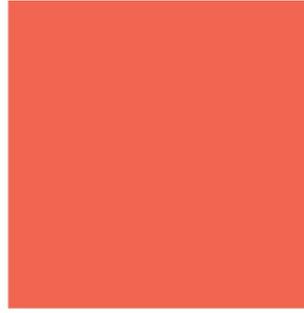


**Agora policy paper**  
*Protecting & promoting  
partnership:  
an EU-UK joint  
parliamentary assembly*

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## Executive summary

The UK's departure from the European Union poses ongoing challenges to both polities. Lots of attention has, understandably, been paid to ways of facilitating continued free trade and allowing Britain and the EU to work together on issues of mutual importance. With the focus on these more practical, technical policy matters, little thought has been given to maintaining the strong diplomatic and political relations that are just as vital for pursuing shared goals.

This policy paper addresses this gap by making the case for an EU-UK joint parliamentary assembly. It notes the legal basis and political desire for such a body on both sides of the Channel. Specific recommendations for a joint parliamentary assembly – including its remit, membership, format, and establishment – are made, informed by an assessment of working precedents as well as interviews with parliamentarians. As such, the paper shows that this form of structured political engagement is both possible and desirable.

Finally, although it is ultimately for members of the two parliaments to decide amongst themselves how to engage with one another, it is essential that the UK government and leaders of the European institutions offer their unmitigated support for any such initiative, without delay, in the interests of all.

## Background

### Where we are and how we got here

The UK formally left the EU on 31 January 2020, bringing the country's 47 year membership of the world's largest economic bloc to an end. Although a 'transition period' was negotiated between London and Brussels - facilitating 11 months of trading continuity and participation in European programmes - the UK ceased to have formal political representation in the EU's decision-making institutions and British MEPs were no longer entitled to hold seats in the European Parliament.

That transition period ended on 1 January 2021 and the two sides have a new relationship, determined by the EU-UK Trade and Cooperation Agreement (TCA)[1]. The TCA is already provisionally applied and should be ratified by the European Parliament on 27 April 2021, following recommendation from the two committees leading scrutiny of the deal[2]. It is largely focused on trade, but it also contains provisions related to policy areas from energy to transport, fisheries to security.

The TCA also establishes a Partnership Council (PC), comprising members of the European Commission and UK government ministers, which may consider "any issue relating to the implementation, application and interpretation" related to the TCA. There are also a number of committees and working groups which feed into the PC, each specialising in a particular policy area. Whilst this new governance framework has the potential to exercise a considerable degree of power, its remit is limited to those matters contained within the agreement which establishes it (or any supplementary agreements).

### Staying friends

The political divorce between the UK and EU was fraught, even acrimonious, but there can be no doubt over the importance of the two polities retaining a strong relationship. They are each other's largest trading partners, and are likely to remain so. They have shared strategic interests and face common challenges, both internationally and domestically. They are committed to many of the same values.

Senior statespersons in London and Brussels have acknowledged as much, stressing the importance of maintaining strong ties and cooperating in areas of mutual interest. Boris Johnson - figurehead of the Vote Leave campaign and the Prime Minister who delivered Brexit - said during his time as Foreign Secretary: "There is absolutely no inconsistency between ending the supremacy of EU law in this country—as we will—and being a major contributor to the security and stability and economic prosperity of the whole European region. We are leaving

the EU; we are not leaving Europe”[3]. These sentiments were echoed by European Commission President Ursula von der Leyen in her speech following the signing of the TCA, stating that “the United Kingdom is a third country, but it remains a trusted partner. We are long standing allies. We share the same values and interests [...] The European Union and the United Kingdom will stand shoulder to shoulder to deliver on our common global goals”[4].

Such commitments should be welcomed, but effective collaboration cannot be assumed purely on the basis of shared interests. To deliver on this promise of cooperation, the UK and EU require a structured framework for dialogue.

### **Why a joint parliamentary assembly?**

In conducting research for this paper, four main benefits of an EU-UK joint parliamentary assembly came up. There was no consensus on which of these was the most pressing, so they are given here in no particular order.

Firstly, as the title of this paper states, to protect and promote good relations between the EU and UK. The way that Brexit and TCA negotiations were conducted did not lay solid foundations for a good relationship. Triggering Article 16 of the Protocol on Northern Ireland, threats to row back on commitments in the Withdrawal Agreement and break international law through the UK Internal Market Bill, and unilateral extensions to grace periods for implementing new trading requirements have eroded trust between the UK government and European Commission. Those spoken to wanted to see the European and UK parliaments play a part in rebuilding this trust.

Secondly, there has been much discussion, in and outside of the two parliaments, on how the new governance architecture created by the TCA and Withdrawal Agreement will be effectively scrutinised. Some argued that a joint body could have a role in this.

Thirdly, several parliamentarians expressed concerns that the EU-UK relationship would become too narrow, too shallow, and too transactional, and wished to see this counteracted through parliamentary cooperation.

Fourthly, some on the British side wanted to see interparliamentary dialogue to counteract what they saw as Britain’s waning influence in Europe in general and in the EU in particular. Others have noted that UK’s ability to engage effectively with the European Parliament in pursuit of its goals was not impressive even when it was a member state [5], so it is perhaps unsurprising that these concerns exist.

## Demand for a joint parliamentary assembly

Those in the parliamentarians of Westminster and Brussels have already publicly expressed their desire for ongoing structured dialogue, of one form or another.

