



House of Commons

Wednesday 30 December 2020

COMMITTEE OF THE WHOLE HOUSE

New Amendments handed in are marked thus ★

Amendments tabled 1 to 4 and NC1 to NC19

EUROPEAN UNION (FUTURE RELATIONSHIP) BILL

NOTE

This document includes all amendments tabled by 10.30 am on Wednesday 30 December. The amendments have been arranged in the order in which they relate to the Bill.

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

2

★ Clause 29, page 23, line 10, at end insert—

“(1A) A relevant national authority must introduce legislation to implement any modifications under subsection (1) as soon as practicable after the need for those modifications has been identified.”

Member’s explanatory statement

This amendment would require the UK Government or devolved administrations to legislate to address inconsistencies between the future relationship agreement and domestic law as quickly as possible.

 European Union (Future Relationship) Bill, *continued*

Ed Davey
 Daisy Cooper
 Wendy Chamberlain
 Mr Alistair Carmichael
 Tim Farron
 Layla Moran

Wera Hobhouse
 Sarah Olney

Christine Jardine
 Munira Wilson

Jamie Stone

3

- ★ Clause 31, page 24, leave out lines 19 and 20.

Member's explanatory statement

This amendment, with amendment 4, would prevent Ministers from using secondary legislation to amend primary legislation in order to implement the future relationship agreement.

Ed Davey
 Daisy Cooper
 Wendy Chamberlain
 Mr Alistair Carmichael
 Tim Farron
 Layla Moran

Wera Hobhouse
 Sarah Olney

Christine Jardine
 Munira Wilson

Jamie Stone

4

- ★ Clause 31, page 24, line 39, at end insert—

“(f) amend, repeal or revoke any primary legislation.”

Member's explanatory statement

This amendment, with amendment 3, would prevent Ministers from using secondary legislation to amend primary legislation in order to implement the future relationship agreement.

Mr David Davis

NC1

- ★ To move the following Clause—

“Expiry of provisional Act

- (1) Subsection (2) applies if, in the Session in which this Act is passed, an Act is passed which contains provisions that, in the opinion of the Secretary of State, have the same effect as, or similar effect to, sections 1 to 36 (the “corresponding provisions”).
- (2) The Secretary of State must by regulations made by statutory instrument provide for sections 1 to 36 to expire at the time that the corresponding provisions come into force to any extent.
- (3) Regulations under this section may include transitional, transitory or saving provision.”

Member's explanatory statement

This new clause is modelled on the provision for the Trade (Disclosure of Information) Act 2020 to expire when replaced by the Trade Act.

European Union (Future Relationship) Bill, *continued*

Ian Blackford
Kirsten Oswald
Pete Wishart
Stuart C McDonald
Patrick Grady

NC2

★ To move the following Clause—

“Power of Scottish Ministers to make provision corresponding to EU law

- (1) The Scottish Ministers may by regulations—
 - (a) make provision—
 - (i) corresponding to an EU regulation, EU tertiary legislation or an EU decision,
 - (ii) for the enforcement of provision made under sub-paragraph (i) or otherwise to make it effective,
 - (iii) to implement an EU directive, or
 - (iv) modifying any provision of retained EU law relating to the enforcement or implementation of an EU regulation, EU tertiary legislation, an EU decision or an EU directive, so far as the EU regulation, EU tertiary legislation, EU decision or EU directive has effect in EU law after IP completion day, or
 - (b) otherwise make provision for the purpose of dealing with matters arising out of, or related to, the operation from time to time of—
 - (i) any rights, powers, liabilities, obligations or restrictions created by regulations made under this subsection, or
 - (ii) any remedies or proceedings provided for by those regulations.
- (2) In making regulations under subsection (1)(a)(i), (ii) or (iii), the Scottish Ministers may, in particular—
 - (a) omit anything which has no practical application in relation to Scotland or is otherwise redundant or substantially redundant,
 - (b) omit functions of, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to Scotland,
 - (c) omit provision for, or in connection with, reciprocal arrangements between—
 - (i) the United Kingdom or Scotland or a public authority in the United Kingdom, and
 - (ii) the EU, an EU entity, a member State or a public authority in a member State, which no longer exist or are no longer necessary,
 - (d) omit provision for, or in connection with, other arrangements which—
 - (i) involve the EU, an EU entity, a member State or a public authority in a member State, or
 - (ii) are otherwise dependent upon the United Kingdom’s membership of the EU, and which no longer exist or are no longer necessary,
 - (e) omit provision for, or in connection with, any reciprocal or other arrangements not falling within paragraph (c) or (d) which no longer exist, or are no longer necessary, as a result of the United Kingdom ceasing to be a party to any of the EU Treaties,
 - (f) confer functions or impose restrictions which—
 - (i) are in an EU directive and in force (including any power to make EU tertiary legislation), and
 - (ii) it is appropriate to retain,

