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## **Constitution, Europe, External Affairs and Culture Committee**

# **Annual report of the Constitution, Europe, External Affairs and Culture Committee 2023-24**



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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.
- (e) matters falling within the responsibility of the Minister for Independence.



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# Committee Membership



**Convener**  
**Clare Adamson**  
Scottish National Party



**Deputy Convener**  
**Alexander Stewart**  
Scottish Conservative  
and Unionist Party



**Neil Bibby**  
Scottish Labour



**Keith Brown**  
Scottish National Party



**Meghan Gallacher**  
Scottish Conservative  
and Unionist 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 2023 to 12 May 2024.
2. During this parliamentary year, the Committee has undertaken work across the breadth of its remit, with inquiries focused on how devolution is changing post-EU, culture funding, and the EU-UK Trade and Cooperation Agreement.
3. The membership of the Committee has changed over the parliamentary year as follows—
  - On 29 June 2023, Kate Forbes MSP replaced Ben Macpherson MSP;
  - On 29 June 2023, Keith Brown MSP replaced Alasdair Allan MSP;
  - On 29 June 2023, Alexander Stewart MSP replaced Maurice Golden MSP;
  - On 9 February 2024, former MSP Donald Cameron resigned from the Committee;
  - On 14 March 2024, Alexander Stewart MSP was appointed as Deputy Convener;
  - On 21 March 2024, Meghan Gallacher MSP was appointed to the Committee.
  - On 10 May 2024, Kate Forbes MSP resigned from the Committee.

# Meetings

4. The Committee met 30 times during the reporting period, with 8 meetings held wholly in public, 17 partly in public and private, and 5 wholly in private.

# Legislation

## Subordinate legislation

5. The Committee considered 1 statutory instrument during the reporting period. The Committee reported on the [Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \[draft\]](#) in November 2023 and recommended it be approved.
6. The Committee also considered 2 consent notifications from Scottish Ministers relating to proposed UK statutory instruments.

## LCMs

7. The Committee considered 1 UK Parliament Bill during the reporting period. The Committee reported on the [Supplementary LCM for the Retained EU Law \(Revocation and Reform\) Bill](#) in June 2023.



# Inquiries and Case Studies

## Constitution

### How Devolution is Changing Post EU

8. The Committee held an inquiry to consider [how devolution is changing outside of the EU](#). The main focus of the inquiry was on the increased interaction between devolved and reserved competence and the greater complexity and ‘shared’ space between the UK and devolved governments.
9. Following a series of evidence sessions and an exchange of letters with the Scottish and UK Governments, the Committee published its [report](#) in October 2023. The Committee received responses to the report from both the Scottish and UK Governments.
10. In January 2024, the Committee held a joint event with the University of Strathclyde Law School to discuss the findings of the report with leading academics, lawyers, and officials across the UK. A discussion at the event chaired by Dr Andrew Tickell with the Convener and (then) Deputy Convener was produced as a Scottish Parliament [podcast](#).
11. A [debate](#) on the Committee’s report was also held in the Chamber in January 2024.

### Office for the Internal Market Annual Report

12. The Committee held an [evidence session](#) with the Office for the Internal Market in September 2023, following the publication of its Annual Report on the Operation of the Internal Market 2022-23 and its Periodic Report on the UK Internal Market regime.

### Inter-Parliamentary Forum

13. The Convener hosted the [fourth](#) meeting of the Inter-Parliamentary Forum in October 2023 and attended the [fifth](#) meeting at the House of Lords in February 2024. The meetings were attended by other Chairs, Conveners and Members of the relevant committees in other legislatures across the UK.
14. Following both meetings, the Forum [wrote](#) to, and received responses from, the Secretary of State for Levelling Up, Housing and Communities about arrangements for scrutiny of Common Frameworks.

## Europe and External Affairs

### Review of the EU-UK Trade and Cooperation Agreement inquiry

15. The Committee is currently undertaking an [inquiry](#) to consider how trade between the EU and UK is currently working and whether there is an in developing the trading relationship further, in advance of the forthcoming review of the EU-UK Trade and Cooperation agreement.
16. In addition to holding a series of evidence sessions with stakeholders and businesses, in April 2024 the Committee visited the premises of two Scottish businesses—Macswen of Edinburgh, and Aldomak Ltd—who are trading with the EU, to learn more about the challenges facing Scottish firms trading with Europe, and how these might be addressed in the short term through the TCA in its current form and how the TCA might be reviewed.



**Members of the Committee visiting Macswen of Edinburgh as part of the inquiry on the Review of the EU-UK Trade and Cooperation Agreement**

### National Outcomes

17. A revised set of National Outcomes, alongside proposed changes to the wider National Performance Framework, were laid by the Scottish Government before the Parliament for consultation in May 2024. In anticipation of the parliamentary process to scrutinise and report on the revised outcomes, the Committee has undertaken scrutiny of the current [National Outcomes and Indicators relating to international policy](#). The Committee will report on its inquiry in the Autumn.

## Visit to Belfast and Dublin

18. The Committee undertook a visit to Belfast and Dublin in November 2023 to further consider several of its ongoing workstreams, including the operation of the UK-EU Trade and Cooperation Agreement and the Windsor Framework, and alignment with EU law.
19. To inform the Committee's scrutiny of the Scottish Government's National Outcomes, meetings also focused on scrutiny of international policy, and how the Irish Government prioritises, measures, and evaluates the impact of its international work.
20. Members met with parliamentarians, officials, academics, business organisations, cultural bodies and other stakeholders in Northern Ireland and Ireland.



