



HM Government

# **Government Response to the Consultation on Government Engagement with Business and Civil Society Groups on the Implementation of the Trade and Cooperation Agreement**

19 October 2021





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Presented to Parliament  
by the Paymaster General  
by Command of Her Majesty

19 October 2021



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## Introduction

1. As the Trade and Cooperation Agreement (TCA) is a broad Agreement that touches on the lives of people across the UK, the Government invited views on how it should be engaging with as wide a range of business and civil society groups as possible. This included how to best use the formal channels provided for in the Trade and Cooperation Agreement, but also how to continue to engage across Government with a wide range of groups.
2. The consultation received responses from a broad range of stakeholders including business associations, trade unions and non-governmental organisations (NGOs) from across all four nations of the UK. This enables us to draw from a variety of views and experiences when setting up the Domestic Advisory Group (DAG) and Civil Society Forum (CSF).
3. Both fora will enable the Government to hear from those most affected by the operation of the Agreement, and to ensure that concerns are properly registered as the Government prepares UK positions in the Partnership Council and other bodies created by the Agreement.
4. It is important that involvement in these groups is as balanced and representative as it can be. The Government is, therefore, seeking expressions of interest (EoIs) for membership. It is correct to take the time to get the structures right and build their membership, but also to engage outside of these structures as issues arise through continued, existing engagement with individual departments and devolved administrations.

## Summary of responses

5. The consultation ran for seven weeks from 9 August 2021 to 21 September 2021 and received **66** responses from a variety of stakeholders (businesses, charities and NGOs) representing all four nations of the UK.
6. The key themes emerging from the responses were:
  - A) The frequency of DAG meetings, including the use of virtual meetings and other online tools, and the topics of discussion, whether thematic or issue-focused.
  - B) Transparency around the TCA engagement structures including the publication of membership lists, minutes and papers produced.
  - C) The importance of the membership of both fora to have relevant expertise, technical knowledge and representation from all four nations of the UK.

## Who responded

7. The consultation received **66** responses in total. **10** responses came from organisations based in Northern Ireland and Ireland, **6** responses from organisations based in Scotland, **5** responses jointly from organisations based in Wales and England, **40** responses representing the United Kingdom and **5** without geographical representation.
8. **38** responses came from businesses and business associations, **5** responses from trade unions, **19** responses from NGOs and charities and **4** responses from other organisations (including individuals and political parties).



## Issues raised

*Q1. How should the UK Government engage formally on TCA implementation issues through a domestic advisory group? The Government is planning a meeting once or twice a year with one group and would welcome your comments on the format, scope, and other ways of consultation. How do you see this group operating effectively?*

9. **Role of the DAG** - Respondents to the consultation made suggestions going beyond the consultative role described in the TCA. These included:
  - a more significant role for the DAG, including: a role for members in TCA committees;
  - a commitment by the UK Government to act on issues raised or recommendations made by the DAG
10. **Government Response:** While the Government cannot commit itself to following every recommendation, as each one has to be considered on its own terms, it sees the DAG as an important consultative body which enables the Government to hear from those most affected by the operation of the Agreement. Therefore, lead departments will continue to engage with external stakeholders on their approach to TCA Specialised Committee meetings in the same way as they would normally engage on policy development. Their recommendations will be taken seriously to ensure concerns are properly registered in advance of meetings of the Specialised Committees and other bodies created by the Agreement. Specialised Committees' co-chairs can, by mutual consent, invite experts (i.e. non-government officials) to attend meetings of the Committees in order to provide information on a specific subject and only for the parts of the meeting where the specific subjects are discussed. We will be considering this option as required.
11. **Frequency and Location** - The majority of consultation respondents were happy for the DAG to meet twice a year (in-person or hybrid) with continued, thematic engagement in between plenary sessions and ad-hoc virtual meetings convened by a DAG Secretariat, at its discretion. It was also noted that the DAG needs to be embedded in existing structures across Whitehall, e.g. the Brexit Business Taskforce or thematic groups convened by departments without duplicating their work. Some respondents suggested the need for more frequent meetings of the DAG, e.g. quarterly. There was support for the DAG meetings to take place in rotating locations across all four nations of the UK and not to focus solely on London.
12. **Government Response:** Departments are regularly and extensively engaging stakeholders in their respective policy areas. This forms a strong basis for the DAG to build on. The DAG covers the entire scope of the TCA and to ensure specific policies can be discussed in-depth, departments will continue their regular engagement facilitating discussions in between DAG plenary meetings. The DAG meetings will likely take place twice per year, as suggested by stakeholders,

supplemented by the work of the Brexit Business Taskforce. The Government will also follow the recommendation from stakeholders to rotate the location of the DAG between nations. This will further contribute to ensuring that involvement in the DAG is as balanced and representative as it can be.