European Union (Future Relationship) Bill, *continued*

- (g) omit EU references which are not necessary.
- (3) Regulations under subsection (1)(a)(i), (ii) or (iii) may provide for functions of EU entities or public authorities in member States (including making an instrument of a legislative character or providing funding) to be—
- (a) exercisable instead by a Scottish public authority (whether or not established for the purpose), or by any person whom the authority authorises to carry out functions on its behalf, or
- (b) omitted or otherwise differently provided for.
- (4) Regulations under subsection (1)(a)(iv) may, in relation to any functions in EU instruments that are already exercisable by a Scottish public authority—
- (a) provide for the authority to—
- (i) delegate any of the functions to another person, or
- (ii) arrange for any of the functions to be carried out by another person, or
- (b) otherwise provide for the functions to be conferred instead on another Scottish public authority.
- (5) Regulations under subsection (1) may make provision for, or in connection with, the charging of fees or other charges in connection with the exercise of a function (“the relevant function”) which a Scottish public authority has by virtue of provision made under that subsection, including—
- (a) specifying fees or charges or making provision as to how they are to be determined,
- (b) providing for the recovery or disposal of any sums payable under the regulations,
- (c) conferring power on the Scottish public authority to make, by subordinate legislation, any provision that the Scottish Ministers may make by virtue of this subsection in relation to the relevant function.
- (6) Regulations under subsection (1) may make any provision that could be made by an Act of the Scottish Parliament or Act of Parliament.
- (7) Regulations under subsection (1) may relate to reserved matters within the meaning of the Scotland Act 1998.”

Member’s explanatory statement

This new clause is based on clause 1 of the Continuity Bill passed (third stage) by the Scottish Parliament on 22 December 2020, allowing Scottish ministers to make regulations so that Scots law keeps pace with EU law, adding in a line at the end in this Clause to broaden the power out to reserved matters too.

Ian Murray
Chris Elmore
Keir Starmer
Rachel Reeves
Mr Nicholas Brown
Nia Griffith

NC3

- ★ To move the following Clause—

“Power of devolved governments to join Erasmus+ programme

The Scottish Government, the Welsh Government and the Northern Ireland Executive shall each have the power to enter into an agreement with the European

European Union (Future Relationship) Bill, *continued*

Commission for the participation of students for which they are responsible in the Erasmus+ Programme, or any successor to that programme.”

Member’s explanatory statement

This new clause would allow the devolved administrations to participate in the EU Erasmus+ programme and any other successor programme for the students they are responsible for and at their expense.

Ian Murray
Chris Elmore
Keir Starmer
Rachel Reeves
Mr Nicholas Brown
Nia Griffith

NC4

★ To move the following Clause—

“Access to EU financial services markets

- (1) The Secretary of State must lay before Parliament, by 28 February 2021, a report containing proposals to allow the financial services sector full access to EU markets, under the Joint Declaration on Financial Services Regulatory Cooperation between the European Union and the United Kingdom.
- (2) The proposals must aim to achieve access for UK financial services to EU markets in a way which is as close to a passporting regime as possible.
- (3) The report must include the UK’s proposals for the process of adoption, suspension and withdrawal of equivalence decisions to be included in the Memorandum of Understanding to be agreed by 31 March 2021 in accordance with the Joint Declaration.”

