



**European Committee  
of the Regions**

**CoR-UK Contact Group**

**The Chair**

Brussels, *date of official registration*

LCG/ED/ms – D/1611 (2023)

Huw Irranca-Davies, MS  
Chair of the Legislation, Justice and  
Constitution Committee  
Welsh Parliament - Senedd Cymru

Dear Mr Irranca-Davies,

I wish to thank you for your letter of 3 July 2023, requesting the views of the Committee of the Regions and its CoR-UK Contact Group in preparation of a report/opinion on UK-EU governance by the Legislation, Justice and Constitution Committee of the Welsh Parliament - Senedd Cymru.

Having consulted with the CoR members participating in the CoR-UK Contact Group, and following the meeting held on 7 September at the Committee of the Regions between the Senedd delegation and Contact Group member councillor Michael Murphy (IE/EPP), I have the pleasure to transmit a synthesis of the responses to your inquiry in annex to this letter. The CoR CIVEX commission secretariat is at your disposal for any follow-up questions: [UK-ContactGroup@cor.europa.eu](mailto:UK-ContactGroup@cor.europa.eu).

Allow me to note that we remain committed to advocating that the role of local and regional authorities (LRAs) in the EU-UK relationship should be adequately acknowledged, in particular in areas that are directly connected with their competencies and in line with the principles of subsidiarity and multi-level governance, and to working together to improve opportunities for citizens on both sides, creating better conditions for international and local businesses.

I am looking forward to our forthcoming exchanges on this highly important matter, including in the context of the upcoming meetings of the CoR-UK Contact Group.

Yours sincerely,

Loïg Chesnais-Girard (FR/PES)  
Chair of the CoR-UK Contact Group  
President of the Regional Council of Brittany

Annex:

**European Committee of the Regions' contribution to the report/opinion on EU governance of the Committee on Legislation, Justice and Constitution of the Senedd Cymru (Welsh Parliament)**

Views on the role given to regional and local authorities in the governance structures of the Withdrawal Agreement and the TCA

The CoR has, notably through its opinion on Strengthening the EU-UK relationship at subnational level and remedying the territorial impact of the UK's withdrawal from the EU<sup>1</sup>, expressed its position that the EU-UK agreements lack "territorial depth" as they do not formally recognize the role of local and regional authorities (LRAs) in the EU-UK relationship. The TCA includes very limited recognition of/references to local and regional realities, for example when it comes to adaptation measures to regional conditions in relation to sanitary and phytosanitary measures.

This may be due to the nature of the TCA as an association agreement under Article 217 TFEU, which covers areas either falling under the exclusive competence of the EU (e.g. common commercial policy – free trade area) or where EU legislation already exists (e.g. law enforcement and judicial cooperation). The agreement, therefore, operates as a trade agreement and not as a partnership. This strictly legal approach does not take into account the reality that local and regional authorities are affected by the implementation of the TCA.

Given that the agreements involve the EU and the UK as parties under international law, it is only the EU institutions (notably the Commission) and the UK government that are formally involved in the governance of the agreements. The Member States take part in the meetings of the relevant committees and bodies established under the agreements as observers and discuss the preparation of these bodies' meetings in the Council working groups. When the agreements provide that the bodies established by them are to take decisions with legal effects, the Council (Member States) needs to define the position that is to be adopted by the EU representative (the Commission) by adopting a decision under Article 218(9) TFEU. The CoR does not at present have information whether Member States consult with their subnational levels in these processes.

Contrary to civil society, which has a defined consultative role in the implementation of the TCA in the form of the Domestic Advisory Groups and the Civil Society Forum, there is no formal role given to local and regional authorities under the TCA.

