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The UK-EU reset and the role of devolution

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This paper examines the role played by devolved governments in the context of past and present obligations arising out of UK-EU relations, and what roles the devolved governments could play as those relations are reset. The paper compares intergovernmental engagement over EU matters in the UK to the engagement in Switzerland, which shares many important characteristics with the UK in this regard.

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Executive Summary

The UK and the EU have signaled their intentions to ‘reset’ relations in specific areas. Legally binding texts have not yet been published or signed, but any such text is not a full picture of what a reset might entail. The devolved administrations had (and Northern Ireland continues to have) considerable responsibility in implementing EU law obligations relevant to agreements between the UK and the EU. This briefing looks at the breadth of that role and how it may evolve with the evolving reset, by comparison with Switzerland, which also finds itself in a similar position to the UK.

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1 Introduction

On 4 February 2025, the former Paymaster General and Minister for the Cabinet Office (Minister for the Constitution and European Union Relations) Nick Thomas-Symonds MP set out the UK Government's plans to 'reset' relations with the European Union (EU).[1] Following the UK-EU summit on 19 May 2025, three specific policy areas emerged for potential agreements between the UK and the EU according to their Common Understanding: emissions trading (ETS), sanitary and phytosanitary (SPS) rules and energy.[2] The King's Speech on 13 May 2026 referred to a 'European Partnership Bill' designed 'to strengthen ties with the European Union'.[3] The Briefing Notes to the King's Speech set out two aims of the Bill: for Parliament to have a say 'before EU laws are applied in the UK' and a power 'to extend the application of the Bill to new treaties with the EU in the future'.[4]

Thus far, it may appear that the only driver of the UK-EU reset is the UK Government. Indeed, nothing in the sources cited above sets out any explicit role for the devolved administrations. However, the devolved administrations' roles are important to consider because much of the scope of the individual policy areas in which the UK and the EU intend to align is devolved. Moreover, these areas are not devolved symmetrically across the three devolved administrations, making the role of devolution more complex. Additionally, the UK is envisaged to have a 'decision-shaping' role in all three policy areas.[5] The upshot is that the proposed agreements would go beyond the UK passively adopting EU laws as required and instead allow positive contributions from the UK in the development of legal proposals in the three policy areas, much of which are devolved.

[1] Cabinet Office and Nick Thomas-Symonds, 'Minister for EU Relations – Article on UK-EU Reset' (4 February 2025). Available here.

[2] Cabinet Office, 'UK-EU Summit – Common Understanding' (19 May 2025). Available here.

[3] The King's Speech 2026. Available here.

[4] Prime Minister's Office, *The King's Speech 2026* (13 May 2026), pg. 16-17. Available here.

[5] UK-EU Common Understanding (see footnote 2), paragraphs 21, 30 and 44.

Importantly, the current Prime Minister, Andy Burnham MP, has expressed a desire to 'extend devolution in Scotland, Wales and Northern Ireland'.[6]

This paper explores the role of the devolved administrations in the UK-EU reset thus far and possible contributions in the future, in the light of the nature of devolution as it exists today. Insights are drawn both from similar circumstances in Switzerland as well as the UK's own history. When the UK acceded to the (then) European Communities in 1973, the only devolved administration within it was in Northern Ireland.[7] The role of devolution is thus not a new question in the UK's history with Europe. But it remains an important question for the present and future of UK-EU relations.

2 Devolved competence and the Reset

Policy areas which are within the competence of the devolved legislatures are not uniform across the Scottish Parliament, Senedd Cymru (Senedd) or the Northern Ireland Assembly (Assembly). Of the three main policy areas set out above, ETS and SPS are generally devolved to Scotland, Wales and Northern Ireland. Energy (with the exception of nuclear energy)[8] is a devolved matter in Northern Ireland, but the 'generation, transmission, distribution and supply of electricity', together with nuclear energy, are outside the competence of both the Scottish Parliament[9] and the Senedd.[10]

Asymmetry is also a feature in other ways. The devolution of non-nuclear energy to Northern Ireland enables Northern Ireland to participate in the Single Electricity

[6] See Andy Burnham's speech in full as he promises to give UK 'new direction' - Manchester Evening News

[7] The devolved institutions were, however, suspended at the time, with the administration of Northern Ireland being carried out through the Northern Ireland Office and the Secretary of State for Northern Ireland, under the Northern Ireland (Temporary Provisions) Act 1972 (available here).

[8] This is an excepted matter for Northern Ireland, see Northern Ireland Act 1998, schedule 2, paragraph 18. Available here.

[9] Scotland Act 1998, schedule 5, sections D1 and D4. Available here.

[10] Government of Wales Act 2006, schedule 7A paragraphs 96 and 99 (sections D1 and D5). Available here.

Market on the island of Ireland,[11] which is dynamically aligned in regulatory terms with relevant EU laws in this regard.[12] 'Dynamic alignment' in this context refers to an obligation arising under the Windsor Framework for Northern Ireland to keep pace with changes to EU laws which fall within the scope of the Windsor Framework. Put differently, when the EU amends or replaces one of its laws which are listed or referred to in the Windsor Framework, that amendment or replacement applies to and in Northern Ireland.

The major qualification to dynamic alignment surrounds what is colloquially known as the 'Stormont Brake'. The Stormont Brake provides the Assembly with the opportunity to object to the application in Northern Ireland of certain amended or replacement EU laws. This procedure does not extend to all EU laws listed or referred to in the Windsor Framework, but only to a subset of those laws. Any decision by the Assembly to object to the application of a replacement or amendment EU law may only be overridden by the Secretary of State for specified reasons.[13] Dynamic alignment in Northern Ireland also extends to SPS matters, which feature prominently in the Windsor Framework.[14] The Windsor Framework thus requires Northern Ireland to adopt amendments or replacements of EU laws to which the Framework 'makes reference',[15] subject to the democratic scrutiny over some of these laws by the Assembly.[16] This requirement does not extend to Scotland, Wales or England. Thus, Northern Ireland is already dynamically aligned with EU law unlike Scotland, Wales or England. However, there are provisions in different statutes (enacted by both the UK Parliament[17]

[11] See the SEM Committee website, available here.