Member’s explanatory statement

This new clause requires the UK Government to produce a report on how it will achieve equivalence as close to the current EU passporting regime as possible for the UK’s financial services sector prior to the signing of the Memorandum of Understanding with the EU on 31 March 2021.

Keir Starmer
Angela Rayner
Rachel Reeves
Anneliese Dodds
Paul Blomfield
Mr Nicholas Brown

NC5

★ To move the following Clause—

“Economic impact assessments

- (1) The Secretary of State must publish biannual economic impact assessments setting out the impact of the Trade and Cooperation Agreement on all sectors of the economy in each of the United Kingdom’s nations and English regions, together with the Government’s response to those economic impact assessments.

European Union (Future Relationship) Bill, *continued*

- (2) The first economic impact assessment and government response must be published six months after this Act comes into force, with each subsequent economic impact assessment and government response at six month intervals thereafter.”

Member’s explanatory statement

This new clause would require the Government to publish a biannual economic impact assessment setting out the impact of the Trade and Cooperation Agreement on all sectors of the economy across the UK’s nations and regions. It would also require a Government response to each impact assessment to be published at the same time.

Keir Starmer
 Angela Rayner
 Rachel Reeves
 Nick Thomas-Symonds
 Paul Blomfield
 Mr Nicholas Brown

NC6

- ★ To move the following Clause—

“Access to the Schengen Information System SIS II

The Secretary of State must, within six months of this Act coming into force—

- (a) make a formal request to the European Commission seeking access to the Schengen Information System SIS II,
- (b) negotiate an equivalent real-time data sharing tool if the formal request is denied.”

Member’s explanatory statement

This new clause would require the Government to seek an arrangement to access the Schengen Information System (SIS II) or equivalent. The SIS is maintained by the European Commission and has been used by 31 European countries to find information about individuals and entities for the purposes of national security, border control and law enforcement since 2001. A second technical version of this system, SIS II, went live on 9 April 2013.

Keir Starmer
 Angela Rayner
 Rachel Reeves
 Emily Thornberry
 Paul Blomfield
 Mr Nicholas Brown

NC7

- ★ To move the following Clause—

“Secretary of State to report on proposed divergence on employment and environmental standards

- (1) The Secretary of State must prepare and publish a report detailing any proposal to alter employment or environmental standards in any part of the United Kingdom which, in the opinion of the Secretary of State, would be capable of

European Union (Future Relationship) Bill, *continued*

triggering Article 9.4 (Rebalancing) of Part Two, Heading One of the Trade and Cooperation Agreement.

- (2) So far as practicable, a Minister of the Crown must make arrangements for a motion relating to any report under this section to be debated and voted on by the House of Commons within a period of 7 sitting days from the publication of the report.
- (3) In this section “sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).”

Member’s explanatory statement

This new clause would require the Secretary of State to report on any proposed alteration to UK employment or environmental standards which would be capable of triggering the rebalancing mechanism in the Trade and Cooperation Agreement. The Government would also be required to make arrangements for a debate and vote in the House of Commons on the proposals.

Keir Starmer
Rachel Reeves
Kate Green
Ian Murray
Paul Blomfield
Mr Nicholas Brown

NC8

- ★ To move the following Clause—

“Erasmus+ Programme

The Secretary of State must seek an arrangement with the European Commission for the United Kingdom to participate in the Erasmus+ Programme.”

Keir Starmer
Angela Rayner
Rachel Reeves
Jo Stevens
Paul Blomfield
Mr Nicholas Brown

NC9

- ★ To move the following Clause—

“Performers’ and artists’ permits

The Secretary of State must seek an arrangement with the European Commission for artists, including performing artists, and recording, producing and other technical and supporting functions, resident in the United Kingdom to display or perform their work in European Union member states.”

