



House of Commons

Wednesday 8 January 2020

COMMITTEE OF THE WHOLE HOUSE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL

NOTE

This document includes all remaining amendments and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [20 December 2019].

CLAUSES 18 TO 23; SCHEDULE 3; CLAUSES 24 TO 37; NEW CLAUSES RELATING TO PART 4; NEW SCHEDULES RELATING TO PART 4

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

Clause 18, page 20, line 10, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

38

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady
 Preet Kaur Gill

Clause 18, page 20, line 18, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

39

 European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
 Mr Alistair Carmichael
 Daisy Cooper
 Tim Farron
 Christine Jardine
 Sarah Olney

Munira Wilson
 Layla Moran

Wendy Chamberlain
 Jamie Stone

Wera Hobhouse

47

Clause 18, page 20, leave out lines 25 and 26

Member's explanatory statement

Removing this subsection prevents Ministers from using secondary legislation to amend primary legislation in order to implement the withdrawal agreement.

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady
 Preet Kaur Gill

40

Clause 19, page 21, line 15, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

41

Clause 19, page 21, line 25, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

42

Clause 19, page 21, line 34, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

 European Union (Withdrawal Agreement) Bill, *continued*

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

43

Clause 19, page 21, line 44, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

24

Clause 20, page 24, line 2, at end insert—

“(1A) The payment from the Consolidated Fund or the National Loans Fund to the EU or an EU entity of each sum under section (1) which results from the imposition of any penalty shall be subject to approval by resolution of the House of Commons.”

Member’s explanatory statement

This amendment is intended to require parliamentary approval for the payment of any fines or penalty under the withdrawal agreement.

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

44

Clause 21, page 24, line 37, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Jeremy Corbyn
 Keir Starmer
 Paul Blomfield
 Thangam Debbonaire
 Valerie Vaz
 Mr Nicholas Brown

Nick Thomas-Symonds
 Helen Hayes

Debbie Abrahams
 Caroline Lucas

Kerry McCarthy
 Preet Kaur Gill

1

Clause 21, page 25, leave out lines 1 and 2 and insert—

“(2) A Minister of the Crown must, on or before 30 June 2020, publish a comprehensive economic impact assessment of the effect of the Ireland/Northern Ireland Protocol and regulations made under subsection (1) on—

- (a) the UK’s Internal Market and the access of Northern Ireland goods to Great Britain and Great British goods to Northern Ireland;

European Union (Withdrawal Agreement) Bill, *continued*

- (b) the Northern Ireland economy, including levels of imports and exports;
 - (c) fiscal and regulatory compliance of goods travelling from NI to GB and from GB to NI; and
 - (d) barriers to entry for third-country goods entering NI and GB from Ireland, the rest of the EU and third countries.
- (2A) The Secretary of State must make arrangements for—
- (a) a copy of each report published under subsection (2) to be laid before each House of Parliament, and conveyed to the Presiding Officer of each devolved legislature, by the end of the day on which it is published;
 - (b) a motion in neutral terms, to the effect that the House of Commons has considered the report, to be moved in the House of Commons by a Minister of the Crown; and
 - (c) a motion for the House of Lords to take note of the report to be tabled in the House of Lords and moved by a Minister of the Crown.
- (2B) The motions required under subsections (2A)(b) and (c) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report is laid before Parliament.
- (2C) The Secretary of State shall make a further report under subsection (2) on or before 31 October 2020 and at least every 12 months thereafter.”

Member’s explanatory statement

This amendment would require the Government to deliver full transparency on the implications of the Ireland/Northern Ireland Protocol including barriers to trade between Great Britain and Northern Ireland.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

48

Clause 21, page 25, line 2, leave out “(including modifying this Act).”

Member’s explanatory statement

This amendment would prevent Ministers making regulations under this section to modify the European Union (Withdrawal) Act 2018.

Stephen Farry

33

Clause 21, page 25, line 2, at end insert “except repealing section 7A.”

Member’s explanatory statement

This amendment would remove the uncertainty as to whether Ministers could amend or repeal the proposed new section 7A of the European Union (Withdrawal) Act 2018.

 European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Colum Eastwood
 Claire Hanna
 Stephen Farry

Jim Shannon
 Paul Girvan

Ian Paisley
 Carla Lockhart

Gavin Robinson

50

Clause 21, page 25, line 3, leave out “may” and insert “must”

Member’s explanatory statement

In conjunction with Amendment 12, this would require the Government to ensure unfettered access for Northern Ireland goods to the GB market when it makes regulations implementing the Protocol.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

12

Clause 21, page 25, line 4, after first “the” insert “unfettered”.

Member’s explanatory statement

This amendment would require regulations to facilitate unfettered access of qualifying Northern Ireland goods to the market within Great Britain.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

13

Clause 21, page 25, line 16, at end insert—

“(6A) Regulations under subsection (1) must include provision to prevent any direct or indirect commercial discrimination that may arise to the detriment of businesses (including farms) in Northern Ireland as a result of the Ireland/Northern Ireland Protocol.”

Member’s explanatory statement

This amendment is intended to prevent direct or indirect commercial discrimination against Northern Ireland products.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

14

Clause 21, page 25, line 16, at end insert—

“(6B) Regulations under subsection (1) must include provision to prevent non-tariff barriers being imposed in Great Britain to exclude Northern Ireland products except to the extent strictly required by the Ireland/Northern Ireland Protocol as long as it remains in force.”

Member’s explanatory statement

This amendment is intended to prevent a ‘not available in / do not ship to NI’ approach where no sound competitive reasoning is supplied, in order to protect Northern Ireland consumers and businesses.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

15

Clause 21, page 25, line 16, at end insert—

“(6C) Regulations under subsection (1) must include provision to prevent the exclusion of Northern Ireland produce or products from British marketing campaigns or assurance, trade and labelling schemes.”

Member’s explanatory statement

This amendment is intended to prevent Northern Ireland products being excluded from ‘Red Tractor’ or ‘Buy British’ marketing schemes.

Dr Philippa Whitford
 Ian Blackford
 Joanna Cherry
 Stuart C McDonald
 Patrick Grady
 Caroline Lucas

Carol Monaghan

10

Clause 21, page 25, line 27, at end insert—

“(8) But regulations under this section may not—

- (a) impose or increase taxation or fees,
- (b) make retrospective provision,
- (c) create a relevant criminal offence,
- (d) establish a public authority,
- (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or

European Union (Withdrawal Agreement) Bill, continued

- (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998.”

Member's explanatory statement

This amendment would apply the usual restrictions on Ministers' delegated power to make regulations under the Government's proposed new section 8C of the European Union (Withdrawal) Act 2018.

Joanna Cherry
Ian Blackford
Dr Philippa Whitford
Stuart C McDonald
Patrick Grady

45

- Clause 22, page 25, line 37, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry
Ian Blackford
Dr Philippa Whitford
Stuart C McDonald
Patrick Grady

46

- Clause 22, page 26, line 3, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Colum Eastwood
Claire Hanna
Stephen Farry

Jim Shannon
Paul Girvan

Ian Paisley
Carla Lockhart

Gavin Robinson

51

- Clause 22, page 26, line 13, leave out “may” and insert “must”

Member's explanatory statement

In conjunction with Amendment 16, this would require devolved authorities to ensure unfettered access for Northern Ireland goods to the GB market when making regulations implementing the Protocol.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

16

Clause 22, page 26, line 14, after first “the” insert “unfettered”.

Member’s explanatory statement

This amendment would require regulations to facilitate unfettered access of qualifying Northern Ireland goods to the market within Great Britain.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

17

Clause 22, page 26, line 25, at end insert—

“(6A) Regulations under sub-paragraph (1) must include provision to prevent any direct or indirect commercial discrimination that may arise to the detriment of businesses (including farms) in Northern Ireland as a result of the Ireland/Northern Ireland Protocol.”

Member’s explanatory statement

This amendment is intended to prevent direct or indirect commercial discrimination against Northern Ireland products.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

18

Clause 22, page 26, line 25, at end insert—

“(6B) Regulations under sub-paragraph (1) must include provision to prevent non-tariff barriers being imposed in Great Britain to exclude Northern Ireland products except to the extent strictly required by the Ireland/Northern Ireland Protocol as long as it remains in force.”

Member’s explanatory statement

This amendment is intended to prevent a ‘not available in / do not ship to NI’ approach where no sound competitive reasoning is supplied, in order to protect Northern Ireland consumers and businesses.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

Stephen Farry

19

Clause 22, page 26, line 25, at end insert—

“(6C) Regulations under sub-paragraph (1) must include provision to prevent the exclusion of Northern Ireland produce or products from British marketing campaigns or assurance, trade and labelling schemes.”

Member’s explanatory statement

This amendment is intended to prevent Northern Ireland products being excluded from ‘Red Tractor’ or ‘Buy British’ marketing schemes.

Stephen Farry

34

Clause 23, page 28, line 3, at end insert—

“(2) For the avoidance of doubt and without prejudice to the generality of Schedule 3, the reference in Section 7A of the European Union (Withdrawal) Act 2018 (other directly applicable or directly effective aspects of the withdrawal agreement) to rights, powers, liabilities, obligations, restrictions that as in accordance with the withdrawal agreement are without further enactment to be given legal effect or used in the United Kingdom, includes Article 2(1) of the Protocol on Ireland/Northern Ireland of the withdrawal agreement.”

Member’s explanatory statement

This amendment would ensure that any person may rely directly on Article 2(1) of the Protocol on Ireland/Northern Ireland before any courts in the United Kingdom against all public bodies, including UK Ministers, and private bodies, such as employers.

Stephen Farry

32

Schedule 3, page 61, line 17, at end insert—

“4A After section 69D insert—

“69E Notice to be given to Commission

- (1) A court or tribunal shall order notice of any issue which affects law or practice relating to the protection of human rights in any proceedings before it to be given to the Northern Ireland Human Rights Commission (unless the Commission is a party to the proceedings).
- (2) Where notice is given to the Commission under subsection (1), the court or tribunal shall—
 - (a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and
 - (b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.
- (3) For the purposes of this section, “decision” shall include reasons for a decision; an award of compensation or a determination that one party

European Union (Withdrawal Agreement) Bill, *continued*

is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.””

Member’s explanatory statement

This amendment would ensure the Northern Ireland Human Rights Commission is notified of cases relevant to the exercise of its functions under section 69 of the Northern Ireland Act 1998, similar to devolution notices provided to the Attorney General; and to ensure coherence with exercise of functions under the new dedicated mechanism provisions.

Stephen Farry

30

Schedule 3, page 63, line 39, at end insert—

- “(3) A court or tribunal shall order notice of any issue which arises under Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement in any proceedings before it to be given to the Northern Ireland Human Rights Commission (unless the Commission is a party to the proceedings).
- (4) Where notice is given to the Commission under subsection (3), the court or tribunal shall—
- (a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and
 - (b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.
- (5) For the purposes of this section, “decision” shall include reasons for a decision; an award of compensation or a determination that one party is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.”

Member’s explanatory statement

This amendment would create a requirement for a court or tribunal to notify the Northern Ireland Human Rights Commission of cases relevant to the dedicated mechanism, similar to devolution issue notification already provided to the Attorney General. The proposal would result in an amendment to new section 78C of the Northern Ireland Act 1998.

Stephen Farry

31

Schedule 3, page 63, line 39, at end insert—

- “(3) A court or tribunal shall order notice of any issue which arises under Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement in any proceedings before it to be given to the Equality Commission of Northern Ireland (unless the Commission is a party to the proceedings).
- (4) Where notice is given to the Commission under subsection (3), the court or tribunal shall—
- (a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and
 - (b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.
- (5) For the purposes of this section, “decision” shall include reasons for a decision; an award of compensation or a determination that one party is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.”

