



This document is circulated in confidence for Committee use only and should not be disclosed. Any misdirected copies should be returned to Samuel Lomas, House of Lords, London SW1A 0PW.

EUROPEAN UNION COMMITTEE

ROUNDTABLE SEMINAR ON POST-BREXIT UK-EU INTERINSTITUTIONAL RELATIONS

TUESDAY 22 JANUARY 2019

PARTICIPANTS:

- **Professor Catherine Barnard, Professor of European Law and Employment Law, University of Cambridge**
- **Dr Brigid Fowler, Senior Researcher, Hansard Society**
- **Agata Gostyńska-Jakubowska, Senior Research Fellow, Centre for European Reform**
- **Dr Sara Hagemann, Associate Professor in European Politics, European Institute, London School of Economics and Political Science**
- **Dr Davor Jancic, Lecturer in Law, School of Law, Queen Mary University**
- **Georgina Wright, Senior Researcher, Institute for Government**

Lord Boswell introduced the seminar and invited the seminar participants to introduce themselves. He then asked: What is your assessment of the outcome of last week's 'Meaningful Vote' in the House of Commons, and subsequent developments? What are the implications of these developments for the future UK-EU relationship?

Dr Sara Hagemann said that it was viewed as an important vote from the EU side that would bring a solution closer. There was an expectation on the EU's part that there would be outreach across parties for a workable alternative, but it could not be far from what had already been agreed because the Member States feel they have gone far enough in making concessions. There was an expectation that moving towards the EU position was the only way forward. The mood has changed and there is a worry that compromise is not straightforward or likely. There is some apprehension.

Lord Boswell asked if there was frustration with the UK or toleration, and how the mood towards the UK was changing?

Sara Hagemann said that people are not fed up and there remains an affinity towards the UK on parts of the Continent, but rather are worried about what is ahead. Scandinavian countries are hoping for a more pragmatic solution, such as with Maastricht.

Professor Catherine Barnard said there was an absence of discussion in the House of Commons of the substance of the Withdrawal Agreement or the backstop, but rather a focus solely on coming out and the implications for the UK. There was no discussion of remedial mechanisms or of Article 4 regarding direct effect and supremacy. Nor was there any discussion of the consequences of signing the Withdrawal Agreement and the timescale

that might be envisaged. If Brexit goes ahead on 29 March, there will be a transition period until the end of December 2020, which could be extended until December 2022. Free Trade Agreements take many years, but the threat of the backstop means the UK will be on the back foot in negotiations because it will want to rush negotiations through to avoid the backstop. Future relationship negotiations will continue until 2024 or 2025. The UK needs to engage with the backstop. Its implications will require internal UK checks on goods from Great Britain into Northern Ireland, which was not sustainable. The reality of operating the backstop and having the requisite systems in place for a two-year plus window had not been worked through. This was serious because, given the instability of current politics, negotiations will be difficult. What has been difficult so far will look like child's play compared to negotiations on the future relationship. Never before has a deal been done to negotiate less integration. The relationship would not look much different in relation to goods, but in relation to services, the starting point is WTO rules. The UK will be forced to make concessions. The timelines for negotiations and the Withdrawal Agreement are disadvantageous to the UK and advantageous to the EU.

Georgina Wright said that the vote was not a surprise to the EU. They are struck by the lack of unity in the UK. They ask how it is possible that the EU can unite, and the UK can't. The EU decision-making process has been fine-tuned over the years. They know that their unity plays to their strength. In the UK, it is as though Parliament and Government are on opposing sides. The Commission has ramped up no deal preparations. There are three tests for further negotiations: will the concessions that the Prime Minister is seeking be feasible? Will they help push the deal over the line in Westminster; and do we need more time, and if so, how much time do we need. They are prepared to help and understand that the Prime Minister is in a difficult situation, but there may be limits to what the EU can do to help. Some in the EU believe the Prime Minister faces an impossible choice between keeping her party united (and asking for undeliverable concessions), or asking the Opposition for support, without the guarantee that they will continue to support government in the next stage.

