union side, in its [decision to provisionally apply the Trade and Cooperation Agreement \(TCA\)](#), the Council of the European Union agreed that:

Each Member State shall be allowed to send one representative to accompany the Commission representative, as part of the Union delegation, in meetings of the Partnership Council and of other joint bodies established under the Trade and Cooperation Agreement.

Requirements for the European Commission to keep Member States informed in advance of and following any meetings were also stipulated.

In its final report published on 21 January 2021, the [House of Commons Committee on the](#)

Future Relationship with the European Union concluded that a broad interparliamentary forum should be established covering "post-Transition topics":

“ We agree with the Liaison Committee that there should be an effective, but not overformalised, UK interparliamentary body based around the committees of each UK legislature. As part of its work this new forum would cover important post-Transition topics such as the EU-UK Trade and Cooperation Agreement, common frameworks, the UK Internal Market Act and the Northern Ireland Protocol. However, until such a body is created, the Interparliamentary Forum on Brexit should continue its work, under a new name which reflects that Brexit is done. The UK Parliament should work with the other UK administrations to identify the Forum’s priorities.”

Next steps

Ongoing UK-EU negotiations

In UK in a Changing Europe commentary, [Bryan Bille and Noé Morin write that](#) despite the EU-UK agreement on a TCA, "this is not the end of the road":

"...Many rounds of negotiations between European and British officials – under less media attention but without disappearing entirely – will need to take place over the coming years. Looking at the overarching governance structure, it is clear that the areas of trade and cooperation of this dynamic agreement will evolve over time."

"A partnership council, comprising representatives of the EU and the UK, is responsible for the implementation of the agreement, assisted by specialised committees and working groups."

"There are also numerous provisions referring to periodic reviews. New bilateral agreements that will be concluded between the UK and the EU could supplement the existing agreement and could therefore become part of the overall bilateral relations governed by this agreement. Not only the EU itself, but also the EU member states, may conclude bilateral agreements with the UK in the areas of national and mixed competence, for instance in the area of aviation."

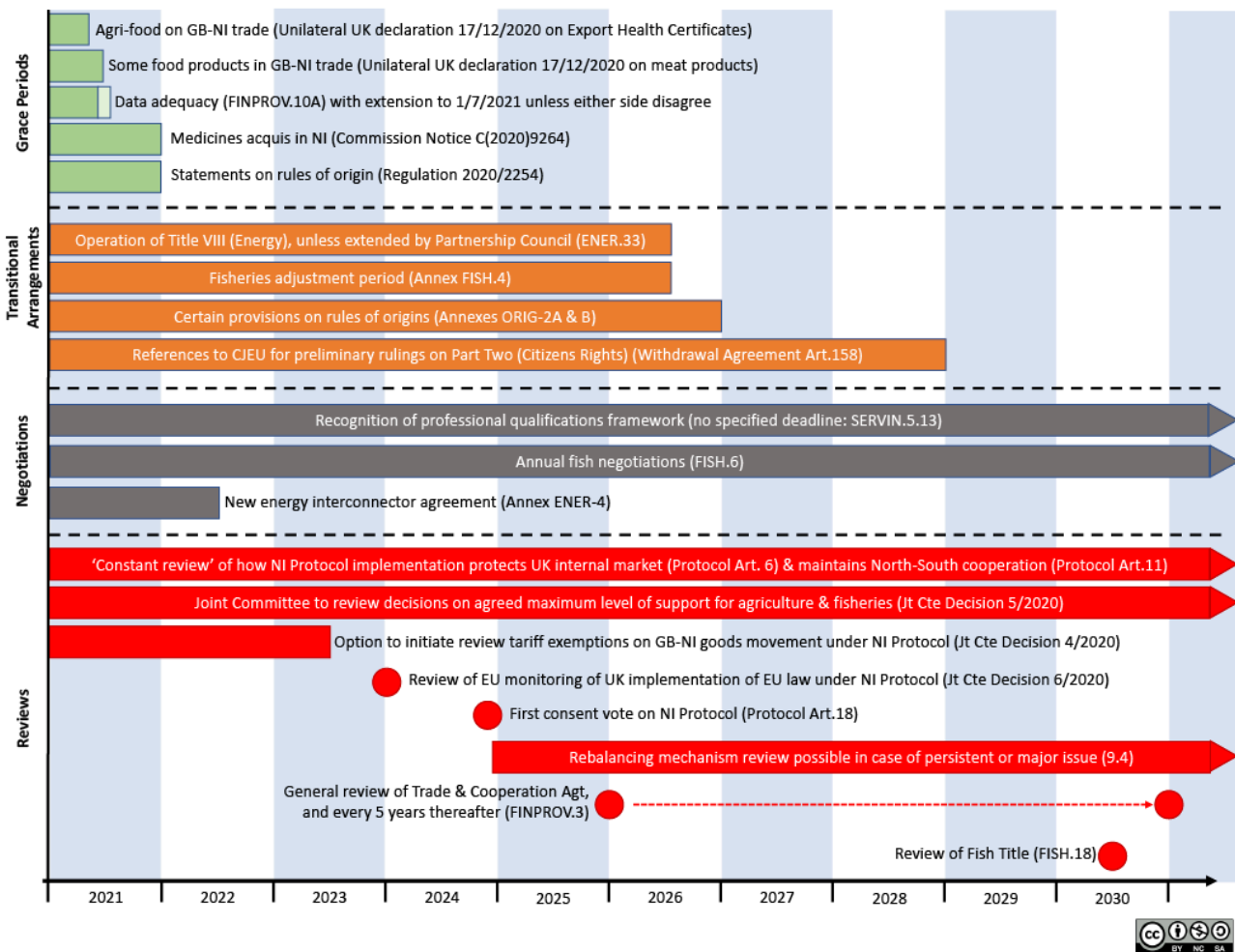
The Partnership Council and specialised committees and working groups referenced in the quote above are described in this briefing's section on [Structures for future governance and cooperation](#).

