



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Constitution, Europe, External Affairs and Culture Committee

Thursday 19 June 2025

Session 6



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**CONSTITUTION, EUROPE, EXTERNAL AFFAIRS AND CULTURE COMMITTEE
19th Meeting 2025, Session 6**

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Alexander Stewart (Mid Scotland and Fife) (Con)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Neil Bibby (West Scotland) (Lab)

*Keith Brown (Clackmannanshire and Dunblane) (SNP)

*Patrick Harvie (Glasgow) (Green)

*Stephen Kerr (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Benjamin Graham (Scottish Government)

Angus Robertson (Cabinet Secretary for Constitution, External Affairs and Culture)

CLERK TO THE COMMITTEE

James Johnston

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Constitution, Europe, External Affairs and Culture Committee

Thursday 19 June 2025

[The Convener opened the meeting at 09:50]

United Kingdom-European Union Summit

The Convener (Clare Adamson): Good morning. I warmly welcome everyone to the 19th meeting in 2025 of the Constitution, Europe, External Affairs and Culture Committee. Under our only public agenda item, we will take evidence on the UK-EU summit. We are joined in the room by Angus Robertson, the Cabinet Secretary for Constitution, External Affairs and Culture, and Benjamin Graham, the head of negotiating strategy at the Scottish Government. I warmly welcome you both, and I invite Mr Robertson to make a few opening remarks.

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Good morning. It is a pleasure to join you in a public session of the committee's deliberations. Thank you for asking me to come back following the publication of the committee's second report on the EU-UK trade and co-operation agreement. I am happy to address questions that arise from that report and I will provide a general update on UK-EU relations in accordance with our working arrangements agreed in 2024.

Let me start with the UK-EU summit that was held on 19 May and by repeating the words of EU Commission President, Ursula von der Leyen, in welcoming the agreement. She said:

"We are friends, and we are Europeans, we are very like-minded. We share the same interests and the same values".

The Scottish Government is of the same view. We welcome all attempts to rebuild relations with the EU at this critical moment in international affairs, and we embrace the progress that has been made. Indeed, the Scottish Government wants both parties to go further and faster in their reset and to implement the most ambitious package of measures possible.

The deal announced at the summit will bring only small relief compared with the damage that has been caused by the Westminster Government. Although the UK Government congratulates itself on staying within its red lines of not rejoining the single market or the customs

union and remaining against the free movement of people, those red lines remain deeply damaging to Scotland. The Scottish Government maintains a much more ambitious vision for Scotland's relationship with Europe that, of course, involves full membership.

First, let me welcome important elements of the summit agreement. The defence and security partnership is urgently necessary for the safety of our continent and will allow Scotland's defence capacities to play their part. Many other parts of the agreement broadly align with the policy positions that we have shared with the UK Government through position papers that have been published in the past 12 months. The Scottish agriculture and food and drink sectors should be able to export their products without going through the checks that were imposed by Brexit. Young people in Scotland should be able to study, work and live in the rest of Europe, and we, in turn, can welcome EU citizens here. Closer co-operation on energy should allow us to benefit from greener energy and confront, together with our European neighbours, the shared challenges of climate change.

There is an urgent need for those initiatives to be negotiated, agreed and delivered quickly, and we will put all the support that we can towards their rapid conclusion. We offer our support, but we need the UK Government to better engage with Scottish interests and the Scottish Government. We are deeply disappointed that the UK Government did not share draft texts with the Scottish Government or, indeed, with any other devolved Government before the summit. The fact that the fisheries agreement was reached without our being given any notice—much less with any involvement from us—is testament enough. Given the sheer number of devolved responsibilities involved, the Scottish Government must be more closely involved and included in forthcoming talks, not least to protect the role of the Scottish Parliament. The intergovernmental structures must be tested this year, and they must be tested through their continuous operation and by meaningful engagement.

I will finish by addressing the committee's second report on the trade and co-operation agreement. I welcome the report and specifically note the committee's recommendation on the creation of a music export office. That matches the undertaking that we have given in our international cultural strategy to support people working in the culture sector to realise the full potential of international activity. A forthcoming feasibility study will inform how we can best support international cultural activity and overcome challenges for people working in the sector. I will be happy to provide further updates as we make

progress on that work, and I am happy to address wider questions from the committee.

The Convener: Thank you, cabinet secretary. In your letter to us, you said that all parties should “focus on rapid implementation, to deliver at pace the benefits signalled at the summit.”

What is your understanding of the timetable for implementation, and has that been discussed with the Scottish Government?

Angus Robertson: I am sure that the committee knows this, but much of the agreement that was reached between the United Kingdom Government and the European Union at the summit was at high level and in principle, and the details of that agreement have, in significant part, not yet been agreed. Our understanding—from what we were told by the European Union’s ambassador to the United Kingdom, not by the United Kingdom Government—is that the negotiating mandates for those detailed discussions are hoped to be agreed for the European Union by the summer break. The timetable for the UK’s negotiating mandate is not clear to the Scottish Government; neither is the process by which those negotiations might then take place or the involvement of devolved Administrations, which have significant locus in those issues.

In relation to your question, implementation would follow the detail of an agreement because, otherwise, there is nothing to implement beyond the high-level agreement that there shall be a sanitary and phytosanitary agreement and that progress will be made on Erasmus+. The details of those things have not been agreed, but they will be.

Another thing that was pointed out to us from the European Union side—again, rather than from the UK side—is that there will be another UK-EU summit next year. The understanding is that there has been a summit and an agreement this year, that negotiations will begin this year and—one would imagine—significant progress on the detail should be made by next year’s summit. That is the best that I can guess, in significant part because the United Kingdom Government has not made clear to us how it expects matters to progress in detail.