The lack of involvement by LRAs in the governance of the TCA is identified as problematic in general, because territorial impacts of the TCA are not taken into account either in the agreement's implementation or in its monitoring. Some concrete indications of this problem:

- Discussions of the local fisheries' management aspects mostly remain at the highest level (Specialised Committee), de facto excluding local stakeholders and LRAs;
- Difficulties for LRAs to react in case of non-compliance with the agreement (i.e. Sewage management with impacts on coastal tourism activities);
- Lack of transparency of EU-UK discussions, before annual EU-Council on TACs and Quotas in December.

The CoR has urged the European Commission to re-examine the structures of the Partnership Council, which oversees the implementation and application of the TCA, and to seek to address the lack of territorial depth by involving LRAs in the monitoring and governance of the TCA.

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<sup>1</sup> Rapporteur Michael Murphy (IE/EPP), Member of the Tipperary County Council, <https://cor.europa.eu/en/our-work/Pages/OpinionTimeline.aspx?opId=CDR-108-2022>

Has there been sufficient engagement of regional and local authorities in decision-making on implementation of the agreements?

In line with the above, the engagement of local authorities in EU-level decision making on the implementation of the agreements is not considered sufficient. This is regardless of the fact that the actual implementation of certain provisions of the agreements falls within the competences of local and regional authorities (e.g. citizens' rights under the Withdrawal Agreement, environment or law enforcement cooperation under the TCA).

The CoR encouraged the European Parliament to adopt a formalized interaction in a mutually beneficial way on points of common concern between the CoR and the European Parliament's Delegation to the UK (D-UK) to the EU-UK Parliamentary Partnership Assembly (PPA) with the aim to provide territory-based evidence about the implementation of the TCA. This has resulted in the CoR being invited to the meetings of the PPA as an observer.

The CoR has established in February 2020 the CoR-UK Contact Group which is the only institutional channel for providing a forum for continued dialogue and political partnership between the EU and UK local and regional authorities and for exchanging know-how, in particular on territorial cooperation and cross-border issues.

The Contact Group provides space for mutual benefit and shared interest to discuss problems or opportunities, particularly in relation to thematic areas that know no boundaries (e.g. climate change, tourism, the digital and green transition and common cultural heritage) arising from the UK's withdrawal from the EU. It also gives CoR representatives the means to discuss such issues with UK local and regional authority representatives, and thus allows for the CoR to maintain and foster such fruitful relationships at the subnational level.

The Contact group does not formally have the implementation of the EU-UK agreements under its remit<sup>2</sup>. Nevertheless, it has discussed issues pertaining to the agreements' implementation, but the discussion up to now has been about institutional aspects of such implementation and has not so much looked at the role of LRA in this.

Views on the transparency of the governance structures and decision-making and whether any improvements are needed

As Member States themselves are formally not parties to the agreements and there is at present no information as to whether Member States consult with their subnational authorities when the implementation of the agreements is concerned, it is difficult to have an overview of different layers of governance.

There is furthermore no obligation to inform the CoR of the discussions or decisions in the meetings of the agreements' governing bodies.

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<sup>2</sup> According to the decision of Bureau of 29 June 2020 on the political objectives and the working methods of the CoR-UK contact group, the groups aims are:

- (a) to act as a forum for continuing dialogue and political partnership between EU local and regional authorities and UK local government and devolved parliaments and assemblies, and to exchange know-how, in particular on cross-border issues;
- (b) to provide local and regional authorities with the opportunity to discuss problems or opportunities regarding the relationship between EU LRAs and UK local government and devolved parliaments and assemblies arising from the UK's withdrawal from the EU;
- (c) to give EU LRAs and UK local government and devolved parliaments and assemblies a means of discussing European Union legislation and possible changes to EU legislation currently applicable in the UK where it would affect them even after the United Kingdom's departure from the European Union. These authorities may continue to be bound by the *acquis communautaire* during the transition period and potentially as a result of any future trade deal.

The meetings of the governing bodies of the agreements are not public. Although decisions or deliberations are often accompanied by press releases, these do not provide a lot of detail about the discussions and the positions taken.