### **Calls for a joint parliamentary assembly from the Houses of Parliament**

Already in early 2019 – while MPs and the media were chiefly concerned with whether or not the Article 50 negotiating period would be extended for the first time – the House of Lords European Union Committee was already considering the issue of continued parliamentary cooperation with the EU after the UK's departure from the bloc.

The Committee's report 'Beyond Brexit: how to win friends and influence people included' included a chapter on "inter-parliamentary relations and the role of parliament" with a subsection on "formal inter-parliamentary dialogue"[6]. The report speaks of the need for "enhanced inter-parliamentary liaison with the European Parliament" and declares a preference for a joint parliamentary committee (as opposed to a less structured delegation) to be established "as soon as possible after UK withdrawal" from the EU[7].

Speaking in a House of Lords debate on the report's contents, the Earl of Kinnoull – who, since the report's publication, had become Chair of the EU Committee – told peers that "[o]ur relationship with the EU—its 27 member states and 450 million citizens—will be complex, and a relationship of such complexity will need structure. Within that structure, the parliamentary dimension will be vital: to support dialogue, to build relationships and to promote transparency" and that he believed "very strongly that we need to establish a structured interparliamentary dialogue as part of the future relationship"[8].

The European Union Committee returned to the issue of its follow up to the Beyond Brexit report on the institutional framework of the new EU-UK relationship[9]. Indeed, in that report, the Committee argues that "there should be a presumption that any modern, multi-faceted international agreement [...] includes an integral parliamentary dimension"[10].

Support for some form of structured parliamentary cooperation extends to the House of Commons. In July 2020, Hilary Benn MP, then Chair of the Committee on the Future Relationship with the European Union, wrote a letter with Lord Kinnoull to the Speakers of their respective chambers and to the UK's negotiating team. In it, they said: "We urge the Government to ensure in the current negotiations that there is agreement on the legal under-pinning and a formal framework for the institutional arrangements necessary to support an

effective inter-parliamentary dialogue from the start of next year and to provide the ways and means to support it”[11].

In its final report, earlier this year, the Future Relationship Committee stated its support for “the creation of the UK-EU Parliamentary Partnership Assembly” and urged the Government and parliamentary authorities to assist in achieving this[12].

### **Calls for a joint parliamentary assembly from the European Parliament**

In February 2020, just days after the UK’s official departure from the EU, Manfred Weber, Chair of the European People’s Party (EPP) - the largest political group in the European Parliament (EP) - and some of his senior colleagues wrote to Parliament President David Sassoli asking him “to consider the opportunity of establishing an EU-UK Joint Parliamentary Assembly, in order to keep solid relations between our MEPs and Westminster [...] to make sure the EU and the UK would remain close partners in the future in the interests of our citizens”[13].

The EP as a whole passed a number of resolutions during negotiations with the UK, calling for a framework for parliamentary dialogue. On 15 January 2020, MEPs adopted a text saying that they believed “that joint European Parliament-UK Parliament scrutiny of the implementation and application of the Withdrawal Agreement would be beneficial, and would welcome it if joint structures to this end could be established”[14]. By 12 February their language had become stronger, with a resolution that the EP “insists also that the [future relationship] Agreement should provide for the establishment of [a] joint parliamentary body between the EU and the UK tasked to monitor the implementation of the future Agreement”[15]. Then on 18 June 2020, giving their recommendation to the team negotiating a future relationship with the UK, MEPs approved a text saying that the EP “welcomes the proposal to establish a Parliamentary Partnership Assembly for Members of the European Parliament and of the Parliament of the UK, with the right to receive information from the Partnership Council and submit recommendations to it and emphasises that the Agreement should provide the legal basis for provisions enabling the institutional set-up of that body”[16].

More recently, during their scrutiny of the TCA, MEPs from the EP’s Foreign Affairs and International Trade Committees “highlighted the importance of fostering a close dialogue between the European Parliament and Westminster on future EU-UK relations”[17].

## Establishing a joint parliamentary assembly

### Legal basis in the TCA

In line with the wishes of politicians, the British and European negotiating teams have included provisions for parliamentary cooperation in the agreement that they struck. Article INST.5 of the TCA states the following:

“The European Parliament and the Parliament of the United Kingdom may establish a Parliamentary Partnership Assembly consisting of Members of the European Parliament and of Members of the Parliament of the United Kingdom, as a forum to exchange views on the partnership”[18].

The Article goes on to say that such an assembly may request information from and make recommendations to the EU-UK Partnership Council.

This builds on the Political Declaration, which accompanied the Withdrawal Agreement, where the EU and UK government committed to “support the establishment of a dialogue between the European Parliament and the Parliament of the United Kingdom, where they see fit, in order for the legislatures to share views and expertise on issues related to the future relationship”[19].

Some have observed that Article INST.5 of the final EU-UK Agreement differs from the European Commission’s draft treaty text in that the former merely creates the possibility of a body for dialogue, whereas the latter explicitly states that “a Parliamentary Partnership Assembly is hereby established”, before handing responsibility to MEPs, MPs, and peers of the House of Lords to write their own rules of procedure[20].

This should not necessarily be interpreted as a watering down of the Commission’s original proposal, but rather a reflection of the fact that the trade deals are negotiated between executives, whereas parliamentary dialogue is typically a matter left to the wider legislature (in this case, the respective parliaments themselves in Brussels/Strasbourg and Westminster).

### EU rules on establishing dialogue

On the EU side, the process by which dialogue between MEPs and legislative chambers in third countries may be initiated and established is delineated clearly in the European Parliament’s Rules of Procedure. Two options are set out, namely interparliamentary delegations and joint parliamentary committees [21].