Member’s explanatory statement

This amendment would create a requirement for a court or tribunal to notify the Equality Commission of Northern Ireland of cases relevant to the dedicated mechanism, similar to

European Union (Withdrawal Agreement) Bill, continued

devolution issue notification already provided to the Attorney General. The proposal would result in an amendment to new section 78C of the Northern Ireland Act 1998.

Claire Hanna
Colum Eastwood
Stephen Farry

36

Clause 24, page 28, leave out line 15

Member's explanatory statement

This amendment removes the bar on the Joint Committee recommending an alteration in the functions of an existing implementation body under the Belfast (Good Friday) Agreement.

Joanna Cherry
Ian Blackford
Dr Philippa Whitford
Stuart C McDonald
Patrick Grady

49

Clause 26, page 30, leave out lines 9 to 49 on page 30 and lines 1 to 15 on page 31

Member's explanatory statement

This amendment would remove the power of Ministers to specify the circumstances in which lower courts within the domestic legal systems of the UK could depart from the rulings of the Court of Justice of the European Union after the transition or implementation period.

Stuart C McDonald
Ian Blackford
Joanna Cherry
Patrick Grady

29

Clause 37, page 37, line 2, leave out from “Europe),” to the end of line 19 and insert “after subsection (1) insert—

“(1A) In seeking to negotiate an agreement under subsection (1), it shall be an overriding objective of the Minister of the Crown to secure outcomes which match as closely as possible those which applied before exit day under Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) in so far as they relate to an application for the UK to take charge of or take back an applicant who is an unaccompanied.”

Member's explanatory statement

This amendment seeks to maintain the status quo for applications for international protection lodged by unaccompanied children who are third-country nationals or stateless persons.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
 Mr Alistair Carmichael
 Daisy Cooper
 Tim Farron
 Christine Jardine
 Sarah Olney

Munira Wilson
 Layla Moran
 Caroline Lucas

Wendy Chamberlain
 Jamie Stone

Wera Hobhouse
 Stephen Farry

26

Clause 37, page 37, line 3, leave out from “Europe)” to the end of line 19 and insert “the following amendments are made—

“(a) After subsection (1) insert—

“(1A) The Secretary of State must, before IP completion day, make provision to ensure that, after the United Kingdom’s withdrawal from the EU, an unaccompanied child who has made an application for international protection to a member State may, if it is in the child’s best interests, come to the United Kingdom to join a relative who—

- (a) is a lawful resident of the United Kingdom, or
- (b) has made a protection claim which has not been decided.”

(b) In subsection (2) after “(1)(a)(i)” insert “and (1A)(a)”.

(c) In subsection (3) after “(1)(a)(ii)” insert “and (1A)(b)”.

Member’s explanatory statement

This amendment would require the UK Government to guarantee continued family reunion rights for unaccompanied child refugees, while retaining the requirement on the Government to negotiate an agreement with the EU that protects those rights.

Jeremy Corbyn
 Keir Starmer
 Paul Blomfield
 Thangam Debbonaire
 Valerie Vaz
 Mr Nicholas Brown

Nick Thomas-Symonds
 Caroline Lucas
 Afzal Khan

Kerry McCarthy
 Mr David Lammy

Helen Hayes
 Preet Kaur Gill

4

Clause 37, page 37, line 3, leave out from “Europe)” to the end of the Clause and insert “after subsection (3) insert—

“(3A) If, three months after this Act comes into force, no agreement achieving the objective contained in subsection (1) has been concluded with the European Union, a Minister of the Crown must make a statement to the House of Commons setting out—

- (a) the steps taken by Her Majesty’s government, and the progress made in negotiations with the European Union, for the purpose of achieving the objective in subsection (1); and
- (b) whether in the Minister’s opinion an agreement with the European Union achieving the objective of subsection (1) is likely to be achieved by IP completion day and, if not, setting out the reasons for this.

European Union (Withdrawal Agreement) Bill, continued

- (3B) Following the making of the first Statement referred to in subsection (2), and until such time as an agreement satisfying the objective contained in subsection (1) is reached with the European Union, the Minister shall, at least as frequently as every 28 days thereafter, make further statements in accordance with sections (3A)(a) and (b)."

Member's explanatory statement

This amendment would protect the right for unaccompanied child refugees to be reunited with their family after Brexit.

Stuart C McDonald
Ian Blackford
Joanna Cherry
Patrick Grady

28

Clause 37, page 37, leave out lines 5 to 19 and insert—

- “(1) A Minister of the Crown must, within 3 months of this Act coming into force, make provision for take charge requests from unaccompanied minors.
- (1A) Regulations made under subsection (1) must operate in such a way that the provisions of Regulation (EU) No 604/2013 as they relate to unaccompanied minors are effective in UK domestic law.
- (1B) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019 are amended by omitting subparagraph 3(h) in Part 2 of Schedule 1 to those Regulations.
- (1C) In this section, “take charge requests” and “unaccompanied minor” have the same meaning as under Regulation (EU) No 604/2013.”

Member's explanatory statement

This amendment will ensure that the UK continues to accept take charge requests from unaccompanied minors.

Jeremy Corbyn
Keir Starmer
Paul Blomfield
Thangam Debbonaire
Valerie Vaz
Mr Nicholas Brown

Nick Thomas-Symonds
Helen Hayes

Debbie Abrahams
Preet Kaur Gill

Kerry McCarthy

NC1

To move the following Clause—

“Parliamentary sovereignty over negotiations for the future relationship

After section 13B of the European Union (Withdrawal) Act 2018 (certain dispute procedures under withdrawal agreement) (for which see section 30 above) insert—

“13C Negotiations for future relationship

- (1) A Minister of the Crown must, before the end of the period of 30 Commons sitting days beginning with the day on which exit day falls, make a statement on objectives for the future relationship with the EU.

European Union (Withdrawal Agreement) Bill, *continued*

- (2) A Minister of the Crown may, at any time after the initial statement is made, make a revised statement on objectives for the future relationship with the EU.
- (3) A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless—
 - (a) a statement on objectives for the future relationship with the EU has been approved by the House of Commons on a motion moved by a Minister of the Crown that can be amended by the House of Commons so as to change the objectives for the future relationship, and
 - (b) a motion for the House of Lords to take note of that statement has been moved in that House.
- (4) Prior to the House of Commons's consideration of a motion under subsection (3)(a), a Minister of the Crown must have consulted with each devolved administration on the negotiating mandate.
- (5) In conducting negotiations on the future relationship with the EU, a Minister of the Crown must seek to achieve the objectives set out in the most recent statement on objectives for the future relationship with the EU to have been—
 - (a) approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown, and
 - (b) the subject of a motion of the kind mentioned in subsection (3)(b).
- (6) The Secretary of State must publish the negotiating text of a proposed future relationship agreement on the same day that they are shared with EU negotiators.
- (7) After the end of each reporting period, a Minister of the Crown must—
 - (a) lay before each House of Parliament a report on the progress made, by the end of the period, in negotiations on the future relationship with the EU, including—
 - (i) the Minister's assessment of the extent to which the outcome of those negotiations is likely to reflect the most recent statement on objectives for the future relationship with the EU to have been approved by the House of Commons, and the subject of a motion in the House of Lords, as mentioned in subsection (3), and
 - (ii) if the Minister's assessment is that the future relationship with the EU is, in any respect, not likely to reflect that statement, an explanation of why that is so, and
 - (b) provide a copy of the report to the Presiding Officer of each of the devolved legislatures and to—
 - (i) the Scottish Ministers,
 - (ii) the Welsh Ministers, and
 - (iii) the First Minister and deputy First Minister in Northern Ireland or the Executive Office in Northern Ireland.
- (8) Subsections (9) and (10) apply if, in the opinion of a Minister of the Crown, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU.

European Union (Withdrawal Agreement) Bill, *continued*

- (9) A Minister of the Crown must, within one week of an agreement outlined in subsection (8), lay before each House of Parliament—
- (a) a statement that political agreement has been reached, and
 - (b) a copy of the negotiated future relationship treaty.
- (10) Prior to the laying of the text of the proposed treaty, the Secretary of State must have consulted with each devolved administration on the text of the proposed agreement and taken their views into account, with special consideration given to matters relating to devolved competences.
- (11) A treaty in the same form, or to substantially the same effect, as the negotiated future relationship treaty may be ratified only if the negotiated future relationship treaty has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown and—
- (a) the House of Lords has not resolved, within the period of 14 Lords sitting days beginning with the day on which the negotiated future relationship treaty is laid before that House, that any treaty resulting from it should not be ratified, or
 - (b) if the House of Lords has so resolved within that period, a Minister of the Crown has laid before each House of Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.
- (12) Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to a treaty if subsection (11) applies in relation to the ratification of that treaty.
- (13) In this section—
- “devolved legislature” means—
- (a) the Scottish Parliament,
 - (b) the National Assembly for Wales, or
 - (c) the Northern Ireland Assembly;
- “future relationship with the EU” means the main arrangements which are designed to govern the security and economic aspects of the long-term relationship between the United Kingdom and the EU after IP completion day and to replace or modify the arrangements which apply during the implementation period, but does not include the withdrawal agreement;
- “negotiated future relationship treaty” means a draft of a treaty identified in a statement that political agreement has been reached;
- “negotiations” means negotiations the opening of which, on behalf of the EU, has been authorised under Article 218 of the Treaty on the Functioning of the European Union;
- “reporting period” means—
- (a) the period of three months beginning with the first day on which a statement on objectives for the future relationship with the EU is approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown, and
 - (b) each subsequent period of one month;
- “statement on objectives for the future relationship with the EU” means a statement—

European Union (Withdrawal Agreement) Bill, *continued*

- (a) made in writing by a Minister of the Crown setting out proposed objectives of Her Majesty’s Government in negotiations on the future relationship with the EU, and
 - (b) published in such manner as the Minister making it considers appropriate;
- “statement that political agreement has been reached” means a statement made in writing by a Minister of the Crown which—
- (a) states that, in the Minister’s opinion, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU, and
 - (b) identifies a draft of that treaty which, in the Minister’s opinion, reflects the agreement in principle;
- “treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25(1) and (2) of that Act).”

Member’s explanatory statement

This new clause restores the role for Parliament in providing scrutiny and oversight in the negotiations over the UK’s future relationship with the EU.

Caroline Lucas
Catherine West
Wera Hobhouse
Liz Saville Roberts
Hywel Williams
Dr Rupa Huq

Alex Sobel
Sarah Olney
Layla Moran
Dr Philippa Whitford
Patrick Grady
Helen Hayes
Chris Bryant
Kenny MacAskill
Stephen Doughty
Kate Green
Mr David Lammy

Ruth Jones
Janet Daby
Kerry McCarthy
Joanna Cherry
Anneliese Dodds
Stephen Farry
Ruth Cadbury
Anna McMorrin
Feryal Clark
Rushanara Ali
Mohammad Yasin

Preet Kaur Gill
Geraint Davies
Ian Blackford
Stuart C McDonald
Rosie Duffield
Daisy Cooper
Claire Hanna
Alison McGovern
Tonia Antoniazzi
Beth Winter

NC6

To move the following Clause—

“Parliamentary approval of the future relationship

- (1) The Secretary of State may not engage in negotiations on the future relationship between the UK and the EU until a Minister of the Crown has laid a draft negotiating mandate before each House of Parliament and—
 - 5 (a) moved an amendable motion in the House of Commons containing the text of the draft negotiating mandate;
 - (b) the draft negotiating mandate (as amended) has been approved by a resolution of the House of Commons, and
 - 10 (c) a motion for the House of Lords to take note of the draft negotiating mandate has been moved in that House by a Minister of the Crown.

