The Dynamics of De-Europeanisation in a Multilevel Context: Resistance and Power Politics in Scotland and Wales

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Abstract

In recent years, theoretical models which seek to capture the dynamics of European integration and Europeanisation have turned their attention to new processes of *disintegration* and *de-Europeanisation*, presenting new understandings of where politics, policy-makers and public opinion have moved to roll back integration. In this article, looking at the process of de-Europeanisation in Scotland and Wales since 2016, we take forward this scholarship by providing a nuanced assessment of the multilevel effects of these processes and their implications. We find that despite their governments' ambitions to retain agency over the speed and direction of de-Europeanisation in Scotland and Wales, their resistance to the overall UK-led direction of travel has thus far produced few results due to the continued constitutional dominance of the UK Government. We argue that this expands current understandings of de-Europeanisation in practice as we draw attention to the prevalence of 'forced de-Europeanisation', which has prevented these devolved governments of the UK from substantiating their particular re-engagement preferences. Consequently, the extent of differentiation in the processes of de-Europeanisation across the territories of the United Kingdom because of Brexit has been limited, contrasting sharply with the differentiated model of Europeanisation, which existed during British EU membership.

Keywords: de-Europeanisation; European disintegration; regionalisation; UK

Introduction

Over the years, Europeanisation and regionalisation have enjoyed much attention as twin and interacting phenomena. In particular, scholars have teased out the territorial dynamics of Europeanisation processes that have, in turn, supported differentiation *between* territories *within* European Union (EU) member states (recent scholarship includes Tatham, Hooghe, and Marks 2021; Minto and Parken 2021). The same, however, cannot be said for the literature on 'de-Europeanisation'—usefully characterised as a Europeanisation 'in reverse' (Gravey 2016). Instead, extant research into the processes and impacts of de-Europeanisation concentrates predominantly at the level of the nation state, with little focused attention paid to differentiation within states (e.g., Aydın-Düzgit and Kaliber 2016; Copeland 2016, 2023; Müller, Pomorska, and Tonra 2021; Radaelli and Salter 2020; Wolff and Piquet 2022). This article makes a new contribution to theorising de-Europeanisation in a multilevel context. It takes the UK's withdrawal from the EU as an example of de-Europeanisation in a decentralised state, where multilevel structures had been established in the context of EU membership and with evidence of differentiated preferences and approaches to the EU and EU integration across the substate territories.

The UK's withdrawal from the EU was the ultimate assertion of state sovereignty. Although the UK Government was determined to distance itself from the EU through Brexit, the same cannot be said for the Scottish and Welsh Governments. The positions of the Scottish and Welsh Governments were in no small part due to the UK's membership of the EU being fundamental to shaping the processes of de-centralisation (or devolution) and with a European identity sitting centrally within the worldview of these Celtic nations (Keating, 2022b). As distinct territories in the United Kingdom and (transitioning to become former) EU regions, following the EU Referendum in 2016, both Scotland and Wales reasserted their relationship with the EU more clearly and centrally within their international and—perhaps more remarkably—domestic agendas (Minto, Rowe, and Royles 2023). Notwithstanding these divergent governmental preferences and fierce opposition from the Scottish and Welsh Governments, the UK Government secured a very 'hard' Brexit, withdrawing from both the Single Market and the Customs Union and leaving Scotland and Wales, as territories within a multi-level state, with a new set of constraints in substantiating their more Euro-centric agendas.

Although Brexit is often addressed as a question about the UK's—or even England's—relationship with the EU, we are concerned in this article with a different set of relationships: namely, those between Scotland and Wales and the EU, which are of course partially contingent upon the UK–EU relationship. We draw and build upon the recent de-Europeanisaton scholarship (e.g., Copeland 2016, 2023; Gravey and Jordan 2023; Wolff and Piquet 2022; Greer and Grant 2023). However, unlike the scholarship to date, our analysis foregrounds an explicitly multilevel perspective in seeking to expose and understand the dynamics and the implications of the process of de-Europeanisation in the United Kingdom. Specifically, we aim to illuminate and better understand both the ways in which the United Kingdom *as a multilevel state* is de-Europeanising post-Brexit and the factors that shape this de-Europeanisation process *at a substate level*. To this end, we focus on Scotland and Wales as substate territories with distinct political and policy agendas though constitutionally bound within the United Kingdom by many trappings of a unitary state. The Northern Ireland case was not included in our analysis given the contrasts owing to its distinct relationship with the EU, land border with an EU member state—the Republic of Ireland—and the implications of the lack of functioning government limiting Northern Ireland's agency to define relations both with the UK Government and with the EU during the period of analysis.

Our research is organised around two central research questions:

1. First, how has the process of de-Europeanisation played out across the UK's substate territories?
2. Second, what factors have shaped the process of de-Europeanisation at the substate level?

To respond to these questions, we analyse three specific examples of de-Europeanisation in the UK where there was disagreement in approach between the UK Government and the devolved governments, and where Scottish and Welsh Governments sought to maintain the European status quo during the withdrawal process:

1. The de-Europeanisation of domestic governance structures (and legislation);
2. The de-Europeanisation of funding programmes; and
3. The de-Europeanisation of external relations towards the EU.