The Convener: One of the committee’s concerns about the implementation of the TCA is that the borders on the EU side were established and checks were made for importing goods from the UK into Europe, but checks on this side are yet to be implemented in full. Is it your understanding that, during the negotiating period, the EU will apply, to goods coming in, the TCA as it is at the moment?

Angus Robertson: First, to deal with the known knowns, you are absolutely right to point out the context of an SPS agreement—an agrifoods and veterinary agreement—that will have a significant impact in particular on the food and drink sector, which is so important to the Scottish economy. One reason why it is so important to the sector is that, when such an agreement is in place, it will obviate the requirements for a significant part of the border checks that the UK Government has not yet implemented. The last UK Government did not implement those checks—it put things back—and the current UK Government has not yet implemented them. Were it to do so, that would add delays and problems that, as we know, have already caused significant challenge, not least in the agriculture and food sector, in which delays involving live products—shellfish, for example, which is a significant export to the continental European market—are very problematic.

That is one of the big prizes of having what I prefer to call an agriculture and food agreement—the SPS agreement—and why we lobbied the UK Government very hard for there to be one. I cannot imagine that the UK Government would wish to introduce border checks before such an agreement were reached, for the reasons that I have outlined. I have had no information about what plans the UK Government has on the timing, sequencing or treatment of that issue, but perhaps Mr Graham, who is sitting next to me, will have something to update the committee on.

10:00

Benjamin Graham (Scottish Government): The border target operating model process is in implementation as we are going through the summit negotiations. As I understand it, there is an internal UK process to potentially pause the implementation of the BTOM. That will allow negotiations on the SPS agreement, which, when implemented, will obviate many of the checks that the BTOM would put in place. I know that the agriculture ministers and officials have confirmed that, as of last week, it is possible to rubber-stamp and pause the BTOM process. The focus then shifts to the summit.

The Convener: So, we have a little bit of clarity about what is happening, but I am interested in whether the unequal playing field, as it has been described by our importers to the EU, is likely to remain in place during that negotiation process and up to the point at which there is some detail about what has been agreed in principle.

Angus Robertson: It would appear so, but I hope that that would encourage everyone who is involved with good will in the process to do so as quickly as possible. We must acknowledge that the process is not straightforward, but we in the

Scottish Government agree that an SPS agreement would be welcome, the UK Government agrees that that would be welcome and the European Union and its member states also agree.

Issues will be thrown up as part of the process. Committee members probably know that the treatment of certain products that are produced in Scotland will be germane to the SPS negotiations. For example, the production of oats in Scotland and how that would be dealt with in an SPS context has been highlighted by the sector to the Scottish Government. We have raised that with the UK Government, which says that it has heard that. The detail of that will have to be worked through.

We are beginning to move beyond the principle that there should be an agriculture and food agreement to the details of how such an agreement could operate.

Regarding your point about how long the current system or the status quo will continue, I think that the non-implementation of the additional border checks that the UK would have to carry out if there were no SPS agreement gives everyone an incentive to try to reach an agreement. That will benefit the agriculture and food sectors in Scotland, the rest of the UK and European member states. The issue is also of particular interest in Northern Ireland, because it will simplify some of the agreements that have been made as part of the Windsor framework, in which Northern Ireland is effectively part of the European market and of the United Kingdom single market at the same time.

Keith Brown (Clackmannanshire and Dunblane) (SNP): Good morning. Many important things connected to the TCA and the agreement that the UK Government has reached will affect things that are important to this committee, such as musicians, cultural connections and all sorts of other things. Unfortunately, we must come back to process, and I particularly want to discuss fishing in that regard. I understand that the Scottish Government's position is that it was not consulted in any way, shape or form about the issue or the eventual outcome on fishing—or even on the overall agreement. That is really quite appalling, when other European countries seem to be able to take a far more inclusive approach.

I understand that the UK Government very recently said that it did not initiate any fishing discussions, although it said that it had had engagement with the fishing industry. You can imagine what the reaction would have been had it done so and said what it was about to do. However, the UK Government's position now is to say that it is a great deal and that the fishing industry is very happy. The dissonance between

what the UK Government is saying and what the fishing industry is saying seems to be huge.

Will you confirm what involvement the UK Government had with the Scottish Government on the likely decision on fishing? We have heard from other sources—which I am not able to mention—that that part of the deal was done long before they got to the UK-EU summit, or that it was understood to have been done. What discussions on that deal did the UK Government have with the Scottish Government and, as you understand it, with fishing interests?

Angus Robertson: Convener, with your indulgence, that question will necessitate quite a long answer in order to give the committee the full detail that I imagine that Mr Brown and colleagues want.

On process, the committee will be aware that relations between the Scottish Government, other devolved Administrations and the UK Government happen in the space of intergovernmental relations and interministerial meetings, where ministers with the same or similar responsibilities are supposed to meet regularly to discuss matters of mutual or shared sovereignty—areas in which there is devolved decision-making and a UK locus, and vice versa. That is the theory.

We also had a commitment from the UK Government that the reset that was much talked about was not just in relation to the European Union but also to devolved Administrations. The committee, because I have come here regularly to give evidence, is well aware of the difficult circumstances in which we operated in the intergovernmental relations space with the previous UK Government. That space did not function properly, meetings did not take place, discussions were not held, agreements were just reached and the Sewel convention was increasingly being disregarded as a matter of course. When the new UK Government talked about a reset and about doing things differently, we directly communicated, very strongly—to people from the Prime Minister downwards, and we have said so repeatedly in public—how much we welcomed that, and that what was in that public declaration about doing things differently and better, the way that they should be done, would be to everybody's advantage.

Until this latest EU-UK agreement process, I would have said that there most certainly has been a different atmosphere in the conversations that have taken place. Every time that there was a meeting, there was a repetition from the UK side that, "This discussion is within the context of a reset. We really want to have better relations, and that matters to us as a UK Government."