European Union (Withdrawal Agreement) Bill, *continued*

- 15 (2) The draft negotiating mandate must set out in detail—
- (a) the UK’s negotiation objectives,
 - (b) all fields and sectors to be included in the proposed negotiations,
 - (c) the principles to underpin the proposed negotiation,
 - (d) any limits on the proposed negotiations, and
 - (e) the desired outcomes from the proposed negotiations.
- 20 (3) Prior to laying the draft negotiating mandate, a Minister of the Crown must have consulted each devolved administration on the negotiating mandate.
- 25 (4) Prior to the House’s consideration of a motion under subsection (1)(b), a Minister of the Crown must lay before both Houses of Parliament a sustainability impact assessment conducted by a credible body independent of government following consultation with—
- (a) each devolved administration,
 - (b) public bodies, businesses, trade unions and non-governmental organisations which, in the opinion of the independent body, have a relevant interest, and
 - (c) the public.
- 30 (5) The assessment shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade agreement, including—
- (a) social,
 - (b) economic,
 - (c) environmental,
 - (d) gender,
 - (e) equalities,
 - 35 (f) climate change,
 - (g) human rights,
 - (h) labour,
 - (i) development, and
 - (j) regional
- 40 impacts.
- (6) In conducting negotiations on the future relationship with the EU, a Minister of the Crown must seek to achieve the objectives set out in the negotiating mandate approved under subsection (1)(b).
- 45 (7) After the end of each reporting period, a Minister of the Crown must—
- (a) lay before each House of Parliament a report on the progress made, by the end of the period, in negotiations on the future relationship with the EU, including—
 - 50 (i) the Minister’s assessment of the extent to which the outcome of those negotiations is likely to reflect the negotiating mandate approved under subsection (1)(b), and
 - (ii) if the Minister’s assessment is that the future relationship with the EU is, in any respect, not likely to reflect that mandate, an explanation of why that is so, and
 - (b) lay before each House of Parliament the latest rounds of negotiating texts, by the end of each reporting period, and
 - 55 (c) provide a copy of the report to the Presiding Officer of each of the devolved legislatures and to—
 - (i) the Scottish Ministers,
 - (ii) the Welsh Ministers, and

European Union (Withdrawal Agreement) Bill, *continued*

- 60 (iii) the First Minister and deputy First Minister in Northern Ireland
or the Executive Office in Northern Ireland.
- (8) Subsections (9) to (13) apply if, in the opinion of a Minister of the Crown, an
agreement in principle has been reached with the EU on a treaty the principal
purpose of which is to deal with all or part of the future relationship with the EU.
- 65 (9) A Minister of the Crown must lay before each House of Parliament—
(a) a statement that political agreement has been reached, and
(b) a copy of the negotiated future relationship treaty.
- (10) Prior to the laying of the text of the proposed treaty, the Secretary of State must
70 have consulted with each devolved administration on the text of the proposed
agreement and taken their views into account, with special consideration given to
matters relating to devolved competences.
- (11) Prior to considering a motion approving the text of the negotiated future
relationship treaty, the Government must lay before each House of Parliament a
75 response to any report by a relevant Parliamentary committee (such as the Exiting
the EU select committee) containing a recommendation in relation to the
ratification of the agreement.
- (12) A treaty in the same form, or to substantially the same effect, as the negotiated
future relationship treaty may be ratified only if the negotiated future relationship
80 treaty has been approved by a resolution of the House of Commons on an
amendable motion moved by a Minister of the Crown and—
(a) the House of Lords has not resolved, within the period of 14 Lords sitting
days beginning with the day on which the negotiated future relationship
treaty is laid before that House, that any treaty resulting from it should
not be ratified, or
85 (b) if the House of Lords has so resolved within that period, a Minister of the
Crown has laid before each House of Parliament a statement indicating
that the Minister is of the opinion that the treaty should nevertheless be
ratified and explaining why.
- (13) Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be
90 laid before Parliament before ratification) does not apply in relation to a treaty if
subsection (11) applies in relation to the ratification of that treaty.”

Member’s explanatory statement

This new clause ensures that MPs get a guaranteed vote with an amendable motion on the EU-UK Future Relationship and negotiating objectives, and sets out scrutiny of the negotiating mandate. It requires a sustainability impact assessment of the future relationship; the regular release of negotiation texts; and engagement with devolved administrations.

As an Amendment to Caroline Lucas’s proposed New Clause (*Parliamentary approval of the future relationship*) (NC6):—

Debbie Abrahams
Dr Philippa Whitford

Line 39, after “(j) regional” insert “(k) health”

(a)

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

NC11

To move the following Clause—

“Consent and the Ireland/Northern Ireland Protocol

- (1) Nothing in this Act affects section 4(5) and 42 of the Northern Ireland Act 1998.
- (2) Accordingly, if 30 of its members petition the Northern Ireland Assembly expressing their concern about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support.
- (3) “Cross-community support” in relation to a vote in the Northern Ireland Assembly on any matter, means—
 - (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
 - (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting.
- (4) “Designated Nationalist” means a member designated as a Nationalist in accordance with standing orders of the Northern Ireland Assembly and “designated Unionist” is construed accordingly.”

Member’s explanatory statement

This new Clause re-states the existing law on the operation of cross-community support in votes of the Northern Ireland Assembly.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

NC12

To move the following Clause—

“Consent and the Ireland/Northern Ireland Protocol (No. 2)

- (1) Notifying the European Union of the outcome of the democratic consent processes under Article 18 of the Ireland/Northern Ireland Protocol is a matter for the Government of the United Kingdom under paragraph 3 of Schedule 2 to the Northern Ireland Act 1998.
- (2) The Government of the United Kingdom must seek to apply any democratic consent process under or in connection with the Withdrawal Agreement in conformity with existing practice on votes requiring cross-community support in the Northern Ireland Assembly.

European Union (Withdrawal Agreement) Bill, *continued*

- (3) The Government of the United Kingdom must accordingly seek to withdraw and replace any parts of the Declaration of 17 October 2019 by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the Democratic consent in Northern Ireland provision of the Protocol on Ireland/Northern Ireland which conflict with the existing practice on votes of the Northern Ireland Assembly requiring cross-community support."

Member's explanatory statement

Paragraph 3(a) of the Declaration of 17 October 2019 by Her Majesty's Government concerning the operation of the Democratic consent in Northern Ireland provision of the Ireland/Northern Ireland Protocol requires a threshold of a majority of members of the Northern Ireland Assembly present and voting. This new Clause seeks to replace that threshold with the normal cross-community support process.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC13

To move the following Clause—

“UK internal market

- (1) The Government of the United Kingdom must maintain and strengthen the integrity and smooth operation of the internal market of the United Kingdom of Great Britain and Northern Ireland.
- (2) Accordingly it is a priority for the Government of the United Kingdom in negotiations on the future relationship with the EU to reach agreement to supersede any provisions of the Ireland/Northern Ireland Protocol which impede or conflict with the duty in subsection (1).”

Member's explanatory statement

This new Clause seeks to replace any provisions of the Ireland/Northern Ireland Protocol which fail to maintain and strengthen the integrity and smooth operation of the internal market of the United Kingdom of Great Britain and Northern Ireland.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC14

To move the following Clause—

“Sovereignty and Northern Ireland

- (1) Nothing in this Act contradicts Article 6 of the Union with Ireland Act 1800.
- (2) Accordingly, Her Majesty’s subjects of Great Britain and Northern Ireland are entitled to the same privileges, and to be on the same footing as to encouragements and bounties on the like articles, being the growth, produce, or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and that in all treaties made by Her Majesty, her heirs, and successors, with any foreign power, Her Majesty’s subjects of Northern Ireland shall have same the privileges, and be on the same footing as Her Majesty’s subjects of Great Britain.”

Member’s explanatory statement

This new Clause re-states the fundamental constitutional principle of unfettered trade between Northern Ireland and Great Britain.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC15

To move the following Clause—

“Sovereignty and Northern Ireland (No.2)

- (1) Nothing in this Act affects the status of Northern Ireland set out in section 1 of the Northern Ireland Act 1998.
- (2) Accordingly, Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to the Northern Ireland Act 1998.”

Member’s explanatory statement

This new Clause re-states the fundamental constitutional principle of Northern Ireland remaining part of the United Kingdom, unless a majority of the people of Northern Ireland vote to decide otherwise.

European Union (Withdrawal Agreement) Bill, *continued*

Liz Saville Roberts
Jonathan Edwards
Ben Lake
Hywel Williams

NC17

To move the following Clause—

“Objectives during negotiations

- (1) A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless—
 - (a) a statement on objectives for the future relationship with the EU has been approved by the House of Commons on a motion moved by a Minister of the Crown,
 - (b) a motion for the House of Lords to take note of that statement has been moved in that House by a Minister of the Crown,
 - (c) a motion relating to that statement has been approved by a resolution of the National Assembly for Wales,
 - (d) a motion relating to that statement has been approved by a resolution of the Scottish Parliament,
 - (e) a motion relating to that statement has been approved by a resolution of the Northern Ireland Assembly.
- (2) Notwithstanding subsection 1(e), a Minister of the Crown may engage in negotiations on the future relationship with the EU if the Northern Ireland Assembly has not approved the appointment of a First Minister and deputy First Minister within six weeks of the day on which this Act is passed.”

Member’s explanatory statement

This new clause would require the Government to seek the consent of all the parliaments of the UK for its objectives during negotiations on the future relationship with the EU.

Mr David Davis

NC21

To move the following Clause—

“International trade

- (1) The Government shall, during the implementation period, use its flexibilities under Article 129(4) of the Withdrawal Agreement to negotiate trade agreements with other parties.
- (2) The Government shall, from 1 February 2020, and subject to the procedures for participation in the World Trade Organisation (WTO), exercise full rights as an individual member of the WTO and shall seek to—
 - (a) join any relevant committees and sub-committees that serve the UK’s national interest, and
 - (b) speak in the WTO on all matters that serve the UK’s national interest, notwithstanding the Duty of Sincere Co-operation under Article 4(3) of

European Union (Withdrawal Agreement) Bill, *continued*

the Treaty on European Union and the Common Commercial Policy which are applicable during the implementation period.”

Member’s explanatory statement

This new clause would mandate the Government to participate actively in the World Trade Organisation to serve the UK’s national interest.

Stephen Farry
Sir Jeffrey M Donaldson
Sammy Wilson
Jim Shannon
Ian Paisley
Carla Lockhart

NC22

To move the following Clause—

“Joint Committee representation from Northern Ireland

After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

“15BA Joint Committee representation from Northern Ireland

The United Kingdom delegation to the Joint Committee must always include representation from Northern Ireland, namely either—

- (a) a representative agreed jointly by the First Minister and deputy First Minister, or
- (b) in period when there is no Northern Ireland Executive, a representative nominated by the Head of the Northern Ireland Civil Service.”

Member’s explanatory statement

This new clause would require Northern Ireland to be represented on the Joint Committee.

European Union (Withdrawal Agreement) Bill, *continued*

Stephen Farry
 Sir Jeffrey M Donaldson
 Sammy Wilson
 Jim Shannon
 Ian Paisley
 Carla Lockhart

NC23

To move the following Clause—

“Joint Committee and the Belfast Agreement

After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

“15BB Joint Committee and the Belfast Agreement

The United Kingdom representatives on the Joint Committee must have due regard for all aspects of the Belfast Agreement within their work.””

Member’s explanatory statement

This new clause would require UK representatives on the Joint Committee to have due regard for all aspects of the 1998 Belfast (Good Friday) Agreement within their work.