Interparliamentary delegations are initiated by the EP’s Conference of Presidents, comprising the Parliament’s President and the chairs of each political

group. The same congregation also set the scope of that delegation's remit, determine the number of MEPs considered appropriate, and make the appointments (giving regard to the political, national, and gender balance).

Joint parliamentary committees are designed for the EU's accession states or for countries where the Union has established such a body as part of a relationship agreement. As such, the general responsibilities for a joint parliamentary committee will likely have already been defined, and the rules of procedure will be for the committee itself to decide. These rules of procedure will be approved by both the EP and the other participating parliament. MEPs are appointed to represent the EU through the same process used for interparliamentary delegations.

### **UK Parliament: willing but not able?**

On the UK side there is greater ambiguity regarding how MPs or peers might go about establishing structured collaboration with EU parliamentarians.

The concept of a joint parliamentary assembly has received supportive messages from the Speakers of both Houses[22][23]. The Government itself has also offered some warm words. Cabinet Office Minister Lord True has told the House of Lords that he and his ministerial colleagues were "keenly supportive of such proposals and developments"[24]. His Commons counterpart, Michael Gove, who has coordinated the Government's delivery of Brexit since the Department for Exiting the European Union was dissolved, has also repeatedly given his encouragement for EU-UK interparliamentary dialogue[25].

Nevertheless, there has been somewhat of an impasse, with the same Ministers who have been supportive of a joint parliamentary body also arguing that "it is not for the Government to tell Parliament how to maintain and develop these arrangements"[26]. Indeed, in its official response to the Lords EU Committee's Beyond Brexit report, the Government did not offer any feedback to any of the points on interparliamentary dialogue at all[27].

In a recent Select Committee hearing, Michael Gove was pressed for more detail on how an EU-UK parliamentary partnership assembly could be instigated and what its format and scope might be. The Minister, again, said that the Government "will do everything we can to facilitate" a joint assembly, but "do not want to be prescriptive about it"[28]. He did, however, suggest that he would listen favourably to any specific proposals presented by the Chairs of relevant Select Committees. This would suggest that the Government, whilst not intending to initiate any form of body itself, would be willing to provide the impetus for one.

## Existing models of interparliamentary dialogue

This section provides an overview of some of the joint assemblies which UK parliamentarians and MEPs participate in at present and may wish to emulate or borrow from when forming a new body for interparliamentary dialogue. When selecting the examples below, preference was given to organisations which are general rather than policy issue or area specific, formally structured rather than ad hoc, bilateral rather than multilateral, national rather than sub-national or regional, and open to regular members of the participating parliaments rather than just ministers of chairs. Thus bodies such as the NATO Parliamentary Assembly, OSCE Parliamentary Assembly, British-Irish Council, and many of the various EP delegations have not been included (though can be successful in their own right and readers may find it interesting to read what others have written about them).

### UK models

#### British-Irish Parliamentary Assembly

The British-Irish Parliamentary Assembly (BIPA) was initiated through the 1998 Good Friday Agreement's Stand 3 - governing 'East-West' relations - but was formed from the predecessor British-Irish Inter-Parliamentary Body, which had been in existence since 1990. The BIPA describes its mission as "to promote co-operation between political representatives in Britain and Ireland"[29].

The Assembly originally saw the Houses of Parliament and the Houses of the Oireachtas send 25 representatives each, but, in 2001, participation was widened to the UK's devolved administrations and crown dependencies. Today, Scotland, Wales, and Northern Ireland each send five delegates, and the Isle of Man, Jersey, and Guernsey send one each. Members of BIPA meet twice a year, alternating between the UK and the Republic of Ireland.

These biannual plenary sessions usually last for two days and allow participating parliamentarians to hear from ministers, diplomats, and those from the business community or civil society. Four committees deal with thematic areas of mutual interest - sovereign matters, European affairs, economics, the environment and social issues - on an ongoing basis by taking evidence and producing reports, which are considered in plenary sessions. The committee on 'sovereign matters' restricts its membership to representatives of the two national parliaments. The Assembly is also supported by a secretariat, staffed by officials from the Houses of Parliament and the Houses of the Oireachtas.

## **Parliamentary Assembly of the Council of Europe**

The UK Parliament sends its members to a number of multilateral fora, including the Parliamentary Assembly of the Council of Europe (PACE). PACE brings together representatives from the 47 parliaments of the Council of Europe states to discuss issues relating to democracy, human rights, and the rule of law.

Countries send between two and 18 delegates to PACE, correlating approximately with their population size. At present, the UK is represented by 14 MPs and four peers. These are appointed by the Prime Minister and announced in a written ministerial statement. The party allegiances of those sent reflect the composition of the House of Commons.

PACE meets four times a year for week-long plenary sessions at the Palais de l'Europe in Strasbourg, France. In addition to the member states present, observer or partner status is granted to a number of countries which meet certain criteria or where cooperation is considered geopolitically beneficial.

Representatives are arranged into political groups and a number of committees. These committees, and their sub-committees, prepare reports in their focus area for debate in plenary sessions. A Bureau - composed of the Assembly's elected President and Vice-Presidents, and the political group chairs - coordinates PACE's work. There is also a sizeable Secretariat, led by a General Secretary who is elected to serve five-year terms.

A Joint Committee allows PACE to liaise with the Council of Europe's Committee of Ministers. Texts adopted by the Assembly are not binding, but ministers from national governments must respond to recommendations made.