Then we move forward to this particular process on an EU-UK agreement and related issues. To me, the reality of how things actually worked did not match the rhetoric of a reset in relations. What do I mean by that? Specifically, in the run-up to the EU-UK agreement, I held two meetings with my opposite number in the Cabinet Office, Nick Thomas-Symonds MP, Minister for the Constitution and European Union Relations. There was a positive mood and language in both those meetings. One of those meetings was held remotely and the other involved Nick Thomas-Symonds coming to Edinburgh, where we were joined online by the Welsh Government and the Northern Irish First Minister and Deputy First Minister.

In the first meeting, Nick Thomas-Symonds was able to say what the UK Government's priorities for the forthcoming discussions and agreement were, and I was able to say that the Scottish Government's priorities—on which there was significant agreement—were that we would wish an SPS agreement, reassociation to Erasmus+, a youth mobility agreement, an energy agreement, judicial co-operation and, incidentally, the rejoining of the creative Europe programme. The UK Government was able to say, "We hear your priorities loud and clear, and we will take those into our conversations." There are no details that I can update the committee on, because the matter is on-going. I will be meeting Mr Šefčovič and other colleagues to discuss all that. That first meeting took place on 30 April this year.

Just two weeks later, we had the meeting that involved Welsh and Northern Irish colleagues. That was at a time when, in the interim, discussions had been taking place with European interlocutors. Why do we know that? Because we speak to European colleagues as well as to the UK Government. We therefore know that, in Brussels, the member states were looking at documentation in relation to the European Union's mandate and where progress was being made; 27 EU ambassadors were seeing documentation.

I raised that in the meeting with Nick Thomas-Symonds. I said, "We have received no documentation. We are not aware of how negotiations have been progressing. The European Union, with the inclusion of 27 member states, is able to share documentation and update on things. Please can you share the documentation before final agreement?" He said that he would take that away—he did not say no. He said that it was not normal custom and practice, and I said that it should be. He said that he would take that away from the meeting and have a think about it. That was prior to the weekend summit at which the agreement was signed off.

I was intrigued by something that you said there, Mr Brown. You shared with the committee and with me that you have been told that the part of the deal on fisheries was—this is what I have written down—"done long before" the summit at which the EU-UK agreement was signed off.

Keith Brown: I should be careful with my words. My understanding, from a meeting that we held last week—I will not go into the details of it—is that, in relation to the fisheries part of it, it was understood on both sides what was likely to happen long before they got down to it. It was almost a precursor for the summit agreement; I think that the word "precursor" might, in fact, have been used.

Angus Robertson: My understanding is that the agreement on the roll-over on fisheries and its length was not finalised before the summit weekend and, indeed, that it was raised on the weekend that the agreement was reached. How do we know that? We know that from discussions in Brussels, not from the UK Government.

I will continue in my explanation of the context to the process, which I think is very important. At the meeting on 12 May, at which Nick Thomas-Symonds said to the Scottish, Welsh and Northern Irish Governments that the UK Government was making progress in all of those areas, I and colleagues said that we would wish to have not only a readout, without detail and documentation, but rather detail and documentation.

Until I raised it, the word "fisheries" was not mentioned by the UK Government. There was a readout of what would constitute part of an EU-UK agreement at a summit, but it was only when I asked—after a lengthy introduction and scene setting from the UK Government that did not mention fishing—what the UK Government's position was, that it was mentioned. To say that I had an elliptical reply would be an understatement. There was no detail. Euphemisms for stability were used, but there was no mention of roll-over or of the length of time for which there should be such a thing. My position is that that is not a reset—it is not a proper relationship, it is not respectful and it is not how we should do business, full stop.

10:15

When the United Kingdom was in the European Union, there were Scottish Government officials and officials from the Scottish Fishermen's Federation and other organisations, in Brussels, sitting in rooms in which they were able to inform the process for agreements that were being reached. Documentation was shared, and there was a conversation about process. With this agreement, there was not.

With regard to other issues, we were saying in principle that we wished the UK to rejoin Erasmus+ and to re-associate with the creative Europe programme. We literally had the summit, an agreement and a read-out that said, “We have agreed this”. I then said something like, “What happened to Creative Europe?” and the answer that I got was, “Well, that just did not happen.” We are not clear on why it did not happen. Was it because the UK tried and it did not happen? Did the European Union side bring it up and the UK said no? We do not know.

The process is not working properly. The substance, in significant part, is welcome. It is important that we understand both those things in order to ensure, when things are perhaps more challenging, that the process is robust enough to get us through all that. I have made that point to the UK Government subsequently. Process matters, and that should not involve keeping people in the dark and telling them after the event.

Sorry—there is an additional fact that I should add, because there will no doubt be a follow-up question in relation to interministerial relations between the devolved Administrations and the UK Government in important policy areas. Mr Brown mentioned fishing. In the normal run of events, that should have been discussed at the interministerial group involving Scotland’s Cabinet Secretary for Rural Affairs, Land Reform and Islands and the UK’s Minister for Food Security and Rural Affairs in the Department for Environment, Food and Rural Affairs. The last three meetings of that group in the run-up to the agreement were cancelled, all by the UK side, so there was not a substantive meeting on that.

On culture, the last interministerial group meeting took place in May 2024 and since then, further meetings have been delayed repeatedly, so no discussion was possible, in the run-up to the summit, on the creative Europe programme and on the mobility of touring artists.

Keith Brown: [*Inaudible*—but I am taking up time, and other members want to come in. I had a second question, but I will come back to it if we have time at the end.

The Convener: Thank you, Mr Brown. If we could be succinct in answers and questions, that would be helpful.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, cabinet secretary. The event was hailed as a massive success by the UK Government. The Prime Minister indicated that

“Britain is back in business”

with the EU.