Stephen Farry
 Sir Jeffrey M Donaldson
 Sammy Wilson
 Jim Shannon
 Ian Paisley
 Carla Lockhart

NC24

To move the following Clause—

“Joint Committee and Article 50 phase 1 report

After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

“15BC Joint Committee and Article 50 phase 1 report

The United Kingdom representatives on the Joint Committee must have due regard within their work to the UK government commitments in the joint report from the negotiators of the EU and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union.””

Member’s explanatory statement

This new clause would require UK representatives on the Joint Committee to have due regard within their work to the UK government commitments in the joint report of 8 December 2017 from the negotiators of the EU and the UK on phase 1 of the Article 50 negotiations, including its references to unfettered access for Northern Ireland businesses to the whole of the United Kingdom internal market.

European Union (Withdrawal Agreement) Bill, *continued*

Stephen Farry
Sir Jeffrey M Donaldson
Sammy Wilson
Jim Shannon
Ian Paisley
Carla Lockhart

NC25

To move the following Clause—

“Specialised Committee on the Ireland/Northern Ireland Protocol Group representation from Northern Ireland

After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

“15BD Specialised Committee on the Ireland/Northern Ireland Protocol Group representation from Northern Ireland

The United Kingdom delegation on the Specialised Committee on the Ireland/Northern Ireland Protocol Group must always include representation from Northern Ireland, either—

- (a) agreed jointly by the First Minister and deputy First Minister, or
- (b) in period when there is no Northern Executive, nominated by the Head of the Northern Ireland Civil Service.”

Member’s explanatory statement

This new clause would require Northern Ireland to be represented on the Specialised Committee on the Ireland/Northern Ireland Protocol Group established under Article 14 of the Ireland/Northern Ireland Protocol.

Stephen Farry
Sir Jeffrey M Donaldson
Sammy Wilson
Jim Shannon
Ian Paisley
Carla Lockhart

NC26

To move the following Clause—

“Joint Consultative Working Group representation from Northern Ireland

After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

“15BE Joint Consultative Working Group representation from Northern Ireland

The United Kingdom representatives on the Joint Consultative Working Group must always include representation from Northern Ireland, either—

- (a) agreed jointly by the First Minister and deputy First Minister, or

European Union (Withdrawal Agreement) Bill, *continued*

- (b) in period when there is no Northern Executive, nominated by the Head of the Northern Ireland Civil Service.””

Member’s explanatory statement

This new clause would require Northern Ireland to be represented on the Joint Consultative Working Group established under Article 15 of the Ireland/Northern Ireland Protocol.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC39

To move the following Clause—

“Fisheries

- (1) Ministers of the Crown have as an objective in negotiations with the EU on the future relationship preserving, protecting and promoting the future of the fisheries industry based in Northern Ireland.
- (2) In order to promote unfettered access of Northern Ireland fishermen to the UK internal market, Ministers must seek an agreement with the EU that fish caught in compliance with UK fisheries policy by trawlers based in Northern Ireland and landed in UK harbours for the UK internal market will not require after the end of the implementation period any more documentation than was required before exit day.”

Member’s explanatory statement

This new clause aims to address a specific example of unfettered access in order to avoid an increase in paperwork being required for the Northern Ireland fishing industry after the UK leaves the EU.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC40

To move the following Clause—

“State aid

- (1) The UK Government must exercise its responsibilities for implementing and applying the provisions of Union law under Article 12 of the Protocol on Ireland/ Northern Ireland in accordance with this section.

European Union (Withdrawal Agreement) Bill, *continued*

- (2) The UK Government must, when exercising its responsibilities with respect to Article 10 of the Protocol (State aid) in relation to a Northern Ireland product, take no account of whether any products originating from Great Britain that are contained in that Northern Ireland product may have received state aid.”

Member’s explanatory statement

This new clause would provide that any state aid provided to GB products that are included in Northern Ireland products cannot be taken into account when the UK Government assesses the state aid status of those NI products.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson

Paul Girvan

Carla Lockhart

NC41

To move the following Clause—

“Regulatory divergence

- (1) The Competition and Markets Authority must at intervals of not more than 12 months publish an assessment as to whether the effect of any regulatory divergence between the UK and the EU has been to place Northern Ireland businesses at a competitive disadvantage within the UK internal market that would constitute grounds for the UK to take safeguard measures under paragraph 1 of Article 16 of the Protocol on Ireland/Northern Ireland.
- (2) The first assessment under subsection (1) shall be published no later than 12 months after the last day of the implementation period.
- (3) If the Competition and Markets Authority makes an assessment under subsection (1) that the effect of any regulatory divergence is that there are grounds for the UK to take safeguard measures, the UK Government must within three months of receiving that assessment take safeguard measures under Article 16 of the Protocol that are in its opinion sufficient to remedy the competitive disadvantage.
- (4) The Competition and Markets Authority shall report its opinion as to the adequacy and effectiveness of any safeguard measures under subsection (3) when making its next assessment under subsection (1).”

Member’s explanatory statement

This new clause would require regular assessments by the CMA as to whether regulatory divergence between the UK and the EH has put Northern Ireland businesses at a serious competitive disadvantage, and in the event of such a finding would require the Government to remedy that disadvantage.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley
 Gavin Robinson

Paul Girvan

Carla Lockhart

NC42

To move the following Clause—

“Specialised Committees

- (1) Representatives of the United Kingdom attending specialised committees convened under Article 165 of the Withdrawal Agreement have a duty to represent the interests of Northern Ireland as an integral part of the United Kingdom.
- (2) The United Kingdom Government must make arrangements for the Northern Ireland Executive to nominate at least one representative to the specialised committee on issues related to the implementation of the Ireland/Northern Ireland Protocol (see Article 165 (v) of the withdrawal agreement and Article 14 of the Protocol) and to each of the other specialised committees.
- (3) In the absence of a Northern Executive, the Secretary of State must nominate representatives under subsection (2) after consulting the political parties comprising Members elected to the Northern Ireland Assembly.”

Member’s explanatory statement

This new clause would ensure Northern Ireland representation on the specialised committees established under the Withdrawal Agreement.

Stuart C McDonald
 Ian Blackford
 Joanna Cherry
 Patrick Grady

NC43

To move the following Clause—

“Asylum claims after exit day

A Minister of the Crown must seek to negotiate, on behalf of the United Kingdom, an agreement with the EU which, after the United Kingdom’s withdrawal from the EU, secures outcomes matching as closely as possible those which applied before exit day under Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).”

Member’s explanatory statement

This new clause seeks to maintain the status quo for applications for international protection lodged by a third-country national or a stateless person under the Dublin III process.

European Union (Withdrawal Agreement) Bill, *continued*

Stephen Farry
Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Gavin Robinson

Paul Girvan

Carla Lockhart

NC44

To move the following Clause—

“Preventing discrimination

- (1) A power of a Minister of the Crown under the law of England and Wales or of Scotland to make, confirm or approve subordinate legislation may not be exercised, on or after IP completion day, in a way that would result in law that treats qualifying NI goods differently from GB good, unless the difference in treatment is justified as mentioned in subsection (2).
- (2) A difference in treatment is justified only if it is shown to be necessary and can deliver material benefits for the purposes of—
 - (a) protecting health of life of humans, animals or plants, or the environment,
 - (b) protecting national security, or
 - (c) ensuring that those involved in the production, supply or use of qualifying NI goods are put in a position that is no less favourable overall than those involved in the production, supply or use of GB goods.
- (3) Subsection (1) applies to a power whether conferred before, on or after IP completion date.
- (4) A Minister of the Crown must by regulations define ‘GB goods’ for the purposes of this section.”

Member’s explanatory statement

This new clause would prevent a Minister of the Crown under the law of England and Wales or of Scotland using the power to make, confirm or approve subordinate legislation, on or after IP completion day, in a way that would result in law that treats qualifying NI goods differently from GB goods, unless the difference in treatment is justified as mentioned in subsection (2).

European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
 Mr Alistair Carmichael
 Daisy Cooper
 Tim Farron
 Christine Jardine
 Sarah Olney

Munira Wilson
 Layla Moran

Wendy Chamberlain
 Jamie Stone

Wera Hobhouse

NC47

To move the following Clause—

“Accountability of the Joint Committee

After section 18 of the European Union (Withdrawal) Act 2018 insert—

“18A Accountability of the Joint Committee

- (1) A motion appointing the United Kingdom’s co-chair of the Joint Committee shall be laid before and approved by both Houses of Parliament.
- (2) The United Kingdom’s co-chair of the Joint Committee shall always request that, unless for reasons of national security, all meetings of the Joint Committee are conducted in public.
- (3) As far as is permitted by Rule 10 of Annex VIII to the withdrawal agreement, a Minister of the Crown must publish all decisions and recommendations adopted by the Joint Committee.
- (4) Before attending each session of the Joint Committee a Minister of the Crown shall make an oral statement to the House of Commons setting out—
 - (a) the purpose and agenda of that Joint Committee meeting;
 - (b) the intended policy to be pursued by the Minister attending that Joint Committee meeting; and
 - (c) as far as possible the economic, social and environmental impact of any proposition to be determined at the Joint Committee.”

Member’s explanatory statement

This new clause requires the UK’s co-chair of the Joint Committee to be approved by Parliament, to ask the EU for Joint Committee meetings to be held in public where possible, for decisions of the Joint Committee to be published, and for a Minister to make a statement to the House of Commons ahead of each Joint Committee meeting.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Colum Eastwood
Claire Hanna
Stephen Farry

Jim Shannon
Paul Girvan

Ian Paisley
Carla Lockhart

Gavin Robinson

NC52

To move the following Clause—

“Meaning of ‘unfettered access’

- (1) In sections 21 and 22, ‘unfettered access’ for qualifying Northern Ireland goods means that businesses in Northern Ireland must continue to be able to sell their qualifying goods to Great Britain without tariffs, origin requirements, regulatory import controls, dual authorisations or discrimination in the market.
- (2) Northern Ireland businesses shall enjoy the rights under subsection (1) regardless of whether they trade directly with Great Britain or trade via Dublin port.”

Member’s explanatory statement

This new clause defines what ‘unfettered access’ means for the purposes of Amendments 12 and 16.

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Colum Eastwood
Claire Hanna
Stephen Farry

Jim Shannon
Paul Girvan

Ian Paisley
Carla Lockhart

Gavin Robinson

NC53

To move the following Clause—

“Duty of consultation when making regulations in connection with the Ireland/Northern Ireland Protocol

Before making regulations under sections 21 and 22, the Government and the devolved authorities must consult, and take account of the views of, the Northern Ireland Executive.”

Member’s explanatory statement

This new clause would require the UK Government and the devolved authorities to consult and take account of the views of the Northern Ireland Executive before making regulations which could affect Northern Ireland’s place within the UK internal market.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Colum Eastwood
 Claire Hanna
 Stephen Farry

Jim Shannon
 Paul Girvan

Ian Paisley
 Carla Lockhart

Gavin Robinson

NC54

To move the following Clause—

“Consent for any new trade frictions

- (1) Regulations that would introduce new requirements on goods traded from Northern Ireland to Great Britain (including, but not restricted to, import customs declarations or origin checks) may not come into force without the consent of the Northern Ireland Assembly.
- (2) No additional official or administrative costs consequent on any such regulations may be recouped from the private sector.”