## **EU models**

### **EEA Joint Parliamentary Committee**

The European Economic Area (EEA) Joint Parliamentary Committee allows MEPs and members of national parliaments from the four EEA-EFTA states to engage with each other.

The EU is represented at the Joint Parliamentary Committee by 12 MEPs, drawn from the EP's Delegation for relations with Switzerland, Norway, Iceland, EEA and the North (DEEA). The three EEA countries send 12 delegates between them, with Swiss parliamentarians also able to sit in on meetings as observers.

Meetings of the EEA JPC last one or two days, once or twice a year, in Brussels, Strasbourg, or one of the participating third countries.

The JPC is separate to the decision making bodies of the EEA, but "through reports and resolutions it aims to monitor and scrutinise EEA-relevant EU policies and decisions adopted" by the EEA's executive branch[30]. Members of the Parliamentary Committee use assemblies as an opportunity to have

discussions with representatives of the EEA Joint Committee, the EEA Council of Ministers, and the EFTA Surveillance Authority.

### **Association Agreement Parliamentary Association Committees**

The EU typically establishes a parliamentary association committee into its association agreements with third countries, using a very similar formulation to that used to propose the Parliamentary Partnership Assembly in the EU-UK TCA[31]. As with the envisaged Partnership Assembly, these parliamentary association committees allow MEPs and members of the legislature in the relevant third country to meet, exchange views, request information from the implementing bodies created through that association agreement, and make recommendations.

The European Parliament is represented by its appropriate country delegation. These vary in size. The EU-Ukraine Parliamentary Association Committee is a modern, and in many ways prototypical, example, and draws a membership of 16 MEPs (selected from a wider delegation of 32) and 16 from the Verkhovna Rada. The Ukrainian delegation also meets with their representatives of the country's devolved administrations and with relevant policy area specialists at least a week in advance of meetings of the Committee to hear their views.

Each parliamentary association committee establishes its own rules of procedure, but there are some common themes. Meetings can be expected to run across two days and take place biannually, hosted and chaired alternatively by each participating parliament. Ministers from the third country's government and representatives of EU agencies may be invited to attend. Sessions are held in public, unless the Chairs decide otherwise.

To take the EU-Ukraine Parliamentary Association Committee as an example again, the Chairs of the two delegations draft meeting agendas together. These figures plus their deputies form a Bureau which may ask the wider membership of the Committee to vote on recommendations to the joint implementing bodies. The Parliamentary Association Committee may create sub-committees and, in the Ukrainian example, has "developed a system of specialisation for its members, who work in tandem to monitor specific policy areas".

## Joint models

### **Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union**

There is, in fact, one body where, as a member state, UK parliamentarians have historically met their European counterparts to discuss areas of mutual interest: COSAC. The Conference of Parliamentary Committees for Union Affairs (COSAC) brings together members of the national parliaments of the EU27 and MEPs. COSAC was established in 1989, designed to strengthen cooperation between the various European legislatures and ensure that their views were heard in Brussels.

Each participating parliament is represented by six members of a relevant domestic parliamentary committee (or combination of committees). EU candidate countries are permitted to send three parliamentarians as observers. The European Parliament's delegation is co-chaired by one of its Vice-Presidents, who is also more generally responsible for relations with national parliaments, and the Chair of the EP's Committee on Constitutional Affairs (AFCO).

COSAC meets biannually and is hosted by the country which holds the rotating presidency of the Council of the EU at that time. Sessions run across three days. The agenda of meetings is agreed by the so-called Presidential Troika, that is two members drawn from the delegations of the current Council of the EU presidency, the preceding presidency, the following presidency, and from the European Parliament.

Although mostly a forum for exchanging views, written into the Treaty of Lisbon was a provision for COSAC to be able to “submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission”[32]. A small secretariat is formed of one permanent staff member and officials seconded from the parliaments of the Presidential Troika.

## **Creating an EU-UK joint parliamentary assembly**

There are a number of questions which must be answered before a new EU-UK joint parliamentary assembly can be established, including: ‘what should it do?’, ‘who should take part in it?’, ‘how should it be structured?’, and ‘how can it be initiated?’.

## Remit

The EU-UK TCA does not prescribe the joint parliamentary assembly's remit beyond saying that it should be "a forum to exchange views on the partnership"[33]. It does, however, state that the body should be granted access to information from and may make recommendations to the Partnership Council. In some ways, this places the assembly in a uniquely strong position to scrutinise the TCA and the evolving EU-UK relationship it governs.

There should be no doubt that, as the Lords' EU Committee notes, "effective and proportionate parliamentary scrutiny of these [new EU-UK] interactions will be vital"[34]. Nevertheless, such bilateral scrutiny of the TCA and the work of the PC may not be the most appropriate use of a new joint assembly. Both the European and UK Parliaments have their own committee structures which have already begun scrutinising the agreement and have plans to continue doing so. Such standing committees are able to provide the meticulously detailed and continuous scrutiny that is required; it is difficult to see how a more ad hoc assembly would be able to deal with the same volume and complexity of work.

There is also a risk that the joint parliamentary committee would end up replicating either the political debates in the Partnership Council or some of the more technical discussions in its 19 sub-committees, but at a more superficial level and without a decision-making ability. This would not only be a poor use of resources, it would also leave little or no time for discussion of the many areas of vital importance and mutual interest which are not covered by the TCA.

Parliamentarians interviewed for this paper consistently expressed a desire to have a forum that allowed them to strengthen communication, normalise the relationship, and (re)build political trust between the UK and EU. This view has been echoed by academics[35]. Granting the joint parliamentary assembly a wider remit of tackling any current issues of mutual interest and importance will give participants a chance to do this. Such dialogue will also allow for a degree of experience and best practice sharing.