As we heard, however, the reset involved huge difficulties and tensions with fisheries—you have

gone into that, for which I thank you. We have also heard that there are opportunities with regard to defence and security, food and drink and energy co-operation. However, those are still just opportunities rather than agreements, because the member states still have to endorse or ratify some of them to ensure that they come into force.

What meaningful engagement would we expect from the Scottish Government and the UK Government on food and drink, energy co-operation and defence and security as we move forward? You explained some of the difficulties that you encountered with regard to fisheries. If there is a reset in those three areas that gives Scotland an opportunity, what is that opportunity and what kind of meaningful negotiation and engagement would you, as the Scottish Government, expect?

Angus Robertson: I would hope that there would be nothing less than European Union member states themselves have in relation to the European Union institutions. As I outlined, the European Union is currently arranging its negotiating mandate, which involves the EU institutions—the European Commission and the European Council—and the EU member states.

I would expect that, if there had been a reset and one wished to ensure that the devolved Administrations were fully part of the process, so that one had the best input and output on the detail of the agreement that we are now trying to reach, one would have the same sort of arrangement. I am, however, unaware of any arrangement or any formalised structure whatsoever that will take matters forward. That does not fill me with confidence, given what I have said thus far.

We will be doing everything that we can. It does not take a constitutional lawyer to understand that agriculture and fisheries, youth-related issues including education, judicial co-operation, and aspects of energy are matters in which the Scottish Government has a strong locus. The Scottish Parliament has an important job in making sure that the Scottish Government is doing everything that it should to further the interests of the Scottish people in relation to the agreement.

We will try to do that, but—as you heard from my initial answer to the question about process—I am deeply frustrated by the fact that the process is not working as it should. I am encouraging the UK Government to listen closely, to live up to its rhetoric on reset and to use the mechanisms on intergovernmental relations to which it has agreed, and to ensure that those processes are meaningful and are not simply read-outs of the UK Government’s priorities and positions, so that it genuinely takes on board different priorities.

I can tell you why that is important, and I will give you a real example. No doubt the committee will have turned some attention to this. Following the EU-UK agreement, the Scottish Government was approached by the UK Government, which wished to deal with a challenge in relation to labelling in Northern Ireland. That necessitated very quick decisions involving the Scottish Government ceding devolved sovereignty on a devolved issue to find a solution that we did not think was the best outcome, in a process that has since led to a rushed process in the Scottish Parliament in relation to the Parliament's ability to scrutinise that process.

I told UK ministers as part of those discussions that that was another example of the fact that the process is not working. Had the meetings of the interministerial groups involving DEFRA and the Scottish Government been taking place, the matter could have been resolved weeks, if not months, ago. It is another example of where the process is not working properly. We want it to work, and we are happy to meet to share our views on the different subjects. I have talked about the potential requirement for a derogation regarding the SPS agreement—no doubt the committee will get evidence on why that is important.

We are on it, but we need to know that the UK Government is on it. The processes are there with regard to how we should meet formally, but they are not working as they should.

Alexander Stewart: Thank you. I will let others come in now.

The Convener: Mr Kerr, do you want to come in?

Stephen Kerr (Central Scotland) (Con): Yes. On the Thursday before the UK-EU summit, we had a debate—you might remember it, cabinet secretary, as you were the Government speaker. That morning's *Financial Times* had highlighted the fact that the price to be paid for Britain's ability to make a play for loans from the €150 billion security action for Europe—SAFE—defence fund was fishing rights: the TCA roll-over.

I think that we agreed that that was an unacceptable point of negotiation, given the precarious defence and security situation in Europe. You have rightly pointed out the concession on fishing, although it might have been made in principle, as Keith Brown says, prior to the morning of 19 March. However, on the morning of 19 March, the EU said that there would be no agreement unless we gave it a 12-year roll-over. That is awful, is it not? That is a terrible way to talk about defence and security. Do you still stand by what you said in our exchange in the

chamber about the EU's attitude towards defence and security and fishing rights?

Angus Robertson: I stand by what I said in the Parliament. It makes me smile now, because Mr Kerr would have heard other voices in the chamber pooh-poohing any suggestion that fisheries were being used as a way to get agreement. It turned out that it was very much a part of making sure that an agreement could be reached.

Stephen Kerr: You just needed to read the newspapers to know that.

Angus Robertson: That is my point, Mr Kerr. Do we want to do government by newspaper leaks?

Stephen Kerr: Oh, I see.

Angus Robertson: Is that really how we want to do intergovernmental relations? No, it is not.

Stephen Kerr: To be fair, you have made your point on that issue, but I want to make a point about the fact that the EU's approach to this negotiation is very cynical, particularly in relation to the French national interest, when it comes to fishing rights. I think that we agreed on that in the chamber, so I just wanted to make sure that we were still in agreement on that.

Angus Robertson: I stand by everything that I said in the chamber in that debate.

Stephen Kerr: Your letter to the convener talks about the SPS agreement, if I may swivel to that issue. You rightly suggest in the second paragraph that

"Progress on an SPS agreement, if realised"—

if realised—

"can bring real benefits".

You were very positive earlier about the prospect of that being realised, but that might well be your natural, buoyant optimism speaking. The reality is that negotiations with the European Union are pretty difficult and sometimes very extended. From what you understand, when could we see such an agreement? There is no such agreement at the minute. It is all just vague good feelings. When could there realistically be an agreement?

From our conversations in London, it looks like the first year—that is, between the previous summit in May and the next one—is all going to be about security action for Europe, or SAFE. It will all be about defence and security. EU negotiating positions, notoriously, take a while—you know that better than most. The idea that they will be done by the end of the summer also seems optimistic, so when could we realistically be looking at scrutinising a proposed SPS agreement between the UK and the EU?