[12] See the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Protocol on Ireland/Northern Ireland (Windsor Framework) (2020) OJ L 29, Articles 9 and 13(3) and Annex 4. Available here. Note, that this part of the Windsor Framework is not within the scope of the Stormont brake, see Article 13(3a) of the Windsor Framework, 7th subparagraph.

[13] Northern Ireland Act 1998, schedule 6B, paragraphs 14-16, available here.

[14] See the Windsor Framework (footnote 11 above), Annex 2, headings 20, 24 and 29-44.

[15] As cited immediately above, Article 13(3).

[16] As cited immediately above, Article 13(3a), 7th subparagraph.

[17] See e.g. the Agriculture Act 2020, schedule 7, paragraphs 16 and 17. Available here.

and the devolved legislatures[18]) which are or may be used to unilaterally mirror EU law in various matters even in the absence of a legal requirement to do so as in the case of Northern Ireland.

3 Existing intergovernmental engagement

3.1 Domestic engagement

Within the UK,[19] there is an Interministerial Group (IMG) on UK-EU Relations. The IMG's terms of reference cover the breadth of UK-EU relations, including the Withdrawal Agreement (and Windsor Framework), the Trade and Cooperation Agreement and 'strategic issues under devolved competence related to the implementation of the agreements'.[20] The IMG followed the Review of intergovernmental relations in 2022,[21] which observed:

Recognising that international relations is a reserved competence, the importance of engagement on the UK Government's approach to international issues as it affects devolved responsibilities is embedded in the system. The IMSC will consider cross cutting and wider strategic international issues, with FCDO Ministers invited as necessary. This will be complemented by two internationally focused IMGs, including the Trade IMG to discuss agreements with the UK's new trading partners, and an IMG for the UK-EU Trade and Cooperation Agreement. These forums are in addition to departmental IMGs who will consider international engagement and agreements where devolved competence is being considered. In relation to UK-EU meetings, UK co-chairs will consider attendance as part of the UK delegation. International engagement

[18] See e.g. the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, section 1, available here.

[19] For a detailed hub of intergovernmental engagement at the domestic level, see the Scottish Parliament Information Centre (SPICe), *SPICe Intergovernmental Activity Hub*.

[20] Cabinet Office, 'Interministerial Group on UK-EU Relations: terms of reference'. Available here.

[21] Cabinet Office and Department for Levelling Up, Housing and Communities, 'The Review of Intergovernmental Relations' (2022). Available here.

and agreements that fall outside the remit of the IMSC or a relevant IMG will be led directly by FCDO, either on a bilateral or multilateral basis where necessary.[22]

The communiqués from the IMG on UK-EU Relations have mentioned UK-EU negotiations,[23] with communiqués from departmental IMGs going into more detail about the details of relevant agreements which fall within the scope of the corresponding departmental IMG.[24] Devolved ministers have also kept their respective legislatures updated on the UK-EU negotiations, including by reference to the IMG framework.[25]

3.2 International engagement

At the UK-EU level, there are two main strands of intergovernmental engagement relevant to Northern Ireland. First, the intergovernmental mechanisms under the UK-EU Withdrawal Agreement include the principal decision-making body under the Agreement – the Joint Committee – and a Specialised Committee on the Implementation of the Windsor Framework. The joint statements and press releases resulting from meetings of these specialised bodies rarely confirm the attendance of Northern Ireland Executive officials at these meetings.[26] Moreover, since 2024, the implementation and operation of the Windsor Framework have been at the direction and control of the Secretary of State and not the devolved Northern Ireland Ministers or Departments.[27] Consequently, it is the UK

[22] As cited immediately before, paragraph 13.

[23] See the communiqués of 3 December 2024, 12 May 2025, 23 September 2025 and 21 January 2026.

[24] See e.g. the communiqués of the IMG for Environment, Food and Rural Affairs of 27 January 2025, 23 June 2025, 24 November 2025 and 5 February 2026.

[25] See e.g. NIA Official Report (27 April 2026), First Minister Michelle O'Neill MLA in response to John Blair MLA; the Scottish Government's response to the Constitution, Europe, External Affairs and Culture Committee Inquiry into 'Transparency of Intergovernmental activity and its implications for parliamentary scrutiny' (2025); and the Welsh Deputy First Minister Huw Irranca-Davies MS to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee of Senedd Cymru (5 November 2025).

[26] See e.g. the Joint Statement following the tenth meeting of the (then) Specialised Committee on the implementation of the Protocol on Ireland/Northern Ireland (8 March 2022).

[27] See The Windsor Framework (Implementation) Regulations 2024, regulation 3 (available here).

Government which plays a greater role in the relevant Specialised Committee than the Northern Ireland Executive.

Second, the Trade and Cooperation Agreement (TCA) between the UK and the EU established several formal structures through which all four governments in the UK may participate along with their EU counterparts. Below the level of the Partnership Council, which is the main TCA decision-making body, there are (broadly speaking) three different kinds of bodies: Specialised Committees dealing with different subject areas which fall within the scope of the TCA, Trade Specialised Committees dealing with specific matters of UK-EU trade and working groups on more specific issues. Although the devolved administrations take part in these meetings, the published minutes do not always confirm their attendance and not every subject area will engage the devolved competences of every devolved administration. The table in Appendix 1 shows the attendance of the Northern Ireland Executive in meetings of the TCA bodies.

However, the Northern Ireland Executive's engagement with the EU is not limited only to the formal intergovernmental forums set out above. The Executive has a representative office in Brussels – the Office of the Northern Ireland Executive in Brussels (ONIEB) – which (among other things) represents Northern Ireland interests at the EU level and focusses on the EU's Horizon programme of research and innovation in so far as it engages Northern Ireland.[28] Similarly, the Scottish Government[29] and the Welsh Government[30] have representative offices in Brussels, as part of the respective governments' wider approach to international relations.

[28] See the Office of the Northern Ireland Executive in Brussels, *Our Aims*.

[29] See e.g. Iain McIver and Annie Bosse, 'External affairs: subject profile' (*SPICe Briefing*; 16 June 2026; SB 26-36). For the Scottish Government's representative office, see here.

[30] See e.g. The Welsh Government international office remits and Welsh Parliament Culture, Communications, Welsh Language, Sport and International Relations Committee, 'Mission Cymru: Principles for international relations' (February 2026).