Specifically, we seek to understand better the dynamics of de-Europeanisation in a multilevel context. In analysing these two distinct territorial cases across these three areas, we are able to draw out similarities and differences in their approaches. The nation-state context is constant; both have relatively similar prosperity levels with Scotland performing better than Wales on most economic indicators. Part of their similar ideological and territorial political environments is their rhetorical commitments to the EU. However, in addition to differences in degrees of constitutional autonomy, contrasts in territorial party strength are particularly apparent. These are potentially powerful in explaining approaches to de-Europeanisation given the unionist Labour Party dominating Welsh politics and the Scottish National Party (SNP) Government in Scotland post-2007 in this period continuing with its secessionist agenda of 'Independence in Europe'. Consequently, together, the two cases enable a comprehensive understanding of multilevel de-Europeanisation.

Analysis investigates in particular the tensions between the approaches pursued by the different governments, the nature of these tensions and how they shaped the de-Europeanisation processes at the substate level. In so doing, we develop a clearer picture of the emerging dynamics of the de-Europeanisation processes in the polities of Scotland and Wales. Our analysis begins following the UK's EU referendum in June 2016, where Scottish voters chose to 'Remain' in the EU (an outcome at odds with the overall British preference to leave the EU) and Welsh voters narrowly chose to leave the EU, despite the Welsh Government having campaigned to stay in the EU. We focus in particular on the period following the approval of the Withdrawal Agreement in December 2019 up to the end of 2023. The main focus of our analysis was data from policy texts and secondary sources produced by central and substate governments, parliamentary committee reports and the testimonies that officials and ministers involved in intergovernmental relations provided to various parliamentary inquiries. This analysis was complemented by an inductive thematic analysis of 24 elite-level semistructured interviews undertaken with Scottish, Welsh and UK Government officials between July 2021 and May 2024. These interviews sought to triangulate evidence of processes of Europeanisation and de-Europeanisation in the three empirical cases. In particular, they explored preferences around Brexit and post-Brexit engagement with the EU and its policy output, as well as the relative levels of success in operationalising these strategies. Through this approach, we were able to clarify differences in preferences on Brexit and Europeanisation which were held by different actors across levels of governance along with differences in approach. The realities of the UK's withdrawal from the EU had finally become clearer from late 2019, following years of political turmoil, with the UK Government working towards its desired 'hard Brexit' and the final UK–EU agreement coming into force from January 2021. The contestation between the governments of the UK following the EU Referendum manifested a deep-level dispute over the meaning of the newly emerging UK–EU relationship, and we encouraged our interview participants to speak openly and confidentially in these interviews so as to gain maximum insight into the dynamics of change in this arena.

The article is organised as follows. The first section introduces de-Europeanisation as an approach to explaining and understanding the UK's withdrawal from the EU, and presents the way in which we apply this approach in a multilevel context. The second section presents Scotland and Wales as two cases for analysis. This section sets out the significance of the EU in processes of regionalisation in these two nations while also outlining the notable differences between the governments' post-Referendum positions on Brexit, informed by politics and public opinion. In the third section, we present our analysis of de-Europeanisation in Scotland and Wales with reference to the selected empirical examples. The final section responds to the two research questions and in so doing advances new arguments with regard to multilevel de-Europeanisation and the need to understand this process in the context of national constitutional and territorial politics.

I. Theorising de-Europeanisation in a Multilevel Context

Over recent years, the EU has been beset by 'polycrisis' (Dinan 2019)—or even 'permacrisis' (European Policy Centre 2021)—and experienced fierce public and political resistance to integration (see Leruth, Startin, and Usherwood 2018), challenging the agreed wisdom that European integration and processes of Europeanisation are largely uniform and one directional. Political and social scientists have sought to theorise the resultant processes through the elaboration of various overlapping frameworks, such as European disintegration (e.g., Huysmans and Van Kerckhoven 2023; Rosamond 2019; Webber 2019), differentiated European integration (e.g., Schimmelfennig and Winzen 2019; Trondal, Gänzle, and Leruth 2022; Hooghe and Marks 2023) and de-Europeanisation (e.g., Radaelli and Salter 2020; Müller, Pomorska, and Tonra 2021).

For the EU, Brexit is a definitive case of disintegration, with the withdrawal of an economically and politically powerful member state (albeit one with multiple opt-outs/ins) contracting the EU's geographical reach and starkly demonstrating the two-way nature of the integration process. For the United Kingdom, withdrawal from the EU sees a breaking of the vertical and horizontal links that existed and were developed within the EU's framework (Outhwaite 2019, p. 17), including those developed by substate governments as devolution unfolded across the UK from the late 1990s. But although disintegration arguments pick up the theoretical challenge of explaining important changes that the EU is going through (Rosamond 2019), an alternate lens focuses on developments at the member state level which affect the dynamics of both Europeanisation and, by extension, de-Europeanisation. Unsurprisingly, as the ultimate assertion of state sovereignty, Brexit has been presented as initiating an 'extreme case' of de-Europeanisation (Gravey and Jordan 2023, p. 2364), with de-Europeanisation explained as a 'Europeanisation in reverse' (Gravey 2016) or the 'roll back' of EU legislation, policy or norms. However, de-Europeanisation is by no means a phenomenon restricted to Brexit and the process of leaving the EU. Academic scholarship has drawn attention to examples of de-Europeanisation both within member states at the level of policy sectors (focusing on areas such as employment policy [Copeland 2016] or spending through the European Social Fund [Raagmaa, Kalvet, and Kasesalu 2014]) and nonmember states (including Turkey, e.g., Aydın-Düzgit and Kaliber 2016); and also at the EU-level itself (see, e.g., scholarship theorising renationalisation in Single Market domains [Raudla and Spendzharova 2022] or EU foreign policy making [Müller, Pomorska, and Tonra 2021]).