Member’s explanatory statement

This new clause would require the consent of the Northern Ireland Assembly before further trade frictions are imposed from Northern Ireland to Great Britain and would protect Northern Ireland businesses from paying for the administrative costs.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Colum Eastwood
 Claire Hanna
 Stephen Farry

Jim Shannon
 Paul Girvan

Ian Paisley
 Carla Lockhart

Gavin Robinson

NC55

To move the following Clause—

“Northern Ireland’s place in the UK internal market

- (1) As part of its obligation under Article 6.2 of the Protocol on Ireland/Northern Ireland to use its best endeavours to facilitate trade between Northern Ireland and other parts of the UK, the UK Government must—
 - (a) publish an assessment at least every 12 months of any negative impacts on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and
 - (b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.
- (2) The assessment published under paragraph (1)(a) must include assessment of the impact of any actual or proposed regulatory or trade policy divergence on Northern Ireland’s place in the UK Internal Market.

European Union (Withdrawal Agreement) Bill, *continued*

- (3) Any official or administrative costs arising from the duties under subsections (1) and (2) may not be recouped from the private sector.”
-

Colum Eastwood
Claire Hanna
Stephen Farry

NC57

To move the following Clause—

“Consultation with the British Irish Council

The British Irish Council must be consulted prior to any proposed changes in standards relating to food, the environment or employment in the process of negotiations for new trading relations between the United Kingdom and the European Union.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC58

To move the following Clause—

“Consultation with the British Irish Council (No. 2)

The British Irish Council must be consulted prior to any proposed changes in the United Kingdom’s devolution settlement as a direct result of the United Kingdom leaving the European Union, or any changes to the devolution settlement resulting from future trade agreements.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC60

To move the following Clause—

“Establishment of a mitigation package

- (1) The United Kingdom Government must guarantee and fund the establishment of a mitigation package for businesses and communities in Northern Ireland.
 - (2) The impact and success of this fund shall be reviewed by an independent economic body every six months.
 - (3) The fund must be established in consultation with the devolved administration in Northern Ireland.”
-

European Union (Withdrawal Agreement) Bill, *continued*

Colum Eastwood
Claire Hanna

NC61

To move the following Clause—

“Provision for EU Referendum in Northern Ireland

- (1) Provision must be made to allow for Northern Ireland with the consent of a majority of people in Northern Ireland voting in a poll held for the purpose, to remain or (as the case may be) to join the European Union.
 - (2) If the expressed wish by a majority in such a poll is for Northern Ireland to remain or join the European Union, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as are agreed between Her Majesty’s Government in the United Kingdom and the Government of Ireland.
 - (3) This section comes into effect only after a Legislative Consent Motion has been approved by the Northern Ireland Assembly.”
-

Colum Eastwood
Claire Hanna
Stephen Farry

NC62

To move the following Clause—

“Requirements for consent under the Northern Ireland Act

No provision related to or interacting with the devolved competence of a Northern Ireland department for the purposes of this Act shall commence until a Legislative Consent Motion has been approved by the Northern Ireland Assembly.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC63

To move the following Clause—

“Border Impact Assessment

- (1) The United Kingdom Government must work jointly with and commission, alongside the Government of Ireland and the Northern Ireland administration, an economic impact assessment on the border regions between the Republic of Ireland and Northern Ireland.
 - (2) This impact assessment must include recommendations on economic support and investment required to aid these regions after the United Kingdom leaves the European Union.”
-

European Union (Withdrawal Agreement) Bill, *continued*

Colum Eastwood
Claire Hanna
Stephen Farry

NC64

To move the following Clause—

“Role of Devolved Administrations in trade negotiations

The Northern Ireland administration, alongside other devolved governments and administrations, must have a formal role in all new trade negotiations conducted by the United Kingdom Government.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC65

To move the following Clause—

“Trade Agreement

The Northern Ireland Assembly must give legislative consent for any new trade agreement reached by the United Kingdom Government before new trading rules and standards are enacted.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC66

To move the following Clause—

“Maintaining EU Alignment

The United Kingdom Government must provide an annual analysis to the devolved administrations and governments as to what measures they can enact to ensure maximum regulatory alignment with the European Union standards as the EU’s laws are updated and enhanced.”

European Union (Withdrawal Agreement) Bill, *continued*

CLAUSES 38 TO 40; SCHEDULE 4; CLAUSE 41; SCHEDULE 5; CLAUSE 42; NEW CLAUSES RELATING TO PART 5; NEW SCHEDULES RELATING TO PART 5

Jeremy Corbyn
Keir Starmer
Paul Blomfield
Thangam Debbonaire
Valerie Vaz
Mr Nicholas Brown

Kerry McCarthy

Preet Kaur Gill

11

Clause **38**, page **37**, line **24**, at end insert “and has been so during the period since the passage of the European Communities Act 1972.”

Stephen Farry

35

Clause **38**, page **37**, line **39**, at end insert “insofar as future primary legislation may expressly repeal all or any provisions of this Act, but only to that extent.”

Member’s explanatory statement

This amendment would ensure that existing and future primary legislation that impliedly repealed Section 7A, etc of the European Union (Withdrawal) Act 2018 would be invalid, despite the doctrine of parliamentary sovereignty.

Ian Blackford
Peter Grant
Joanna Cherry
Kirsty Blackman
Stuart C McDonald
Patrick Grady

Tommy Sheppard

Stewart Hosie

Dr Philippa Whitford

8

Clause **42**, page **40**, line **13**, leave out “Scotland”

Member’s explanatory statement

This amendment would dis-apply this bill to Scotland.

Ian Blackford
Peter Grant
Joanna Cherry
Kirsty Blackman
Stuart C McDonald
Patrick Grady

Tommy Sheppard

Stewart Hosie

Dr Philippa Whitford

9

Clause **42**, page **41**, line **6**, leave out from “force” to end of line 6 and insert “only when each House of Parliament has approved a motion tabled by a Minister of the Crown

European Union (Withdrawal Agreement) Bill, continued

considering a ministerial economic impact assessment of the commencement of this Act.”

Member’s explanatory statement

This amendment would require the House to endorse an economic impact assessment of measures this bill would implement.

Ian Blackford
Peter Grant
Joanna Cherry
Kirsty Blackman
Stuart C McDonald
Patrick Grady

Tommy Sheppard

Stewart Hosie

Dr Philippa Whitford
NC7

To move the following Clause—

“Legislative Consent Motions

This Act may only come into force once a Legislative Consent Motion relating to this Act has been approved by the devolved legislatures of Scotland, Wales and Northern Ireland.”

Member’s explanatory statement

This new clause would require this Bill to have gained consent of the devolved legislatures before coming into effect.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse
Stephen Farry

NC28

To move the following Clause—

“Conditional approval subject to a confirmation referendum

- (1) The condition in this subsection is that a further referendum has been held on the UK’s withdrawal from the European Union in which the electorate has been offered two options—
- (a) the option for the UK to leave the European Union in accordance with the withdrawal agreement and a framework for the future relationship; and
 - (b) the option for the UK to remain in the European Union on existing membership terms

and that the Chief Returning Officer has certified that a majority of voters has supported the option for the UK to leave the European Union in accordance with the withdrawal agreement and the framework for the future relationship.

European Union (Withdrawal Agreement) Bill, *continued*

- (2) If the condition in subsection (1) has been fulfilled, then—
- (a) the approval of the withdrawal agreement by the House of Commons required under section 13(1)(b) of the European Union (Withdrawal) Act 2018 is deemed to have been given;
 - (b) the House of Lords is deemed to have debated the motion required under section 13(1) of the European Union (Withdrawal) Act 2018;
 - (c) the European Union (Withdrawal Agreement) Act 2019 is, for the purposes of section 13(1)(d) of the European Union (Withdrawal) Act 2018, an Act of Parliament which contains provision for the implementation of the withdrawal agreement;
 - (d) the Government must ratify the withdrawal agreement within the period of three days beginning on the day after certification by the Chief Returning Officer under subsection (1); and
 - (e) requirements in section 20 of the Constitutional Reform and Governance Act 2010 (Treaties to be laid before Parliament before ratification) do not apply to the withdrawal agreement (but this does not affect whether that section applies to any modification of the withdrawal agreement)."

Member's explanatory statement

This new clause would require the Government to give the public the final say on Brexit through a people's vote, with the choice between leaving under the terms of the withdrawal agreement and remaining in the EU.

*REMAINING NEW CLAUSES, REMAINING NEW SCHEDULES, REMAINING PROCEEDINGS
IN COMMITTEE ON THE BILL*

Jeremy Corbyn
Keir Starmer
Paul Blomfield
Thangam Debbonaire
Valerie Vaz
Mr Nicholas Brown

Nick Thomas-Symonds
Helen Hayes
Preet Kaur Gill

Debbie Abrahams
Caroline Lucas
Afzal Khan

Kerry McCarthy
Anna McMorrin

NC2

To move the following Clause—

“Protecting workers’ rights

- (1) It shall be an objective of the Government to secure an agreement with the European Union that achieves the following outcomes—
- (a) that the United Kingdom will not introduce any measure which would have the effect of reducing in any way the protection provided by any Retained EU Worker Rights after IP completion day;
 - (b) that the United Kingdom shall take all steps necessary to ensure that, from exit day, all Retained EU Worker Rights will continue to have at least the same level of protection in the United Kingdom as is applicable in other Member States;
 - (c) that where, after IP completion day, the European Union brings into force or effect any New EU Workers’ Rights, the result and legal consequences in the United Kingdom of those New EU Workers’ Rights shall be the

European Union (Withdrawal Agreement) Bill, *continued*

- same as if those New EU Workers' Rights had been Workers' Rights brought into force and effect by the European Union before IP completion day;
- (d) that those parts of the Treaties which, before IP completion day, provide for any matter concerning the interpretation of Workers Rights in any part of the United Kingdom to be determined by the Court of Justice of the European Union shall continue to apply to the United Kingdom or such part of the United Kingdom to the same extent after IP completion day;
 - (e) that after IP completion day, the procedural rules, including limitation periods, rules of courts and tribunals and remedies, governing actions for safeguarding New EU Workers' Rights and Retained EU Worker Rights in the United Kingdom shall continue to be no less favourable than the procedural rules governing similar actions under United Kingdom law;
 - (f) that nothing in this clause shall prevent the United Kingdom from introducing amendments to Workers' Rights for the purpose of making such provisions more favourable to the protection of workers;
 - (g) that the terms at (a) to (f) shall have direct effect and shall be recognised and available in law and be capable of enforcement by individuals and their trade unions in courts and tribunal.
- (2) Subsections (3) and (4) cease to apply if the Government has secured an agreement with the European Union that achieves the objective in subsection (1).
 - (3) A Minister of the Crown must make an oral statement to the House of Commons on the objective in subsection (1)—
 - (a) within three months of this Act coming into force;
 - (b) at least as frequently as every 28 days thereafter.
 - (4) Each statement made under subsection (3) must set out—
 - (a) the steps taken by the Government, and the progress made in negotiations with the European Union, for the purpose of achieving the objective in subsection (1); and
 - (b) whether in the Minister's opinion an agreement with the European Union achieving the objective of subsection (1) is likely to be achieved by IP completion day and, if not, setting out the reasons for this.
 - (5) For the purpose of this section—
 - “New EU Worker Right” means any Workers' Rights—
 - (a) which Member States are obliged to confer by an EU directive published in the Official Journal of the European Union on or after IP completion day; or
 - (b) that are conferred by an EU regulation or other instrument published in the Official Journal of the European Union on or after IP completion day; or
 - (c) that arise out of a judgment of the Court of Justice of the European Union on or after IP completion day;
 and shall include any improvement to a Workers' Right which existed before IP completion day;
 - “Retained EU Worker Rights” means Workers' Rights which—
 - (a) immediately before IP completion day, the United Kingdom was obliged to confer by virtue of the Treaties and the EU directives listed in Schedule 1, or which were, without further enactment, given legal effect in the United Kingdom; and
 - (b) on IP completion day, continued to have effect in any part of the United Kingdom;

European Union (Withdrawal Agreement) Bill, *continued*

“Workers’ Rights” means rights of individuals, classes of individuals and their trade unions, in all areas of labour protection including—

- (a) fundamental rights at work, including all forms of discrimination;
- (b) fair working conditions and employment standards;
- (c) information and consultation rights;
- (d) restructuring of undertakings and acquired rights; and
- (e) health and safety at work.