Agata Gostyńska-Jakubowska agreed. She said she was in Brussels on the day of the Meaningful Vote. The result was not a surprise, but the size of the defeat prompted questions as to whether there was anything they could offer to change the arithmetic. There is scepticism with regards to what the EU could offer to facilitate smooth ratification in the British parliament. There is increased uneasiness in the EU regarding the prospect of no deal happening by accident. Commission officials will need to engage with Member States and stakeholders regarding no deal preparations. The talk of Brussels is about what happens now, and whether extension of the article 50 deadlines will be needed. EU officials realise that even if the Meaningful Vote is passed, there will still be obstacles. There is, for example, the challenge of the Withdrawal Agreement Implementation Bill, which could be used to obstruct ratification. Although Member States haven't had official discussions about an extension, some have entertained the idea. A request would have to come from London and it would have to explain what an extension was for; a request for an extension just to buy more time will not be sufficient.

Dr Davor Jancic said that Eurobarometer surveys show increased citizen support for EU integration but that there was no clear link to Brexit. The rejuvenated Franco-German axis

demonstrates that the EU wants to show its strength and relevance. President Juncker has also referred to speeding up the integration of the Western Balkans. One aspect that is often not talked about is the “duty of sincere cooperation” in the Treaty on European Union, which requires the EU and the UK to take part in negotiations in good faith. This provides grounds for the UK to apply pressure to avoid a no deal Brexit. He said that recent events demonstrated that Parliament was reasserting its constitutional role. It was understandable for Parliament to want to take charge of the Brexit process. Parliament indeed has to decide whether its role was a mere agent of the people or a policymaker.

Brigid Fowler said that the consequence of delay was that none of the next stages in the process, even in the event of a deal, can go forward. Both Houses have their own institutional preparations, and the Hansard Society was concerned about the impact of delay and lack of time on the legislative programme. It was difficult to see how the necessary legislation could be passed by 29 March, not to mention joint preparations with Brussels if the Withdrawal Agreement was to be ready to implement. This included the architecture for the Joint Committee and preparations for the second phase of negotiations. There was also the question of international agreements with third countries. The Commission will not notify third countries of its intention to roll over such international agreements until the UK signs the Withdrawal Agreement. Because of the peculiar structure of section 13 of the European Union (Withdrawal) Act, it was not clear when the Government would try to bring the Agreement to a vote again. There is no final date. There was therefore a great deal of uncertainty as to when the Prime Minister will try again.

Baroness Falkner of Margravine asked about the suggestion by a Polish minister that the backstop should end after five years.

Catherine Barnard said that the transition could take us to 2022. That is when the backstop kicks in without future deal. but the technical problem about extending transition beyond 2022 is the single decision to extend. It doesn't envisage a rolling process of further extensions. Once the UK leaves, it is no longer covered by the 'benign' provisions of Article 50, which only requires Qualified Majority Voting. It doesn't require ratification by national and regional parliaments. Outside of Article 50 is a much more rigorous legal process that the UK insisted on – Article 207 for Free Trade Agreements or Article 217 (with Article 218) for association agreements. Any deal on the future relationship, unless very narrowly focused on trade in goods, will be a mixed agreement and will require unanimous approval.

Agata Gostyńska-Jakubowska reminded that the idea of an extension of transition had already been seen as legally controversial during the negotiations; it was difficult to imagine lawyers allowing for an endless or a long transition period going far beyond what the draft treaty provided, because that could be seen as an attempt to circumvent Article 50 and legally very problematic.

Lord Jay of Ewelme asked if EU refusal to agree to a request to extend Article 50 would lead to no deal, and whether the EU would prefer that to an extension without a plan.

Agata Gostyńska-Jakubowska said that the EU 27 wanted a deal and that was the priority. But there was growing Brexit fatigue and uneasiness about what is happening in London. If the UK requested an extension, EU leaders would be inclined to say yes, but the next question would be “what do you need it for?”. There are discussions about how long it can

be extended, whether it can go beyond the first session of the new European Parliament in July, and whether the UK would have to hold European elections.