Just as a multilevel approach has enriched understanding of the significance of EU membership and processes of Europeanisation, our research brings a multilevel dimension to the analysis of EU withdrawal and de-Europeanisation more broadly. The multilevel nature of the United Kingdom has been reflected in some de-Europeanisation analyses of policy areas where power has been decentralised. For example, research on environmental policy has explicitly attended to territorial differentiation, identifying the divergent de-Europeanisation processes and outcomes across the different territories of the United Kingdom (i.e., Burns et al. 2019; Gravey and Jordan 2023). This research has usefully highlighted the divergent de-Europeanisation paths of the devolved nations; however, the specific dynamics in this multilevel context have not been the particular focus of enquiry, other than a focus on developments in the area of agricultural policy after Brexit (Greer and Grant 2023). We foreground the multilevel dynamics of differentiated de-Europeanisation as the focal point for our analysis.

Within this wider scholarship, a distinction has been drawn between processes of de-Europeanisation in practice. These comprise *de-Europeanisation*, where the government actively rolls-back Europeanisation (Copeland 2016; Burns et al. 2019); *disengagement*, a gradual drift away from the EU, with no further active Europeanisation, but not necessarily an active divergence (Burns et al. 2019; Gravey and Jordan 2023); *continued engagement*, whereby a government wishes to remain close to the EU (Gravey and Jordan 2023); and perhaps surprisingly, *re-engagement*, where a government wishes to move even closer to the EU (Wolff and Piquet 2022). Amongst these, *disengagement* is considered to be the default procedural pathway adopted (Wolff and Piquet 2022), driven by low administrative capacity and the attached limitations for pursuing a more pronounced agenda on de-Europeanisation, continued Europeanisation or even re-engagement. Disengagement therefore reflects an inability of agents to behave proactively to shape de-Europeanisation processes.

Research has also revealed a number of factors which have shaped de-Europeanisation pathways. The first of these is the extent of prior Europeanisation (Burns et al. 2019); otherwise put, for de-Europeanisation to take place, a process of Europeanisation must precede it (Copeland 2016). A multilevel perspective illustrates that levels of Europeanisation vary across substate territories within a state (e.g., Minto and Parken 2021; Tatham, Hooghe, and Marks 2021); it follows that de-Europeanisation would also happen in differentiated ways across levels of authority within a multilevel state. Another explanatory factor is the level of policy centralisation, with the higher the centralisation, the greater the possibility for de-Europeanisation (Copeland 2016). Policy popularity has been shown to be significant (Copeland 2016), with higher levels of support for a particular policy diminishing the likelihood for de-Europeanisation. From a multilevel perspective, viewing the degree of policy centralisation and the level of policy popularity in concert foregrounds the policy areas which garner high levels of support from the devolved governments of Scotland and Wales but over which, on the one hand, they have no competence (e.g., membership of the Single Market and Customs Union, and workers' protections) and over which, on the other, they do have competence (e.g., environmental policy). The final explanatory factor that has been found to be significant in shaping de-Europeanisation trajectories is administrative capacity and accountability (Burns et al. 2019), which analyses argue have been key in determining the default de-Europeanisation pathway in the context of Brexit.

In bringing an explicitly multilevel perspective to our analysis, we seek to understand better the process of de-Europeanisation *below* the level of the state. Just as 'Europeanisation' had implications across all levels of government within the state (Bache 2008; John 2000), we demonstrate how de-Europeanisation processes also impact on multiple tiers of governmental authority. Our analysis acknowledges the different de-Europeanisation preferences articulated by the governments across the United Kingdom and contrasts these preferences with the de-Europeanisation processes which have been taking place. As such, we reveal *how* actors at different levels of governance promote or resist a de-Europeanisation agenda and the factors that influence processes of de-Europeanisation at a substate level, including the agency of those operating at this territorial level.

II. Scotland and Wales: Substate Polities Within Two Unions

Brexit bookends a period during which the EU both provided an additional layer of governance in the United Kingdom (i.e., supranational) and also supported the development of another layer of governance (i.e., substate). Indeed, the United Kingdom is a useful case study illuminating the ways in which European integration has impacted decentralisation. Political devolution in the United Kingdom has been deeply entwined with European integration, arguably being 'sustained' by Britain's membership of the EU, which provided an external support system and ensured continued economic union within the state (Keating 2022b, p. 629). Indeed, even prior to the launch of political devolution, Scotland and Wales had established their own distinct relationships with the EU, separate to those of the UK Government, which played out along financial, economic and political lines (Minto et al. 2016). Wales' status as a net beneficiary from the EU, particularly EU regional and agricultural programme funds, was a notable dimension to this relationship for instance and differentiated the Welsh relationship with the EU significantly (Hunt, Minto, and Woolford 2016; Minto and Parken 2021).