4 The central-devolved dynamics of implementing EU obligations

Thus far, the intergovernmental structures cover either ongoing UK-EU discussions around future agreements or the implementation of obligations arising under existing agreements. In the latter context, the roles of the devolved administrations are critical. Three periods are relevant to the role of devolved administrations in the implementation of obligations under EU law: at or just before the UK's accession to the European Communities (which eventually became the EU); during the UK's membership of the EU; and following the UK's exit from the EU.

4.1 At or just before accession

When the UK was negotiating its accession to the then European Communities, Northern Ireland was the only devolved part of the UK. Under Northern Ireland's then devolution settlement – the Government of Ireland Act 1920 (the 1920 Act) – there was a list of matters reserved to Westminster, with everything else transferred to Stormont.[31] One of the matters reserved to Westminster under the 1920 Act was 'treaties, or any relations with foreign states'.[32] Thus, the then Northern Ireland Parliament could not legally legislate to bind the UK Government in its negotiations with the European Communities.

However, because the UK's accession required changes to domestic legislation to bring this legislation in line with European requirements, some of Northern Ireland's own laws would also have to be amended. This is where the UK Government strongly suggested that Northern Ireland should make its own changes to its own laws[33] instead of relying on Westminster to make these

[31] The Government of Ireland Act 1920, section 4(1) (available here).

[32] See above, section 4(1)(4).

[33] See *Note of a Meeting held in Conference Room C, Cabinet Office (14 December 1971)*, available in file CAB-199-35 at the National Archives (UK).

changes via the European Communities Bill.[34] The Northern Ireland Government at the time stated that it would not have sufficient time to move a Bill through the Stormont Parliament to make the necessary changes.[35] During a meeting at the (UK) Cabinet Office chaired by then Solicitor General of England and Wales Geoffrey Howe QC MP, it was acknowledged that the restriction under the 1920 Act relating to treaties meant that the Northern Ireland Parliament would face difficulty in enacting any legislation relating to the UK's *Accession Treaty* with the European Communities.[36] The Solicitor General concluded that the European Communities Bill could deal with some of the necessary pre-accession changes required in Northern Ireland, but that the Northern Ireland Government would have to act to make consequential changes to Northern Ireland laws which were within the competence of the Northern Ireland Parliament.[37]

In the event, the start of the Troubles in Northern Ireland and the suspension[38] and later abolition[39] of the 1920 Act institutions meant that the necessary pre-accession changes were carried out by or at the direction of the UK Government.[40]

4.2 During the UK's membership of the EU

EU laws which fell within the competence of the devolved administrations were generally implemented by those administrations (if implementation was required). In a recent list released by the Department for Environment, Food and Rural Affairs (DEFRA) of the UK Government,[41] there are a number of references to

[34] This would eventually be enacted as the European Communities Act 1972 (available here), through which EU law entered the UK throughout the UK's membership of the EU.

[35] See footnote 33, paragraph (b).

[36] See footnote 33, paragraph (a).

[37] See footnote 33, pages 3-4.

[38] See the Northern Ireland (Temporary Provisions) Act 1972 (available here)

[39] See the Northern Ireland Constitution Act 1973, sections 31 and 32 (available here).

[40] See the Northern Ireland (Temporary Provisions) Act 1972, section 1(1)(b) (available here).

[41] Department for Environment, Food and Rural Affairs, 'UK-EU SPS Agreement – Legislation in scope' (9 March 2026), available here.

EU laws which may fall within the scope of the SPS agreement, and which the UK implemented during its membership of the EU. Many of these laws were implemented by domestic legislation at the *devolved* level while the UK was a Member State of the EU. Indeed, relatively shortly after the advent of modern devolution in 1999, the Assembly's former Committee of the Centre (with a remit now belonging to the Committee for the Executive Office) reported that 'up to 60% of all legislation' in Northern Ireland was impacted by the EU.[42]

Regulations made by the EU do not require transposition (the act of giving domestic legal effect) in a Member State, as Regulations automatically have effect (or 'direct application') within Member States.[43] Directives, however, require transposition, because they set out obligations of result, leaving Member States with a choice as to the best method by which to achieve those results domestically.[44]

A list of Directives from the DEFRA list are set out in Appendix 2 to this paper, along with some of the transposing UK domestic law(s).[45] In respect of a great majority of Directives, it can be seen that the initial transposition of the obligations was done by the UK Government. However, we can also see that in all but 4 cases, the devolved administrations assumed implementation responsibilities when the Directive in question was amended, replaced, consolidated or recast. In other words, the devolved administrations account for **89%** of the

[42] Committee of the Centre, 'Inquiry into the Approach of the Northern Ireland Assembly and the Devolved Government on European Union issues' (2nd Report; 2001-02; 02/01R), paragraph 4.

[43] Consolidated version of the Treaty on the Functioning of the European Union (2012) OJ C 326/49 ('TFEU'), Article 288 (second paragraph). Note, however, that some domestic legislation may be needed to better enforce the terms of a Regulation. See e.g. Regulation 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (available here) appearing as the first EU law in the DEFRA list, was partly implemented in Scotland by the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, made by the Scottish Ministers (available here), in Wales by the Feed (Hygiene and Enforcement) (Wales) Regulations 2005, made by the (then) National Assembly of Wales (available here) and in Northern Ireland by the Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005, made by the (then) Department of Health, Social Services and Public Safety (available here).

[44] As cited immediately above, Article 288 (third paragraph).

[45] The implementation of a Directive in England only is left out, because all such implementing laws are made by the UK Government when the implementing law is secondary legislation.

implementation of the Directives in the DEFRA list. Where one or more devolved administrations did not assume that responsibility, the reasons were specific (see the corresponding footnotes) rather than general or categorical.

Self-evidently, devolved administrations will play a significant role in the implementation of EU obligations arising under any UK-EU agreement, and thus the success of any such agreement.