Professor Simon Usherwood has produced an infographic setting out a timeline of various grace periods, provisions and deadlines in the TCA and Withdrawal Agreement necessitating ongoing negotiations:

The Next Brexit Timetables & Deadlines

Simon Usherwood (@Usherwood) with help from David Phinnemore (@DPhinnemore) & Catherine Barnard (@CSBarnard24)

The EU-UK Trade & Cooperation Agreement contains various grace periods, provisions and deadlines, in addition to those already agreed in the 2020 Withdrawal Agreement and its Joint Committee. Articles refer to TCA unless otherwise specified.



<https://twitter.com/Usherwood>

A compendium of articles - called 'Brexit and beyond' - exploring the "scale and scope" of the post-Brexit agenda in the UK, was published by UK in a Changing Europe on 19 January 2021. This includes 73 articles grouped under policy, public opinion, politics, the Union, economy, government & law, and external relations. Writing for the Centre for European Reform, Sam Lowe discusses the potential for the TCA to be developed through the Partnership Council and specialised committees, alongside some "reasons to think it could crumble away".

In relation to parliamentary scrutiny of the developing EU-UK relationship, in its final report published on 21 January 2021, the House of Commons Committee on the Future Relationship with the European Union quote evidence from Professor Catherine Barnard, who said:

“ You also have a very powerful Partnership Council, which has quite considerable powers. It can amend the Agreement, not just to deal with infelicities in the Agreement, but to make quite significant changes. A really important issue going forward, for you as a Committee and for Parliament, is how to scrutinise not only how the deal is working, but how changes are being made to the deal and what is being done under the deal.”

The Committee's report concludes that it "will be important for [the UK] Parliament to continue to scrutinise the UK's relationship with the EU" and sets out its view on how future scrutiny should be undertaken in the UK Parliament.

European Parliament scrutiny ahead of consent vote

The [European Parliament had proposed extending the provisional application period](#) to allow it to hold its consent vote during its March plenary session. Plenary sessions are [scheduled for 8 to 11 and 24 to 25 March 2021](#). However, in line with the provisions of the TCA, any decision to extend provisional application past 28 February 2021 will require a [decision by the Partnership Council](#).

The European Parliament's committees on Foreign Affairs and International Trade have begun scrutiny of the TCA. The Committee on International Trade met on [11 January 2021](#) followed by a joint meeting with the Committee on Foreign Affairs on [14 January 2021](#).

David McAllister MEP - chair of the Foreign Affairs Committee and the UK Coordination Group - [tweeted ahead of the joint meeting](#):

“ Today, the responsible committees on @EP_Trade and @EP_ForeignAff are starting the parliamentary scrutiny of the EU-UK Trade and Cooperation Agreement. We will take the necessary time before deciding whether to give our consent.”

“ Additionally, INTA and AFET together with all associated committees will work on a resolution accompanying the consent procedure. We will highlight positive aspects as well as specific points, which should be improved in the future. Many questions need still to be clarified.”

“ The Partnership Council will take decisions implementing, reviewing and updating an agreement that is unique and unprecedented. This will require a close parliamentary scrutiny. The @Europarl_EN is ready to play a constructive role within the overall governance structure.”

Next steps are outlined by the European Parliament's [press release of 14 January 2021](#):

In due course, the two committees will vote on the consent proposal prepared by the two standing rapporteurs to allow for a plenary vote before the end of the provisional application of the agreement.

In addition to the plenary vote, Parliament will also vote on an accompanying resolution prepared by the political groups in the UK Coordination Group and the Conference of Presidents.

Forthcoming scrutiny in the UK and Scottish parliaments

A series of evidence sessions with sectoral stakeholders impacted by the new EU-UK relationship is planned by the Scottish Parliament's [Culture, Tourism, Europe and External Affairs Committee](#).

Various UK Parliament committee are actively organising inquiries or one-off evidence sessions on the EU-UK relationship. A list of all inquiries and non-inquiry hearings is available on the [UK Parliament's committee inquiry page](#).

End of this SPICe briefing series

This is the last publication in this SPICe briefing series on the EU-UK Future Relationship.

- 97 issues of the SPICe Brexit Update charted the EU-UK negotiations on the Withdrawal Agreement from a devolved perspective. All issues can be found on [this page of the Scottish Parliament website](#).
- 19 issues of the SPICe briefing series on the EU-UK Future Relationship charted negotiations that resulted in the Trade and Cooperation Agreement and associated agreements. All issues can be found on the [SPICe Digital Hub](#).

While this dedicated briefing series has ended, SPICe will continue to provide impartial information and analysis on the future EU-UK relationship and how it impacts Scotland through the Spotlight blog and SPICe briefings.

Thank you for reading!

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