“Exit day” shall have the same meaning as in the European Union (Withdrawal) Act 2018.

“IP completion day” shall have the same meaning as in the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause would require the Government to negotiate a comprehensive agreement with the EU protecting workers’ rights.

Jeremy Corbyn
Keir Starmer
Paul Blomfield
Thangam Debbonaire
Valerie Vaz
Mr Nicholas Brown

Nick Thomas-Symonds
Helen Hayes

Debbie Abrahams
Caroline Lucas

Kerry McCarthy
Preet Kaur Gill

NC3

To move the following Clause—

“Future relationship: Customs Union and Single Market

- (1) It shall be an objective of the Government to secure an agreement with the European Union that achieves the following outcomes—
 - (a) a permanent and comprehensive UK-wide customs union involving alignment with the Union customs code, a common external tariff and an agreement on commercial policy that includes a UK say on future EU trade deals;
 - (b) close alignment with the single market, underpinned by shared institutions and obligations, with clear arrangements for dispute resolution;
 - (c) dynamic alignment on rights and protections so that UK standards keep pace with evolving standards across the EU as a minimum;
 - (d) UK participation in EU agencies and funding programmes; and
 - (e) Close cooperation on security including access to the European Arrest warrant and databases such as EUROPOL and SIS II.”
-

European Union (Withdrawal Agreement) Bill, continued

Ian Blackford
 Peter Grant
 Joanna Cherry
 Kirsty Blackman
 Stuart C McDonald
 Patrick Grady

Tommy Sheppard
 Caroline Lucas

Stewart Hosie

Dr Philippa Whitford

NC8

To move the following Clause—

“Maintaining the UK’s place in the Single Market and Customs Union

- (1) It shall be an objective of the Government to maintain the United Kingdom’s status within the Single Market and Customs Union of the European Union within the framework of the future relationship between the United Kingdom and European Union.
- (2) A Minister shall lay before each House of Parliament a progress report on aims noted in subsection (1).”

Member’s explanatory statement

This new clause ensures that the UK Government will negotiate for the maintenance of the United Kingdom’s membership of the single market and customs union.

Debbie Abrahams

NC9

To move the following Clause—

“Probity of Ministers of the Crown in relation to UK withdrawal from EU

- (1) Every Minister of the Crown has a duty to comply with the seven principles of public life (the Nolan principles) set out by the Committee on Standards in Public Life, which are honesty, integrity, selflessness, objectivity, leadership, accountability and openness.
- (2) Each Minister of the Crown holding office on or after the date in which this Act is passed must make a personal declaration to the Clerk of the Crown that he or she has fully complied with the Nolan principles in relation to the United Kingdom’s withdrawal from the European Union.
- (3) The declaration in subsection (2) must be made by each Minister of the Crown before 31 March 2020 and at least once in each subsequent three-month period up to and including 31 March 2021 in which a Minister of Crown holds Ministerial office.
- (4) The Lord Chancellor must lay before each House of Parliament by 30 April 2021 a report on the declarations made by each Minister of the Crown under subsection (2).
- (5) It is an offence to make knowingly a declaration under subsection (2) or a report under subsection (4) which is materially inaccurate.
- (6) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both, or

European Union (Withdrawal Agreement) Bill, *continued*

- (b) on conviction on indictment, to imprisonment for a term not exceeding five years.”

Layla Moran
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Wera Hobhouse
Caroline Lucas

Wendy Chamberlain
Jamie Stone

Sir Edward Davey
Stephen Farry

NC10

To move the following Clause—

“Implementation period negotiating objectives: Erasmus+

- (1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and the EU before the end of the implementation period that enables the UK to participate in all elements of the Erasmus+ programme on existing terms after the implementation period ends (“the Erasmus+ negotiations”).
- (2) A Minister shall lay before each House of Parliament a progress report on the Erasmus+ negotiations within six months of this Act being passed.”

Member’s explanatory statement

This new clause would require the Government to seek to negotiate continuing full membership of the EU’s Erasmus+ education and youth programme.

Liz Saville Roberts
Jonathan Edwards
Ben Lake
Hywel Williams

NC16

To move the following Clause—

“Economic impact assessment

- (1) A Minister of the Crown must—
- (a) lay before each House of Parliament and
 - (b) submit to the Presiding Officers of each devolved legislature a comprehensive economic impact assessment of potential outcomes arising from the conclusion of negotiations on the future relationship with the EU.
- (2) An assessment under subsection (1) must include—
- (a) an analysis by NUTS1 and NUTS2 regions of the United Kingdom including (but not limited to)—
 - (i) impact on employment as both a nominal figure and percentage, and

European Union (Withdrawal Agreement) Bill, *continued*

- (ii) impact on Gross Value Added;
- (b) a sectoral analysis including but not limited to agriculture, health and social care, manufacturing, the aerospace industry, and financial services.”

Member’s explanatory statement

This new clause would require the Government to produce an economic impact assessment on the future relationship negotiated with the European Union.

Mr David Davis

NC20

To move the following Clause—

“UK-EU trade agreement: mutual recognition and standards

- (1) The Government must, during and after the implementation period, seek as part of any future trade agreement between the United Kingdom and the European Union mutual recognition, adequacy or deemed equivalence arrangements across all product regulations and standards covered by the agreement in the following areas—
 - (a) goods,
 - (b) services,
 - (c) data protection,
 - (d) environmental standards,
 - (e) labour standards,
 - (f) professional qualifications, and
 - (g) any other technical regulations or standards which it seeks to negotiate.
- (2) Nothing in any trade agreement between the United Kingdom and the European Union shall prevent Parliament from enacting laws and setting technical regulations and standards within the United Kingdom.
- (3) “Technical regulations or standards” shall include any law, regulation or administrative action that affects the trade of goods, including agrifood and agricultural goods, including those covered by the World Trade Organisation’s Technical Barriers to Trade Agreement and the World Trade Organisation’s Sanitary and Phyto-Sanitary Agreement.”

Member’s explanatory statement

This new clause would mandate the Government to seek mutual recognition, adequacy or deemed equivalence arrangements on standards to be included in the future trade relationship, while preserving the right of Parliament to set laws and standards in the UK.

European Union (Withdrawal Agreement) Bill, *continued*

Debbie Abrahams
 Stephen Doughty
 Caroline Lucas
 Helen Hayes
 Kerry McCarthy
 Anna McMorrin

Preet Kaur Gill

NC27

To move the following Clause—

“Non-regression from EU standards

After section 14 (financial provision) of the European Union (Withdrawal) Act 2018 insert—

“14A Interpretation: “regressive”

- (1) In this section and sections 14B to 14D “regressive” means—
 - (a) reducing the level of protection provided by retained EU law in respect of a protected matter (specified in subsection (2)), or
 - (b) weakening governance processes associated with retained EU law in respect of a protected matter (specified in subsection (2)).
- (2) The protected matters are—
 - (a) the environment;
 - (b) food safety and other standards;
 - (c) the substance of REACH regulations; and
 - (d) animal welfare.

14B Primary legislation

- (1) A Minister of the Crown in charge of a Bill in either House of Parliament must, before Second Reading of the Bill—
 - (a) make a statement to the effect that in the Minister’s view the provisions of the Bill are not intended to have, and are not reasonably likely to have, a regressive effect, or
 - (b) make a statement that although provisions of the Bill are intended to have, or are reasonably likely to have, a regressive effect, the Government nevertheless wishes the House to proceed with the Bill.
- (2) If the Bill relates to environmental law—
 - (a) in preparing the statement the Minister must—
 - (i) consult the Office for Environmental Protection (“OEP”); and
 - (ii) publish their response, and
 - (b) if the OEP’s response asserts that provisions of the Bill are reasonably likely to have a regressive effect on environmental law, that response must also suggest how to avoid that effect.
- (3) A Minister who makes a statement under subsection (1)(b) must also—
 - (a) publish the reasons for including in the Bill provisions that are intended, or reasonably likely, to have a regressive effect (“regressive provisions”);

European Union (Withdrawal Agreement) Bill, *continued*

- (b) arrange for a motion to be moved in the House of Commons, before the Bill leaves that House, for a resolution that the House approves the inclusion of regressive provisions; and
- (c) arrange for a motion to be moved in the House of Lords, before the Bill leaves that House, for a resolution that the House approves the inclusion of regressive provisions.

14C Subordinate legislation

- (1) Regulations under this Act are unlawful if and to the extent that they are intended to have, or in practice are reasonably likely to have, a regressive effect.
- (2) A statutory instrument under any other Act which is made for the purposes of or in connection with the withdrawal of the UK from the EU is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.

14D Other action by public authorities

- (1) Any action taken by or on behalf of a Minister of the Crown under this Act is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.
- (2) Any action taken by or on behalf of a Minister of the Crown for the purposes of or in connection with the withdrawal of the UK from the EU is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.
- (3) A public authority exercising a function in respect of a protected matter must not exercise the function in a way that is intended to have, or in practice is reasonably likely to have, a regressive effect.

14E Guidance

The Secretary of State must publish guidance for government departments and other public authorities designed to ensure and facilitate the avoidance of action that would be unlawful by virtue of sections 14B to 14D.

14F Divergence tracking

- (1) In this section “divergence report” means a report containing—
 - (a) a summary of new EU environmental laws;
 - (b) a summary of steps taken by the Government in relation to the issues addressed by those laws;
 - (c) a summary of steps taken by the Government as set out in previous divergence reports;
 - (d) an independent review identifying any divergence between UK law and EU law in respect of those issues and recommending action to remedy the divergence;
 - (e) a statement of action Ministers propose to take; and
 - (f) if Ministers do not propose to give effect to the recommendations of the independent review, the reasons for that.
- (2) The Secretary of State must publish a divergence report—
 - (a) within the period of 6 months beginning with the date of commencement of this section; and

European Union (Withdrawal Agreement) Bill, *continued*

- (b) during each subsequent period of 6 months.
- (3) The Secretary of State must—
 - (a) prepare each divergence report in consultation with persons appearing to the Secretary of State to represent the interests of businesses, workers, public bodies and relevant non-governmental organisations;
 - (b) publish each divergence report;
 - (c) lay it before Parliament; and
 - (d) arrange for a motion to be moved in each House of Parliament, within the period of 28 sitting days beginning with the first sitting day after the date of publication of the report, for a resolution that the House approves the divergence report.
- (4) If a Committee of the House of Lords, or a Joint Committee of the House of Lords and the House of Commons, publishes a report relating to matters to be considered in a divergence report, the divergence report must contain Ministers' response to the Committee report.
- (5) If a motion in either House for the approval of a divergence report is not passed unamended, a Minister of the Crown must as soon as reasonably practicable publish a report—
 - (a) setting out the steps that Ministers intend to take to rectify any divergence between UK law and EU law in respect of environmental matters, and
 - (b) including, in particular, legislative proposals designed to remedy the divergence, together with a timetable and strategy for enacting the legislation.
- (6) In this section “independent review” means a review undertaken by a body established by regulations made by the Secretary of State for the purpose of reviewing new EU law and giving independent advice to Ministers about divergence.
- (7) Regulations under subsection (6)—
 - (a) may include provision about the membership, funding and proceedings of the body;
 - (b) may confer appointment and other functions on the Secretary of State or another specified person;
 - (c) may include incidental, supplemental, consequential and transitional provisions;
 - (d) must be made by statutory instrument; and
 - (e) may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (8) Provision about membership of the body under subsection (7)(a) must, in particular, aim to ensure the inclusion of individuals who are independent of the government and have relevant knowledge and experience including expertise in environmental law.”

