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Constitution, Europe, External Affairs and Culture Committee

Annual Report 2022-23



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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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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 2022 to 12 May 2023.
2. The Committee was established in June 2021 and during this parliamentary year has undertaken work across the breadth of its remit, including inquiries focusing on the Impact of Brexit on Devolution, the Legislative Consent Memorandum ('LCM') for the Northern Ireland Protocol Bill (UK Parliament legislation), the LCM for the Retained EU Law (Revocation and Reform) Bill (UK Parliament legislation), and pre-budget scrutiny.

Meetings

3. The Committee met 33 times during the reporting period, with 6 meetings held wholly in public, 1 wholly in private and 19 partly in private.

Membership changes

4. The membership of the Committee has changed over the parliamentary year as follows—
 - On 18 April 2023, Ben Macpherson MSP replaced Jenni Minto MSP;
 - On 25 April 2023, Neil Bibby MSP replaced Sarah Boyack MSP.

Constitution

Impact of Brexit on Devolution

5. The Committee held a series of sessions on [Post-EU constitutional issues](#), including on—
 - Implementation of the Ireland/Northern Ireland Protocol
 - Retained EU Law ('REUL')
 - Intergovernmental relations
 - Implementation of the Trade and Co-operation Agreement ('TCA')
 - Legislative Consent after Brexit
6. The Committee published its [report](#) on the Impact of Brexit on Devolution on 22 September 2022.

LCM for the Northern Ireland Protocol Bill (UK Parliament legislation)

7. Scrutiny of the [Northern Ireland Protocol Bill LCM](#) focused on concerns in relation to the operation of the Sewel Convention and the post-EU step change in the use of delegated powers both by UK Ministers and devolved Ministers. The Committee published its [report](#) on 14 November 2022.

LCM for the Retained EU Law (Revocation and Reform) Bill (UK Parliament legislation)

8. The Committee's scrutiny of the [REUL Bill LCM](#) considered the potential impact in devolved areas, including witnesses' views on the sunset clause and what the Bill might mean for the regulatory environment. We [reported](#) on 15 February 2023.

How is devolution changing post-EU?

9. The '[How is devolution changing post-EU?](#)' inquiry undertook to look at issues such as how devolution should evolve following exit from the EU, the scope for regulatory divergence between each of the four parts of the UK, and safeguards to ensure an open and transparent policy-making and legislative process. This work was ongoing at the time of writing.

Continuity Act

10. The Scottish Government laid a [draft annual report](#) on 27 October 2022 regarding its use and considered use of the power under the Continuity Act for the reporting period of 1 September 2021 to 31 August 2022, and the intended future use of power in the upcoming period of 1 September 2022 to 31 August 2023.
11. The Committee took evidence from the Cabinet Secretary on the draft annual report at its meeting on [17 November 2022](#) and wrote to the Scottish Government on [24 November 2022](#), with the Cabinet Secretary responding on [27 April 2023](#).

EU Law Tracker

12. The Committee had previously asked SPICe to commission [research](#) setting out all the significant EU legislative developments which come within the scope of the Scottish Government's policy commitment to continued EU alignment.
13. After receiving a report on this research, on 30 March 2023, the Committee agreed to commission an EU Law tracker based on the model developed from the research.
14. The intention is to enable the business community and civil society in Scotland to be aware on an ongoing basis of EU legislative developments which may affect them. The tracker will also assist the Parliament in scrutinising the Scottish Government's commitment to EU alignment.
15. Following a procurement exercise, the Parliament commissioned an EU law tracker which will see two reports a year delivered to the Committee. These reports will include a number of case studies outlining changes to EU law.

Interparliamentary Forum

16. The Convener participated virtually in the second meeting of the Interparliamentary Forum ('IPF'), held in the Senedd on [28 October 2022](#), and also attended the third meeting, held in the House of Commons on [24 March 2023](#), alongside other Chairs, Conveners and Members of the relevant committees in the Senedd Cymru, House of Commons, and House of Lords, and an observer from the Northern Ireland Assembly.
17. Matters discussed included legislative consent and the scope of delegated legislation.
18. The Forum also raised the issue of a need for greater consistency and transparency of intergovernmental relations meetings, including common frameworks.

