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Constitution, Europe, External Affairs and Culture Committee

Annual Report 2021-22



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Constitution, Europe, External Affairs and Culture Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the Scottish Government's EU and external affairs policy;
- (b) policy in relation to the UK's exit from the EU;
- (c) the international activities of the Scottish Administration, including international development; and
- (d) any other matter falling within the responsibility of the Cabinet Secretary for the Constitution, External Affairs and Culture and any matter relating to inter-governmental relations within the responsibility of the Deputy First Minister.



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Committee Membership



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Donald Cameron
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Jenni Minto
Scottish National Party



Mark Ruskell
Scottish Green Party

Introduction

1. This report covers the work of the Constitution, Europe, External Affairs and Culture Committee ('the Committee') during the parliamentary year from 13 May 2021 to 12 May 2022.
2. The Committee was established in June 2021 and during this parliamentary year it has undertaken a large volume work across the breadth of the Committee's wide and diverse portfolio, including inquiries focusing on the UK internal market, the Scottish Government's international work, and culture spend.

Meetings

3. The Committee met 26 times during the reporting period, with 11 meetings held wholly in public, 3 wholly in private and 12 partly in private.

Advisers

4. At its meeting on 7 October 2021, the Committee agreed to appoint four advisers—
 - Professor Katy Hayward, UK in a Changing Europe Senior Fellow, Queen's University Belfast
 - Professor Michael Keating, Professor of Politics, University of Aberdeen
 - Professor Tobias Lock, Jean Monnet Chair in EU Law, Maynooth University
 - Dr Christopher McCorkindale, Senior Lecturer in Law, University of Strathclyde.
5. The advisers support the Committee's work in relation to constitutional issues and the future relationship with the EU, including the impact on devolution.

Membership changes

6. The membership of the Committee has changed over the parliamentary year as follows—

- On 7 September 2021, Mark Ruskell MSP replaced Patrick Harvie MSP.

Constitution

UK Internal Market Inquiry

7. The Committee held an [inquiry](#) to consider how the UK internal market, established in law by the [UK Internal Market Act 2020](#) as the UK prepared to leave the EU, affects Scotland and devolution.
8. On 13 September 2021, the Committee launched a [call for views](#) on this inquiry. It closed on 29 October 2021 and received 19 responses. It focused on—
 - How devolution is being impacted by the new constitutional arrangements arising from the UK internal market
 - Scrutiny, transparency, and accountability challenges, including how the Parliament can best address these challenges
 - The challenges and opportunities in domestic policy divergence including the risks/rewards of policy divergence between the four parts of the UK and the EU.
 - The relationship between the Protocol on Ireland and Northern Ireland and the operation of the UK internal market, including whether this poses challenges for Scotland
 - What the establishment of the UK internal market and the increasingly interconnected nature of devolution means for intergovernmental and interparliamentary relations, including what opportunities and challenges they present
 - The impact of the EU-UK Trade and Co-Operation Agreement and other bilateral trade agreements on the operation of the UK internal market and devolution.
9. The Committee took evidence in relation to this inquiry at its meetings on [11 November](#), [2 December](#), and [16 December](#) 2021, and then on [13 January](#) and [27 January](#) 2022.
10. The Committee published its [report](#) on 22 February 2022. It identified three significant and interrelated tensions arising from and/or exacerbated by the UK leaving the EU — between open trade and regulatory divergence, within the devolution settlement, and in the balance of relations between the executive and the legislature. The Scottish Government [responded](#) on 19 May 2022.
11. A [debate](#) on the Committee's report was held in the Chamber on 2 March 2022. The Committee also highlighted its findings in letters to the relevant committees in the House of Commons, House of Lords, Welsh Senedd, and Northern Ireland Assembly.
12. All correspondence and briefings on the UK internal market, including common frameworks, are available to view on the [Committee's web page](#). The Committee also published [guidance](#) on the UK internal market for subject committees.

