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**Citizens Advice response to Cabinet Office consultation on Government engagement with business and civil society groups on the implementation of the Trade and Cooperation Agreement.**

Citizens Advice provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. We are the statutory representative for domestic and small business energy consumers across Great Britain. Citizens Advice operates the consumer service, giving people practical and impartial advice on how to resolve general consumer problems. We also participate in the Consumer Protection Partnership. This collaboration brings together key partners in the consumer landscape to identify, prioritise and coordinate collective action to tackle detriment.

We welcome the opportunity to respond to this consultation on the implementation of the UK EU Trade and Cooperation Agreement (TCA), particularly from the perspective of GB energy consumers. The precedents underpinning our response are elaborated at the end of this letter.

Yours sincerely,

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**Patron HRH The Princess Royal      Chief Executive Dame Clare Moriarty**

Citizens Advice is an operating name of the National Association of Citizens Advice Bureaux.

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**Question 1 - 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?**

The Domestic Advisory Group (DAG) needs to provide an added value. Given the range of policies covered and the additional responsibilities related to supplementing agreements, as well as dispute settlement, we do not believe a single DAG meeting once or twice a year can deliver this. The following approach would help to address this limitation.

***Sector/topic specific sub groups:***

The TCA provides the basis for new cooperation frameworks and the ongoing negotiation of regulations impacting trade flows. In several instances this will be supplemented by informal business arrangements and bilateral agreements between nation states. Forums that bring together stakeholders on a sectoral basis<sup>1</sup> to advise on the longer term strategic agenda of the Parties would likely:

- better inform UK policies implementing the TCA,
- help build support for required policy changes and
- inform business planning and the quality of policy consultation responses.

Several Government priorities, such as the approach to achieving net zero and to developing smart and flexible energy systems requires coordination across government departments. A sectoral approach to DAG sub groups would potentially support efficiencies in coordinated engagement with market participants, including where multiple TCA Committees have oversight of specific provisions<sup>2</sup>.

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<sup>1</sup> For example, bringing together stakeholders with insights into the challenges for smart appliances and EVs and on TCA provisions on the approach to the energy, data and digital markets.

<sup>2</sup> For example, the Trade Specialised Committee on Goods (TSCG) has responsibility for regulated energy prices and export prices. The Specialised Energy Committee may discuss this and provide expertise to the TSCG

### ***Transparency in TCA decision making:***

Participation in DAGs is traditionally assigned on a personal basis, a single individual representing an organisation or industry sector. The overarching transparency arrangements are likely to be a major factor in the value of the group(s) policy contributions:

- The establishment of a central point for the publication of all relevant documents, alongside the creation of the group(s) would benefit not only participants but also the contributions of civil society more widely. Where for example new cooperation arrangements are negotiated in the form of memorandums of understanding and/or regulatory proposals are under development for review by Specialised Committees, a single point of contact would likely reassure and help manage resources for compliance
- Non-disclosure agreements with a limited number of DAG participants (as set up for the DIT trade expert groups) limit the opportunity to inform policies and risk slowing innovation, particularly in evolving digital markets. However structured, the approach to civil society consultation should ensure that a wider voice is heard when identifying and resolving policy challenges.

### ***Balanced stakeholder representation within the group(s):***

Within the energy sector for example, an essential service which is undergoing significant change to adapt to net zero and digitalisation, the voice of domestic consumers and microbusinesses is small in comparison to the resources of industry. This is further unbalanced by the evolution of the sector to include new market players, and by the establishment within the TCA of cooperation arrangements for networks and regulators specifically. Aside from an expected forum for North Sea Cooperation, consumers' voices are deferred to these umbrella forums for general engagement on the wider TCA provisions.

Energy consumer impacts from decisions under the TCA framework are wide in terms of the range of policies and range of concerns (e.g. from picking up the costs through to the enforcement of rights and fair access for all). But resource limitations for their representatives necessitates engagement on a focused selection of priorities. The consultation process should take account of this, in terms of:

- the transparency of negotiations between the Parties and the organisations to which powers are delegated,

- the opportunity to design consumer needs into the initial stages of policy development (the stage at which the value of input is higher and the required technical resource is lower), and
- the opportunity to appeal if policy recommendations are not taken up in negotiations between networks
- (particularly where the TCA runs in parallel with a number of whole energy system reviews within the UK) a consultation framework that joins seamlessly together with existing Government and Ofgem forums.

***The need for a flexible approach:***

The governance framework for the TCA is still under construction. Also, this agreement is a living framework: not only does it foresee the negotiation of supplementary agreements and the review of existing TCA chapters, it is likely that the Parties' strategic priorities will continue to evolve over time.