European Union (Future Relationship) Bill, *continued*

Keir Starmer
 Angela Rayner
 Rachel Reeves
 Lisa Nandy
 Paul Blomfield
 Mr Nicholas Brown

NC10

★ To move the following Clause—

“Trade and Cooperation Agreement Partnership Council: duty to report to Parliament

- (1) The Chair of the Partnership Council established by Article INST.1 of the Trade and Cooperation Agreement must lay before Parliament a report on the activities of the Council biannually.
- (2) The first report must be laid before Parliament six months after the first meeting of the Partnership Council, with each subsequent report being laid at six-month intervals thereafter.
- (3) A Minister of the Crown must make an oral statement to the House of Commons on the report as soon as possible after it has been laid before Parliament.
- (4) So far as practicable, a Minister of the Crown must make arrangements for a motion relating to any report under this section to be debated and voted on by the House of Commons within a period of 7 sitting days from the date on which the report was laid before Parliament.
- (5) In this section “sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).”

Keir Starmer
 Angela Rayner
 Rachel Reeves
 Edward Miliband
 Paul Blomfield
 Mr Nicholas Brown

NC11

★ To move the following Clause—

“Support and information for businesses

The Secretary of State must lay before Parliament within one month of the day on which this Act is passed a report containing the Government’s plans for the provision of support for—

- (a) business, and
- (b) jobs

to facilitate the implementation of the Trade and Cooperation Agreement.”

European Union (Future Relationship) Bill, *continued*

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

NC12

★ To move the following Clause—

“Establishment of a financial mitigation package

- (1) The United Kingdom Government must guarantee and fund the establishment of a financial mitigation package for businesses and communities across the UK.
- (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 administrations in Scotland, Wales and Northern Ireland.”

Member’s explanatory statement

This new clause would require the Government to establish and fund a package to mitigate the impact of the Agreement on UK businesses and communities.

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

NC13

★ To move the following Clause—

“Parliamentary oversight

- (1) The United Kingdom’s representatives on the Partnership Council and Committees shall be appointed following a resolution to that effect in each House of Parliament.
- (2) The Secretary of State must lay before each House of Parliament a report on each meeting of the Partnership Council and Committees, as soon as practicable after the meeting has concluded.
- (3) The Government may only suspend or terminate the Trade and Cooperation Agreement, or any part of it, if a motion to that effect has been passed by a majority of both Houses of Parliament.

European Union (Future Relationship) Bill, *continued*

(4) In this section—

“Partnership Council” means the Partnership Council established under Article INST.1 of the future relationship agreement;

“Committees” means the committees established under Article INST.2 of the future relationship agreement.”

Member’s explanatory statement

This new clause would give Parliament the power to appoint the UK’s representatives to the committees responsible for overseeing the Trade and Cooperation Agreement, require the Government to provide reports to Parliament on the meetings of those committees, and require the Government to obtain parliamentary approval before suspending or terminating the Agreement in whole or in part.

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

NC14

★ To move the following Clause—

“Independent review

- (1) The Secretary of State must arrange for an independent review of the impact of the Trade and Cooperation Agreement 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 future relationship agreement 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

European Union (Future Relationship) Bill, *continued*

- (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 IP completion day as defined in section 39 of the European Union (Withdrawal Agreement) Act 2020;
- “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.”

Member’s explanatory statement

This new clause would require the Government to publish regular independent reports on the impact of the Trade and Cooperation Agreement.