Following the launch of devolution in the late 1990s, the processes of regionalisation set in train in Scotland and Wales were firmly contextualised by the UK's EU membership, influencing the shape of the devolution settlements and the devolved political institutions (Keating 2022a, 2022b). Over the decades, Scotland and Wales developed their EU-focused activity such that it became a routine part of policy and politics. This also extended to their deploying tools of paradiplomacy (the international relations activity of substate territories alongside those of state governments), to undertake policy and profile-raising work from their Brussels-based offices (founded pre-political devolution, in 1992), through multilateral networks, relationships with various EU institutions as well as with partner nations and regions (see, e.g., Minto, Rowe, and Royles 2023). These funding and network relationships extended also to many actors beyond government. On the other side of the coin, intergovernmental relations in this area were more positive than in other areas. The 'UKREP family' relationship between the UK Permanent Representation and devolved government representations in Brussels functioned well (Moore 2007), with regularised contact and good working relationships, supported by informal official-to-official working and the proximity of the governments' offices in the Brussels European Quarter. Overall, although not without complaint (predominantly from the Scottish Government), the wheels of multilevel governance turned more-or-less smoothly in Brussels, with

opportunities afforded to substate actors to actively pursue the development of their own distinct and 'Europeanised' regional agendas through drawing down policy expertise, norms and funding and raising their profile through events and network participation (e.g., Copeland and Minto 2021; Minto 2020; Minto, Rowe, and Royles 2023).

However, the substantiation of a European agenda is a story of opportunity and also constraint. Although EU membership certainly enabled the pursuit of distinct regional agendas, this was set within the bounds of both the constitutional settlement on the one hand and the relationship between the United Kingdom (as the member state) and the EU on the other. Not only did the UK Government hold the seat in the Council, but the UK's own internal structure for managing the relationship with Brussels emphasised that all relations with the EU were the responsibility of the Parliament and Government of the United Kingdom. However, there was an explicit 'wish' to involve devolved ministers 'as directly and fully as possible in decision making on EU matters which touch on devolved areas' (UK Government 2013). As part of these arrangements, ministers from the devolved nations were able to attend the Council of the EU when this was approved (which was not always the case); however, when they spoke, it was to represent an agreed UK line. Substate government officials in Brussels were granted diplomatic accreditation at a point when full accreditation to substate officials was only extended in the Belgian and UK cases (Tatham 2013, p. 66), and they could also attend Committee of the Permanent Representation working group meetings with UKREP as the main coordination (Royles 2017). In addition, EU membership had a structuring effect in the maintenance of a de-centralised UK post-devolution. It occluded contested conceptualisations of sovereignty held across the nations of the UK (e.g., Keating 2022a, 2022b; McEwen 2022), supported structures for intergovernmental working (e.g., Minto and Wyn Jones 2023) and sustained quasi-federal structures in civil society (Copeland and Minto 2021; Minto 2020).

This status quo was upended with the UK's vote to leave the EU on 23 June 2016 and the UK Government's subsequent pursuit of one of the hardest forms of Brexit possible (bar a 'no deal Brexit'). Although the Scottish and Welsh Governments both opposed the UK Government's interpretation of Brexit—and the Scots that the UK should 'Brexit' at all—there were significant differences in their positions. Notably, the EU Referendum results in Scotland and Wales had left both pro-EU governments with different circles to square. For the SNP in government, their post-referendum priority was securing Scotland's future within the EU, either within or without the United Kingdom (see, e.g., Scottish Government 2016). Their secessionist aspirations were brought into sharp relief as EU withdrawal, they argued, provided the 'material change' that would justify holding a second independence referendum (Sturgeon 2016). In Wales, the outcome of the Referendum exposed the Welsh Labour Government's distance from the electorate on the question of EU membership. Although its then First Minister had decried the 'catastrophe' EU withdrawal would bring to Wales (BBC Wales 2015), it was nonetheless 'Leave' that triumphed. The Welsh Government's response was to advocate a 'soft Brexit', tantamount to a 'Norway plus' model of the UK's continued membership of the Single Market, Customs Union and a range of European programmes though accepting the inevitability of withdrawal from the EU's political institutions (Welsh Government and Plaid Cymru 2017). In contrast to its Scottish counterpart, importantly, the Welsh Government's approach to engaging with intra-UK discussion on Brexit was influenced by its commitment to Wales' future as part of the United Kingdom (Hunt and Minto 2017).

Notwithstanding these preferences from the Scottish and Welsh Governments, the Brexit secured by the UK Government saw the UK leave the Single Market, Customs Union and array of associated programmes, and of course withdraw from the EU's political institutions. What was exposed in this process was the fierce disagreement about the delivery of Brexit, all of which spoke to fundamental ideas about the nature of the UK state and its constituent nations.

III. Mapping Multilevel De-Europeanisation: The Cases of Scotland and Wales

This section presents our analysis of three cases of de-Europeanisation at the substate level and explores both the dynamics of resistance to processes of change and the power politics at play in each instance.

