Supplement to the Votes and Proceedings

Wednesday 8 January 2020

Committee of the Whole House

Proceedings

European Union (Withdrawal Agreement) Bill

[Second Day]

Glossary

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.
Agreed to on division: agreed following a vote.
Negatived: rejected without a vote.
Negatived on division: rejected following a vote.
Not called: debated in a group of amendments, but not put to a decision.
Not moved: not debated or put to a decision.
Question proposed: debate underway but not concluded.
Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.
Not selected: not chosen for debate by the Chair.

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”
Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

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”  
Not called 39

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney
Munira Wilson
Wendy Chamberlain
Wera Hobhouse
Layla Moran
Jamie Stone

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

Clause agreed to.

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

Clause 19, page 21, line 15, leave out “appropriate” and insert “necessary”  
Not called 40

Clause 19, page 21, line 25, leave out “appropriate” and insert “necessary”  
Not called 41

Clause 19, page 21, line 34, leave out “appropriate” and insert “necessary”  
Not called 42
Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

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

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

Clause agreed to.

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

Paul Girvan
Carla Lockhart

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.”

Clause agreed to.

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

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

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

Nick Thomas-Symonds
Debbie Abrahams
Kerry McCarthy
Helen Hayes
Caroline Lucas
Preet Kaur Gill

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;
(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.”

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

Munira Wilson
Layla Moran
Wendy Chamberlain
Jamie Stone
Wera Hobhouse
Not called 48

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

Stephen Farrry

Not called 33

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

Jim Shannon
Paul Girvan
Ian Paisley
Carla Lockhart
Gavin Robinson
Not called 50

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

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

Paul Girvan
Carla Lockhart
Stephen Farrry
Not called 12

Clause 21, page 25, line 4, after first “the” insert “unfettered”.
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
Not called 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.”

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

Paul Girvan Carla Lockhart Stephen Farry
Not called 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.”

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

Paul Girvan Carla Lockhart Stephen Farry
Not called 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.”

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

Carol Monaghan

Negatived on division 10

Clause 21, page 25, line 27, at end insert—
“(8) But regulations under this section may not—
European Union (Withdrawal Agreement) Bill, continued

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

Clause agreed to.

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

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

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

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

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

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

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

Paul Girvan
Carla Lockhart
Stephen Farry

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

Not called 45

Not called 46

Not called 51

Not called 16
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.”

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.”

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.”

Clause agreed to.
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.”

Clause agreed to.

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 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.”

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.
Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

(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.”

Stephen Farry

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.”

Schedule agreed to.

Claire Hanna
Colum Eastwood
Stephen Farry

Clause 24, page 28, leave out line 15

Clause agreed to.

Clause 25 agreed to.

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

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

Clause agreed to.

Clauses 27 to 36 agreed to.
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.”

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)”.”
European Union (Withdrawal Agreement) Bill, continued

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.

(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).”

Clause agreed to.

Clause 37, page 37, line 3, 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.”

Clause agreed to.
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.

(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.
European Union (Withdrawal Agreement) Bill, continued

(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.

(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.
European Union (Withdrawal Agreement) Bill, continued

(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—
(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).”
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—

(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

(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.

(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.

(3) Prior to laying the draft negotiating mandate, a Minister of the Crown must have consulted each devolved administration on the negotiating mandate.

(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.

(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,
European Union (Withdrawal Agreement) Bill, continued

(d) gender,
(e) equalities,
(f) climate change,
(g) human rights,
(h) labour,
(i) development, and
(j) regional 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).

(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 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

(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
(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.

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

Debbie Abrahams
Dr Philippa Whitford

Not called (a)

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

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

Paul Girvan
Carla Lockhart

Not called 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.”
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 Not called 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.

(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.”

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

Paul Girvan Carla Lockhart Not called 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).”
“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.”

“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.”
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.”

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

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.””

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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.””

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.””
European Union (Withdrawal Agreement) Bill, continued

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

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

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Gavin Robinson
Paul Girvan Carla Lockhart

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.”

Paul Girvan Carla Lockhart
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.

(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.”

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).”
“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.”

“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).”
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

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.”

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney
Munira Wilson Wendy Chamberlain Wera Hobhouse
Layla Moran Jamie Stone

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.”
European Union (Withdrawal Agreement) Bill, continued

(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.””

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Colum Eastwood
Claire Hanna
Stephen Farry
Jim Shannon        Ian Paisley        Gavin Robinson
Paul Girvan        Carla Lockhart

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.”
“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.”

“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.”
“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.

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

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

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

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.”

Colum Eastwood
Claire Hanna

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.”
European Union (Withdrawal Agreement) Bill, continued

Colum Eastwood
Claire Hanna
Stephen Farry

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

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.”

Colum Eastwood
Claire Hanna
Stephen Farry

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.”
European Union (Withdrawal Agreement) Bill, continued

Colum Eastwood
Claire Hanna
Stephen Farry

Not called  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

Not called  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.”

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

Withdrawn after debate  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.”
Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

Stephen Farry

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.”

Clause agreed to.

Clauses 39 and 40 agreed to.

Schedule 4 agreed to.

Clause 41 agreed to.

Schedule 5 agreed to.

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

Tommy Sheppard Stewart Hosie Dr Philippa Whitford

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

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

Tommy Sheppard Stewart Hosie Dr Philippa Whitford

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

Clause agreed to.
European Union (Withdrawal Agreement) Bill, continued

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

Tommy Sheppard    Stewart Hosie    Dr Philippa Whitford

Not selected   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.”

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

Munira Wilson    Wendy Chamberlain    Wera Hobhouse

Not called   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.

(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;
Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

(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)."

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  Debbie Abrahams  Kerry McCarthy
Helen Hayes  Caroline Lucas  Anna McMorrin
Preet Kaur Gill  Afzal Khan

Negatived on division  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 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;

“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.”