UK-EU Parliamentary Partnership Assembly

19. The UK-EU Parliamentary Partnership Assembly ('PPA') was established to oversee the implementation of the TCA. It is composed of a Delegation of Members of the UK Parliament meeting together with a Delegation of Members of the European Parliament.
20. The Convener and Deputy Convener attended its [first meeting](#), held in Brussels on 12 and 13 May 2022, having been invited to attend as observers.
21. The Convener and Deputy Convener attended the [second meeting](#) of the PPA, on 7 and 8 November 2022, at Westminster, the Convener addressing the plenary session and both participating in break-out discussions. The future of Europe and the future relationship between the UK and the EU were the key themes covered.

Europe and External Affairs

Inquiry into the Scottish Government's International Work

22. The Committee's [report](#) on how the Scottish Government engages internationally and what it wants to achieve from this work, covering both EU and wider international engagement, was debated in the Chamber on [10 May 2022](#).
23. Members visited Brussels on 20-21 June 2022 to follow up a number of issues which the Committee had considered as part of its report, including—
 - Developing future relations with the EU
 - The role of Scotland House in Brussels following the UK leaving the EU, including engagement with EU institutions and the UK Mission to the EU
 - Scrutiny of the EU-UK Withdrawal Agreement (including the Protocol for Ireland/Northern Ireland) and the TCA, including the role of the Partnership Council and the PPA.
24. There was also an engagement event at St Andrews University on 5 November 2022, with the Committee meeting academics and students to discuss the findings of the report; and the Convener and Deputy Convener recording a [podcast](#) as part of the University's Scotland's Future Series.

Scotland's humanitarian response to the war against Ukraine

25. The Committee has looked on a recurring basis at the humanitarian response within Scotland to the war against Ukraine, including a [roundtable session](#) on 3 November 2022 to discuss links with and support for Ukrainian culture.

Presidency of the Council of the European Union

26. On [19 January 2023](#) the Committee took evidence from the Ambassador of Sweden to the United Kingdom on the Presidency of the Council of the European Union.

Presidency of the Nordic Council of Ministers

27. On [30 March 2023](#) the Committee heard from the Ambassador of Iceland to the United Kingdom on the Presidency of the Nordic Council of Ministers.

Culture

BBC Annual Report and Accounts

28. On [29 September 2022](#) the Committee took evidence from BBC Scotland in scrutiny of the Corporation's annual report and accounts.
29. The Committee also considered the impact of the BBC's Digital-first Agenda on radio programming in Scotland, hearing from a panel of musicians and academics on [23 February 2023](#) and the BBC Radio Scotland on [2 March 2023](#); writing to the BBC on [9 March 2023](#). BBC Scotland responded on [29 March 2023](#).

Pre-Budget Scrutiny 2023-24 - Funding for Culture

30. Having agreed to focus primarily on the culture portfolio in its pre-budget scrutiny throughout Session 6, this inquiry was a follow-up on the Committee's previous pre-budget scrutiny work on funding for culture. The Committee issued a call for views which ran from 24 June to 19 August 2022 and received [38 submissions](#).
31. In addition to formal evidence sessions on 22 and 29 September 2022 and 6 October 2022, the Committee held an informal online focus group on [26 September 2022](#).
32. The Committee reported its findings on [31 October 2022](#) and also wrote to the Scottish Government on [7 February 2023](#) to draw attention to a number of issues of immediate concern, including what was described as a "perfect storm" of reduced income generation, increased operating costs, and longer-term budgetary pressures. The Scottish Government responded on [20 December 2022](#) and [9 March 2023](#) respectively.

Scotland's Census

33. The Committee carried out a short and focused [inquiry](#) to examine the outcome of the Census, focusing on the quality of the data collected, and identifying any gaps and how they could be filled.
34. Following meetings on 23 June 2022 and 8 and 22 September 2022, the Committee wrote to the Scottish Government on [17 November 2022](#) to set out the evidence taken. The letter was also copied to the Registrar General of the National Records of Scotland, the Convener of the Scottish Parliament's Public Audit Committee, the Director General for Regulation of the Office for Statistics Regulation, the Auditor General for Scotland, the Chief Statistician of the Scottish Government, and the UK National Statistician of the UK Statistics Authority.
35. A reply from the Scottish Government was received on [7 December 2022](#).

Channel 4

36. Having taken evidence on the role of Channel 4 in supporting the screen sector in Scotland on [23 June 2022](#), including from Channel 4 itself, the Committee wrote to the [Secretary for State for Digital, Culture, Media and Sport](#).

Culture in Communities

37. The Committee issued a call for views, which ran from 17 February to 7 April 2023, on its Culture in Communities [inquiry](#). A version was produced in British Sign language in addition to an Easy Read format. The inquiry was ongoing at the time of writing.