Resistance and Forced De-Europeanisation of Domestic Governance Structures

The first example for analysis is the de-Europeanisation of the domestic multilevel governance structures that were established in function of political devolution across the UK in the late 1990s, with the UK's EU membership providing the broader context—and confines—for these evolving processes of decentralisation. Of specific focus were the structures (across and within the polities of the United Kingdom, Scotland and Wales) that afforded the Scottish and Welsh legislatures the power to legislate in Europeanised policy areas, for example, agriculture, energy and the environment.[1] It was through these multilevel structures that Scotland and Wales were required to transpose EU law into domestic legislation and were also required to meet the United Kingdom's EU obligations in devolved areas. Thus the three parliaments were required to pass legislative acts, all within the bounds of the framework provided by the EU.[2] Within this framework, any intra-state divergence was largely tolerable, as long as it did not upset the operation of the EU's Single Market. Outwith the EU's Single Market, however, greater territorial divergence could disrupt (what became known as) the United Kingdom's own internal market, with policy re-centralisation by the UK Government viewed as a workable solution. With the structures of multilevel governance as potential collateral damage in the UK Government's pursuit of de-Europeanisation, so too would be the ability of the Scottish and Welsh legislatures to Europeanise their future domestic legislation.

The Scottish and Welsh Governments were united in insisting upon continued control over devolved and formerly-Europeanised policy areas. Their preference for speaking of the 'removal of European frameworks' (as opposed to the 'return of policy competences') was a neat illustration (Welsh Government and Plaid Cymru 2017, p. 26; interviews). However, the UK Government's conceptualisation sat at odds with this Scottish and Welsh understanding. Clause 11 of the Withdrawal Agreement (EU) Bill 2020 laid stark central government's assumption that such policy areas were not, in fact, devolved and would, therefore, be repatriated to the UK level. The eventual removal of Clause 11 and the introduction instead of (as yet unused) 'freezing powers' (section 12) in the final

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[1]See the Cabinet Office (2020) breakdown of policy areas at the intersection of devolved competence and European law.
[2]Restriction at the devolved level was through statute, with legislative acts deemed void if they were contrary to EU law. At the UK level, the supremacy of EU law (with supporting case law) was the mechanism that disinclined the UK Parliament from legislating contrary to EU law.

2020 Act (whereby the UK Government would be able to prevent the devolved governments from legislating in particular areas if it felt this was necessary) marked central government's acceptance that 'repatriation' would see powers return to the devolved (and not the UK) level (e.g., Paun, Klemperer, and Sargeant 2017).

This acceptance provided some scope for action for Scotland and Wales, with both moving to commit to future alignment with EU policy. In Scotland, this took the form of the Continuity Act 2021 (UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021), which committed to aligning Scots Law with the EU's *acquis communautaire* 'where appropriate' (see McIver 2021). In Wales, it was in a 2021 letter from the First Minister to the European Commission President Von der Leyen that a similar commitment was made (Drakeford 2021). Although these actions varied starkly in political weight, the objective behind both was public and political acknowledgement of the resonance between their domestic and an EU agenda, and the intention to anchor future policies in Scotland and Wales to the EU—providing a clear marker of resistance to the UK-Government's agenda on de-Europeanisation (interviews).

The removal of Clause 11 also raised the very real prospect of post-Brexit policy divergence within and across the United Kingdom through the loss of the EU's multilevel governance framework. The two approaches finally adopted to mitigate such policy divergence—and to guarantee the integrity of the UK's internal market—contrasted notably. The first was a programme of 'Common Frameworks', which was initiated in 2017 in the spirit of collaborative working between the governments in the United Kingdom. These were intended to facilitate pragmatic and technical solutions to issues that might otherwise escalate to the political level (Scottish Parliament 2023, p. 10). The broad definition and principles were collectively agreed to create Common Frameworks to 'enable the functioning of the UK internal market, while acknowledging policy divergence' (UK Government 2017). This was a largely successful endeavour, as Common Frameworks were indeed mutually agreed through cooperative intergovernmental working (Horsley and Hunt 2022; House of Lords 2021). However, despite its success, fears over political authority in this space and potential power surges by the devolved governments after the transition period ended saw the UK Government introduce a further mechanism of control, a more 'hard law' solution, which would ultimately provide legal assurances for the UK's internal market in the management of any potential post-Brexit divergence. This then became the UK Internal Market Act (2020) (Dougan et al. 2020).

This Act took a 'sledgehammer' to the 'nut' of intra-UK policy divergence post-Brexit (McEwen 2020), undermining both the Common Frameworks approach and, indeed, the devolution settlements themselves. Notably, the Internal Market Act borrowed key concepts from EU law, although their piecemeal adoption in a UK context brought notable challenges to devolution (see, e.g., Horsley and Hunt 2023). Specifically, the introduction of two 'EU inspired' market principles (mutual recognition and nondiscrimination [direct and indirect]) left governments unable to insist upon compliance with their own territorial legislation, with businesses permitted to trade their goods and/or services in other territories of the United Kingdom in accordance with the legal requirements of their 'home' territory. Given the stark asymmetry in scale across the nations, Scotland and Wales have been left particularly vulnerable to the eclipsing of their territorial rules by England-based companies. Furthermore, the Act also has the potential to create pressure towards greater coherence between legislation passed across the

United Kingdom given the imbalance in market sizes, and a consequent 'chilling effect' on policy innovation in devolved territories. It is too early to determine the full impact of the UK Internal Market Act. However, what is certainly clear is that it undermines the domestic multilevel governance structures established during the course of the UK's EU membership and the ability to legislate for the substantive policy preferences of the devolved nations—shifting the balance of power back to Westminster. In turn, the commitments from the Scottish and Welsh to maintain alignment with EU developments (in areas of devolved policy where they have competence), and in essence to follow an alternative path on the Europeanisation of governance in their territories after Brexit, risk being merely symbolic as they cannot be substantiated with any guarantees for their realisation in practice (interviews).