4.3 Post UK-exit

After the UK's exit from the EU, the implementation of EU law remains relevant for Northern Ireland through the Windsor Framework (as covered above). The responsibility for the implementation of any Windsor Framework-related obligations (and thus the transposition of any directives), however, is partially split between devolved authorities and central authorities, with the latter directing and controlling the former in respect of any obligations under the Windsor Framework.[46] The Windsor Framework's obligations span many different fields, only some of which are fully devolved to the Assembly ('transferred matters').[47] Some matters are 'reserved' and require the Secretary of State's consent for the Assembly to make primary legislation.[48] Some matters are 'excepted',[49] meaning that the Assembly cannot generally make primary legislation in respect of these matters. Devolved Northern Ireland Departments are also restricted in their ability to make secondary legislation in respect of reserved and excepted matters.[50] This means that Windsor Framework obligations arising in reserved or excepted

[46] The Windsor Framework (Implementation) Regulations 2024, regulation 3(2) (available here).

[47] The Northern Ireland Act 1998, section 4(1) (available here).

[48] The Northern Ireland Act 1998, schedule 3 (available here).

[49] The Northern Ireland Act 1998, Schedule 2 (available here).

[50] The Northern Ireland Act 1998, section 25(1) (available here).

matters are dealt with at Westminster,[51] while obligations arising in transferred matters are dealt with at Stormont.[52]

The scope of the role of the devolved administrations in the UK-EU reset is thus considerable, especially as regards any future UK-EU agreement which requires dynamic alignment. Dynamic alignment may involve the devolved administrations sharing responsibility with the UK Government over the implementation of evolving EU obligations relevant to any UK-EU agreement, in a similar way to implementation of EU law prior to the UK's exit from the EU. However, the question remains whether the devolved administrations' roles would be *limited* to implementation. This is where the envisaged 'decision-shaping' role of the UK comes into play.

5 'Decision-shaping'

'Decision-shaping' refers to the ability of a non-EU Member State ('third country') with which the EU has a relationship, to influence the form and content of EU laws which affect that third country. The right to engage in 'decision-shaping' is typically provided for explicitly in a treaty governing the relations between the third country and the EU. Decision-shaping typically occurs at the pre-legislative phase of EU laws, when it is still being drafted by the European Commission ('Commission'). The third country's views (especially expert views) are sought on the same terms as those of Member States and the third country is granted rights to obtain information from relevant EU institutions (such as the Commission) on a similar, or the same, basis as Member States of the EU.

The Common Understanding provides for the UK to have 'an appropriate … contribution to decision-shaping'.[53] However, no text of the relevant agreement(s)

[51] See e.g. The Customs (Northern Ireland) (EU Exit) (Amendment) Regulations 2023 (available here), which concern customs (an excepted matter).

[52] See e.g. The Breakfast Foods (Amendment) Regulations (Northern Ireland) 2026 (available here), which concern various foods (all transferred matters).

[53] Common Understanding (footnote 2), paragraph 21.

has yet been published, and the precise extent of the UK's 'contribution' towards decision-shaping at Brussels remains uncertain.[54]

Nevertheless, decision-shaping is not an uncommon feature in some notable international agreements the EU has concluded with third countries, such as the European Economic Area ('EEA')[55] Agreement and some of the various bilateral agreements between the EU and Switzerland ('the EU-Swiss Bilaterals').[56] Consequently, there is well-established precedent for the UK to contribute towards decision-shaping in its own agreement(s) with the EU. The point for this briefing, however, is to explore how that contribution may take place in the context of devolution in the UK.

6 EU relations in Switzerland[57]

Switzerland provides a useful comparison with the UK for two main reasons. First, Switzerland is a confederation with strong sub-national governments, each presiding over federating units called 'cantons'. Second, the country lies outside the EU itself (and is thus a third country) while pursuing a deepening relationship with the EU. This deepening relationship entails, among other things, decision-shaping.[58]

Thus, like Switzerland, the UK is also envisaged to have a decision-shaping role while having established sub-national governments which are subject to direct democracy (i.e. periodic free and fair elections), each with their own policies and

[54] See e.g. Andy Bounds and Peter Foster, 'Brussels rebuffs UK request for "decision-shaping" role in EU' (*Financial Times* 3 July 2026), available here.

[55] Agreement on the European Economic Area (1994) OJ L001, 3 (available here). See in particular articles 97-104.

[56] See e.g. the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis - Final Act - Joint Declarations - Declarations - Agreement in the form of an exchange of letters (2008) OJ L 053 (available here), article 6.

[57] This section has been completed with assistance from the Honorary Swiss Consul to Northern Ireland, and the Embassy of Switzerland to the United Kingdom.

[58] See e.g. the Institutional Protocol to the proposed EU-Swiss Agreement, Chapter 2, Article 4. Available here.

priorities distinct from the national government. In this context, Switzerland provides important insights for the UK and its devolved administrations in navigating the UK-EU reset both currently and in future.



Switzerland, showing the cantons © 2026 Federal Office of Topography

The present Swiss Federal Constitution provides for cantonal consultation in respect of foreign policy negotiations which 'touch their [the cantons'] essential competences or interests'.[59] This right of consultation was implemented via a federal law for cantonal participation in foreign policy negotiations.[60] An important forum and driver for inter-cantonal cooperation in matters relating to the Swiss-EU relationship is the Conference of Cantonal Governments ('CCG'). The CCG brings together all 26 cantonal governments and is structured around a plenary

[59] Swiss Federal Constitution 1999, article 55(1) (available here).

[60] Bundesgesetz über die Mitwirkung der Kantone an der Aussenpolitik des Bundes vom 22. Dezember 1999 (available here, no official English translation available)

assembly, governing board and secretariat, with committees and working groups dealing with specific sectors.[61]

Cantonal-federal relations are well-structured in matters of EU law. Federal authorities are required to provide cantons with timely and comprehensive information about 'foreign policy projects of importance to the cantons' and federal and cantonal authorities are in regular dialogue with one another. Cantons may request consultations with the federal authorities in preparation for foreign policy decisions, and these consultations take place before Swiss-EU negotiations begin. While the federal authorities can deviate from any cantonal standpoints in relation to foreign policy decisions, any deviation must be justified by the federal authorities. In negotiations with the EU, cantonal representatives may be included (and proposed by the cantons). Cantons are normally involved in matters such as the preparation of negotiating mandates for federal authorities.[62] The CCG in particular has often taken a stand on European policy, facilitating cantonal participation in Swiss-EU negotiations.[63]

Cantonal-federal relations have not, however, remained static. The cantons have been calling for domestic reforms since 2010.[64] In response to those calls and as part of the development of most recent set of provisional bilateral agreements between Switzerland and the EU, the Swiss federal government concluded a separate agreement with the cantonal governments. This agreement is intended to ensure cantonal involvement in the application of the institutional aspects of the proposed[65] agreement between Switzerland and the EU – such as dynamic

[61] See Benedikt Würth and Thomas Minger, 'Swiss Federalism and the Conference of Cantonal Governments' (2018), available here.