Angus Robertson: There is nothing that I can add in detail to Mr Kerr's entirely reasonable question save what I outlined before, which was shared from the European Union side with the Scottish Government, about the fact that there will be an annual summit between the UK and the EU. That is not unhelpful in making sure that there is a focus on making progress on all those things.

It really matters that progress is made on the defence and security side of things, as well as on everything else. Now that the headline agreement on what one expects out of the process—the detail is still to be worked out—will be progressed this year, I have no doubt—

Stephen Kerr: Is this SAFE that you are talking about? Is it the SPS agreement?

Angus Robertson: No, this is the entire range of what is in the agreement.

I expect there to be progress on everything, because if there were not a willingness to make progress on those points, they would not have been part of the agreement. Nobody has said subsequently, either from the EU side or from the UK side, that that is not important or that there is not an interest in making those things happen. It is a package, but, of course, there are different interests from the European Union side and its member states, and from the UK side.

I would expect there to be progress on all of those things, but you have challenged me to say when I think that the committee will be able to scrutinise the details of a proposed SPS agreement. I am not in a position to answer that, but I give the committee the commitment that, the next time I meet with the UK Government, I will raise the questions of when the committee can expect to see documentation and text on that.

10:30

I make the point again that we saw no documentation and no text as part of the process in the run-up to the agreement, and I will be making the point with the UK Government that that is not the way to deal with the Scottish Government or with Welsh or Northern Irish colleagues as part of the agreement process. Our committees and our Parliaments need to see the detail as soon as possible.

Stephen Kerr: So, it could be years off.

Angus Robertson: I hope not—

Stephen Kerr: But it could be.

Angus Robertson: If Mr Graham could give a bit of detail, that might be helpful.

Benjamin Graham: The phased process means that we will go through agreeing mandates between the UK Government and the EU—

Stephen Kerr: The negotiating mandate?

Benjamin Graham: Exactly. We understand—this is purely from official conversations that I have had with the UK Government—that the EU wants to move at pace on this. I have heard timelines of 18 months to two years suggested—

Stephen Kerr: For the SPS?

Benjamin Graham: Yes, for working out what the SPS agreement would consist of. Then, after that, it would be a case of implementing it. That is the phased process. We would be able to update along the course of that process as we made progress.

Stephen Kerr: Because the UK defence sector is an enormous component of the total European defence sector, my understanding is that SAFE will be prioritised—that is what will be approached at pace, and something will be unveiled next year that will allow Britain a role in SAFE. That is why I am asking about the SPS and all the other aspects of the so-called agreement. I am not convinced that it is an agreement. It is three documents with lots of lovely aspirations set out in nice text.

Cabinet secretary, you are a long-term EU-phile and a close observer of the EU. Is it likely that nothing will be agreed until everything is agreed, or do you foresee us—I think this would go against how we know the European Union tends to operate—taking a sequential approach to all the elements that are listed, particularly in the “Common Understanding” document?

Angus Robertson: I think that that is a known unknown at the moment, Mr Kerr, to answer your entirely reasonable question. I will just say that I think that it is in everybody's interest to make progress on all of these things as quickly as we can. The threat to us all in Europe is very real. The requirement to have everything at the disposal of our armed forces so they can do the job that they must do is a priority for everybody. Similarly, it matters for our economy and for all the other areas of the potential agreement that these things proceed at pace.

However, I do not think that there is clarity yet as to whether there will be a different delivery date—if you want to call it that—for what Mr Kerr quite rightly points out are three distinct parts of what emerged from the UK-EU summit. As soon as we have any clarity on that, I will be content to share that with the committee.

Stephen Kerr: I think that the sense on the continent is of an imminent threat of war. Therefore, it is understandable that the European Union will want to press ahead—and rightly so—

with British inclusion in SAFE as a third country. I am sure that we could have a longer session on that, but I do not think that there is an appetite to have it today.

On proper EU SPS agreements, there are two models in existence. The agreement with Switzerland, which has been in place since 1999, has dynamic alignment. The EU's SPS agreement with New Zealand, which uses a different model, is even older. It recognises the equivalence of sanitary measures, minimises physical checks and allows streamlined certification—the last of which would be highly desirable for us as well, I hope you would agree. Of those two existing models—I know that an argument will be that there is a third model, because Britain is in a different category, but those are the two existing off-the-shelf models—I think that what you say in your letter to the convener is that you would favour “dynamic alignment”.

Angus Robertson: That has been agreed with the United Kingdom.

Stephen Kerr: Well, yes, but the full negotiation has not even begun, and the EU's negotiating—

Angus Robertson: Oh, I very much think that, unless the United Kingdom had agreed the terms of the headline agreement, the dynamic alignment would not have passed go.

Stephen Kerr: You rightly get exercised about the rights and powers of Parliament under the devolution settlement, but the problem with dynamic alignment is that it puts us into a worse position than we were in before we left the European Union, because Britain will have no role, other than third-party consultation, prior to any new directives or regulations, and we will have no choice but to accept them. If the UK Government took that line as its general approach to how it governs, you would object to that very strongly, and when it does you object very strongly, so why do you not object to such an arrangement with the European Union?

Angus Robertson: Convener, I am sure that you wish me to stick within the requirements of this particular evidence session. However, I say to Mr Kerr that there is an elegant solution to the conundrum that he highlights, which is that, just as for the 27 nations that sit at the top table in the council of ministers, that nominate a commissioner and that have members of the European Parliament, the best solution for Scotland's future optimal relations with the European Union is for us to be a member state.

Stephen Kerr: You are doing a marvellous job of deflection. My final—

The Convener: Mr Kerr, we are going to move on. We are tight for time.

Stephen Kerr: Can I have one final, very quick question?

The Convener: Mr Brown gave up his right to a second question.

Stephen Kerr: Yes, and I am mindful of that.