Citizens Advice supports the establishment of the DAGs as well as the CSF (Civil Society Forum), and considers them to be essential in order to support democratic oversight over the agreement. Current experience within the EU and the UK explained in the Annex below, offers guidance for the immediate establishment of this framework. However, the approach should remain flexible to accommodate the evolution of the agreement.

In addition to the specific format proposals set out in the consultation, we welcome the direction already developing under other EU trade agreements. These include, for example, the flexibility for direct contacts between UK and EU DAG groups and, since the TCA does not operate in isolation, a framework that ultimately links up the diverse consultations on wider trade strategies and other trade agreements.

**Question 2 - If a selection had to be made, what criteria, additional to those set out in Article 14 of the TCA, could be prioritised to decide 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?**

**And**

**Question 3 - 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?**

The Civil Society Forum offers the opportunity to engage with the agenda of the Partnership Council and exchange best practice as well as policy insights directly with European stakeholder representatives. Such exchanges enhance efforts to manage the costs and benefits to consumers where our European neighbours are, for example, developing new data ecosystems and interoperability frameworks for smart technologies.

Traditionally, the Domestic Advisory Group(s) contribute to setting the agenda. However, similar to the concern expressed above, the scope of the dialogue is too wide to expect much value from the Forum, particularly if it meets on an annual basis only. The following approach would help address this limitation:

***Topic specific UK EU forums or break out sessions:***

The scope of the TCA picks up global challenges for which the solution includes cooperation with our European neighbours. Climate change was for example a Government priority during the TCA negotiations and (particularly regarding the requirement for the Forum to meet once in 2021) would support the important focus this year on COP 26.

Going forward, the criteria for the UK delegation to the forum should provide Civil Society with a voice across the full spectrum of topics covered. The approach should however, enable focused discussions on priority topics on either a rolling basis or break out sessions.

***Transparency in civil society consultations:***

The ability to effectively protect and represent the UK's interests depends not only on the criteria of the participating organisation but insight into the policies that representatives are contributing. The approach to the management of the UK delegation could develop these insights and serve to support wider transparency concerns through e.g.:

- the establishment of information points as described above,

- (in addition to the traditional engagement of the DAG group(s) in the development of the agenda), a wider consultation of participants on the approach to the Forum, including through preparatory meetings
- transparent governance arrangement for the Forum to help civil society organisations plan and manage their resources to usefully input
- possible eventual use of the membership list to organise regular briefings on the operation of the TCA in the wider context of the UK trade strategy.

***The approach to the nations:***

A number of aspects of energy policy and reaching net zero carbon emissions are devolved to the Welsh and Scottish governments (for example energy efficiency and heat). It is essential that organisations representing consumers in the devolved nations of Great Britain are also appropriately engaged in these discussions, and that their views are accounted for in the UK-EU forum.

**Annex 1 Precedents from existing EU and UK stakeholder engagement platforms**

Domestic Advisory Groups (DAGs) and Civil Society Forums (CSFs) are a common feature of EU trade agreements. However, the EU call for applications for the EU UK TCA DAG<sup>3</sup> recognises the unprecedented broad range of issues to be followed. It includes the possibility of sub-groups dealing with specific areas as one option for additional meetings. As in other agreements, it also notes the option for direct discussions between the EU and UK DAGs. Finally, the call confirms the role of the DAG in preparing the CSF meetings, indicating the likelihood that this would be in a back-to-back session with UK government and EU representatives.

CSFs are organised by the European Commission in the context of bilateral agreements that bring together delegations from both Parties. It also hosts an EU Civil Society Trade Forum that allows organisations registered in the EU Transparency register to attend briefings by DG Trade once or twice a month. A combination of the two approaches for the UK CSF delegation would potentially address transparency concerns regarding the operation of the TCA. The EU-Canada Agreement (CETA) CEF for example includes the opportunity to discuss the work plan of its Joint Committee and the DAGs, and to focus on climate as well as gender issues.

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<sup>3</sup><https://ec.europa.eu/transport/sites/default/files/2021-06-09-call-eu-domestic-advisory-group-eu-uk-trade-cooperation-agreement.pdf>

In the UK, the existing Strategic Trade Advisory Group<sup>4</sup> (STAG) established by the DIT engages stakeholders on a high-level in the development of the UK's trade strategy. It is supported by a number of specialist expert trade advisory groups<sup>5</sup> that provide the more detailed technical expertise needed to support the timely progress of trade discussions. DIT expert groups appear to be evolving, with sectoral working groups alongside trade chapter specific groups. A limitation of the current approach that has been criticised as undermining the quality of the exchange, is the obligation for participants to sign non-disclosure agreements.