Continuity Act

13. Section 1(1) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 confers a power on Scottish Ministers to enable them to make regulations to keep Scots law aligned with EU law where appropriate. The Act requires Scottish Ministers to lay a Policy Statement and an Annual Report before Parliament on the intended and actual use of the power, including a draft for consultation.
14. The [draft Policy Statement](#) and [draft Annual Report](#) were laid in the Scottish Parliament on 29 October 2021. The Act allows the Parliament 28 days to scrutinise both draft documents, and after the final versions are laid, a further 28 days.
15. On 29 October 2021, the Committee issued a [call for views](#) on the draft Policy Statement and draft Annual Report. It closed on 11 November 2021 and received 3 responses. The Committee received a [briefing paper from its advisers](#), and then took evidence on [18 November 2021](#), on the draft documents.
16. In a letter to the Scottish Government on 25 November 2021, the Committee [reported](#) on its views on the draft documents. The Committee noted that the constitutional implications of leaving the EU for devolved policy-making and legislation are highly complex and raises challenges in ensuring transparency and Ministerial accountability, and recommended that proposals for robust parliamentary procedures to address these challenges are developed as a matter of urgency.
17. On 10 May 2022, the Scottish Government laid in the Parliament a [revised Policy Statement](#) and finalised [Annual Report](#), in addition to a [document](#) setting out how the Scottish Government has considered the representations received regarding the drafts laid.

Inter-Parliamentary Forum

18. The Convener and Deputy Convener attended the first meeting of the Inter-Parliamentary Forum on [25 February 2022](#), alongside other Chairs, Conveners and Members of the relevant committees in the Senedd Cymru, Northern Ireland Assembly, House of Commons, and House of Lords.
19. Initial priorities for the forum will include oversight of—
 - Inter-governmental relations, including agreeing a joint annual report on addressing common scrutiny challenges
 - The operation of international agreements, including the Trade and Co-Operation Agreement, the Withdrawal Agreement, and the Protocol on Ireland/Northern Ireland
 - The UK internal market, including the UK Internal Market Act and Common Frameworks
 - The impact of the new constitutional arrangements on the legislative process, including the use of secondary powers and the legislative consent process.

20. The Forum will aim to improve scrutiny in these areas through both a mutual exchange of information and best practice at a parliamentary level and in seeking a consistent approach to improving accountability at both a Ministerial and inter-governmental level.

UK-EU Parliamentary Partnership Assembly

21. The UK-EU Parliamentary Partnership Assembly (PPA) was established to oversee the implementation of the the UK-EU Trade and Cooperation Agreement (TCA).
22. On [25 August 2021](#), alongside the relevant Committees in the Senedd Cymru and Northern Ireland Assembly, the Committee requested a the role of the devolved legislatures in the PPA.
23. On [8 April 2022](#), the Leader and Co-Chair of the UK delegation invited each of the devolved legislatures to send two elected representatives as observers to the inaugural meeting of the PPA. The Committee's Convener and Deputy Convener were [nominated](#) by the Presiding Officer and attended the meeting in Brussels on 12-13 May 2022 in an observer capacity. The Committee published a [note](#) of the first meeting, which summarises discussions.

Europe and External Affairs

Inquiry into the Scottish Government's International Work

24. The Committee held an [inquiry](#) to consider the Scottish Government's current approach to EU and wider international engagement, the interaction of the Scottish Government's external affairs policies with those of the UK Government, and how Scotland supports international development.
25. On 15 September 2021, the Committee issued a [call for views](#) on this inquiry. It closed on 29 October 2021 and received 21 responses. A [summary of written evidence](#) was provided by SPICe.
26. The Committee took evidence in relation to this inquiry at its meetings on [25 November](#), [9 December](#), and [16 December](#) 2021, and then on [13 January](#) and [3 February](#) 2022.
27. The Committee published its [report](#) on 6 April 2022. It identified the following key themes which had emerged from the inquiry—
 - The importance of adopting a strategic approach
 - The need for a prioritisation of policies to flow from that approach
 - An emphasis on effective collaboration across government to encourage policy coherence in relation both to external affairs and how this interacts with domestic priorities
 - Challenges in measuring impact
 - How we enhance scrutiny.
28. A [debate](#) on the Committee's report was held in the Chamber on 10 May 2022.