**Members at the Northern Ireland Assembly on the Committee visit to Belfast**



**Meeting with members of the Oireachtas Joint Committee on EU Affairs and the Committee on Foreign Affairs and Defence at Leinster House in Dublin**

## Continuity Act

21. In November 2023, the Committee considered the [draft Annual Report](#) laid by the Scottish Government on its use of the ‘keeping pace’ power in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.
22. This report was published alongside a series of other [reports](#) on the Scottish Government’s commitment to align with the European Union where appropriate, namely reports on achieving EU alignment using other legislative powers, EU Law relevant to devolved competence or having a devolved impact, and EU policy priorities and forward look.
23. This extended approach to reporting was implemented following the representations made by the Committee following consideration of last year’s draft annual report, and joint working between Scottish Government and Scottish Parliament officials to improve the transparency of ministerial decision-making in implementing the Scottish Government’s approach to EU alignment.

## EU Law Tracker

24. The Committee commissioned Dr Lisa Whitten, Queen’s University Belfast, to produce an [EU law tracker](#) to assist the Parliament in scrutinising the Scottish Government’s commitment to EU alignment. During the reporting period, the first two reports of the EU law tracker were published, in [September 2023](#) and [March 2024](#).

25. The reports include a number of case studies outlining changes to EU law, which were shared with relevant subject committees. The Committee wrote to the Scottish Government after each report to highlight the key issues raised by Dr Whitten.

## UK-EU Parliamentary Partnership Assembly

26. In July 2023 and December 2023, the Convener and (then) Deputy Convener attended the third and fourth meetings of the [UK-EU Parliamentary Partnership Assembly](#), which was established to help monitor the implementation of the UK-EU Trade and Cooperation Agreement.
27. In advance of the December meeting, in which the Convener was invited to speak in the plenary meeting, the Committee held an [evidence session](#) to consider the challenges of artists mobility between Scotland and the EU, as well as possible solutions, with a focus on the music industry.

## Ukraine

28. The Committee took [evidence](#) from the Minister for Equalities, Migration and Refugees in December 2023 to receive an update on work to support displaced people from Ukraine in Scotland.

## Gaza

29. The Committee took [evidence](#) from the Cabinet Secretary for the Constitution, External Affairs and Culture in November 2023 following receipt of a letter from the First Minister on an “immediate ceasefire in Gaza and creation of a humanitarian corridor.”

## Culture

### Culture in Communities

30. The Committee held an inquiry on [culture in communities](#), with a focus on the challenges and opportunities in delivering a ‘place-based’ approach to cultural policy.
31. In addition to holding a series of evidence sessions, the Committee undertook three external engagement visits to community arts organisations based in Edinburgh, Dumfries, and Orkney, with the support of the Parliament’s Participation and Communities Team (PACT). The aim of the visits was to gain an understanding of good practice and any barriers to place-based cultural policy and cultural participation within communities across Scotland.
32. The Committee published its [report](#) in September 2023. The Committee received responses to the report from the Scottish Government and Creative Scotland.

33. A **debate** on the Committee's report was also held in the Chamber in November 2023.



**The Convener and Interim CEO of WHALE Arts chairing a roundtable as part of the Committee's external engagement visit to Wester Hailes**



**Members with the Stove Network on the external engagement visit to Dumfries as part of the Culture in Communities inquiry**

## **Pre-Budget Scrutiny 2024-25**

34. The Committee undertook [pre-budget scrutiny](#) of the culture portfolio ahead of Budget 2024-25. As the Committee agreed to take a cumulative approach to budget scrutiny over Session 6, this inquiry followed on from the Committee's previous pre-budget scrutiny for 2022-23 and 2023-24.
35. The inquiry considered how the 'perfect storm' facing the culture sector had evolved over the last 12 months, what progress had been made in the last 12 months on accelerating innovative solutions to budgetary pressures; and the challenges facing the future of the culture sector and the need for a strategic approach to ensuring the sustainability of the sector.
36. The Committee published its [report](#) in November 2023.

## **Historic Environment Strategy**

37. The Committee undertook a short piece of work focused on delivering on the priorities of Our Past, Our Future: The Strategy for Scotland's Historic Environment.

38. The Committee wrote to the Minister for Culture, Europe and International Development in [December 2023](#) following its scrutiny of the strategy and received a response in [February 2024](#).

## **BBC Annual Report and Accounts**

39. The Committee held its annual [evidence session](#) with the BBC on its Annual Report and Accounts in January 2024, following the publication of Ofcom's annual report on the BBC.

## **Agreements with the Scottish Government**

### **Post-EU Scrutiny**

40. The Committee reached agreement with the Scottish Government on information to be provided in Policy Memorandums, Policy Notes, and LCMs when introducing legislation which either impacts on the policy commitment to align with EU law or is affected by certain specified constitutional arrangements.
41. To support subject committees in implementing the new scrutiny arrangements, the Committee issued [guidance](#) on post-EU scrutiny in September 2023.

### **Retained EU Law (Revocation and Reform) Act 2023 bi-annual updates**

42. Ahead of the publication of the first UK Government statutory report under section 17 of the Retained EU Law (Revocation and Reform) Act 2023, the Committee reached agreement with the Scottish Government on an appropriate non-statutory update arrangement for the Scottish Parliament.
43. The Committee received the [first bi-annual update](#) from the Scottish Government in relation to that Act in February 2024.

### **Scrutiny of the UK-EU Trade and Cooperation Agreement**

44. In January 2024, the Committee reached agreement with the Scottish Government on working arrangements for scrutiny of the Scottish Government's activity in relation to the UK-EU Trade and Cooperation Agreement.



# Equal opportunities

45. The Committee has taken account of equal opportunities in its work through its engagement with local groups and businesses as part of its inquiry work.