Sara Hagemann said that a new European Parliament, new Commission and negotiations over the Multiannual Financial Framework were all on the horizon, and their impact would need to be considered.

Baroness Suttie asked what would happen to the unity of the EU 27 if the prospect of no deal became more realistic.

Georgina Wright said that it was difficult to say. The Polish Minister's statement suggested some division, but the UK tended to forget that the EU saw its unity as its strength because it made its negotiating position more inflexible. Brexit negotiations were not taking place in a vacuum – it was not a good look for an EU Member State to cut itself off as EU budget negotiations are starting.

Lord Soley asked what the options were regarding the forthcoming European Parliament elections.

Agata Gostyńska-Jakubowska said that there hadn't been any official discussions, but EU officials had been doing their homework. There was a growing consensus that if the UK requested an extension beyond July, it would have to hold elections because it would still be a Member-State. It would be difficult to explain to British and EU citizens in the UK why they were being denied EU membership right to stand for election or vote. Other ideas had been mooted, such as sending national parliamentarians to the European Parliament for an interim period, but this idea was questioned. This was a model for some acceding Member States but that possibility was envisaged in Accession Treaties – which together with other EU founding treaties constitute primary law. The EU would thus most probably have to revise its treaties to allow the UK for such a derogation. There was also a political argument that helping the British government go around 'parliamentary problem' could antagonise pro-EU forces in the UK. Besides, any attempt to help the British government get away without holding European elections whilst it was still a member could also invite populist forces to accuse the EU of double standards. The European Parliament launched campaign encouraging the public to participate in the forthcoming European elections. It would look silly if – at the same time – it helped the British government 'disenfranchise' its own citizens. She said that Brussels also had concerns that a failure to elect British MEPs if the UK was still a Member State could affect the validity of the decisions taken by the new European Parliament.

Catherine Barnard said that there was another legal route. Article 50 provides that the date of entry into force of the withdrawal treaty can be delayed. It might be possible to state that certain elements of the treaty come into force sooner than others. However, this did not address the political point that European Parliament elections in the UK would become a *de facto* second referendum.

Lord Whitty said that ingenuity was applied in relation to accession. If there was an expectation that everything would be okay, the EU would find a way. He asked how an extension request would be treated if there was no indication that *impasse* could be resolved.

Georgina Wright said that several Member State parliamentarians had said they would welcome an extension, but member state governments would not talk about this publicly until the UK made a request. But before giving an answer, they would ask the UK the reason for its request and how long it thinks the extension should last. Previously, Guy Verhofstadt, the European Parliament Brexit Coordinator, said that he wouldn't want an extension beyond May. He subsequently said that it may be feasible to go beyond July. Currently, European Parliament campaigns are planned to reflect the new configuration (without British seats). They had said in 2018 that the new configuration could be postponed, but they would need to decide soon.

Catherine Barnard said the one advantage of an Article 50 extension was continued participation in the EU institutions, compared to a transition period when the UK would be subject to EU law without a British judge at the CJEU, and without UK participation in EU decision-making. In a transition period, the UK would be in, to quote Jacob Rees-Mogg, the position of a 'vassal state'. By contrast, they would still participate in the EU institutions with an extension.

Baroness Falkner of Margravine asked about the budgetary implications of any extension, and whether the UK would participate on a 'pay as you go' basis.

All participants agreed that this was the likelihood.

Lord Ricketts said that an extension to Article 50 required unanimous support, and asked if there was a risk that a country such as France would seek to hold the UK to ransom over an issue of national priority, such as fisheries.

Catherine Barnard said that this was also a risk in relation to Spain, for example in connection to Gibraltar.