13. **Transparency** - The majority of consultation respondents proposed that the Government should support transparent working for the CSF and DAG. While some stakeholders expressed their understanding for using non-disclosure agreements (NDAs) in certain circumstances they in general spoke against using these to allow them to consult their members without any limits.
14. **Government Response:** The Government agrees and it will follow the recommendations on how to make the DAG an open and transparent forum. This will include the recommendation to publish membership lists, meeting agendas and minutes. We are discussing the same arrangements for the CSF with the EU. NDAs will not be used for the DAG or CSF to allow wider and open contributions to the discussion.
15. **Size** - Only a limited number of consultation responses mentioned specific numbers for the size of the DAG. A minority of responses mentioned a very small DAG of around 15 members while most respondents asked for the group to be big enough to adequately represent affected sectors and regions. However, most stakeholders advocated for constructive discussions in smaller groups where issues could be considered in depth.
16. **Government Response:** It is important for the DAG to be able to facilitate an active dialogue between its members. This will require a balance between making the DAG large enough to reflect the views of sectors representatively while also ensuring that all members can contribute effectively. This will form the principle when choosing members based on responses to the EoI campaign. A very small DAG of only 15 members would be unlikely to be able to cover all interests related to TCA implementation.

*Q2. If a selection had to be made, what further criteria, additional to those set out in Article 14 of the TCA, could be prioritised to decide the members of the UK delegation to the Civil Society Forum, e.g. the size of the economic or public interest, geographical interest, trade knowledge and experience or ability to protect and represent the UK's interest effectively?*

**17. Membership Criteria** - The majority of consultation responses argued for regional representation and specific expertise related to the areas covered by the TCA to be considered. To the extent that we have a limited number of participants in the CSF, the most prominent suggestions for further criteria were for members to:

- A) Be a civil society or business organisation
- B) Be not for profit
- C) Represent the interest of UK businesses or citizens
- D) Have specific professional competence or expertise relating to the TCA

Additionally, almost all stakeholders agreed that membership has to adequately reflect geographical and regional representation.

**18. Government Response:** It is important that involvement in the DAG and CSF is as balanced and representative as it can be. The criteria above ensure that this will be the case and they are reflected in the expression of interest published alongside this response. In addition to the specific expertise of organisations stakeholders mentioned, it is also important to the respondents that they have an understanding of how the TCA impacts people across the UK.

*Q3. What role should the UK Government play in supporting interactions between UK and EU stakeholders on TCA implementation, in addition to the sharing of contact information under the terms of the TCA and facilitating the CSF meetings?*

**19. Secretariat Support** - Almost all consultation respondents asked for the Government to establish a Secretariat to support the DAG by e.g. providing a venue and acting as a contact point for continuous engagement. This secretariat needs to balance out its role to ensure the DAG stays independent.

**20. Government Response:** The Government wants to ensure that the DAG is a functional and effective forum which can provide meaningful advice on TCA implementation while at the same time protecting its independence. On the basis of these principles the Government would provide a venue, contact point and take minutes during the meeting.

**21. Additional Support** - In addition to standing up a Secretariat, the majority of stakeholders asked for varying degrees of further support to be able to effectively engage with both the DAG and CSF. Some respondents suggested the UK

Government should cover travel and accommodation costs for all in-person meetings, others asked for the provision of virtual participation options to allow organisations of all sizes to be able to join.

22. **Government Response:** In addition to the outlined Secretariat support, Government will provide the venue for in-person meetings while also providing virtual participation options. This will allow organisations to be able to engage without the need to invest significant resources. The Government is currently unable to commit to further financial support but should this policy exclude some, especially smaller, organisations from being able to participate, then this will be reviewed.

## Next steps

23. Alongside this Government response to the consultation, an expression of interest for membership of both the Domestic Advisory Group and the Civil Society Forum will be published. The expression will be published on [GOV.UK](https://www.gov.uk) on 19 October and will run until 9 November.
24. Following the expression of interest campaign, the Government will determine membership while ensuring that involvement in these groups is as balanced as it can be, including considering geographical and regional representation.
25. An official response on the outcome of the expression of interest campaign will be published as soon as possible following the closure of the campaign, and in any case ahead of the first meeting of the Domestic Advisory Group.