[62] Swiss Federal Department of Foreign Affairs, 'Participation of the cantons in foreign policy' (1 February 2026).

[63] Paolo Dardanelli, 'European integration and state structures: what connections?' in Paolo Dardanelli and Oscar Mazzoleni (editors), *Switzerland-EU Relations: Lessons for the UK after Brexit?* (Routledge 2021), 84.

[64] Swiss Federal Council, 'Swiss–EU package: Federal Council proposals for greater involvement of cantons and Parliament' (15 October 2025).

[65] The latest agreement is subject to further democratic processes in Switzerland, including scrutiny in the Swiss Federal Parliament and a possible referendum, see the Swiss Federal Department of

alignment and dispute resolution.[66] The agreement envisions cantonal involvement in Swiss decision-shaping if a cantonal competence or essential interest is affected, as well as cantonal representation at relevant Swiss-EU joint committees and high-level dialogue.[67]

7 Themes from Switzerland

The common themes which emerge from Switzerland are:

(1) the **progressive formalisation** of the engagement and relationships between the national and subnational governments;
(2) **greater cooperation** between subnational governments in EU relations; and
(3) **positive contributions** by the subnational governments overall towards the Swiss national approach to European policy and lawmaking.

In Switzerland, the subnational governments meet regularly, the cantons have a dedicated collective presence and coordinate their policy positions between themselves and the national government, which leads to a coherent national approach to European policy and law. Collective cantonal agreement contributes significantly to the coherence of the Swiss approach before the EU, while decreasing the likelihood that the Swiss federal authorities would override cantonal priorities and wishes.

Much of this is apparent in the intergovernmental engagement within the UK. The UK and devolved governments meet regularly, and part of these meetings involves discussion of UK-EU negotiations. The priorities of the previous Scottish Government[68] and those of the previous Welsh Government[69] in the context of

Foreign Affairs, 'Federal Council adopts the 'Stabilisation and further development of Swiss–EU relations' package' (13 March 2026).

[66] Swiss Federal Department of Foreign Affairs, 'Press release: Package Switzerland-EU: Federal Council approves agreement on the involvement of the cantons' (22 April 2026).

[67] See above.

[68] Scottish Government, 'Scottish Government priorities for UK-EU negotiations: position paper'.

[69] Welsh First Minister to the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee of Senedd Cymru, 28 January 2025.

the UK-EU reset also broadly aligned. What is less clear is how intergovernmental engagement at the domestic level translates to intergovernmental engagement *in Brussels*. This matters for the envisaged 'decision-shaping' role, since Switzerland shows consistent intergovernmental engagement both domestically and internationally.

8 Conclusion

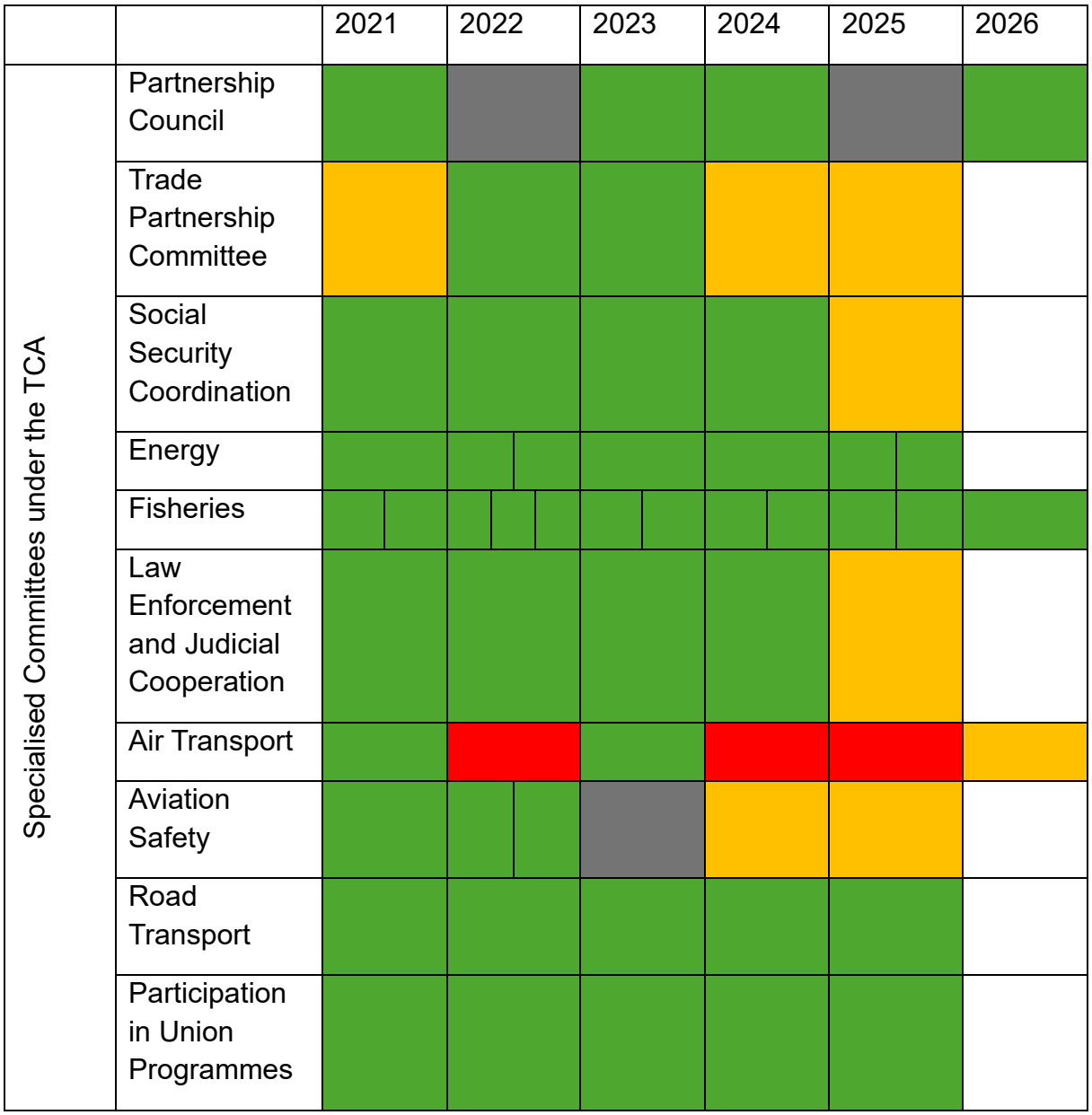
This paper contextualises the roles that the devolved administrations have played and continue to play in relations between the UK and the EU. Their roles are important, especially considering the implementation of any legal obligations arising from UK-EU relations. When considering the intergovernmental engagements and relations in comparable European countries, whether EU Member States or third countries with deepening relations with the EU, we can appreciate how domestic intergovernmental engagement in these countries contributes to their own relations with and within the EU. This comparison provides useful information to consider in the future of the devolved role in the UK-EU reset.