Resistance and the Forced De-Europeanisation of Regional Funding

The second case is the de-Europeanisation of regional funding in the United Kingdom, with particular reference to the replacement of EU Structural Funding with the UK Government's Shared Prosperity Fund. As per the case above, the de-Europeanisation of funding has both a governance dimension (with respect to the structures within and across the polities of United Kingdom, Scotland and Wales) and a related substantive policy dimension. Both Scotland and Wales benefited from the EU's Structural Funds, although there was a striking quantitative disparity, with Wales averaging an annual per capita figure (including match funding) of €140 compared with €47 in Scotland (and €27 in England) for the period 2014–2020 (Broughton, Monica, and Rizzo 2019, pp. 8–9). Given the scale of funding in Wales, the loss of EU Structural Funding received significantly more attention as a policy priority in Cardiff than in Edinburgh, specifically from government and civil society. But the story of the de-Europeanisation of regional funding support in Wales offers further illustration of the politics of resistance and the lack of agency to meaningfully change policy agendas set in Westminster.

Despite the United Kingdom being a net contributor to the EU budget, such was the level of EU funding to Wales, it was a net beneficiary (Ifan, Poole, and Wyn Jones 2016), with this funding being a key mechanism through which the Welsh Government could advance its regional development agenda (Hunt, Minto, and Woolford 2016). Amongst others, the promotion of equality objectives through Structural Funding programmes in Wales provides a neat illustration of the way in which these funds worked to Europeanise regional activity. Actors within the Welsh Government pushed for the integration of specific EU equality requirements into Welsh funding programmes, which aligned with their particular equality goals (Minto and Parken 2021). This Europeanisation of regional development programmes was only possible given Wales' access to EU funding and its management through the Welsh Government. All of this activity took place in a context of well-established relationships between the government and the third sector, coordinated largely through Wales' umbrella membership body, the Wales Council for Voluntary Action (WCVA). The ability to Europeanise was a function of the multilevel governance structure in place.

Unsurprisingly, the imminent loss of EU funding following the EU Referendum caused huge concern for the Welsh Government and civil society actors (interviews). The UK Government provided repeated assurances about the domestic replacement of lost EU funding (including in the 2019 Conservative Party manifesto) and in 2017

announced the creation of the Shared Prosperity Fund. However, concrete information about the nature of replacement funding was not forthcoming until April 2022. Throughout, the messages from the devolved level were clear: It was essential that EU funding be replaced and that replacement funding be managed such as to complement and promote the devolved governments' regional development agenda (e.g., Scottish Government 2020; Welsh Government 2017). With this outcome in mind, the Welsh Government led a significant project to develop a replacement 'Framework for Regional Development' (Welsh Government 2020a), establishing working groups within Wales and running a consultation exercise. This process ultimately led to the proposal for a new Regional Investment Framework, developed on the assumption that the Welsh Government would coordinate the replacement funding or would at least coordinate it in partnership with the UK Government.

However, this preparatory work at the devolved level was largely overlooked by the UK Government (interviews). Although the Shared Prosperity Fund (UK Government 2022) would generally replace the lost EU funds (Ifan and Poole 2022), the funding model itself served to wholly displace the multilevel structure established in the context of EU membership. Instead, the Shared Prosperity Fund was to be controlled centrally by the UK Government, the Welsh Government bypassed entirely, and funding directed to local authorities. The overarching result was the inability of the Welsh Government (and indeed the Scottish Government) to harness this replacement funding as part of their wider economic development agenda, as they had been able to do pre-Brexit, thus further quashing opportunities to maintain alignment with European objectives. In addition, evidence from Wales highlights that the new funding landscape led to both duplication and gaps in funding provision, as the UK Government provides funding in areas of devolved competence that is detached from the Welsh Government's strategic priorities and existing programmes (see, e.g., Gething 2022). Although resisted at a devolved level and particularly in Wales, the result was the de-Europeanisation of both the structures and substance of regional policy post-Brexit in both Wales and Scotland.

Resisting the De-Europeanisation of External Relations Towards the EU

The third case study is the de-Europeanisation of Scotland and Wales' external policy towards the EU, a qualitatively different example in which the agency of the two devolved governments is more apparent as they seek to assert their EU positioning and European preferences. Both governments' activism in this area can be considered as continued EU engagement and can potentially be understood as active re-engagement, particularly with respect to Scotland. In contrast to the other two cases presented above, activism in this policy area has demonstrated a degree of capacity at the substate level to resist more effectively the overarching, UK Government-led initiatives on de-Europeanisation.

As governments of EU regions, much of the Brussels-based activity of the Scottish and Welsh Governments pre-Brexit focused on influencing financial and regulatory matters (Tatham 2015) related to the development of relevant EU legislation, policy frameworks and the shape of funding programmes. Largely falling into the arena of multilevel governance, this activity combined state-centric routes and channels of access granted via the UK's Permanent Representation that brought opportunities to engage in EU working

groups. This was complemented by pursuing their own engagement with European institutions and membership of European networks and, to a lesser extent, membership of the Committee of the Regions and the Economic and Social Committee. In parallel, their more conventional paradiplomatic activity was motivated by profile-raising and building political legitimacy, with the Scottish Government, led by the SNP after 2007, increasingly adopting a more assertive strategy linked to their secessionist aspirations (Minto, Rowe, and Royles 2023).