During the TCA negotiations, the Government's proposal<sup>6</sup> referenced the significant global challenge of climate change, proposing both the creation of national DAGs to enable civil society stakeholders to submit recommendations on this topic, on their own initiative as well as the establishment of a joint UK EU Civil Society Forum to promote a dialogue including on cooperation on low carbon technologies and energy efficiency policies.

A collation of expert evidence is currently ongoing within two House of Commons Committee inquiries into the new structure of the UK EU relationship. Arguments have been presented in both committees, demonstrating the need and opportunity for greater transparency.<sup>7</sup> In the context of a further inquiry into the digitalisation of energy systems, the Government has noted its openness to consumer protection chapters in digital trade agreements<sup>8</sup>.

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<sup>4</sup> <https://www.gov.uk/government/groups/strategic-trade-advisory-group>. Publication of the group's outputs are limited to abbreviated meeting minutes  
<https://www.gov.uk/government/publications/strategic-trade-advisory-group-stag-summary-of-discussions/summary-of-discussions-strategic-trade-advisory-group-28-june-2021>

<sup>5</sup>

<https://www.gov.uk/government/publications/trade-advisory-groups-tags/trade-advisory-group-s-membership>

<sup>6</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/886014/DRAFT\\_Energy\\_Agreement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886014/DRAFT_Energy_Agreement.pdf)

<sup>7</sup> Oral evidence to the House of Commons International Trade Committee inquiry into UK EU trading relationship on [24 June 2021, Qs 168-170](#) raised the need for the CSF to know what is going on, to make an impact. Oral evidence to the House of Commons European Scrutiny Committee inquiry into the Institutional framework for the UK EU TCA, 12 July 2021, [Q17](#) discussed the convention of transparency in other free trade agreements. This included the possibility over the last year for the public to join USMCA (US, Mexico & Canada Agreement) meetings

<sup>8</sup> <https://committees.parliament.uk/publications/6451/documents/70389/default/> consumer protection recommendations in HoC ITC Committee Digital Trade and data report (paras 79-81)

In Citizens Advice's statutory role to represent consumers' interests, we are contributing to efforts to develop a comprehensive UK low carbon policy framework<sup>9</sup> and advising networks on the approach to customer engagement<sup>10</sup>. Cooperation frameworks established under the TCA could contribute to the ongoing development of solutions to related global net zero challenges.

Contacts from people asking for help with various home energy technology installations, from solar panels to insulation,<sup>11</sup> demonstrate the detriment and loss of trust experienced by consumers when these policies fail. The value of dialogue to ensure compatibility of European supply lines for many appliances and the roaming range of EVs has been indicated in our analysis on developing GB policies.<sup>12</sup> Ofgem's interconnector policy<sup>13</sup> review examining their role in future energy scenarios includes the possibility of wider benefits for flexibility and system operability services. Its scope references policies on which we are engaged, such as the OTNR (Offshore Transmission Network Review).

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<sup>9</sup> Joint letter to the Prime Minister on the Net Zero strategy

<https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Net%20zero%20joint%20letter%20to%20the%20Prime%20Minister%20-%202021-08-25.pdf>

<sup>10</sup> RIIO-2 price control enhanced engagement process

[https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Citizens%20Advice%e2%80%99s%20review%20of%20the%20Enhanced%20Engagement%20process%20for%20RIIO-2%20\(3\).pdf](https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Citizens%20Advice%e2%80%99s%20review%20of%20the%20Enhanced%20Engagement%20process%20for%20RIIO-2%20(3).pdf)

<sup>11</sup> [Home Truths](#) - contacts to Citizens Advice asking for help with home energy technologies

<sup>12</sup> C.f. Citizens advice responses to the BEIS & DEFRA ERP Policy Study Report

[https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Citizens%20Advice%20response%20to%20UK%20Energy-related%20Products%20Policy%20Study%20draft%20final%20report%20\(1\).pdf](https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Citizens%20Advice%20response%20to%20UK%20Energy-related%20Products%20Policy%20Study%20draft%20final%20report%20(1).pdf), the OPSS call for evidence on the product safety review

<https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Energy%20Consultation%20responses/Citizens%20Advice%20response%20to%20OPSS%20Product%20Safety%20Review%20call%20for%20evidence.pdf> and Citizens Advice response to DfT and OZEV consultation on consumer experience at public charge points

<https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/Energy%20Consultation%20responses/Public%20chargepoint%20consultation%20response.pdf>

<sup>13</sup>

[https://www.ofgem.gov.uk/sites/default/files/docs/2020/08/open\\_letter\\_-\\_interconnector\\_policy\\_review.pdf](https://www.ofgem.gov.uk/sites/default/files/docs/2020/08/open_letter_-_interconnector_policy_review.pdf)