Climate Justice Fund

29. Ahead of COP26, the Committee took evidence from stakeholders on [30 September 2021](#) on the Climate Justice Fund and the Scottish Government's approach to climate justice. The Climate Justice Fund, launched by the Scottish Government in 2012, aims to help tackle the effects of climate change in the poorest, most vulnerable countries.
30. Following the meeting, the Committee shared a [summary of the evidence](#) it had heard with the Scottish Government.

Crisis in Ukraine

31. In response to the unfolding crisis in Ukraine, the Committee focused on the humanitarian response in Scotland, including the response of the Scottish Government, third sector, and local authorities.
32. The Committee received a private briefing from the Consul General of Ukraine and then took evidence at its meetings on [10 March](#), [24 March](#), and [21 April](#) 2022. The Committee focused on the provision of humanitarian aid, the visa schemes for displaced Ukrainians to be resettled in Scotland and the rest of the UK, and the role and preparedness of Scottish local authorities in resettlement.
33. The Committee gave particular consideration to the eligibility criteria for the visa schemes, including the circumstances facing Ukrainians in Scotland on work (including seasonal work), student and visitor visas. It [wrote](#) to the UK Government on 1 April 2022 regarding Ukrainian seasonal workers in Scotland and received a [response](#) from the Home Secretary on 28 April 2022.

Culture

BBC Annual Report and Accounts

34. The Committee held its annual evidence session with the BBC on its Annual Report and Accounts on [9 September 2021](#). The Committee scrutinised spend by the BBC and how it sought to support the screen sector in Scotland and portray Scotland and its people in its productions.

Pre-Budget Scrutiny - Funding for Culture

35. The Committee agreed to follow the approach to pre-budget scrutiny set out in the [guidance](#) from the Finance and Public Administration Committee, and to focus primarily on the culture spending portfolio throughout Session 6. The Committee also agreed to take an outcome focused approach.
36. On 4 August 2021, the Committee launched a [call for views](#) on this inquiry. It closed on 8 September 2021 and received 52 responses. It sought to hear views on immediate budgetary priorities for the culture sector as temporary COVID funding comes to an end, the lessons that can be learned from the crisis, and if there are opportunities to move to a longer-term and more strategic approach to funding. A summary of the written submissions and evidence gathered can be found in the SPICe briefings [Budget, Strategy and Outcomes Submissions](#) and [Culture Pre-budget Scrutiny](#).
37. The Committee took evidence in relation to its pre-budget scrutiny at its meetings on [9 September](#), [16 September](#), and [23 September](#) 2021. On 24 September, the Committee held a focus group with 18 organisations to hear about their experiences during the pandemic and suggestions for improving support to the culture sector – a [summary](#) of discussions was produced.
38. The Committee published its [report](#) on 1 November 2021 and received a [response](#) from the Scottish Government on 23 December 2021.
39. Following the publication of the Budget 2022-23, the Committee took evidence from the Scottish Government at its meeting on [20 January 2022](#).

Scottish Government Resource Spending Review

40. The Scottish Government's [Resource Spending Review Framework](#) (RSRF) is a 'consultative framework document' to support a spending review. The purpose of such a review is to set out spending plans for the remainder of the parliamentary term (to cover from 2023-24 to 2026-27). The document was published alongside the Scottish Budget and the Medium-Term Financial Strategy on 9 December 2021.
41. The Committee focused on the opportunity within the RSRF to mainstream culture spend across Government, particularly in support of health and wellbeing. It sought

views from a selection of witnesses who either contributed to the pre-budget scrutiny or might have experience of the mainstreaming of culture, including in the sphere of health and wellbeing, and received [6 written submissions](#).

42. The Committee took evidence on the resource spending review at its meetings on [24 February](#), [3 March](#), and [17 March](#) 2022. Given the focus on culture, health, and wellbeing, including social prescribing, this included a joint evidence session with the Cabinet Secretary for Health and Social Care and the Cabinet Secretary for the Constitution, External Affairs and Culture.
43. The Committee submitted its [report](#) on 31 March 2022 as a response to the Scottish Government's public consultation on its Resource Spending Review Framework. The Scottish Government agreed in a [letter](#) to the Committee to provide a written response and give oral evidence following the publication on 31 May 2022 of the outcome of the Resource Spending Review.

Infographics

Committee Meetings