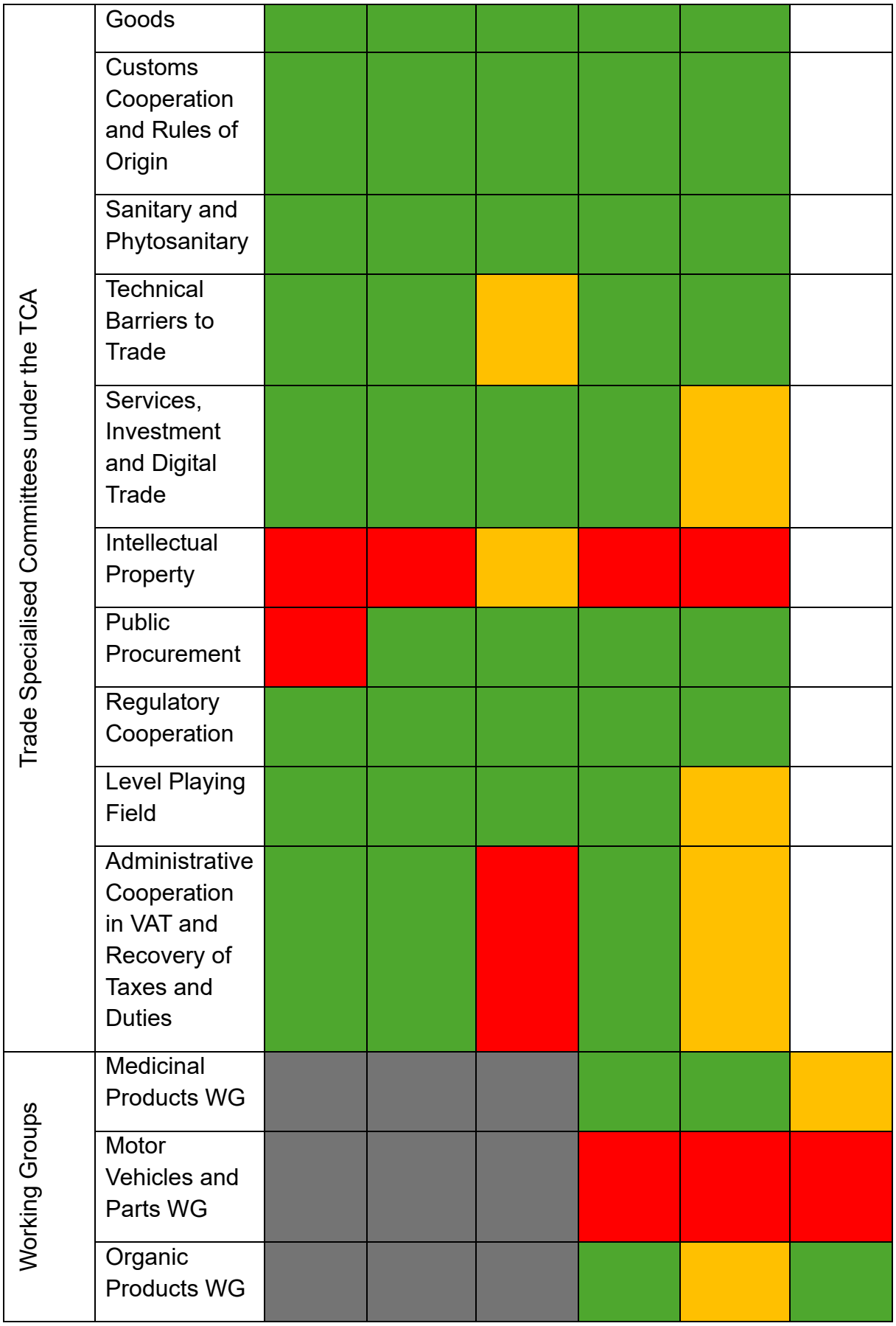
9 Appendix 1

Matrix of attendance by the Northern Ireland Executive in TCA bodies

Key:

	Meetings not yet taken place
	Confirmed attendance
	Not known if attended or not
	Confirmed non-attendance
	No meeting took place




Trade Specialised Committees under the TCA
Goods
Customs Cooperation and Rules of Origin
Sanitary and Phytosanitary
Technical Barriers to Trade
Services, Investment and Digital Trade
Intellectual Property
Public Procurement
Regulatory Cooperation
Level Playing Field
Administrative Cooperation in VAT and Recovery of Taxes and Duties
Working Groups
Medicinal Products WG
Motor Vehicles and Parts WG
Organic Products WG

10 Appendix 2

EU law	UK Implementation in devolved areas			
	Initial transposition by UKG?	Scottish Ministers	Welsh authorities[70]	Northern Ireland department/s
Directive 89/108/EEC	Yes[71] (before devolution)	The Quick-frozen Foodstuffs Amendment (Scotland) Regulations 2007	The Quick-frozen Foodstuffs (Wales) Regulations 2007	The Quick-Frozen Foodstuffs Regulations (Northern Ireland) 2007
Directive 2002/46/EC	Yes (DSNI)[72]	The Food Supplements (Scotland) Regulations 2003	The Food Supplements (Wales) Regulations 2003	Food Supplements Regulations (Northern Ireland) 2003

[70] Before the Government of Wales Act 2006 formally provided for formally separate devolved legislative and executive branches in Wales (see here), the National Assembly of Wales was a fused executive-legislative institution and thus made secondary legislation of the kind used to implement EU Directives in Wales. Following the formation of a separate executive branch, secondary legislation-making powers were vested in the Welsh Ministers instead of the National Assembly (and, after 2020, Senedd Cymru).