Lord Boswell asked: What is your assessment of the mechanisms set out in the Withdrawal Agreement and Political Declaration to govern UK-EU relations a) during the transition period; and b) after the end of the transition period, including at "summit, ministerial, technical and parliamentary level"? How do you envisage the mechanisms, including the proposed Joint Committee structures, dispute resolution mechanisms and 'high-level conference', operating in practice? How do the proposed mechanisms for UK-EU relations during the transition period, and in the post-transition period, relate to one another? What are the key similarities and differences? Notwithstanding the House of Commons' rejection of the Withdrawal Agreement and Political Declaration, how likely is it that the proposed structure will underpin future UK-EU relations in the event of a deal being reached?

Agata Gostyńska-Jakubowska said that the UK would be bound by EU law during transition but without formal influence on the EU-decision making process. The transition would affect Westminster, as it would no longer be regarded as a National Parliament of a Member State. That would have implications for its scrutiny powers and its role in the decision-making process. The UK would not be able to participate in political dialogue or the Reasoned Opinion procedure. The Withdrawal Agreement did provide for some possibilities to include the UK voice. For instance, the EU may invite a UK representative to attend committee or expert meetings if its participation could facilitate implementation of the EU law in transition. There was also provision for consultation on a case by case basis. That would probably apply to foreign policy issues. There was a question over transparency

of UK influence and a challenge for Parliament to follow government's activities. Will the EU take the UK's opinions on board? The Withdrawal Agreement only talked about consultation or UK officials being invited to attend, but it was far from given that the UK's voice would be reflected in these fora. There was a question as to whether the UK Government could exert influence in an unofficial way, as other third countries have done so successfully. During transition and beyond, the UK will be part of the Joint Committee, which will be a body with significant powers. The Joint Committee will be co-chaired and will have representatives from both sides. It would be responsible for implementation and application of the Withdrawal Agreement. All decisions would be taken by consensus. There was a question as to how Parliament could hold the Government to account for its activities in the Joint Committee. While the UK had not discussed how it would be represented in the Joint Committee, this was already being discussed in Brussels. While the UK was dealing with a backlog of procedural issues, the EU was proceeding with necessary steps. The EU would be represented in the Joint Committee mainly by the Commission on the basis of a mandate of the Council. Individual Member States would be able to raise some concerns and might be invited to participate in the Joint Committee.

Lord Boswell asked how the UK in general, and Parliament in particular, should seek to maximise its influence with the EU.

Sara Hagemann recommended following other models. She said that Norway was extremely influential. Its strategy was one of official representation, taking part where they can at the highest political as well as technical level, plus diplomatic engagement with close allies, in particular Scandinavian Member States. It was possible for Norwegian representatives to register their concerns, issues or proposals through individual Member States in order to reach the decision-making process.

Lord Boswell asked whether the UK should vary which allies it seeks to engage with, and if there would be pushback from Member States that the UK sought to lobby.

Sara Hagemann said that small Member States don't get anywhere on their own, so they are constantly trying to form broad and varied alliances. It was a natural phenomenon for larger Member States such as the UK to be more restrained. That was how things happen in Brussels. The UK would need to work with like-minded Member States to get its concerns heard. That was the only way to exert influence.

Brigid Fowler said that a Hansard Society paper had identified five tasks for Parliament during the transition period. These could perhaps be consolidated into four. These were: scrutiny of new EU law adopted during the transition period which the UK would be obliged to implement; scrutiny of the UK Government's participation in EU affairs, including its limited consultative role under the Withdrawal Agreement and the positions the Government would take in the Joint Committee (with some parallels to current scrutiny of UK ministerial participation in the Council); scrutiny of negotiations with the EU on the future relationship (which would be an international negotiation); and a "big bag of domestic scrutiny", including UK law being made to amend retained EU law, whether the UK is bureaucratically ready, and whether it would be ready to take over regulatory functions. The Hansard Society had said that the Lords EU Committee should continue to exist during transition.

Lord Boswell asked if there was a possibility that EU Member States could seek to use the UK as leverage by the back door in its Joint Committee discussions with the EU.

Brigid Fowler was unsure whether this was likely. She said that there are existing Joint Committees with third countries.

