



Rt Hon Lord Frost CMG  
Minister of State  
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Our reference: MC2021/11232

The Rt Hon Arlene Foster MLA  
First Minister  
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Michelle O'Neill MLA  
deputy First Minister  
NI Executive

The Rt Hon Angus Robertson MSP  
Cabinet Secretary for the Constitution,  
External Affairs and Culture  
Scottish Government

Mick Antoniw MS  
Counsel General & Minister for the Constitution  
Welsh Government

27 May 2021

Dear colleagues,

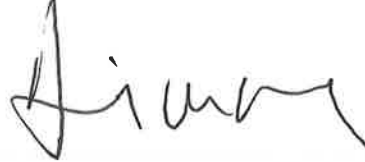
1. Now that our Trade and Cooperation Agreement with the EU has been fully ratified, I would like to set out how the Government intends to work with you to ensure its effective implementation. I am very much intending to do this on a constructive and mutually beneficial basis.
2. As you know, the TCA is a broad Agreement which touches upon many parts of the Government's activity. Although I have overall responsibility for the arrangements and the relationship with the EU, it has been agreed that individual Departments should be primarily responsible for the detailed implementation of the Agreement in their areas of policy, within the overall agreed policy framework. This means that in practice (for example) most Specialised Committees will be chaired by officials from the lead Whitehall Department, supported of course by my team.
3. Clearly certain aspects of the TCA cover areas of devolved competence too (as of course does the Withdrawal Agreement) and this raises the question of how we can best work with Devolved Administrations in getting the right outcomes for the UK as a whole. The same question arises

in relation to the Crown Dependencies as regards areas covered by the TCA which are relevant to them.

4. In considering these issues, we have taken account of the fact that the TCA is a standard, though very broad, international agreement, with no elements of supranationality for EU institutions or of direct effect for EU law. Outcomes from the Partnership Council or subordinate bodies must in all cases be by consensus. Accordingly it is the relationship between the devolved administrations and the UK Government, not the EU institutions, that is crucial in setting UK policy and hence outcomes.
5. With this in mind we have agreed the propositions set out below for the Partnership Council. They should apply to the structures established for the Withdrawal Agreement too, though we do not anticipate this will in practice produce any changes to arrangements already established over the last year. In particular the Northern Ireland Executive's agreed role in such committees will be unaffected, given the particular circumstances generated by the Northern Ireland Protocol.
  - a. Where items of devolved competence are on the agenda for the Partnership Council or the Specialised Committee, we expect to facilitate attendance by Devolved Administrations at the appropriate level, i.e. at roughly similar seniority to UK Government attendees.
  - b. However, final discretion in any specific instance as regards attendance would be held by the UK co-chair of the body concerned, depending on the nature of the discussion.
  - c. Preparation for all such meetings will be coordinated by the responsible UK Government Department, supported by the EU Secretariat here in the Cabinet Office. Where the items likely to be discussed include matters of devolved competence, these should include representatives of the devolved administrations, at the appropriate level, and I am making clear that this should happen as a matter of normal practice.
  - d. My officials in the Cabinet Office's EU Secretariat should regularly discuss strategic and cross-cutting EU issues with your officials.
  - e. I will extend to the Partnership Council the existing practice established last year of facilitating a collective meeting between me and responsible devolved administration Ministers before Joint Committees.
6. I would note also that it is important that engagement with the EU outside these formal structures is coordinated to ensure the UK Government can conduct its international affairs effectively in our new relationship with the EU. We suggest therefore that it is appropriate for devolved administrations to keep the UK Government informed about both the fact and content of significant (Ministerial or senior official) contacts with the EU institutions or Member States. We would of course expect that you would support the UK Government's position in such contacts.
7. I expect that the first meeting of the UK-EU Partnership Council will be held in early June, and that matters of devolved competence will be on the agenda. A meeting of the Withdrawal Agreement Joint Committee will also be held around the same time. In accordance with the propositions above, I would therefore like to invite you to meet with me ahead of those meetings to hear your views and discuss the UK's approach to these meetings. My officials will be in contact with yours on the arrangements and on the substantive preparations for both meetings.

8. I suggest that these principles should also apply to the Crown Dependencies as regards areas covered by the TCA which are relevant to them (ie principally goods trade and fisheries), again without prejudice to any arrangements already established under the Withdrawal Agreement. Accordingly, I am copying this letter to the Chief Ministers of the Isle of Man and Jersey, and the President of the Policy and Resources Committee of Guernsey.
9. I look forward to meeting you soon.
10. I am copying this letter to the Secretaries of State for Scotland, Wales, and Northern Ireland, the Chancellor of the Duchy of Lancaster, the Secretary of State for Justice, the Cabinet Secretary, and the Prime Minister's Chief of Staff.

**With best wishes,**

A handwritten signature in black ink, appearing to read 'J Frost', written in a cursive style.

**Rt Hon Lord Frost CMG**