Jeremy Corbyn
Keir Starmer
Paul Blomfield
Thangam Debbonaire
Valerie Vaz
Mr Nicholas Brown
Nick Thomas-Symonds
Debbie Abrahams
Kerry McCarthy
Helen Hayes
Caroline Lucas
Preet Kaur Gill
Not called 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.”

Ian Blackford
Peter Grant
Joanna Cherry
Kirsty Blackman
Stuart C McDonald
Patrick Grady
Tommy Sheppard
Stewart Hosie
Dr Philippa Whitford
Not called 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)."

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Debbie Abrahams

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

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

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Committee of the whole House Proceedings: 8 January 2020

European Union (Withdrawal Agreement) Bill, continued

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

Munira Wilson Wendy Chamberlain Sir Edward Davey
Wera Hobhouse Jamie Stone Stephen Farry
Caroline Lucas

Negatived on division 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.”

Liz Saville Roberts
Jonathan Edwards
Ben Lake
Hywel Williams

Not called 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
(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.”
European Union (Withdrawal Agreement) Bill, continued

Mr David Davis

Not called 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.”

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

Preet Kaur Gill

Not called 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)).
European Union (Withdrawal Agreement) Bill, continued

(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”);
(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
European Union (Withdrawal Agreement) Bill, continued

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
   (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
European Union (Withdrawal Agreement) Bill, continued

(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.”

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney
Munira Wilson        Wendy Chamberlain        Wera Hobhouse
Layla Moran          Jamie Stone

Negatived on division 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.
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.”

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

Munira Wilson  Wendy Chamberlain  Wera Hobhouse
Layla Moran  Jamie Stone  Caroline Lucas

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 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.”

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

Munira Wilson  Wendy Chamberlain  Wera Hobhouse
Layla Moran  Jamie Stone  Caroline Lucas

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.
European Union (Withdrawal Agreement) Bill, continued

(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.”

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

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

Not called 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.”

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

Munira Wilson
Layla Moran

Wendy Chamberlain
Jamie Stone

Wera Hobhouse

Not called 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 if 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,
European Union (Withdrawal Agreement) Bill, continued

(iv) Passenger Name Record (PNR), and
(v) the Europol Information System (EIS).

(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.”

Sir Edward Davey
Mr Alistair Carmichael
Daisy Cooper
Tim Farron
Christine Jardine
Sarah Olney
Munira Wilson
Wendy Chamberlain
Wera Hobhouse
Layla Moran
Jamie Stone
Stephen Farry
Not selected 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.”
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—
   (a) the initial one-year period, or
   (b) the most recent subsequent three-year period.”
European Union (Withdrawal Agreement) Bill, continued

Claire Hanna  
Colum Eastwood  
Stephen Farry

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.”

Sir Edward Davey  
Mr Alistair Carmichael  
Daisy Cooper  
Tim Farron  
Christine Jardine  
Sarah Olney  
Munira Wilson  
Wendy Chamberlain  
Wera Hobhouse  
Layla Moran  
Jamie Stone

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.”

Munira Wilson  
Wendy Chamberlain  
Wera Hobhouse

Not called  NC45

Not called  NC46

Not called  NC48
European Union (Withdrawal Agreement) Bill, continued

framework of the future relationship between the United Kingdom and European Union.”

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

Munira Wilson Wendy Chamberlain Wera Hobhouse
Layla Moran Jamie Stone Caroline Lucas
Not called 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.

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

Not called 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.”

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

Not called 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.”

(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.”
European Union (Withdrawal Agreement) Bill, continued

David Linden

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

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.”

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

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
European Union (Withdrawal Agreement) Bill, continued

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

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.”

Dr Philippa Whitford

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.”
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
   (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;
PART 2

NEW EU WORKERS’ RIGHTS

Reports on new EU workers’ rights

(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 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.
European Union (Withdrawal Agreement) Bill, continued

(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 day, the end day is the day which falls twelve months after the start day.
European Union (Withdrawal Agreement) Bill, continued

(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:
**Workers’ retained EU rights: the EU directives**

<table>
<thead>
<tr>
<th>Directive</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>89/391/EEC</td>
<td>12 June 1989</td>
<td>on the introduction of measures to encourage improvements in the safety and health of workers at work.</td>
</tr>
<tr>
<td>89/654/EEC</td>
<td>30 November 1989</td>
<td>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).</td>
</tr>
<tr>
<td>89/656/EEC</td>
<td>30 November 1989</td>
<td>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).</td>
</tr>
<tr>
<td>90/269/EEC</td>
<td>29 May 1990</td>
<td>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).</td>
</tr>
<tr>
<td>91/533/EEC</td>
<td>14 October 1991</td>
<td>on an employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship.</td>
</tr>
<tr>
<td>92/57/EEC</td>
<td>24 June 1992</td>
<td>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).</td>
</tr>
<tr>
<td>92/58/EEC</td>
<td>24 June 1992</td>
<td>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).</td>
</tr>
<tr>
<td>92/85/EEC</td>
<td>19 October 1992</td>
<td>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).</td>
</tr>
</tbody>
</table>


**European Union (Withdrawal Agreement) Bill, continued**

<table>
<thead>
<tr>
<th>Workers’ retained EU rights: the EU directives</th>
</tr>
</thead>
<tbody>
<tr>
<td>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).</td>
</tr>
</tbody>
</table>
Workers’ retained EU rights: the EU directives


**European Union (Withdrawal Agreement) Bill, continued**

**Workers’ retained EU rights: the EU directives**

<table>
<thead>
<tr>
<th>Directive</th>
<th>Description</th>
</tr>
</thead>
</table>

(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.”

Bill reported without amendment.