The Convener: I will come back to you.

Stephen Kerr: Okay.

Patrick Harvie (Glasgow) (Green): Good morning. I want to focus on what you fairly bluntly described as a failure of the intergovernmental process. It is inevitable that those who are more sympathetic to devolution or to Scottish independence are going to place more of the blame for that failure on the UK Government, while those who are much more concerned about British independence and the sovereignty of the British state would place more of the blame on the Scottish Government. I would like to see whether we can find a way of breaking through that, because just saying that there is a logjam and a failure of the intergovernmental process leaves us kind of stuck.

What do you think that the Scottish Government can do to break through that? For example, are you considering a public consultation? Would there be scope for a joint public consultation with the Welsh Government, for example? We might not agree on everything but we could lay out the options publicly for how these relationships should work better, not only by comparing what is happening at the moment with what happened under previous iterations of devolution and under EU membership, but also what happens in other EU countries that have distributive forms of Government.

You will recall, for example, that the Government of the region of Wallonia has regularly been able to challenge decisions that the Belgian Government wants to make, whether on the comprehensive economic and trade agreement or on Brexit legislation. Other European Governments have multilevel or tiered forms of government where those issues are debated and agreed in a different and more successful way than in our current process, which you have described as a failure.

Would a public consultation that sets out what could be improved help to move things along if the UK Government is not willing to make fundamental changes?

Angus Robertson: The good news is that I do not think that we need to reinvent the wheel in the devolved context. We had a review of intergovernmental relations, which were looked into in great detail by this committee and others and were broadly welcomed. Everybody declared their willingness to make the structures work.

Since the new UK Government has come in, there has been a difference in tone, in that there is an avowal that the processes are there and that they should work and that it wants to have good relations with devolved Administrations. As is the nature of these things, some bits of the UK Government are better than others at understanding why things matter and why intergovernmental processes should be prioritised.

A reasonable amount of time has elapsed since the new Government took office, which is enough for us to understand what it wants to do, how it will do it and what processes are in place. We have moved beyond the very general declarations that were made at the start on willingness to make things work, to reset and to do things better, and we are now at the point where the questions are: “Are the meetings taking place?”, “Are they discussing substance?” and so on.

As for public consultation, it is not for me to do the job of a committee, but I would have thought that the committee could take evidence in public, involving people from the UK Government—

Patrick Harvie: Ah!

Angus Robertson: Well, I imagine that a UK Government that says that it is in favour of a reset and of being transparent would give evidence in public to a committee such as this, to explain how it is doing things. The record would then show an explanation of why we are dealing with the systematic cancellation of intergovernmental relations meetings, in advance of important issues. If the answers to the closed questions that I mentioned before are unsatisfactory, or if the assurances that are being given in public about how things will be different are not actually being delivered on, I would not rule anything out in trying to help things to get better.

For the record, I want everybody to understand that that is not just the position of the Scottish Government. It is a concern that is shared by colleagues in the Welsh Labour Party, the Sinn Féin First Minister of Northern Ireland and the Democratic Unionist Party Deputy First Minister of Northern Ireland. We do not find ourselves alone in this situation. If things do not change, we will have to look closely at how we make them change.

Patrick Harvie: I will press you a little further on what “things changing” actually requires. Even in the current framework, I share the hope that you have expressed about relationships and meetings working better. We would hope that UK ministers would be willing to come and talk to Scottish Parliament committees on the record and give us evidence. So far, our efforts to achieve that have not met with success, but I hope that that will change. However, the Scottish Government’s

position surely has to be that structural change is needed so that there is a requirement for not just the current UK Government but any future UK Government to make that relationship work. It cannot rely on the goodwill of individual ministers of the Government of the day—whether in Scotland, London or elsewhere—to make that relationship work. There has to be a structural requirement; otherwise, ministers will not have an incentive to do that.

Angus Robertson: I totally agree with Mr Harvie. As a matter of course, we should expect to have good working relations all the time. Of course, one might disagree about things or have different priorities, but where there is a temptation for Parliaments or Governments not to explain themselves to others, because they do not have to, that is a route that, unfortunately, other Governments or Parliaments might choose.

Mr Harvie mentioned Wallonia, which is a very interesting case in point. Unlike the UK, Wallonia and Flanders have devolved rights in relation to treaties. We do not have those here. Although people keep talking about the Scottish devolution settlement being among the strongest in the world, that is a very good example of where it is not. As a result of the treaty involvement of both Wallonia and Flanders, the Belgian federal Government has to work as well as it can with Wallonia and Flanders—because it has to. That is the challenge that we have; in some areas, we operate on the basis of conventions, à la Sewel, for example. That is why we are having discussions about whether that convention should actually be put on a statutory basis.

At some point, the convener will no doubt want to ask about the progress that has been made in relation to the UK Government’s approach to the Sewel convention. A memorandum of understanding was promised, and I am happy to come back at any stage if you wish to discuss that, convener.

10:45

The Convener: I can assure you that the issue was raised at last week’s interparliamentary forum meeting, which Mr Stewart and I attended.

Angus Robertson: I agree with Mr Harvie that structural changes are needed in a devolved context, although I do not believe that devolved governance is the optimal solution for Scotland’s governance. I agree that, unless there is a requirement on the UK Government to have better intergovernmental relations, that will too often, sadly, just not be a priority. That is not good enough.

Patrick Harvie: Thank you.

Neil Bibby (West Scotland) (Lab): Cabinet secretary, in answer to Mr Brown, you made a lengthy contribution in which you listed a number of complaints about the UK Government keeping the Scottish Government in the dark on its discussions with the European Union. It was very interesting that you said that the Scottish Government was talking to the European Union during the negotiations. In the interest of transparency, will you set out why the Scottish Government was doing that, what form the talks took and what information the Scottish Government shared with the European Union during those discussions?

