

European Union (Notification of Withdrawal) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD LEA OF CRONDALL

Page 1, line 3, at end insert “while retaining membership of the European Economic Area (EEA)”

LORD KERSLAKE

Page 1, line 3, at end insert –

“() No agreement with the European Union consequent on the use of the power under subsection (1) may be ratified unless a full report has been produced by Her Majesty's Government on the implications of that agreement for –

- (a) the future of the United Kingdom, and
- (b) the economic, social and political relations of the United Kingdom with the Republic of Ireland;

and each House of Parliament has had an opportunity to consider this report.”

LORD HAIN
LORD ALDERDICE
LORD KERSLAKE
LORD MURPHY OF TORFAEN

Page 1, line 3, at end insert –

“() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking to negotiate under the process set out in Article 50 to support the maintenance of the open border between Northern Ireland and the Republic of Ireland as set out under the provisions of the Belfast Agreement of 1998 and subsequent relevant agreements.”

Clause 1 - continued

LORD NEWBY
BARONESS WHEATCROFT
LORD HAIN

Page 1, line 3, at end insert –

- “() No agreement with the European Union consequent on the use of the power under subsection (1) may be ratified unless –
- (a) it has been laid before and approved by a resolution of each House of Parliament;
 - (b) the Prime Minister has obtained authority to put it to a national referendum; and
 - (c) it has been approved by such a referendum.”

LORD HAIN
LORD MONKS
LORD OATES
LORD WIGLEY

Page 1, line 3, at end insert –

- “() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking to negotiate under the process set out in Article 50 on the basis of the United Kingdom retaining membership of the European Single Market.”

LORD WIGLEY

Page 1, line 3, at end insert –

- “() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking that Her Majesty’s Government will seek to ensure the United Kingdom’s continued full and unfettered access to the European Single Market; through participation in the European Economic Area, or membership of the European Free Trade Association, or both.”

After Clause 1

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD HANNAY OF CHISWICK

Insert the following new Clause –

“Parliamentary approval for agreements with the European Union

- (1) No Minister of the Crown may conclude an agreement with any institution of the European Union regarding the withdrawal of the United Kingdom under Article 50(2) of the Treaty on European Union until –
 - (a) the Government has laid a copy of the final draft of the agreement before each House of Parliament, and
 - (b) each House of Parliament has passed a resolution approving the final draft of the agreement.

After Clause 1 - continued

- (2) The requirements under paragraphs (a) and (b) must also be met where a Minister of the Crown proposes to conclude any separate agreement with the European Union pertaining to the future political and economic relationship between the United Kingdom and the European Union.
- (3) In the case of a proposed agreement setting out the arrangements for the withdrawal of the United Kingdom from the European Union, the resolution under subsection (1) must have been passed by each House of Parliament before the proposed terms are agreed with the Commission, with a view to their approval by the European Parliament.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE

Insert the following new Clause—

“Parliamentary oversight of negotiations

- (1) Before exercising the power under section 1(1), the Prime Minister must give an undertaking to—
 - (a) make a quarterly statement to each House of Parliament, which presents a report relating to the negotiations, with copies of this report made available to relevant committees of each House of Parliament;
 - (b) lay before each House of Parliament, as soon as practicable, a copy of any public document relating to the negotiations provided to the European Parliament, or its committees, by the European Council, Council of the European Union or European Commission;
 - (c) make arrangements for Members of each House of Parliament to review any confidential documents relating to the negotiations.
- (2) In this section—

“public document” includes any briefing, conclusions, report or statement issued by the European Council, Council of the European Union or European Commission, or considered at a formal committee meeting or plenary session of the European Parliament;

“confidential document” includes any document issued by the European Council, Council of the European Union, European Commission or European Parliament to the United Kingdom Government which Ministers of the Crown believe would adversely impact on the United Kingdom’s negotiations if it were made publicly available.”

After Clause 1 - continued

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD HANNAY OF CHISWICK

Insert the following new Clause—

“EU and EEA nationals resident in the United Kingdom

In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must resolve to ensure that citizens of another European Union or European Economic Area country, who are legally resident in the United Kingdom on the day on which this Act is passed, are not disadvantaged in relation to their right to reside and work in the United Kingdom or their potential to acquire such rights in the future.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE

Insert the following new Clause—

“Conduct of negotiations

Before exercising the power under section 1(1), the Prime Minister must give an undertaking to have regard to the public interest in—

- (a) maintaining a stable and sustainable economy,
- (b) preserving peace in Northern Ireland,
- (c) having trading arrangements with the European Union for goods and services that are free of additional tariffs and non-tariff barriers,
- (d) cooperating with the European Union in matters relating to education, health, research and science, environmental protection, the maintenance of domestic security, and the combating of organised crime and terrorist activity, and
- (e) maintaining all existing social, economic, consumer and workers’ rights,

during negotiations under Article 50(2).”