There is precedent for this in some of the models explored above. Meetings of existing joint parliamentary committees between the EU and its neighbours will, for example, sometimes discuss foreign policy matters as they arise, despite the association agreements governing those relationships having only very limited security and defence provisions[36].

So a balance seems appropriate, between scrutiny of the TCA and the work of the PC and its sub-bodies on the one hand and dialogue on additional policy matters of mutual importance on the other. In a best case scenario, these twin aims may feed into each other, with political consensus between parliaments making it easier for ministers and officials to thicken the EU-UK relationship in areas where the TCA is thin or has no provisions at present.

There was a commonly held view amongst those engaged in existing joint parliamentary fora that they often amounted to little more than ‘talking shops’ or ‘vanity trips’ for those involved. The EU-UK relationship is, bluntly, too important for that situation to be allowed here. A clear remit for the EU-UK interparliamentary body will help it to deliberate and act with purpose. This role must be understood and respected by the wider EU-UK governance framework.

Finally, the TCA also establishes domestic advisory groups and a Civil Society Forum[37]. Although the Agreement envisages that these will be consulted by those presenting the UK government and European Commission, the joint parliamentary assembly may wish to engage with them as well. The inclusion of civil society in particular will help increase transparency and accountability (two things that the decision-making and technical joint bodies established by the Withdrawal Agreement and TCA have been accused of lacking, including by[38]).

#### *Recommendations:*

- The primary focus of the joint parliamentary assembly should be on maintaining good political relations, and to use these relations to discuss issues of mutual interest.
- The assembly should make use of its powers (such as requesting documents from the Partnership Council, Joint Committee, and other bodies established by the TCA and Withdrawal Agreement) and use these to promote transparency and accountability in a way that supplements the more detailed scrutiny performed by the European and UK Parliaments’ respective committees.
- The assembly should be given a clearly defined remit. The UK government and European Commission must respect this remit, committing to consider and respond to all recommendations made by the assembly.
- Encourage engagement with domestic advisory groups and the Civil Society Forum.

### **Participation**

Although the TCA stipulates that the joint parliamentary assembly should be formed of MEPs and members of the UK Parliament, how these should be selected or even how many there should be is not specified.

On the British side, it would be sensible for participation to be reserved for those who do not hold ministerial portfolios and therefore do not have opportunities to speak with their EU counterparts in the rest of the governance architecture created by the Withdrawal Agreement or TCA. Those outside of

government will also likely find it easier to form open and collaborative relationships with those from the European Parliament, as they are not bound by official policy or diplomatic positions.

This should not prevent the assembly from inviting ministers or officials from either the British government or European Commission to attend or give evidence to its sessions. On the contrary, this has been a productive exercise in similar bodies and will be essential to the scrutiny aspect of the joint body's work.

The number of parliamentarians participating in joint bodies varies widely. In speaking to those who take part in such assemblies and when consulting existing research, two challenges present themselves which should be considered. Firstly, the need for continuity of membership, as necessary for building both relationships and experience. Secondly, the importance of ensuring that the people chosen for delegations to the joint parliamentary assembly do actually actively participate in it. It has been noted that attendance of MEPs at similar existing fora is not always high[39].

One way to address the issue of continuity is to ensure that those put forward to represent their respective parliament have a genuine interest in the EU-UK relationship, for example by allowing the chairs of relevant committees in those parliaments to propose the delegates. Another way to reduce turnover on the British side is the inclusion of peers from the House of Lords, whose participation is not dependent on being reelected to Parliament. A third method is to have a number of substitute members who receive updates on the assembly's work without actively participating, but who may take up full membership in subsequent terms.

The number of parliamentarians invited to take part in a joint assembly should also aid continuity of membership without diluting the value of participation. The European Parliaments delegations vary dramatically in size, broadly correlating with the size and perceived importance of the partnership country. The UK is greater in size and importance to the EU than the other states in its neighbourhood, and decades within the Union have created an unprecedentedly deep relationship for a non-member state, so it is logical that a joint EU-UK parliamentary assembly should be larger than the models explored earlier. Twenty-four members for each parliament might strike the right balance. It would also allow each of the EP's 22 standing committees to be represented, in addition to a chair and vice-chair of the delegation, should it wish to have them all represented.

The members chosen to participate in the two delegations should reflect the political composition of the parliament they represent and, as far as possible, its geographical spread. This is particularly important for the EU delegation, considering the size and cultural diversity of the Union.

One question that has been raised is whether there should be a role for representatives of the UK's devolved administrations in a new EU-UK joint parliamentary assembly[40]. Indeed, representatives of all three devolved administrations have spoken of a desire to join the UK's delegation to any future assembly[41][42][43].

Brexit did not receive majority support in two of the UK's four nations in the 2016 referendum and all three of the devolved governments have expressed frustration at the lack of engagement during negotiations with the EU. Political representation is a particularly contentious issue for Northern Ireland which, through the Withdrawal Agreement, must remain aligned with European legislation in a number of policy areas.

Nevertheless the TCA envisages a joint parliamentary assembly that is fundamentally bilateral (and, after all, nobody is likely to suggest that the EU's delegation should draw politicians from national legislatures in its 27 member states). The UK's delegation could, however, be made to include MPs sent to the House of Commons by voters in Scotland, Wales, and both communities in Northern Ireland to ensure views of the whole country are represented. Inspiration could also be taken from the Ukrainian delegation to the Parliamentary Association Committee EU, which meets with devolved representatives before summits to exchange views and information. This will be particularly important when the EU-UK joint parliamentary assembly discusses policy areas where the UK's devolved administrations have competency.