Angus Robertson: As Mr Bibby knows, the Scottish Government has an office in Brussels—

Neil Bibby: Yes, I am well aware of that.

Angus Robertson: —and the officials who work there speak with the UK mission to the European Union and, as is the way in the way Brussels works, with officials from right across the institutions as a matter of course. That is what all representative offices in Brussels do, and it is through those channels that one often hears about where progress is being made. Is that the optimal way of finding out about progress in negotiations? No, it is not. I am sorry that that was the extent of the information that we had because the UK Government was not sharing information with us.

Neil Bibby: That was not my question. In the interest of transparency, will you publish the discussions that took place between Scottish Government officials and—

Angus Robertson: I am sorry—there were no formal discussions between the Scottish Government and any European Union member state or any individual institution. Officials from representative offices and embassies talk to one another about progress that is being made and about what is understood to be happening. That is the way in which civil servants talk to one another. It is not common practice for there to be formal records of discussions in passing between officials. Mr Bibby knows that that is not the way in which such things operate.

Neil Bibby: You perhaps made the discussions sound more formal than that in your answer to Mr Brown. Are you saying that it was gossip and hearsay?

Angus Robertson: It turns out that it most certainly was not gossip and hearsay, given the conversations that have taken place subsequently. When one is in London and speaking to the European Union's representative office in the UK, one can ask about much of this—it would be open to the committee to do that—and it turns out that what I have described is exactly how things

progressed. One might even be able to read about it on the front pages of some newspapers, too.

Neil Bibby: Was the UK Government aware of all the discussions that the Scottish Government had with the EU or with officials from EU member states? You have complained about the UK Government keeping the Scottish Government in the dark in relation to discussions—

Angus Robertson: No—

Neil Bibby: You did say that.

Angus Robertson: I think that it is really important that—

Neil Bibby: I think that it is really important that I finish my point, Mr Robertson, because you have had plenty of opportunities to speak.

Was the UK Government aware of all the discussions that the Scottish Government had with the European Union during the negotiations? Was the UK Government kept in the dark about the Scottish Government's discussions?

Angus Robertson: No. There were no formal discussions between the Scottish Government and European Union member states—

Neil Bibby: What about informal discussions?

Angus Robertson: I am talking about formal discussions.

Neil Bibby: What about informal discussions, Mr Robertson?

Angus Robertson: If I can answer through the chair—I think that that is the custom and practice here.

There is a false equivalence between the formal relations between Governments within the United Kingdom in relation to processes that involve negotiations with the European Union, and civil servants speaking to other UK civil servants in UK Government departments or meeting or discussing things in passing with civil servants of other countries in Brussels in order to be informed, which is their job. The fundamental difference between those two things should be obvious to absolutely everybody.

It is about the relative importance of the formal process that ministers of the UK Government attend and through which they negotiate outcomes in devolved areas of responsibility, which are then not reported as a matter of course to the devolved administrations in the United Kingdom—indeed, that kind of process has not been working as it should—and the process of one finding out about the generality of negotiations, which is the talk of SW1, Brussels and the civil servants in Edinburgh about the progress that has been made.

To Mr Bibby's point, no formal discussions took place as part of the process—unfortunately so, because Scotland is devolved and it is a United Kingdom Government that negotiates on our behalf as part of the UK's constitutional settlement.

Neil Bibby: What about the informal discussions? Was the UK Government aware of informal discussions that the Scottish Government is having with the EU?

Angus Robertson: The UK Government and the Scottish Government are aware because it is custom and practice for civil servants to constantly speak to one another in the United Kingdom and with European Union contacts. That is how diplomatic relations work.

Neil Bibby: Given what we have heard about the €150 billion budget for defence and security partnership arrangements, should the Scottish Government now reconsider its position on using public funds to support defence sector jobs?

Angus Robertson: The Scottish Government does use public money in support of the defence sector, which is a very important part of our economy. We know that there is a live debate about how one ensures that there is an ethical dimension to all that. There is a challenge involved in that, which I am sure that Mr Bibby would recognise.

I am sure that he and I would agree that it is important and necessary that we are able to help one another in a European context and support neighbours in need, such as Ukraine. However, at present, we have a challenge to ensure that the UK Government listens to our views on issues such as our calling for the United Kingdom to end all weapons supplies to Israel, and that we have systems in place to ensure that that actually happens.

In relation to the European Union, it is of significant interest to us that the UK and its defence sector are a part of that wider process. We all realise that having a multitude of weapons systems, calibres and standards across our different armed forces—when we are, sadly, seeing a common threat in Europe—is part of a wider reason why we need to ensure that we co-operate. The Scottish Government is supportive of that and of having a defence sector here.

Other European Union countries are investing significantly in defence—Germany, for example, has announced €500 billion in additional defence spending, which I am sure will not all be spent in Germany—and I very much hope that Scotland will play its part, as will everywhere else in Europe, in relation to the marshalling of resources in a European Union context.

George Adam (Paisley) (SNP): Good morning, cabinet secretary. I get very frustrated by this debate—I got frustrated when we went on our visit to Brussels last year and when we went down to London last week. When we were a member of the EU, we had influence and could do something about things. Brexit is the political equivalent of hitting yourself in the head with a baseball bat for half an hour, because we now need to negotiate all the time.

I am trying to bring an everyman view to the issue, because the view of members of the public in Scotland is, "Surely we were better off when we were in the European Union. Surely it is complete and utter madness that we find ourselves trying to renegotiate something that we already had when we were a member." That is the frustrating issue for me.

When we go to Brussels, people talk about having a Switzerland-type deal, but we have already been told by Brussels that nobody is getting a Swiss deal. That is off the table. The only option is to be a member. When we go through all this, does that not show—this is not even a political argument; it is a sensible argument—that being in the European Union was a lot better than the madness that is Brexit?