Catherine Barnard said that third countries such as Switzerland found it frustrating to pick up crumbs from the table. She advised keeping a watchful eye on developments in relation to Switzerland, as there were close parallels in the way the EU was behaving, and also in terms of the political response of 'eurosceptics' in the UK and Switzerland. It was also important to monitor other Association Agreements, for instance with Ukraine.

Georgina Wright asked how Whitehall would keep a record of its interactions with EU Member States. She suggested that the Government may need to rethink the way it communicates internally to ensure no information was lost. A longer extension of Article 50 could allow the Government and Parliament more time to prepare so that information provision and scrutiny can happen in a transparent and effective way.

Lord Kinnoull asked whether Switzerland and Canada were effective in seeking to influence the EU. He also asked how important interparliamentary engagement with the EU and its Member States was.

Sara Hagemann said that Member State connection to the European Parliament was not as strong as it ought to be, and underused. She said that Member States could play a stronger role in scrutiny of EU legislation. She stressed the importance of scrutiny of intergovernmental bodies and formal meetings, and the possibility for senior-level discussions. Such discussions took place across a range of bodies, which needed to be scrutinised. The European Parliament and its committees were all potential avenues of influence for the UK.

Davor Jancic said that Norway was a good example of a country that has built institutional mechanisms to express itself. He said that the EEA provides an additional mechanism – the EEA Joint Parliamentary Committee. A big gap in the Withdrawal Agreement is the lack of any mention of a parliamentary strand, although the Political Declaration calls for a European Parliament-Westminster dialogue to be created. This was striking because the EU had been keen to engage in this type of interparliamentary cooperation, and the European Parliament has developed such dialogues with countries such as Kazakhstan and Russia. He spoke about Norway's European Consultative Committee.

Lord Ricketts asked about tradecraft. He asked if the dynamic of the next stage of the negotiations would change, when all Member States would have different interests and unity will fade. He said that the Swiss had a well-developed but difficult relationship. He noted that within NATO, the Swedes and Finns got their views inserted by way of tradecraft.

Lord Boswell asked about the structure of such dialogue post-transition.

Baroness Brown of Cambridge asked what lessons could be learned from the example of Switzerland.

Catherine Barnard said that the EU had placed Switzerland under pressure to establish a proper remedial system, moving away from the current political mechanism. The debate

over movement of people demonstrated the point. There were similar debates in Switzerland as in the UK regarding interference in parliamentary sovereignty. A former EFTA legal adviser visiting the University of Cambridge said that not enough work had been done to see how the EU is looking to put EU-Swiss and EU-UK relationships on a similar footing. They could create precedents for each other. Lawyers are concerned about the proposed remedy structure. The detail on the remedy structure for the transition period suggests that it will persist in relation to the future relationship. It is a clunking mechanism, in particular in comparison with the more efficient mechanism that currently operates. The current arrangement would fall away under the new arrangement, which amounts to a political; mechanism with a judicial bolt-on. In the event of non-compliance, parts of the agreement could be suspended. This would be a disproportionate response. She stressed the need for careful oversight of this. She said that there would be parallels in relation to equivalence.

Davor Jancic said that in the negotiations on dispute resolution, one victory for the UK was the significant reduction in the proposed role of the CJEU. He noted that there would now be an arbitration panel.

Agata Gostyńska-Jakubowska noted that the Political Declaration stated that the mechanisms for dispute resolution and enforcement would be based on those applying under the Withdrawal Agreement. This would be helpful to Westminster as new scrutiny procedures for the Joint Committee could be continued. The dynamics of the dialogue depended on the structure of the negotiations on the future EU-UK relationship. There was no certainty as to how the future negotiations would be structured. The negotiations had been structured thus far to maintain EU unity. There would therefore be a willingness to continue with these arrangements. Absent the current stalemate in London, we would already be talking about the structure of future negotiations as set out in the letters from President Juncker and President Tusk to Prime Minister May. Some institutions including the European Parliament would probably like to continue with the current structure because it gave the European Parliament leverage. Trade negotiations would be open to vulnerabilities, though she thought that the EU's unity would persist. She stressed the importance of viewing channels of intelligence as a package of formal and informal mechanisms. They included interparliamentary and intergovernmental channels. Norway sought to build strong relationships with the Member State holding the rotating Presidency in the Council of the EU so as to have some influence on the agenda. Interparliamentary cooperation is important, and the recent COSAC questionnaire indicated that other National Parliaments wished to continue working with Westminster.