As regions of a 'third country', that is to say, a country which is not an EU member state, regardless of its previous membership status, the access points and incentives for Scottish and Welsh ongoing Brussels-based activity have significantly changed; although since leaving the EU, both governments have maintained the aim of positive engagement with Europe and, as discussed above, committed to continued alignment with EU policy (see, e.g., Scottish Government 2023b; Welsh Government 2020b). Inevitably, their ability to directly influence EU legislation and policy processes has been greatly reduced. Early sight of legislative proposals and direct channels to influence decision making regarding financial and regulatory matters (accessible through state-centric routes in which they were relatively privileged amongst regional governments of EU member states) have been removed. However, policy tracking and efforts at collaborative working continue, with a view to influencing these processes and to stimulating sources of funding open to regions of third countries. During the early post-withdrawal period, both governments invested heavily in their EU paradiplomacy strategies, in order to enhance other channels to gather policy information, to promote and build their respective reputations of policy innovation and to maintain levels of awareness and goodwill towards the Scottish and Welsh Governments in Brussels (interviews).

In both Scotland and Wales, maintaining a Brussels office has been strongly supported as they reinvest to nurture relations in Brussels and extend their network of representative offices in other European capitals and the wider world (Scottish Government 2023a; Welsh Government 2020b; interviews). Both governments have sought to bolster their Brussels representation through strategic investment in personnel. The Scottish Government has appointed senior level officials from the UK Foreign and Commonwealth Office to leadership roles within their Europe team. The Welsh Government appointed a former Welsh MEP to the newly created role of 'Representative on Europe'. Forms of cooperation continue to include engagement with the European Commission, although the European Parliament has appeared as the lead amongst the EU institutions for the Welsh Government post-withdrawal, with a limited number of passes to the parliament facilitated by the UK Mission to the European Union. Although there are similarities in the values-based assertions of both governments as European nations, their respective EU strategies highlight differences between the unionist positioning of the Welsh Government and the key role played by EU engagement within the SNP-led Scottish government's agenda of 'rejoining the European Union as a Member State in our own right' (Scottish Government 2023b, p. 9). Although the Welsh Government has prioritised active engagement in European substate networks and enhancing relations with key European regions, there is a greater emphasis by the Scottish Government on both developing and maintaining bilateral relationships with key EU member states, alongside an explicit aim to use their Brussels platform for the purposes of 'strengthening and reshaping Scotland's European Union relations' (Scottish Government 2023b, p. 9). This chimes

with the SNP's wider secessionist strategy to present Scotland alongside other similar-sized small EU member states rather than substate regions (Scottish Government 2023a, p. 21). The SNP-led Scottish Government's networking activism since Brexit has sought to emphasise the success of small, independent states in Europe and to position Scotland as a viable member of this network (Minto, Rowe, and Royles 2023, p. 10).

As the process of adapting to third country status evolves, there are commonalities to Scottish and Welsh Government efforts to re-engage with the EU in ways that are different to the overall policy approach on EU relations adopted by the UK Government. Although the reality of their status and position is much diminished, particularly due to the highly limited intra-state access to EU institutions via the UK post-Brexit, the two devolved governments are both finding meaningful ways of advancing and operationalising a set of EU policy agendas which differ markedly to those of the UK Government. The European Commission's moratorium on all meetings with any representatives from the United Kingdom during the fallout over the Northern Ireland Protocol illustrated the greater vulnerability of their relations with EU institutions and the impact of the tenor of UK–EU relations. Nevertheless, there are some suggestions that the changes to their EU opportunity structures have been less stark for the devolved governments compared with the UK Government's diplomatic representation, as the former always had to be more agile in their use of paradiplomatic channels of EU engagement (Minto, Rowe, and Royles 2023; interviews). Going forwards, the political drive underlying their efforts to assert a distinctive voice and commitment to strong relationships with the EU and with European partners may lead to increasing divergence between the two territories in their degree of Europeanisation. What is clear, however, is that both devolved governments have been able to exert a good deal more agency in pursuit of their international agendas on Europe than in other areas, with the politics of successful resistance to de-Europeanisation quite evident in this example. What accounts for the difference is the lack of political control from Westminster over Scotland and Wales's 'paradiplomacy', despite international relations nominally being a reserved policy competence in the United Kingdom. The agency available to Scotland and Wales in pursuit of an independent European policy, be that through rapprochement, continued engagement with the EU or further Europeanisation stands in sharp contrast to their ability to resist processes of de-Europeanisation in areas of legal and financial (co-)dependency within the UK state.

IV. Discussion and Concluding Comments

Just as a multilevel approach has enriched understanding of the significance of EU membership and processes of Europeanisation for politics and policy making right across the territories of the member states, our research brings a multilevel dimension to the analysis of EU withdrawal and de-Europeanisation more broadly.