#### *Recommendations:*

- Have the UK and EU parliaments each send delegations of 24 members, chosen by the chairs of relevant domestic parliamentary committees.
- Delegations should reflect the political and geographical composition of the parliament they are representing. For the UK, this should include sending members representing constituents in all the nations of the Union.
- On the British side, send an equal number of representatives from the House of Commons and House of Lords. On the EU side, consider sending a member from each of the European Parliament's standing committees.

#### **Structure and format**

It will be for members of the inaugural joint parliamentary assembly to draft the body's rules of procedure, either as part of its inception or as a first item of business. Although there is nothing preventing participating parliamentarians from creating an entirely sui generis assembly, it would be

sensible to emulate existing precedents, where they exist and are appropriate, both to adopt best practice and to make it easier to reach swift agreement.

One such example to follow would be to meet biannually. This will allow MEPs and British Parliamentarians to host each other alternatively in Brussels and Westminster (or any other suitable location that the 'home' delegation may wish to suggest). These two structured meetings each year should be seen as a foundation which should be built on, rather than a limit, and ongoing or ad hoc dialogue between members of the assembly and their networks should be encouraged.

Establishing a steering committee will allow a more intimate group drawn from the two delegations to decide on future business and draft agendas for the joint parliamentary assembly. It would make sense for this steering committee to feature the chairs of the House of Commons European Scrutiny Committee and House of Lords European Union Committee on the UK side. The EU would appropriately be represented either by the chairs of the Committee on Foreign Affairs (AFET) and Committee on International Trade (INTA) or, alternatively, two MEPs specifically selected to be Chair and Vice-Chair of the Union's delegation to the EU-UK assembly (as is the case with other EU delegations). The important thing to achieve here will be a steering committee that has a deep understanding of the EU-UK relationship as it stands and evolves. It would be sensible for these same four people to act as rotating chairs for the assembly's meetings. Perhaps more importantly still, the steering committee will be in a good position to make representations to the respective parliaments of the EU and UK, to the other bodies established by the TCA, and to the media and public.

It will be important for the assembly to have a secretariat to support its work. These officials will be vital for ensuring that the assembly functions during and between meetings, and ensuring that the work done by the assembly has impact. Tasks will thus include writing and publishing reports, arranging and preparing for meetings, engaging with the EU-UK governance bodies (for example in requesting documents), and engaging with civil society and media. Staffing the joint assembly's secretariat with civil servants seconded from the respective parliaments should be welcomed for encouraging cooperation at official as well as diplomatic level.

Some other joint parliamentary organisations have structured sub-committees which look at specific thematic areas of particular mutual interest. This may be worth considering, and it would certainly be prudent for the statutes of the EU-UK joint parliamentary assembly to allow for the establishment of such sub-committees, should they become beneficial.

Finally, most of those interviewed for this paper spoke of a desire to make the joint parliamentary assembly a transparent body, and regretted the opacity of organs such as the Joint Committee established by the Withdrawal Agreement. As such, meetings of the joint assembly should be live streamed save for sessions

where members express concern that a public audience may inhibit their candid discussion.

*Recommendations:*

- That the joint parliamentary assembly meet biannually.
- Meetings be held alternately in Brussels and Westminster.
- Establish a steering committee of the chairs of the AFET, INTA, European Scrutiny, and European Union committees, and grant it the responsibility to decide the assembly's agenda and chair its meetings.
- Create a dedicated secretariat to support the work of the assembly.
- Ensure that the assembly has the flexibility to evolve over time. Give its members the powers to create sub-committees accordingly.
- Live stream the assembly's sessions wherever this does not undermine its core purposes and seek other ways of increasing transparency.

### **Making it happen**

The legal basis and procedure by which an EU-UK joint parliament assembly might be established has been discussed above in this paper.

The UK Government has openly stated that it would welcome concrete proposals from the chairs of the House of Lords European Union Committee and House of Commons European Scrutiny and Foreign Affairs Committees[44]. For reasons of diplomacy and of practicality, it is essential that agreement between the UK and European Parliaments, at least in principle, is found on the form and function of the joint assembly before plans are presented. To achieve this, it would be reasonable for the chairs of the three UK Select Committees mentioned and the chairs of the EU's AFET and INTA committees, plus the chair of the erstwhile Commons Committee on the Future Relationship with the European Union and a representative from the European Parliament's UK Friendship Group, to liaise with each other and advance a common plan.

Once the two parliaments have an aligned position on how to proceed, each legislature can use its usual, existing mechanisms for appointing members.

The Lords' European Union Committee puts it bluntly and well when it says that "committee Chairs certainly have no delegated authority to establish the PPA, and do not command the resources needed to make it a success" further noting that "[t]he Government has extensive power of initiative in both Houses, and also has the power to frustrate committee-driven initiatives if it so chooses, simply through inaction"[45].

It is essential that the British and EU executives fulfil their commitments to support the joint parliamentary assembly and must be willing to cofinance it. If MEPs, MPs, and Lords have taken a decision on the remit, membership, structure, and format of such a body, as per the Trade and Cooperation Agreement, then this should satisfy the UK government and the EU institutions. In the case of the UK, it is likely that a motion from a minister, most likely in the Cabinet Office, will be required to turn proposals into reality.