Member's explanatory statement

This new clause aims to prevent of substantive regression from EU standards in legislation after leaving the EU.

European Union (Withdrawal Agreement) Bill, continued

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

NC29

To move the following Clause—

“Implementation period negotiating objectives: level playing-field

- (1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to secure agreements that achieve the following outcomes—
 - (a) close alignment with the European Union single market, underpinned by shared institutions and obligations, with clear arrangements for dispute resolution;
 - (b) dynamic alignment on rights and protections for workers, consumers and the environment so that UK standards at least keep pace with evolving standards across the EU as a minimum, and;
 - (c) participation in EU agencies and funding programmes, including for the environment, education, science, and industrial regulation.
- (2) A Minister of the Crown shall lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1) (a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

Member’s explanatory statement

This new clause would require the UK Government to seek close alignment with the EU single market on key level playing-field provisions such as workers’ rights and environmental and consumer standards and protections as part of its negotiations for the future relationship with the EU.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse
Caroline Lucas

NC30

To move the following Clause—

“Maintaining the UK’s place in the Single Market and Customs Union

- (1) It shall be an objective of the Government to maintain the United Kingdom’s status within the Single Market and Customs Union of the European Union within the framework of the future relationship between the United Kingdom and European Union.

European Union (Withdrawal Agreement) Bill, *continued*

- (2) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

Member’s explanatory statement

This new clause would require the UK Government to seek to keep the UK in the Single Market and the Customs Union as part of its negotiations for the future relationship with the EU.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

NC31

To move the following Clause—

“UK participation in the European medicines regulatory network

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the UK to fully participate after exit day in the European medicines regulatory network partnership between the European Union, European Economic Area and the European Medicines Agency.
- (2) “Exit day” shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.
- (3) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

Member’s explanatory statement

This new clause would require the UK Government to seek to maintain participation in the European medicines regulatory network as part of its negotiations for the future relationship with the EU.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

NC32

To move the following Clause—

“Maintaining the UK’s membership of Euratom

- (1) It shall be an objective of the Government to maintain the United Kingdom’s membership of the European Atomic Energy Community within the framework of the future relationship between the United Kingdom and European Union.
- (2) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”.

Member’s explanatory statement

This new clause would require the UK Government to seek to maintain the UK’s membership of Euratom as part of its negotiations for the future relationship with the EU.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

NC35

To move the following Clause—

“Implementation period negotiating objectives: security partnership

- (1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to secure agreements that achieve the following outcomes—
 - (a) continued UK participation in the European Arrest Warrant,
 - (b) continued UK membership of Europol and Eurojust, and
 - (c) continued direct access for UK agencies to the following EU data-sharing tools—
 - (i) the Second Generation Schengen Information System (SIS II),
 - (ii) the European Criminal Records Information System (ECRIS),
 - (iii) the Prüm Decisions,
 - (iv) Passenger Name Record (PNR), and
 - (v) the Europol Information System (EIS).

European Union (Withdrawal Agreement) Bill, *continued*

- (2) A Minister of the Crown shall lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1) (a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

Member’s explanatory statement

This new clause would require the UK Government to seek a comprehensive security partnership as part of its negotiations for the future relationship with the EU.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse
Stephen Farry

NC37

To move the following Clause—

“Public inquiry into the events leading up to withdrawal

- (1) A Minister of the Crown must, within the period of 6 months beginning with the day on which this Act is passed, cause an inquiry to be held under the Inquiries Act 2005 into the events leading up to the United Kingdom’s withdrawal from the EU.
- (2) The terms of reference of that inquiry, set out under section 5 of the Inquiries Act 2005, must include—
- (a) the Government’s decision to hold a referendum on EU membership in 2016,
 - (b) the financing and conduct of campaigners in the 2016 referendum,
 - (c) the Government’s decision to invoke Article 50 of the Treaty on European Union in March 2017,
 - (d) the Government’s strategy and approach to negotiating the United Kingdom’s withdrawal from the EU,
 - (e) the Government’s decision to also withdraw the United Kingdom from the European Atomic Energy Community,
 - (f) the Government’s decision to also end free movement of persons between the United Kingdom and the European Economic Area, and
 - (g) the Government’s decision not to hold a referendum on the terms of the United Kingdom’s withdrawal from the EU.”

Member’s explanatory statement

This new clause would require the Government to establish a statutory public inquiry into the events and decisions leading up to Brexit.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse
Stephen Farry

NC38

To move the following Clause—

“Independent review of the impact of withdrawal

- (1) The Secretary of State must arrange for an independent review of the impact of the United Kingdom’s withdrawal from the EU in relation to each of the following periods—
 - (a) the initial one-year period, and
 - (b) each subsequent three-year period.
- (2) A review must be completed as soon as practicable after the end of the period to which the review relates.
- (3) The review must consider the impact of the United Kingdom’s withdrawal from the EU on—
 - (a) the economy of the United Kingdom,
 - (b) national security,
 - (c) climate change and the environment,
 - (d) human rights, and
 - (e) social and economic rights.
- (4) As soon as practicable after a person has carried out a review in relation to a particular period, the person must—
 - (a) produce a report of the outcome of the review, and
 - (b) send a copy of the report to the Secretary of State.
- (5) The Secretary of State must lay before each House of Parliament a copy of each report sent under subsection (4)(b).
- (6) The Secretary of State may—
 - (a) make such payments as the Secretary of State thinks appropriate in connection with the carrying out of a review, and
 - (b) make such other arrangements as the Secretary of State thinks appropriate in connection with the carrying out of a review (including arrangements for the provision of staff, other resources and facilities).
- (7) In this section—

“initial one-year period” means the period of one year beginning on the day following exit day as defined in section 20(1) of the European Union (Withdrawal) Act 2018;

“subsequent three-year period” means a period of three years beginning with the first day after the most recent of—

European Union (Withdrawal Agreement) Bill, *continued*

- (a) the initial one-year period, or
- (b) the most recent subsequent three-year period.”

Member’s explanatory statement

This new clause would require the Government to publish regular independent reports on the impact of Brexit.

Claire Hanna
Colum Eastwood
Stephen Farry

NC45

To move the following Clause—

“NHS protection and devolved legislatures

- (1) Any provision relating to the National Health Service within a trade deal shall not be made without consultation with, and only after publication of a legislative consent memorandum from, each of the relevant devolved legislatures.
- (2) For purposes of this Part, “relevant devolved legislatures” means—
 - (a) the Northern Ireland Assembly,
 - (b) Scottish Parliament, and
 - (c) the National Assembly for Wales.”

Member’s explanatory statement

This new clause requires each devolved legislature to give legislative consent to any trade deal affecting the National Health Service.

Claire Hanna
Colum Eastwood
Stephen Farry

NC46

To move the following Clause—

“Impact assessment

The Government must publish undertake equality, environmental and economic impact assessments, by each region of the United Kingdom, on any proposed future relationship or Free Trade Agreement, before initiating legislation to implement any such proposed future relationship or Free Trade Agreement.”

Member’s explanatory statement

This new clause requires the publication of regional equality, environmental and economic impact assessments of any proposed future relationship or Free Trade Agreement.

European Union (Withdrawal Agreement) Bill, *continued*

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

NC48

To move the following Clause—

“Maintaining the UK’s membership of Horizon 2020 and future Horizon programmes

It shall be an objective of the Government to maintain the United Kingdom’s membership of Horizon 2020 and its successor programmes within the framework of the future relationship between the United Kingdom and European Union.”

Member’s explanatory statement

This new clause would require the Government to seek to negotiate continuing full membership of the EU’s Horizon 2020 research programme and its successor programmes, such as Horizon Europe.

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse
Caroline Lucas

NC49

To move the following Clause—

“UK citizens resident in the EU: protection of rights

- (1) The Secretary of State must make arrangements to preserve, as far as is possible, the United Kingdom’s obligations under EU law to British citizens who are resident in any EEA country, or in Switzerland, on the day before IP completion day.
- (2) The arrangements in subsection (1) must include—
 - (a) arrangements for people in receipt of a United Kingdom state retirement pension to continue receiving that pension under the same uprating and other arrangements as apply on the day on which this Act is passed, for the rest of their lifetimes as long as they remain resident in any other EEA country, or in Switzerland,
 - (b) arrangements for British citizens to continue receiving the same level of publicly-provided healthcare as they do currently as EU citizens.

European Union (Withdrawal Agreement) Bill, continued

- (3) The duty in subsection (1) applies whether or not the United Kingdom reaches any relevant reciprocal arrangements with other EEA member states, or with Switzerland.”

Member’s explanatory statement

This new clause requires the Government to take steps to preserve the rights of UK citizens living in the EU, including continuing to uprate UK state pensions for Britons living in the EU and paying for publicly-provided healthcare.

Joanna Cherry
Ian Blackford
Dr Philippa Whitford
Stuart C McDonald
Patrick Grady

NC50

To move the following Clause—

“EU Charter of Fundamental Rights impact assessment

A Minister of the Crown must, on or before 30 June 2020, publish a comprehensive impact assessment of the effect of removing the EU Charter of Fundamental Rights from domestic law.”

Member’s explanatory statement

This new clause would provide that the UK Government commits to conducting and publishing an impact assessment of the effect of removal of the EU Charter of Fundamental Rights (by virtue of section 5(4) of the EU (Withdrawal) Act 2018).

Joanna Cherry
Ian Blackford
Dr Philippa Whitford
Stuart C McDonald
Patrick Grady
Caroline Lucas

NC51

To move the following Clause—

“Protection for workers’ rights

- (1) After section 18 of the European Union (Withdrawal) Act 2018 (customs arrangement as part of the framework for the future relationship) insert—

“18A Protection for workers’ rights

- (1) Part 1 of Schedule 5A (which requires statements of non-regression in relation to workers’ retained EU rights) has effect.
- (2) Part 2 of Schedule 5A (which provides for reporting requirements and parliamentary oversight in relation to new EU workers’ rights) has effect.
- (3) Part 3 of Schedule 5A (which contains interpretative provision) has effect.”

European Union (Withdrawal Agreement) Bill, *continued*

- (2) After Schedule 5 to the European Union (Withdrawal) Act 2018 (publication and rules of evidence) insert the Schedule 5A set out in Schedule (Protection for workers' rights) to this Act."

Member's explanatory statement

This new clause reinstates what was Clause 34 and Schedule 4 of the EU Withdrawal Agreement Bill (Bill 7) in the October-December 2019 Session and provides additional procedural protections for workers rights that currently form part of EU law, but which would not be protected against modification, repeal or revocation in domestic law once the transition or implementation period has ended.

David Linden

NC56

To move the following Clause—

“Implementation period negotiating objectives: annual celebration of Europe Day

It shall be an objective of the Government to secure a statement within the framework of the future relationship of the UK and EU of the ongoing commitment to a relationship of goodwill and friendship between the parties, which shall be demonstrated by an annual written and oral statement by a Minister of the Crown to be made between the 5th and 9th of May in celebration of Europe Day, and Ministers shall arrange for the Flag of Europe to be flown above Government buildings between these dates each year.”