Brigid Fowler stressed the importance of using current and former UK officials in the EU institutions, who are very knowledgeable, as a resource. She assumed that the institutions established during the transition period would persist. The length of transition made a difference as to how established such mechanisms can become.

Baroness Armstrong of Hill Top asked about the transparency of the Joint Committee – as it would operate in confidence - and the proposed specialist committees sitting below it, for instance on Gibraltar and Cyprus.

Lord Boswell asked about scrutiny of UK participation in EU agencies, as well as their governance and the UK financial contribution.

Sara Hagemann said it was hugely complicated for Parliament and the public to understand. Lessons had to be learned from other places where different scrutiny processes were in place, and where there was greater interaction with ministers. Engagement with individual portfolios was a different challenge. She noted that some countries had a “direct mandate” system, including Denmark, Estonia and Finland, where ministers can only take a decision in EU negotiations if mandated by their Parliament. She also said that many countries had a more proactive scrutiny role compared to the system of ex post scrutiny that tended to prevail in the UK Parliament, as shown during the Brexit process.

Agata Gostyńska-Jakubowska said it was not clear if the Joint Committee would be transparent. It looked like it would be behind closed doors, although they may publish the agenda. The EU had been transparent during the negotiations so that trend may continue. She said that Brexit created opportunities for Parliament to reshape its scrutiny procedures. Since the scrutiny reserve was called into question, Parliament could look at scrutiny of decisions taken in the Joint Committee. Committees of both houses could also invite Ministers to appear before them in advance of Joint Committee meetings, to shed light on the UK’s position.

Baroness Kennedy of The Shaws pointed out that lack of time to pass legislation to prevent no deal was problematic, and asked if fear of no deal would justify an extension of Article 50.

Georgina Wright said that reports emanating from Brussels indicated that the EU was willing to extend Article 50 to allow the UK to adopt necessary domestic legislation, but not just to renegotiate if no deal was seen as inevitable.

Sara Hagemann stressed that there were several outstanding issues such as the EU budget. Several ‘final’ deadlines had already passed. She cautioned against delaying decisions further and expecting the EU to agree to further dialogue. She said that patience had run out in the absence of real commitments.

Brigid Fowler said that the European Parliament was waiting to begin its own consent procedure.

Sara Hagemann said that Brexit was taking place in the context of big changes in Europe, such as the change of leadership in Germany. Such issues took precedence over Brexit.

Baroness Neville-Rolfe asked what other means of exerting influence were available to the UK after Brexit.

Georgina Wright referred to an article she had written for *The Times* entitled ‘Theresa May should learn to speak European’. This stressed that it was not just about the substance of the UK’s argument but its approach and how it was conveyed. She said that the UK needed to learn how to think like a small Member State and how to pitch its arguments.

Baroness Suttie asked what was the last stage that the European Parliament could ratify the Brexit agreement before the European Parliament elections.

Several participants said that the March plenary was the last opportunity. However, Brigid Fowler said that there was another plenary in mid-April.

Agata Gostyńska-Jakubowska said that the European Parliament had started its ratification procedures. It needed at least six weeks to ratify, but this was not rocket science because the Brexit steering group had been kept in the loop. There was not an expectation that the text will change drastically.

Lord Boswell asked about the future European Parliament-UK Parliament dialogue, the role of the House of Lords in scrutiny of UK-EU relations, the role of the devolved institutions, and the future of UKRep. He asked if the UK Government needed a presence in Brussels, and if the UK Parliament should maintain a presence in Brussels in its own right.