Furthermore, noting that relationships take longer to (re)build than they do to atrophy, delays in establishing the assembly must be limited as far as possible, particularly once the two participating parliaments have agreed on the form it should take. Ideally, the joint parliamentary assembly should already be in place and able to provide scrutiny by the time the TCA's Partnership Council and its sub-committees are operational.

#### *Recommendations:*

- Senior members of the EU and UK parliaments - most sensibly including the chairs of the four committees identified - agree and advance a common position on the remit and format of a joint parliamentary assembly.
- The UK government and leaders of the EU institutions should support any proposals already agreed to by the two parliaments (including through granting parliamentary time and providing finance, if and when necessary).
- All stakeholders should work to establish an assembly as soon as possible after the ratification of the TCA.

## Conclusion

This policy paper has made the case for an EU-UK joint parliamentary assembly, shown that this demand is shared by others, explained how such a body would be possible, assessed existing models that might be used as precedent, and conceptualised what such an organisation might look like and do.

The recommendations made are one set of possible choices which should lead to a viable and productive joint parliamentary body. They are informed by interviews with interested parties on both sides of the Channel as well as the experiences of those in or close to similar bodies. While of course it is hoped that this paper's suggestions will be followed, other options for success do exist. Additionally, the right calibration to suit the needs of today is not necessarily the correct one for next year, let alone the next decade.

What is important is that members of the European and British parliaments take advantage of the opportunity – granted in the Trade and Cooperation Agreement – to create a body where they can meet for structured dialogue, in the interests of the citizens that they represent.

The European political network that British politicians had access to as a member state of the EU cannot be replicated outside of the formal structures of that Union. It was inevitable that dialogue between the UK and EU has and will become less regular and less structured post-Brexit. Nevertheless, it is essential that the effects of this shift are mitigated through the creation of a joint parliament assembly, in the interests of diplomatic good relations and furthering policy in areas of mutual interest. This assembly must be flexible, so that it can evolve as the EU-UK relationship does.

These aims should be shared by all: British or European; leave or remain voter.

Finally, the proposals advanced in this paper represent foundations to build on, not a ceiling that will be reached once the recommendations are followed. Strong and warm relations between parliamentarians should supplement rather than replace the engagement that the UK government and the Commission and officials have. By the same token, investing in the EU-UK relationship does not lessen the importance of bilateral diplomacy with member state governments or, indeed, countries outside of Europe. A post-Brexit United Kingdom will need all of these elements if it is to act confidently, coherently, and constructively on the global stage. A post-Brexit EU should seek to minimise the impact of the departure of one of Europe's largest, richest, and most international countries. A vital initial step for both in achieving these goals is to establish a joint parliamentary assembly as soon as reasonably possible.

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## References

1. Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part (2020). Official Journal of the European Union L 444/14.  
[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22020A1231\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22020A1231(01)&from=EN)
2. European Parliament. (2021). EP committees recommend giving consent to EU-UK agreement.
3. Foreign Affairs Committee. (2016). Foreign Policy Developments (HC 552) Q101.  
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/foreign-policy-developments-october-2016/oral/41030.pdf>
4. Von der Leyen, U. (2020). Remarks by President Ursula von der Leyen at the press conference on the outcome of the EU-UK negotiations. European Commission. [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_2534](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_2534)
5. Bevington, M. (2021). Whitehall in Brussels: the UK Permanent Representation to the UK. UK in a Changing Europe. pp. 40-43.  
<https://ukandeu.ac.uk/wp-content/uploads/2021/03/Whitehall-in-Brussels.pdf>
6. European Union Committee. (2019). Beyond Brexit: how to win friends and influence people. HL 322. Cm. 106-151.  
<https://publications.parliament.uk/pa/ld201719/ldselect/lducom/322/322.pdf>
7. Ibid.
8. European Union Committee. (2021). Beyond Brexit: the institutional framework. HL Paper 246. Cm. 76-80, 87-90.  
<https://publications.parliament.uk/pa/ld5801/ldselect/lducom/246/246.pdf>
9. Ibid. Cm. 87.
10. Hansard. (2017). HC Deb. Vol. 803, col. 623. [https://hansard.parliament.uk/lords/2020-05-12/debates/2065E4EB-6B14-4044-A3B8-995FF419FE2A/BeyondBrexit\(EuropeanUnionCommitteeReport\)](https://hansard.parliament.uk/lords/2020-05-12/debates/2065E4EB-6B14-4044-A3B8-995FF419FE2A/BeyondBrexit(EuropeanUnionCommitteeReport))
11. Benn, H & Kinnoull, C. (2020). Letter to House of Commons Speaker Sir Lindsay Hoyle and House of Lords Speaker Lord Fowler re interparliamentary relations with the European Parliament, 21 July.  
<https://committees.parliament.uk/publications/2494/documents/24775/default/>
12. Committee on the Future Relationship with the European Union. (2021). The shape of future parliamentary scrutiny of UK-EU relations. HC 977, Cm. 68-75. <https://committees.parliament.uk/publications/4370/documents/44329/default/>
13. McAllister, D., Gonzalez Pons, E., Weber, M. and Kalniete, S. (2020). Letter to President of the European Parliament David Sassoli re an EU-UK Joint Parliamentary Assembly, 5 February [https://www.politico.eu/wp-content/uploads/2020/02/2020-02-05\\_Letter-to-President-Sassoli.pdf](https://www.politico.eu/wp-content/uploads/2020/02/2020-02-05_Letter-to-President-Sassoli.pdf)
14. European Parliament. (2020). European Parliament resolution of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement (2020/2505(RSP)). [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0006\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0006_EN.pdf)
15. European Parliament. (2020). European Parliament resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2557(RSP)).  
[https://www.europarl.europa.eu/doceo/document/TA-9-2020-0033\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0033_EN.pdf)