In past Contact Group meetings there has been feedback about developments in the governance of the agreements, or their implementation by the representatives of the Commission participating in the meetings. However, such feedback mostly remains general, "institutional" in nature and does not enter in specificities relevant to the local/ regional level.

The CoR considers that LRAs should be fully involved in the governance structures and decision making within EU Member States. It is noted that civil society is fully engaged in the Civil Society Forum and this level of interaction should be afforded to LRAs.

The CoR has urged the European Commission to re-examine the structures of the Partnership Council, which oversees the implementation and application of the TCA, to seek to address the lack of territorial depth by involving LRAs in the monitoring and governance of the TCA.

The CoR has called for a formal recognition of the CoR-UK Contact Group under the TCA in order to provide an assessment of the subnational dimension of the key policy and legislative issues that will have an impact on the EU-UK bilateral relationship. Thus the Contact Group, bringing together EU and UK representatives at the subnational level, could gain its place in the governance structure of the TCA, much like the PPA or the Civil Society Forum. This would however require eventual amendment of the TCA, agreed by both parties.

Which are the ways to improve the engagement of local and regional authorities in the operation and implementation of UK-EU agreements in the future?

A number of ideas exist for the more effective involvement of local and regional authorities in the EU-UK agreements in the future, as also outlined in the CoR opinion. Whereas the governance of the TCA cannot be changed unilaterally by the EU or the UK, the TCA does not prohibit preparatory meetings in advance of Specialised Committee meetings or the setting up of working groups by the Specialised Committees. As such, ideas range from relatively flexible dialogue structures or preparatory meetings, to the establishment of local working groups and the creation of specific structures for local and regional authorities under the TCA. Some ideas can be implemented informally, other require a decision under the TCA or its amendment.

Ideas could be:

- To establish local dialogues (technical consultation) to address topics of local competences (fisheries, training, mobility, territorial cooperation...); these could also contribute to an improvement in EU/UK relations at the macro level.
- To provide for technical preparatory meetings involving sector representatives and local and regional authorities in advance of the meetings of the TCA bodies, where the interests of local communities are more prominent (e.g. in advance of the meetings of the Specialised Committee on Fisheries).
- To create local working groups dedicated to fisheries' management with the participation of sector representatives and concerned LRAs.

The aim of the latter idea would be to re-establish, with the Commission and the United Kingdom in the lead, fora for dialogue between the fishing industry and the concerned territories both in the EU and the UK. This could take the form of reciprocal participation by fishermen when establishing marine protected areas or new local management rules.

Since the LRAs are involved in managing fishing ports, supporting the sector, managing coastal and marine areas, and even managing resources, they should be fully involved in these new bodies. To facilitate the

integration of local proposals in decision-making at the highest level, the representatives of the United Kingdom and the European Union should be effectively associated. Consultation can help to redevelop a common approach to the management of both fishing resources and marine ecosystems. In this sense, it will contribute to the common interests of the EU and the UK. The creation of such local bodies/fora should be established for marine areas where it is relevant.

It could furthermore be considered to experiment with the application of this approach to the fishing areas including the Channel Islands.

Further possibilities include:

- To use the CoR-UK Contact Group to reinforce the cooperation and exchanges between EU and UK local and regional authorities.
- To request the participation of representatives from local and regional authorities in the Civil Society Forum. Sectoral fora (e.g. on fisheries) could also be created with the participation of representatives from the sector and concerned LRAs.
- To call for a formal recognition of the CoR-UK Contact Group under the TCA in order to provide an assessment of the subnational dimension of the key policy and legislative issues that will have an impact on the EU-UK bilateral relationship.

The pursuit of ideas listed above, some of which would require a formal decision under a TCA body, could be presented as a request on behalf of EU LRAs to the European Commission and UK LRAs to the UK government. It could be also considered whether requests can be co-signed and presented at the same time. The CoR-UK Contact group could constitute a key platform to prepare common initiatives and support their follow-up.