Colum Eastwood
Claire Hanna
Stephen Farry

NC59

To move the following Clause—

“Representation in the European Parliament

- (1) It must be a negotiating objective of the United Kingdom Government to seek to secure ongoing and formal representation in the European Parliament, at not less than observer status, for the devolved nations and regions of the UK.
- (2) Once secured, this representation shall be determined and co-ordinated by each devolved administration.”
-

European Union (Withdrawal Agreement) Bill, *continued*

Mr Alistair Carmichael
 Daisy Cooper
 Tim Farron
 Christine Jardine
 Sarah Olney
 Munira Wilson

Wendy Chamberlain
 Layla Moran
 Rosie Duffield
 Tonia Antoniazzi

Sir Edward Davey
 Jamie Stone
 Caroline Lucas

Wera Hobhouse
 Liz Saville Roberts
 Stephen Farry

NC67

☆ To move the following Clause—

“Replacing structural funding from the EU

A Minister of the Crown must, within the period of two months beginning with the day on which this Act is passed, publish for public consultation the Government’s plans for a UK Shared Prosperity Fund to replace structural funding from the EU in all regions of the United Kingdom.”

Member’s explanatory statement

This new clause would require the publication of Government’s plans for a UK Shared Prosperity Fund to replace structural funding from the EU in all regions of the United Kingdom.

Ian Blackford
 Dr Philippa Whitford
 Joanna Cherry
 Patrick Grady

NC68

☆ To move the following Clause—

“Trade agreements relating to the National Health Service

No agreement on trade may contain any provision, provisions, side letters or annexes relating to the pricing, selection and listing of pharmaceuticals in the National Health Service until a Legislative Consent Motion has been approved by the Scottish Parliament.”

European Union (Withdrawal Agreement) Bill, continued

Dr Philippa Whitford

NC69

☆ To move the following Clause—

“Public Health Measures

No agreement on trade may contain any provision, provisions, side letters or annexes which limits or reduces current or future standards on public health measures until a Legislative Consent Motion has been approved by the devolved legislatures of Scotland, Wales and Northern Ireland.”

Joanna Cherry
 Ian Blackford
 Dr Philippa Whitford
 Stuart C McDonald
 Patrick Grady

NS1

To move the following Schedule—

“PROTECTION FOR WORKERS’ RIGHTS

The Schedule 5A to be inserted after Schedule 5 to the European Union (Withdrawal) Act 2018 is as follows:

“SCHEDULE 5A**PROTECTION FOR WORKERS’ RIGHTS****PART 1****WORKERS’ RETAINED EU RIGHTS***Acts of Parliament: statements of non-regression*

- 1 (1) A Minister of the Crown in charge of a relevant Bill in either House of Parliament must, before Second Reading of the Bill—
 - (a) make a statement to the effect that in the Minister’s view the provisions of the Bill will not result in the law of the relevant part or parts of the United Kingdom failing to confer any workers’ retained EU right (a “statement of non-regression”), or
 - (b) make a statement to the effect that although the Minister is unable to make a statement of non-regression Her Majesty’s Government nevertheless wishes the House to proceed with the Bill.
- (2) The statement must be in writing and be published in such manner as the Minister making it considers appropriate.
- (3) Before making a statement under sub-paragraph (1)(a) or (b) in relation to a Bill, a Minister of the Crown must consult—
 - (a) persons representative of workers,
 - (b) persons representative of employers, and

European Union (Withdrawal Agreement) Bill, *continued*

- (c) any other persons whom the Minister considers it appropriate to consult.
- (4) But that duty does not apply to a statement made in relation to a Bill if—
- (a) it is not practicable for the consultation to take place in relation to the statement by reason of urgency, or
 - (b) the statement is being made before Second Reading of the Bill in the second House of Parliament and the Bill was not amended in the first House of Parliament.
- (5) In this paragraph—
- “first House of Parliament”, in relation to a Bill, means the House of Parliament in which the Bill is first introduced;
- “relevant Bill” means a Bill which contains provision that—
- (a) extends to England and Wales or Scotland (or both), and
 - (b) relates to any of the workers’ retained EU rights;
- “relevant part of the United Kingdom”, in relation to a Bill, means—
- (a) England and Wales, if the Bill extends there;
 - (b) Scotland, if the Bill extends there;
- “second House of Parliament”, in relation to a Bill, means the House of Parliament to which the Bill moves after completing its passage through the first House of Parliament.

PART 2

NEW EU WORKERS’ RIGHTS

Reports on new EU workers’ rights

- 2 (1) As soon as practicable after the end of each reporting period, the Secretary of State must—
- (a) produce a report under sub-paragraph (2) or (3) relating to that period (“the relevant reporting period”),
 - (b) publish the report in such manner as the Secretary of State considers appropriate, and
 - (c) lay copies of the report before Parliament.
- (2) A report under this sub-paragraph is one that contains a statement that no new EU workers’ rights have been published by the EU during the relevant reporting period.
- (3) A report under this sub-paragraph is one that contains—
- (a) a statement that one or more new EU workers’ rights have been published by the EU during the relevant reporting period, and
 - (b) as respects each new EU workers’ right published during that period, either—
 - (i) a statement to the effect that in the Secretary of State’s view the law of England and Wales and Scotland confers a workers’ right of the same kind

European Union (Withdrawal Agreement) Bill, *continued*

- as the new EU workers’ right (a “statement of non-divergence”), or
- (ii) a statement to the effect that the Secretary of State is unable to make a statement of non-divergence.
- (4) If a report under sub-paragraph (3) contains a statement under sub-paragraph (3)(b)(ii) as respects a new EU workers’ right, the report must also contain—
- (a) a statement of whether or not Her Majesty’s Government intends to take any action in respect of the new EU workers’ right, and
- (b) if it does, a statement describing the action which it is intending to take.
- (5) In relation to each report under sub-paragraph (3), a Minister of the Crown must make arrangements for—
- (a) a motion, to the effect that the House of Commons has approved the report, to be moved in that House by a Minister of the Crown within the period of 28 Commons sitting days beginning with the day on which a copy of the report is laid before that House, and
- (b) a motion for the House of Lords to approve the report to be moved in that House by a Minister of the Crown within the period of 28 Lords sitting days beginning with the day on which a copy of the report is laid before that House.
- (6) When producing a report under sub-paragraph (3), the Secretary of State must consult—
- (a) persons representative of workers,
- (b) persons representative of employers, and
- (c) any other persons whom the Secretary of State considers it appropriate to consult.
- (7) In this paragraph “reporting period” means—
- (a) the period that—
- (i) begins with IP completion day, and
- (ii) ends with the day which falls six months after the day on which IP completion day falls;
- (b) subsequently, each period that—
- (i) begins with the day (the “start day”) that comes immediately after the end of the preceding reporting period, and
- (ii) ends with the end day.
- (8) The “end day” for that purpose is decided as follows—
- (a) if any new EU workers’ rights are published by the EU during the period of six months beginning with the start day, the end day is the day which falls six months after—
- (i) the day on which those rights are published by the EU, or
- (ii) if they are published by the EU on different days, the earliest of those days;
- (b) if no new EU workers’ rights are published by the EU during the period of six months beginning with the start

European Union (Withdrawal Agreement) Bill, *continued*

day, the end day is the day which falls twelve months after the start day.

- (9) A reference in this paragraph to a new EU workers' right being published by the EU is a reference to the EU directive or EU regulation which provides for its conferral being published in the Official Journal of the European Union.

PART 3

INTERPRETATION

Interpretation

- 3 (1) In this Schedule—

“new EU workers' rights” means any workers' rights—

- (a) which member States are obliged to confer by an EU directive published in the Official Journal of the European Union on or after IP completion day, or
- (b) that are conferred by an EU regulation published in the Official Journal of the European Union on or after IP completion day;

“workers' retained EU rights” means workers' rights of the kinds which—

- (a) immediately before IP completion day, the United Kingdom was obliged to confer by virtue of the EU directives listed in the table in paragraph 4, and
- (b) on IP completion day, continued to have effect (by virtue of this Act and as modified by any provision made by or under this Act or otherwise) in the law of England and Wales or Scotland;

“workers' rights” means rights of individuals, and classes of individuals, in the area of labour protection as regards—

- (a) fundamental rights at work,
- (b) fair working conditions and employment standards,
- (c) information and consultation rights at company level,
- (d) restructuring of undertakings, and
- (e) health and safety at work.

- (2) The reference in the definition of “workers' retained EU rights” to rights which continued to have effect by virtue of this Act includes a reference to rights which form part of retained EU law by virtue of section 2 but which would have continued to have effect irrespective of that section.

- (3) References in this Schedule to rights being of the same kind as new EU workers' rights are to be read as references to rights being of the same kind so far as that is consistent with the United Kingdom's domestic legal order following its withdrawal from the EU.

- (4) For the purposes of this Schedule a right under the law of England and Wales or Scotland is conferred whether or not it is in force.

- 4 (1) The table referred to in the definition of “workers' retained EU rights” is as follows:

European Union (Withdrawal Agreement) Bill, continued*Workers' retained EU rights: the EU directives*

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

European Union (Withdrawal Agreement) Bill, continued*Workers' retained EU rights: the EU directives*

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work.

Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland.

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

European Union (Withdrawal Agreement) Bill, continued*Workers' retained EU rights: the EU directives*

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA).

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.

Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees.

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation.

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version).

European Union (Withdrawal Agreement) Bill, continued*Workers' retained EU rights: the EU directives*

Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC.

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast).

Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work.

Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC.

Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESS EUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.

Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.

European Union (Withdrawal Agreement) Bill, continued*Workers' retained EU rights: the EU directives*

Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC.

Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control.

Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.

Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').

Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF).

Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers.

Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche).

Commission Directive 2017/164/EU of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU.

Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law.

- (2) The Secretary of State may, by regulations, make such modifications of the list of EU directives in that table as the Secretary of State considers appropriate in consequence of any changes before IP completion day in EU directives relating to workers' rights.

European Union (Withdrawal Agreement) Bill, *continued*

- (3) No regulations may be made under sub-paragraph (2) after the end of the period of one year beginning with IP completion day.”

ORDER OF THE HOUSE [20 DECEMBER 2019]

That the following provisions shall apply to the European Union (Withdrawal Agreement) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in two days.
3. The proceedings shall be taken on each of those days as shown in the first column of the following Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	
Clauses 1 to 6; new Clauses relating to Part 1 or 2; new Schedules relating to Part 1 or 2	Four hours after the commencement of proceedings on the Bill on the first day
Clauses 7 to 14; Schedule 1; Clause 15; Schedule 2; Clauses 16 and 17; new Clauses relating to Part 3; new Schedules relating to Part 3	Eight hours after the commencement of proceedings on the Bill on the first day
Second day	
Clauses 18 to 23; Schedule 3; Clauses 24 to 37; new Clauses relating to Part 4; new Schedules relating to Part 4	Two hours after the commencement of proceedings on the Bill on the second day
Clauses 38 to 40; Schedule 4; Clause 41; Schedule 5; Clause 42; new Clauses relating to Part 5; new Schedules relating to Part 5	Five hours after the commencement of proceedings on the Bill on the second day
Remaining new Clauses, remaining new Schedules, remaining proceedings in Committee on the Bill	Eight hours after the commencement of proceedings on the Bill on the second day

Proceedings on Consideration and up to and including Third Reading

5. Any proceedings on Consideration, any proceedings in legislative grand committee and proceedings on Third Reading shall be taken in one day in

European Union (Withdrawal Agreement) Bill, *continued*

accordance with the following provisions of this Order.

6. Any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours before the moment of interruption on that day.
7. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

8. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Consideration of Lords Amendments

9. Any proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

Subsequent stages

10. Any further Message from the Lords may be considered forthwith without any Question being put.
 11. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
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