16. European Parliament. (2020). European Parliament recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI)). [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0152\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0152_EN.pdf)
17. European Parliament. (2021). Lead MEPs welcome new EU-UK agreement but insist on scrutinising it thoroughly. <https://www.europarl.europa.eu/news/en/press-room/20210111IPR95311/new-eu-uk-agreement-is-welcome-but-thorough-scrutiny-remains-insist-lead-meps>
18. Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part (2020). Title III, Art. INST.5
19. European Commission. (2019). Revised text of the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom as agreed at negotiators' level on 17 October 2019, to replace the one published in OJ C 661 of 19.2.2019. Cm. 125. [https://ec.europa.eu/info/sites/info/files/revised\\_political\\_declaration.pdf](https://ec.europa.eu/info/sites/info/files/revised_political_declaration.pdf)
20. European Commission. (2020). Draft text of the Agreement on the New Partnership with the United Kingdom. Part 5, Title I, Art. INST.5 <https://ec.europa.eu/info/sites/info/files/200318-draft-agreement-gen.pdf>
21. European Parliament. (2021). European Parliament Rules of Procedure (9th term). Chapter 2, Title VIII, Rules 223-224. [https://www.europarl.europa.eu/doceo/document/lastrules/TOC\\_EN.html](https://www.europarl.europa.eu/doceo/document/lastrules/TOC_EN.html)
22. Hoyle, L. (2020). Letter to Hilary Benn MP and Lord Kinnoull re letter of 21 July, July. <https://committees.parliament.uk/publications/2491/documents/24770/default/>
23. Fowler, Lord. (2020). Letter to Lord Kinnoull and Hilary Benn MP re letter of 21 July, 29 July. <https://committees.parliament.uk/publications/2492/documents/24772/default/>
24. Hansard. (2017). Vol. 803, col. 656-7.
25. Gove, M. (2020). Letter to Sir Lindsay Hoyle re inter-parliamentary relations between the UK Parliament and the European Parliament, 14 August. <https://committees.parliament.uk/publications/2476/documents/24633/default/>
26. Hansard. (2017). Vol. 803, col. 656.
27. Department for Exiting the European Union. (2020). Government Response to the House of Lords European Union Committee's 35th Report of session 2017-19 - 'Beyond Brexit: how to win friends and influence people. Cm. 37-42. <https://committees.parliament.uk/publications/226/documents/1054/default/>
28. Select Committee on the European Union. (2021). Future UK-EU relations: governance. Q32. <https://committees.parliament.uk/oralevidence/1703/pdf/>
29. British-Irish Parliamentary Assembly. About the Assembly. <http://www.britishirish.org/about-the-assembly/>
30. European Free Trade Association. EEA Joint Parliamentary Committee. <https://www.efta.int/eea/eea-institutions/eea-joint-parliamentary-committee>
31. See, for example, European Commission. (2014). ASSOCIATION AGREEMENT between the European Union and its Member States, of the one part, and Ukraine, of the other part. Official Journal of the European Union L 161/3. Article 467-468. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0529\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0529(01)&from=EN)
32. Treaty of Lisbon. (2007). Official Journal of the European Union C 306/1. Protocol on the Role of National Parliaments in the European Union, Title II, Art. 10. [http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0007.01/DOC\\_19](http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0007.01/DOC_19)

33. Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part (2020). Title III, Art. INST. 5, Cm. 1
34. European Union Committee. (2019). Cm. 142.
35. Select Committee on the European Union. (2021). Future UK-EU relations: governance. Q12.  
<https://committees.parliament.uk/oralevidence/1656/pdf/>
36. See, for example, EU-Ukraine Parliamentary Association Committee. (2020). Draft Agenda, Meeting, Monday 7 December 2020.  
[https://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/DELEGATIONS/D-UA/DV/2020/12-07/01\\_Draft\\_agenda\\_Final\\_EN.pdf](https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/DELEGATIONS/D-UA/DV/2020/12-07/01_Draft_agenda_Final_EN.pdf)
37. Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part (2020). Title III, Art. INST.6-8.
38. See, for example, European Scrutiny Committee. (2021). Northern Ireland Protocol: Withdrawal Agreement Joint Committee Decisions and declarations of 17 December 2020. HC 1343. Cm. 10. <https://publications.parliament.uk/pa/cm5801/cmselect/cmeuleg/1343/1343.pdf>
39. Campbell, C. and Phinnemore, D. (2019). Influencing the EU: Lessons from Non-Member States.
40. Hansard. (2017). Hansard. (2017). Vol. 803, col. 621-22, 636.
41. Rees, D. MS. (2021). Letter to Lord Kinnoull re the UK-EU Parliamentary Partnership Assembly, 22 February.  
<https://committees.parliament.uk/publications/5069/documents/50248/default/>
42. McGrath, C. MLA. (2021). Letter to Lord Kinnoull re the UK-EU Parliamentary Partnership Assembly, 25 February.  
<https://committees.parliament.uk/publications/5070/documents/50249/default/>
43. McAlpine, J. MSP. (2021). Letter to Lord Kinnoull re inquiry being undertaken by the European Union Committee, 4 March.  
<https://committees.parliament.uk/publications/5071/documents/50251/default>
44. Select Committee on the European Union. (2021). Q32
45. European Union Committee. (2021). Cm. 79, 89.