Angus Robertson: Absolutely. What we are talking about in relation to the EU-UK deal is what is on the margins of improving relations with the European Union. Yes, an SPS agreement would be a really good thing—of course it would. Yes, being part of the Erasmus scheme again would be a good thing, as would having closer energy co-operation—we have not had time to get on to that subject this morning, but, given how important our energy sector is, surely such co-operation would make a lot of sense to everybody. Those are the areas in which the European Union is prepared to have improved relations, but that is far short of being a member state.

If one could have all the advantages of being in the European Union without having to deliver on the *acquis communautaire* and be part of the processes of being a member state, the European Union would not function. Everybody would cherry pick what they wanted and ignore the things that they did not want. That is not how the European Union works. Although it is right for the UK Government to seek the best possible reset of arrangements and the best possible agreement that can be reached—on defence and security, as well as on the wide range of other issues that we have talked about—that is not the same as being a member state. It is important to be reminded that that is the case, and Mr Adam is absolutely right to highlight it.

George Adam: Despite all the time that goes into constant negotiation, whatever deal is

eventually reached will not even be the second best deal—it will be the third or fourth best. As someone who was involved in negotiation when I worked in the real world, I find the way in which the UK is going about this bizarre. To me, it feels like continually hitting yourself in the head with a baseball bat.

Angus Robertson: There are some statistics that illustrate Mr Adam's point. In economic terms, the UK Government's own figures estimate that this deal will add £9 billion to the UK's national income by 2040, which represents just 0.2 per cent of gross domestic product. That must be compared with the loss in GDP caused by Brexit, which is estimated to be 20 times that—4 per cent of GDP. Those estimates are from the Office for Budget Responsibility, which, as I am sure all members realise, is an organisation that is worth listening to. The point that Mr Adam is making is very real.

The Convener: We can squeeze in some final questions, but please be brief, because we are due to finish shortly and we have an agenda item to discuss in private.

Keith Brown: I enjoyed the light relief of hearing Brexiteers complaining about trying to deal with the EU and saying that we are tough and all the rest of it.

You made the point that the disaffection that is felt by the Scottish Government is shared by the Welsh Government, the Northern Ireland Assembly and its Sinn Féin First Minister. Last week, when we were in Westminster, we found the same disenchantment in the House of Lords, which felt that it was ignored or not consulted on large parts of the agreement. At what point do we say to ourselves, "This is not working"? There have been continued requests—this has as much to do with parliamentary scrutiny as it does with IGR stuff. We are just demeaning ourselves by continually pleading to get an occasional half-hour private chat, off the record, with a minister. At what point do we say, "We have reached the limits of devolution. There has to be a better way to do business"?

11:00

Angus Robertson: I have made my view clear to the UK Government that, unless the process changes, I am at the end of the road. We cannot have the United Kingdom reaching significant agreements on very important devolved responsibilities, with the system not working properly because the United Kingdom Government chooses for it not to work properly. We are at the end of the road. If the situation does not improve, there will not have been a reset, because what is happening now is the same as

what happened under the previous UK Government.

It is a fact that meetings have been cancelled. It is a fact that documents and details have not been shared. It is a fact that we can learn more from the front page of the *Financial Times* or by speaking with diplomats from other countries. That is not how we should be doing things. That should matter to everybody on the committee—those from all parties. There is zero defence for what is happening.

It is not a case of two partners not wishing to have the best of relations. We in Scotland, along with our colleagues in Wales and Northern Ireland, are trying to make this work, but the process for the UK-EU summit agreement did not work. Very soon, we will be able to see, based on how the UK Government acts in relation to its negotiating mandate and its relations with the Scottish, Welsh and Northern Irish Governments, the detail that the committee has asked me about. Proper inclusion involves consultation, not just read-outs of what the UK Government is negotiating on our behalf. Very soon, we will see whether there has been improvement. I am as interested as the committee is in UK ministers answering those questions in public and in detail.

Stephen Kerr: This committee scrutinises the Scottish Government's actions in relation to intergovernmental relations. The agreement that the UK Government and the European Union made on 19 May must have been a huge agenda item at the meeting of the council of the nations and regions—which includes John Swinney, the First Minister—on 23 May. Where are the minutes or the outcomes of that meeting, which would give us some detail to allow us to scrutinise the Scottish Government's engagement with the UK Government? Were the things that you have protested about during this evidence session on the agenda? What was said? What was agreed between John Swinney and Keir Starmer? I am sure that the issue must have come up.

Angus Robertson: I am sure that it did come up. I did not attend the meeting that Mr Kerr—

Stephen Kerr: Have you seen the minutes?

Angus Robertson: I have not seen the minutes, but I am happy to update the committee on that.

Stephen Kerr: Can we have a copy?

Angus Robertson: As we know, the First Minister gives evidence to committees of the Parliament, so that question is best directed to him, but I am happy to update the convener and other colleagues in due course.

Stephen Kerr: I presume that there are Scottish Government documents that pertain to the First

Minister's engagement at that meeting—there must be.

Angus Robertson: Official records are taken of all official meetings.

Stephen Kerr: Can we have those to scrutinise?

Angus Robertson: I will revert to the committee.

The Convener: We can ask for them in writing, Mr Kerr.

Stephen Kerr: Let us do that.

Angus Robertson: I do not want Mr Kerr to be under any illusions: the UK Government is very well aware of the concerns that intergovernmental relations are not working properly.

Stephen Kerr: Yes, but I want to know what was discussed in that regard and what resolutions or otherwise were reached between the First Minister and the Prime Minister.

The Convener: You have made your point, Mr Kerr. We will definitely send a letter about that.

I draw the public part of the meeting to a close.

11:03

Meeting continued in private until 11:30.

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