Our analysis reveals how substate governments in the United Kingdom sought to subvert and resist de-Europeanisation (both with respect to governance frameworks and substantive policy), but were nonetheless largely subject to what we term 'forced de-Europeanisation'. Scotland and Wales have had limited agency to push back against UK Government-led agendas on de-Europeanisation. The study of the dynamics of

de-Europeanisation therefore need to be assessed in the context of national politics and the nature of territorial relations within states. Even in a multilevel setting such as the United Kingdom, we find that de-Europeanisation is not a uniform dynamic but rather it is contingent on the constitutional make-up of the polity.

Responding to our first research question on how de-Europeanisation has played out across substate territories, we see that this forced de-Europeanisation has not only taken effect with respect to the UK's withdrawal from the EU's legal regime, financial frameworks and political institutions (all against the preferences of the devolved governments) but also in areas of devolved policy. Indeed, despite the decentralised nature of the United Kingdom—with Scotland and Wales holding legislative power in some areas of EU competence—the Scottish and Welsh Governments' efforts to maintain the status quo (or to pursue re-engagement with Europe) have been severely curtailed given the introduction of centralising governance structures by the UK Government. Notably, the IMA was introduced with the express intention of limiting differentiation in de-Europeanisation outcomes across the UK post-Brexit; and the Shared Prosperity Fund cuts out altogether the devolved governments from post-Brexit funding. Our case studies reveal the ways in which political aspirations and policy agendas held at the substate level have been constrained within this new multilevel context, which includes a changed European opportunity structure.

In response to the second research question on the factors that have shaped de-Europeanisation at the substate level, our analysis adds to the extant scholarship from a multilevel perspective. We find that processes of de-Europeanisation in Scotland and Wales are highly contingent on processes of de-Europeanisation pursued by the UK Government. Notwithstanding the European preferences of the Scottish and Welsh Governments and the actions taken to realise these, their preferences and actions were overridden by the UK Government. This absence of agency contrasts sharply with the relative agency enjoyed by the Scottish and Welsh Governments in processes of *Europeanisation* during the United Kingdom's EU membership. On the issue of capacity, our findings demonstrate the nuances of de-Europeanisation processes below the state. Although previous scholarship on de-Europeanisation has drawn attention to the potential mediating role played by 'capacity', that is to say, administrative capacity as it is broadly understood, (Burns et al. 2019, p. 273), we find that this factor was only meaningful when considering the de-Europeanisation of Scotland and Wales' external activity towards the EU, given that the devolved governments enjoyed comparatively more agency in this area. This contrasts sharply with findings at the state level, where previous research has demonstrated that capacity 'remains a key limiting factor', regardless of the preferred outcomes (Gravey and Jordan 2023, p. 2351).

Of particular note from our analysis is that the explanatory factors developed in the context of nation state de-Europeanisation (i.e., level of policy centralisation, policy popularity, the extent of prior Europeanisation and the level of administrative capacity and accountability) are largely redundant in a substate context. However, some of these factors are more relevant in explaining continued substate activism in EU external relations in the third example above. Here, whilst operating within the framework established by the UK Government, the continued popularity of the EU project amongst both devolved governments' political leaders is key, as is the differentiated degree of prior Europeanisation across the United Kingdom, underlined in their ongoing normative commitment to the

EU and to the norms of EU regional engagement. Beyond this, analysis reveals the reliance of Scotland and Wales on the multilevel governance frameworks provided by the EU to reinforce the state's own structures of decentralisation, and the inability of these structures to sustain themselves outside the EU. The process of de-Europeanisation has exposed the vulnerability of devolution outside the EU's multilevel framework. As such, not only have the mechanisms left to the Scottish and Welsh Governments to pursue (or maintain) their European ambitions been significantly weakened but so too have the very structures of decentralisation themselves. Thus, when it comes to the realisation of more pro-European agendas in Scotland and Wales post-Brexit in pursuit of a continued engagement or a re-engagement with Europe, this is contingent on a set of dynamics whose locus is the UK Government.

Indeed, the precarity of Scotland and Wales' position in an asymmetric system of devolution has been underscored by the Conservative UK Government's characteristic 'muscular unionism' (Kenny and Sheldon 2021) and the Supreme Court's multiple assertations of the supremacy of UK Parliamentary sovereignty throughout the Brexit process (e.g., Davies and Wincott 2023; McHarg 2021). As a result, the shades of differentiated de-Europeanisation across the territories of Great Britain are distinctly *un*-differentiated; in contrast to the differentiated Europeanisation visible across the territories pre-Brexit. The only partial exception in our analysis was with respect to the international relations activity of Scotland and Wales post-Brexit.

We conceptualise de-Europeanisation as a process, not an event. The processes and implications of de-Europeanisation in the United Kingdom after Brexit have not been inevitable nor are they set in stone. Our analysis exposes Scotland and Wales' dependence on the UK Government's approach to both devolution and future EU relations, which is ultimately a political question. It is entirely possible that the future of some key mechanisms of forced de-Europeanisation (viz. the Internal Market Act and the new regional funding model) may be affected by the future domestic politics of the United Kingdom, which could allow the devolved governments to substantiate some re-engagement preferences. Our research presents some initial findings on the multilevel dynamics of de-Europeanisation in one specific context, the United Kingdom. Further analysis of the territorial dimension of de-Europeanisation in other cases would also help to illuminate the constraints and opportunities for substate agency in the determination of de-Europeanisation pathways.

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