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

NC15

- ★ To move the following Clause—

“Family reunion

- (1) A Minister of the Crown must by regulations make provision to enable UK citizens falling within the personal scope of—
 - (a) the Withdrawal Agreement,
 - (b) the EEA EFTA separation agreement, or
 - (c) the Swiss citizens’ rights agreement,
 to return to the United Kingdom accompanied by, or to be joined in the United Kingdom by, close family members.
- (2) Regulations under subsection (1) may not impose any conditions on the entry or residence of close family members of UK citizens which could not have been imposed under the European Union law relating to free movement in force on the day on which this Act comes into force.
- (3) For the purposes of subsection (1)—

“close family members” means—

 - (a) children (including adopted children), and
 - (b) other close family members where that relation subsisted on or before 31 January 2020 and has continued to subsist;

European Union (Future Relationship) Bill, *continued*

“Withdrawal Agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause preserves the right of UK nationals living in the EEA and Switzerland who return to live in the UK in future to bring with them or be joined by non-British family members on the same terms as they do at present.

Ed Davey
Daisy Cooper
Wendy Chamberlain
Mr Alistair Carmichael
Tim Farron
Layla Moran

Wera Hobhouse
Sarah Olney

Christine Jardine
Munira Wilson

Jamie Stone

NC16

★ To move the following Clause—

“Grace period for businesses

The Government must negotiate an adjustment period of at least three months, beginning on IP completion day, to give businesses time to prepare for and adapt to the new terms of the Trade and Cooperation Agreement.”

Member’s explanatory statement

This new clause would require the Government to give UK businesses a grace period of at least three months to adjust to the new rules of trade with the EU.

Ian Blackford
Douglas Chapman
Carol Monaghan
Dr Philippa Whitford
Pete Wishart
Patrick Grady

Joanna Cherry
David Linden
Chris Stephens

Angus Brendan MacNeil
Martin Docherty-Hughes
Brendan O’Hara

Alyn Smith
Kirsty Blackman

NC17

★ To move the following Clause—

“Devolved Competency over Student Exchange Programmes

Nothing in this Act prevents the devolved administrations in Scotland, Wales and Northern Ireland from making arrangements with the European Union for their

European Union (Future Relationship) Bill, continued

continued participation in the European Region Action Scheme for the Mobility of University Students or similar student exchange programmes.”

Member’s explanatory statement

This new clause means that the Act resulting from this Bill cannot prevent the devolved administrations seeking to make arrangements to participate in the Erasmus student exchange scheme.

Ian Blackford
Deidre Brock
Dr Philippa Whitford
Alan Brown
Pete Wishart
Patrick Grady

Joanna Cherry
David Linden
Chris Stephens
Brendan O’Hara

Angus Brendan MacNeil
Martin Docherty-Hughes
Douglas Chapman

Alyn Smith
Kirsty Blackman
Carol Monaghan

NC18

★ To move the following Clause—

“Devolved Competency over fish catches

Nothing in this Act prevents the devolved administrations in Scotland, Wales and Northern Ireland concluding agreements with the European Union regarding the catching of fish within the territorial waters under their jurisdiction.”

Member’s explanatory statement

This new clause means that the Act resulting from this Bill cannot prevent the devolved administrations seeking to make arrangements with the European Union regarding the catching of fish within their territorial waters.

Ian Blackford
Dr Philippa Whitford
Carol Monaghan
Kirsty Blackman
Pete Wishart
Patrick Grady

Joanna Cherry
David Linden
Douglas Chapman

Angus Brendan MacNeil
Martin Docherty-Hughes
Brendan O’Hara

Alyn Smith
Chris Stephens

NC19

★ To move the following Clause—

“Devolved Competency over mutual recognition of professional qualifications

Nothing in this Act prevents the devolved administrations in Scotland, Wales and Northern Ireland from making arrangements with the European Union for the

European Union (Future Relationship) Bill, *continued*

mutual recognition of professional qualifications within the sectors for which they are responsible.”

Member’s explanatory statement

This new clause would ensure that the Act resulting from this Bill cannot prevent the devolved administrations seeking to make arrangements with the European Union regarding the mutual recognition of professional qualifications.

Mr David Davis

1

★ Title, line 1, after “implement” insert “on a provisional basis”

Member’s explanatory statement

This amendment is consequential on NCI.