[71] Implemented by the Quick-frozen Foodstuffs Regulations 1990, the Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990 and the Weights and Measures (Packaged Goods) Regulations 1986.

[72] 'Devolution suspended in Northern Ireland': Devolved government stood suspended in Northern Ireland, so any departmental secondary legislation was made at the direction of the Secretary of State, see the Northern Ireland Act 2000, schedule, paragraph 4(1)(f).

Directive 1999/4/EC	No	The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001	The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001	Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001
Directive 2000/36/EC	Yes (DSNI)	The Cocoa and Chocolate Products (Scotland) Regulations 2003	The Cocoa and Chocolate Products (Wales) Regulations 2003	Cocoa and Chocolate Products Regulations (Northern Ireland) 2003
Council Directive 2001/110/EC	Yes (DSNI)	The Honey (Scotland) Regulations 2003	The Honey (Wales) Regulations 2003	Honey Regulations (Northern Ireland) 2003
Council Directive 2001/111/EC	Yes (DSNI)	The Specified Sugar Products (Scotland) Regulations 2003	The Specified Sugar Products (Wales) Regulations 2003	Specified Sugar Products Regulations (Northern Ireland) 2003
Council Directive 2001/112/EC	Yes (DSNI)	The Fruit Juices and Fruit Nectars (Scotland) Regulations 2003	The Fruit Juices and Fruit Nectars (Wales) Regulations 2003	Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003

Council Directive 2001/113/EC	Yes (DSNI)	The Jam and Similar Products (Scotland) Regulations 2004	The Jam and Similar Products (Wales) Regulations 2004	Jam and Similar Products Regulations (Northern Ireland) 2003
Council Directive 2001/114/EC	Yes (DSNI)	The Condensed Milk and Dried Milk (Scotland) Regulations 2003	The Condensed Milk and Dried Milk (Wales) Regulations 2003	Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003
.Directive 82/711/EEC	Yes[73] (before devolution)	The Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2008	The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2006	The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2008
.Directive 85/572/EEC	Yes[74] (before devolution)	The Plastic Materials and Articles in Contact with	The Plastic Materials and Articles in Contact with Food (Wales)	The Plastic Materials and Articles in Contact with Food

[73] Implemented by The Plastic Materials and Articles in Contact with Food Regulations 1992 (for England, Wales and Scotland) and by The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1993.

[74] Implemented by The Plastic Materials and Articles in Contact with Food Regulations 1992 (for England, Wales and Scotland) and by The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1993.

		Food (Scotland) Regulations 2008	Regulations 2006	Regulations (Northern Ireland) 2008
. Directive 78/142/EEC	Yes[75] (before devolution)	The Materials and Articles in Contact with Food (Scotland) Regulations 2012	The Materials and Articles in Contact with Food (Wales) Regulations 2012	The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012
. Directive 84/500/EEC	Yes[76] (before devolution)	The Ceramic Articles in Contact with Food (Scotland) Regulations 2006	The Ceramic Articles in Contact with Food (Wales) Regulations 2006	The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012
. Directive 1999/2/EC	No	The Food Irradiation Provisions (Scotland) Regulations 2000	The Food Irradiation Provisions (Wales) Regulations 2001	Food Irradiation Provisions Regulations (Northern Ireland) 2000
. Directive 1999/3/EC	No	The Food Irradiation Provisions	The Food Irradiation Provisions	Food Irradiation Provisions

[75] Implemented by the Materials and Articles in Contact with Food (Amendment) Regulations 1980 (for England, Wales and Scotland) and the Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 1982.

[76] Implemented by the Ceramic Ware (Safety) Regulations 1988.

		(Scotland) Regulations 2000	(Wales) Regulations 2001	Regulations (Northern Ireland) 2000
. Directive 2009/32/EC	No	The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013	The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013	The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013
. Directive 2009/54/EC	No	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2009	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015	The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015
. Directive 2011/91/EU	No	The Food Information (Scotland) Regulations 2014	The Food Information (Wales) Regulations 2014	The Food Information Regulations (Northern Ireland) 2014
. Directive 2002/32/EC	No	The Feeding Stuffs (Scotland) Amendment (No. 2) Regulations 2003	The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and	Feeding Stuffs (Amendment No. 2) Regulations

			the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003	(Northern Ireland) 2003
. Directive 2001/18/EC (Part C)	Yes (DSNI)	The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002	The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002	The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003
. Directive 2003/99/EC	No	The Zoonoses (Monitoring) (Scotland) Regulations 2007	The Zoonoses (Monitoring) (Wales) Regulations 2007	The Zoonoses (Monitoring) Regulations (Northern Ireland) 2008
. Directive 90/428/EEC	Yes[77] (before devolution)	No	No	No

[77] Implemented by The Horses (Free Access to Competitions) Regulations 1992 (in England, Wales and Scotland) and by the Horses (Free Access to Competitions) Regulations (Northern Ireland) 1992 (in Northern Ireland). This initial implementing legislation appears not to have subsequently been amended, replaced or consolidated at the devolved level.

. Directive 66/401/EEC	Yes[78] (DSNI)	The Fodder Plant Seed (Scotland) Regulations 2005	The Fodder Plant Seed (Wales) Regulations 2005	Fodder Plant Seeds Regulations (Northern Ireland) 1974[79]
. Directive 66/402/EEC	Yes[80] (DSNI)	The Cereal Seed (Scotland) Regulations 2005	The Cereal Seed (Wales) Regulations 2005	The Cereal Seeds Regulations (Northern Ireland) 2009
. Directive 68/193/EEC	Yes[81] (DSNI)[82]	The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016	The Seed (Registration, Licensing and Enforcement) (Wales)	European Communities (Agriculture) Order (Northern Ireland) 1972[83]

[78] Implemented by The Fodder Plant Seeds Regulations 1974 (in England, Wales and Scotland.