Insert the following new Clause—

“Involvement of Scotland, Wales and Northern Ireland

- (1) Before exercising the power under section 1(1), the Prime Minister must publish a document setting out arrangements that have been agreed between the Prime Minister and the devolved administrations for the Secretary of State to—
 - (a) consult the devolved administrations on the matters referred to in subsection (2),
 - (b) specify how their views on those matters will be taken into account, and
 - (c) seek to reach a consensus on those matters.
- (2) The matters are—
 - (a) terms proposed for withdrawal from the European Union (including the initial negotiating position), and

After Clause 1 - continued

- (b) the framework for the United Kingdom's future relationship with the European Union.
- (3) The arrangements referred to subsection (1) must make provision for statements to be published setting out the extent to which consensus has been reached.
- (4) The arrangements may make provision for functions to be exercised by Joint Ministerial Committees.
- (5) Before concluding an agreement under the process set out in Article 50 with any institution of the European Union, the Prime Minister must consult the devolved administrations on the terms of any proposed agreements, and specify how their views have been taken into account.
- (6) For the purposes of this section, the devolved administrations are –
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Executive Committee of the Northern Ireland Assembly.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD HANNAY OF CHISWICK

Insert the following new Clause –

“Impact assessments

- (1) The Prime Minister may not give notice under section 1(1) until –
 - (a) any existing impact assessments or economic forecasts relating to the United Kingdom's future trading relationship with the European Union conducted by HM Treasury, the Department for Exiting the European Union, the Department for International Trade or the Office for Budget Responsibility, completed since 23 June 2016, have been laid before each House of Parliament, or
 - (b) Ministers of the Crown representing the departments in paragraph (1)(a) have laid a statement before each House of Parliament declaring that no such assessments have been conducted since 23 June 2016.
- (2) Where Ministers of the Crown believe publication of assessments under subsection (1)(a) would undermine the negotiating position of the Government in relation to negotiations carried out under Article 50(2) of the Treaty on European Union, suitable confidentiality arrangements must be made which allow Members of each House of Parliament to view such documents.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE

Insert the following new Clause –

“Nuclear collaboration

- (1) Nothing in this Act shall affect the UK's membership of the European Atomic Agency Community (Euratom).

After Clause 1 - continued

- (2) Notwithstanding the provisions of any other Act, Her Majesty's Government must treat the process of leaving Euratom as separate to that of leaving the European Union."

LORD LEA OF CRONDALL

Insert the following new Clause—

“Report on co-operation with European technical agencies

- (1) Before exercising the power under section 1(1), the Prime Minister must publish a report detailing the United Kingdom's intended approach, during negotiations under the process set out in Article 50 of the Treaty on European Union, to ensuring the United Kingdom's continued co-operation and participation with the work of the European technical agencies listed in subsection (2).
- (2) The agencies are—
- (a) Agency for the Cooperation of Energy Regulators (ACER),
 - (b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
 - (c) Community Plant Variety Office (CPVO),
 - (d) European Border and Coast Guard Agency (Frontex),
 - (e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
 - (f) European Asylum Support Office (EASO),
 - (g) European Aviation Safety Agency (EASA),
 - (h) European Banking Authority (EBA),
 - (i) European Centre for Disease Prevention and Control (ECDC),
 - (j) European Chemicals Agency (ECHA),
 - (k) European Environment Agency (EEA),
 - (l) European Fisheries Control Agency (EFCA),
 - (m) European Insurance and Occupational Pensions Authority (EIOPA),
 - (n) European Maritime Safety Agency (EMSA),
 - (o) European Medicines Agency (EMA),
 - (p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
 - (q) European Union Agency for Network and Information Security (ENISA),
 - (r) European Police Office (Europol),
 - (s) European Union Agency for Railways (ERA),
 - (t) European Securities and Markets Authority (ESMA),
 - (u) European Union Intellectual Property Office (EUIPO), and
 - (v) the (European Atomic Energy Community Treaty) EURATOM agencies.”

After Clause 1 - continued

BARONESS HAMWEE
LORD WOOLF
BARONESS LAWRENCE OF CLARENDON

Insert the following new Clause—

“Rights of EU citizens resident in the United Kingdom

Nothing in this Act shall affect the continuation of those residence rights enjoyed by EU citizens lawfully resident in the United Kingdom on 23 June 2016, under or by virtue of Directive 2004/38/EC, after the United Kingdom’s withdrawal from the European Union.”

LORD NEWBY
BARONESS LUDFORD
LORD PADDICK
LORD OATES

Insert the following new Clause—

“Effect of notification of withdrawal: EU citizens in the UK and UK citizens in the EU

Nothing in this Act shall affect the continuation of those rights of residence and other rights enjoyed by EU citizens lawfully resident in the United Kingdom and UK citizens lawfully resident in the EU pursuant to EU law after the United Kingdom’s withdrawal from the European Union.”

BARONESS MASSEY OF DARWEN

Insert the following new Clause—

“Protected characteristics: equality impact assessments

- (1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the impact of any framework for a new relationship with the European Union on protected characteristics, as set out in the Equality Act 2010.
- (2) Any report Her Majesty’s Government lays before Parliament on the progress of the withdrawal negotiations must be accompanied by an equality impact assessment.
- (3) Neither House of Parliament may approve by resolution any framework for a new relationship with the European Union unless an equality impact assessment has been laid before each House of Parliament.”

THE EARL OF SANDWICH

Insert the following new Clause—

“Impact of withdrawal on developing and post-conflict countries

Before exercising the power under section 1(1), the Prime Minister must arrange for the publication of a report on the impact of withdrawal from the EU on the United Kingdom’s trade, aid and security policies in relation to developing and post-conflict countries.”

After Clause 1 - continued

LORD WIGLEY

Insert the following new Clause –

“Priorities: UK higher education institutions, students and academics

Before a notification can be given under subsection (1), the Prime Minister must give an undertaking that Her Majesty’s Government will seek to secure an agreement which –

- (a) permits the provision of tuition fee support to EU students on the same basis as UK home students,
- (b) supports continued participation in Horizon 2020 and future European Research Area programmes,
- (c) supports continued participation in Erasmus+, and
- (d) supports continued participation in the Bologna process.”

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9 February 2017