Davor Jancic stressed the importance of parliamentary diplomacy as a tool for exerting influence. He said that the European Parliament was a world leader at such diplomacy, with over 40 delegations with third countries. This meant it had a strong institutional capacity. For example, a delegation for relations with China was established just four years after official EU-China diplomatic relations were established. He said that the UK Parliament should seek a formal role in other EU interparliamentary fora and conferences, including COSAC and the conference on foreign and security policy. He said that there were other informal ways of exerting influence. TTIP was a failed agreement that did not foresee any interparliamentary body, but there is a Transatlantic Legislators' Dialogue. He said that the UK did not have to rely on the Withdrawal Agreement to establish such fora. They could be established informally.

Georgina Wright also encouraged dialogue with the European Parliament as well as bilateral dialogue with EU Member States. She also stressed the value of networks. It was important to think outside the box. She said that UKRep would have to increase in size. The Norwegian equivalent was very large. People working there needed to have EU expertise. It was also important to increase the UK's presence in EU Member States, but not at the expense of embassies across the world. It would not send the right message to upscale resources in the EU but to downscale globally.

Sara Hagemann said that a presence in Brussels was more important as a non-member. On interparliamentary dialogue, she said that one lesson from National Parliaments across the EU was that they operated most efficiently when debate in Parliament was not concentrated in one EU affairs committee – as in the UK model - but rather where there was interaction between committees on subject-specific areas such as transport, agriculture, or fisheries. It was also important to actively engage with European Parliament Committees as an anchor point for dialogue and meetings in Brussels. Parliaments were most powerful in Brussels where they made use of subject-specific committees in addition to EU affairs committees. She said that, as well as COSAC, Parliament needed to consider how its committees related to intergovernmental bodies. There was some concern about what the UK's presence as a non-Member State would mean for Norway and others, and their ability to influence and get their positions taken account of, if the UK was pursuing the same channels. She said that the UK's connections with Norway and Switzerland also needed to be thought about.

Brigid Fowler said that if you want good and engaged parliamentarians involved, in particular members of the House of Commons, it was important that bodies and meetings should have

some status or decision-making powers, or some demonstrable impact. She said that some MPs disparage “talking shops”. She added that the kind of parliamentarian that a country sends to such fora sent a message about how important it thinks the relationship is.

Catherine Barnard agreed that UKRep needed to be expanded. She also stressed the importance of wider reform of the FCO. She said that it had been marginalised over a long period of time. There was no transmission mechanism from Ambassadors across the world. The biggest threat to UK-EU relations going forward was a lack of trust. The EU was suspicious that the UK would renege on the Withdrawal Agreement and Political Declaration. There was a real issue of trust. Institutional mechanisms needed to be set up to ensure trust is rebuilt to show the UK would stand by the Withdrawal Agreement. Trust also needed to be built with the devolved institutions, who had felt marginalised during this process.

Agata Gostyńska-Jakubowska said that the Political declaration provided for a possible close co-operation with the European Parliament. It was vague because of the nature of the Political declaration, but it was up to the parties to determine how close the relationship would be. There was a platform for Parliament to have a say when the Government engaged with this strand. She stressed the importance of examining existing third country models, including the Ukraine interparliamentary platform (EU-Ukraine Parliamentary Association Committee). She stressed the importance of engagement with the heads of the EU and Ukraine parliamentary delegations to the committee, to see how useful this dialogue was. She added that the UK Parliament’s representation in Brussels was crucial for Westminster post-Brexit. The national representatives work incredibly hard and had been praised on many occasions. She stressed the importance of their work continuing, along the model provided by Norway, which also had a National Parliament representative in Brussels.

Davor Jancic reflected on the value of interparliamentary cooperation forums. He challenged the view that they were just talking shops and underlined their added value. They are important as mechanisms for discussing legislative agendas, which is particularly relevant for the UK if legislative equivalence with the EU was to be maintained.

Lord Boswell thanked the participants and closed the meeting.