[79] At the time the Northern Ireland regulations were made, devolved government had been suspended (see the Northern Ireland Act 1974, section 1(1) and the Northern Ireland Assembly (Prorogation) Order 1974) but not permanently dissolved until 1975 (see the Northern Ireland Assembly (Dissolution) Order 1975). Consequently, Northern Ireland was still devolved, but its devolved Departments made secondary legislation under the direction and control of the Secretary of State (see the Northern Ireland Act 1974, schedule 1, paragraph 2(2)).

[80] Implemented by The Cereal Seeds Regulations 1974 (in England and pre-devolution Wales and Scotland) and The Cereal Seeds Regulations (Northern Ireland) 1974 in Northern Ireland (see footnote 64 for context).

[81] Partially implemented by the European Communities Act 1972, schedule 4, paragraph 5, which made amendments to the Plant Varieties and Seeds Act 1964 enabling secondary legislation to be made around the detail of the obligations under Directive 68/193/EEC.

[82] At the relevant time, devolution in Northern Ireland stood suspended. The Parliament of Northern Ireland was prorogued (legislation was instead made by the Queen in Council) and executive powers belonging formally to devolved Ministers and the Governor were exercised by the Secretary of State (see the Northern Ireland (Temporary Provisions) Act 1972, section 1(1) and (3)).

[83] This Order was made by the Secretary of State, empowered under the European Communities Act 1972 (section 4(3)(a)) as modified by the Northern Ireland (Temporary Provisions) Act 1972 (section

			Regulations 2005	
. Directive 98/56/EC	Yes[84]	The Marketing of Ornamental Plant Propagating Material Amendment (Scotland) Regulations 2018	The Marketing of Seed, Plant and Propagating Material (Wales) Regulations 2020	The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999
. Directive 1999/105/EC	Yes[85] (DSNI)	No	The Forest Reproductive Material (Great Britain) (Amendment) (Wales) Regulations 2019	The Forest Reproductive Material Regulations (Northern Ireland) 2002

1(1)(a)). The Order made amendments to various devolved Northern Ireland statutes (such as the Seeds Act (Northern Ireland) 1965) which thereby enabled secondary legislation to be made around the detail of Directive 68/193/EC.

[84] Implemented across Great Britain by The Marketing of Ornamental Plant Propagating Material Regulations 1999. These regulations were made following the advent of devolution in Scotland and Wales, under the terms of a specific memorandum between the (UK) Ministry of Agriculture, Fisheries and Food; the (then) Scottish Executive Rural Affairs Department and the (then) National Assembly for Wales Agriculture Department (see here).

[85] Implemented in Great Britain by The Forest Reproductive Material (Great Britain) Regulations 2002. The devolved regulations listed alongside this UK regulation were made by the respective devolved administration to implement further changes to EU law, with the exception of the Northern Ireland regulations, which were made under the direction of the UK Government.

. Directive 2002/53/EC	Yes[86] (DSNI)	No	No	No
. Directive 2002/54/EC	Yes[87] (DSNI)	The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016	The Seed Marketing (Wales) Regulations 2012	The Seed Marketing Regulations (Northern Ireland) 2016
. Directive 2002/55/EC	Yes[88] (DSNI)	The Beet Seed (Scotland) (No. 2) Regulations 2010	The Beet Seed (Wales) Regulations 2005	Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2008
. Directive 2002/56/EC	Yes[89] (DSNI)	The Seed Potatoes	The Seed Potatoes (Wales)	The Seed Potatoes Regulations

[86] Implemented initially across the UK by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004, amending The Seeds (National Lists of Varieties) Regulations 2001. The Directive concerns a list of agricultural species for inclusion in a common catalogue of seeds throughout the EU, with the Directives listed at (29)-(32) of the table being concerned with the marketing of the seeds of those agricultural species. The implementation of Directive 2002/53/EC and its marketing Directives have a specific pattern: the common catalogue Directive is implemented at the national level (whole-UK) with the devolved legislation implementing the marketing Directives, see the devolved legislation at (29)-(32) of the table.

[87] Implemented initially across the UK by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004, amending The Seeds (National Lists of Varieties) Regulations 2001. The devolved regulations listed alongside this UK regulation were made by the respective devolved administration to implement further changes to EU law.

[88] Implemented initially across the UK by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004, amending The Seeds (National Lists of Varieties) Regulations 2001. The devolved regulations listed alongside this UK regulation were made by the respective devolved administration to implement further changes to EU law.

[89] Implemented initially across the UK by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004, amending The Seeds (National Lists of Varieties) Regulations 2001. The devolved regulations listed alongside this UK regulation were made by the respective devolved administration to implement further changes to EU law.

		(Scotland) Regulations 2015	Regulations 2006	(Northern Ireland) 2010
. Directive 2002/57/EC	Yes[90] (DSNI)	The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016	The Seed Marketing (Wales) Regulations 2012	The Seed Marketing Regulations (Northern Ireland) 2016
. Directive 2008/72/EC	Yes[91]	The Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2014	The Seeds and Vegetable Plant Material (Nomenclature Changes) (Wales) Regulations 2014	The Marketing of Vegetable Plant Material (Amendment) Regulations (Northern Ireland) 2007
. Directive 2008/90/EC	Yes[92]	The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017	The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017	The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

[90] Implemented initially across the UK by The Seeds (National Lists of Varieties) (Amendment) Regulations 2004, amending The Seeds (National Lists of Varieties) Regulations 2001. The devolved regulations listed alongside this UK regulation were made by the respective devolved administration to implement further changes to EU law.

[91] Partly implemented across the UK by The Seeds and Vegetable Plant Material (Nomenclature Changes) Regulations 2014.

[92] Implemented across the UK by The Marketing of Fruit Plant Material Regulations 2010. The devolved secondary legislation listed alongside revoked this initial UK-wide statutory instrument and implemented later changes to the Directive in Scotland, Wales and Northern Ireland.

. Directive 96/22/EC	Yes[93] (before devolution)	No[94]	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016

[93] Implemented across the UK by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997, The Medicines (Stilbenes and Thyrostatic Substances Prohibition) (Revocation) Order 1997 and The Medicines (Control of Substances for Manufacture) (Revocation) Order 1997.

[94] Scotland joined in a cross-border regulatory instrument, The Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015, see the Explanatory Memorandum at paragraph 5.1.