

European Union (Withdrawal) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 3

LORD FOULKES OF CUMNOCK

Insert the following new Clause—

“Strategy for economic and social cohesion principles derived from Article 174 of TFEU

- (1) The Secretary of State must, before 31 December 2018, lay before Parliament a strategy for developing principles for economic and social cohesion derived from Article 174 of the Treaty on the Functioning of the European Union (TFEU).
- (2) The strategy laid under subsection (1) must state the principles derived from Article 174 of TFEU.
- (3) The principles under subsection (2) form part of domestic law on and after exit day.
- (4) The aims of the strategy under subsection (1) are—
 - (a) to reduce inequalities between communities, and
 - (b) to reduce disparities between the levels of development of regions of the United Kingdom, with particular regard to—
 - (i) regions with increased levels of deprivation,
 - (ii) rural and island areas,
 - (iii) areas affected by industrial transition, and
 - (iv) regions which suffer from severe and permanent natural or demographic handicaps.
- (5) A Minister of the Crown may by regulations make provision for programmes to implement the strategy.
- (6) Programmes under subsection (5) shall run for a minimum of 10 years and shall be independently monitored.”

Schedule 1

LORD GOLDSMITH

Page 16, line 17, leave out paragraphs 2 and 3 and insert—

- “2A Any general principle of EU law will remain part of domestic law on or after exit day if—
- (a) it was recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case);
 - (b) it was recognised as a general principle of EU law in the EU Treaties immediately before exit day;
 - (c) it was recognised as a general principle of EU law by any direct EU legislation (as defined in section 3(2) of this Act) operative immediately before exit day; or
 - (d) it was recognised as a general principle of EU law by an EU directive that was in force immediately before exit day.
- 2B Without prejudice to the generality of paragraph 2A, the principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that paragraph.
- 2C For the purposes of paragraphs 2A and 2B the exit day appointed must be the same day as is appointed for section 5(1) of this Act and must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

After Clause 7

LORD KREBS

BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

“Environmental protection and improvement: continuation of powers and functions

- (1) Within one month of Royal Assent, the Secretary of State must—
 - (a) publish and lay before Parliament a statement identifying those powers and functions listed in the public register established under subsection (2) that it expects—
 - (i) will continue to be exercised in the United Kingdom or on behalf of the United Kingdom by EU entities or other EU public authorities; or
 - (ii) will be transferred to existing or new public authorities in the United Kingdom; or
 - (iii) will cease to be exercisable under the terms of the withdrawal agreement.
 - (b) make regulations containing provisions to ensure that all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom or on behalf of the United Kingdom before exit day continue to have effect on and after exit day.

After Clause 7 - continued

- (2) The Secretary of State must establish and maintain a publicly accessible register of all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom before exit day.
- (3) The register produced pursuant to subsection (2) shall specify –
 - (a) the specific powers and functions relating to environmental protection or improvement exercised by EU institutions;
 - (b) the institution previously responsible for exercising those functions; and
 - (c) the empowering provision in EU law relating to those functions.
- (4) The register produced pursuant to subsection (2) shall include the following functions –
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;
 - (e) co-ordinating action; and
 - (f) publicising information including regarding compliance with environmental standards.”

LORD WHITTY

Insert the following new Clause –

“EU and Euratom Agencies

Within two months of this Act receiving Royal Assent, the Minister of the Crown must lay before both Houses of Parliament a report containing a strategy for how, following exit day, public authorities in the United Kingdom will engage with the agencies of the European Union and Euratom specified in Schedule (*Agencies of the European Union and Euratom*).”

LORD WHITTY

LORD KREBS

Insert the following new Clause –

“Chemicals

- (1) The Secretary of State must ensure that the standards established by and under the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (EC 2006/1907) ('REACH') continue to apply on and after exit day.
- (2) The standards referred to in this section include, but are not limited to, the restriction of chemical substances and the identification and control of substances of very high concern.
- (3) The Secretary of State must by regulations establish a procedure for the registration of chemical substances with a domestic agency previously registered under REACH, with particular attention paid to companies whose market is limited to the territory of the United Kingdom.

After Clause 7 - continued

- (4) Chemical substances that have not been registered by under REACH before exit day or under domestic legislation procedure established pursuant to subsection (3) must not have access to the United Kingdom market after exit day.
- (5) The Secretary of State must by regulations establish a procedure for issuing authorisations for the use of substances of very high concern.
- (6) The procedures referred to in subsections (3) and (5) above must retain as far as possible the rules applied, principles underlying and processes followed under REACH.
- (7) The Secretary of the State must, within one month of this Act receiving Royal Assent, produce and publish a review analysing the options for the regulation of chemical substances in the United Kingdom after exit day and this review must consider at least the following –
 - (a) the potential for future participation in REACH processes;
 - (b) the functions currently exercised by the European Chemicals Agency or shared with other member States that are not currently carried out by an equivalent UK body;
 - (c) the compatibility of new chemicals regulations with achieving a high level of environmental protection;
 - (d) the future validity of registrations of United Kingdom chemical companies in the EU; and
 - (e) access to the REACH database.”

After Clause 9

LORD HASKEL
BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

“Governance and institutional arrangements

- (1) Before exit day, a Minister of the Crown must make provision that all powers and functions which form part of retained EU law, which relate to any right, freedom or protection that any person might reasonably expect to exercise, which were carried out by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease as a result of the withdrawal agreement (“relevant powers and functions”), will –
 - (a) continue to be carried out by an EU entity or public authority;
 - (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or
 - (c) be carried out by an appropriate international entity or public authority.
- (2) For the purposes of this section, relevant powers and functions include, but are not limited to –
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;

After Clause 9 - continued

- (e) co-ordinating action;
 - (f) publicising information.
- (3) Responsibility for any powers and functions as defined in subsection (1) for which no specific provision has been made immediately after commencement of this Act will belong to a relevant Minister until such a time as specific provision has been made.”

LORD BROWNE OF LADYTON

Insert the following new Clause—

“Withdrawal agreement: Irish border

So far as they commit the United Kingdom, paragraphs 49 and 50 of the joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union on the United Kingdom's orderly withdrawal from the European Union have effect.”

VISCOUNT HAILSHAM

Insert the following new Clause—

“Parliamentary approval for the outcome of negotiations with the European Union

- (1) The Prime Minister may not conclude an agreement with the European Union under Article 50(2) of the Treaty on European Union on the terms of the United Kingdom's withdrawal from the European Union without the approval of both Houses of Parliament.
- (2) For the purposes of subsection (1) such approval must be achieved before the European Parliament debates and votes on that agreement.
- (3) The prior approval of both Houses of Parliament is also required in relation to an agreement on the future relationship of the United Kingdom with the European Union.
- (4) The prior approval of both Houses of Parliament is also required in relation to any decision by the Prime Minister that the United Kingdom shall leave the European Union without an agreement as to the applicable terms.
- (5) Any approval required by this section must be either by way of an Act of Parliament or by a resolution of each House of Parliament.
- (6) In the event that approval is by way of a resolution of each House of Parliament, subsection (7) of this section applies.
- (7) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons (the Commons Resolution) is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes that are specified in this section.

After Clause 9 - continued

- (8) For the purposes of subsection (7) the Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, a resolution in the same terms is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.
- (9) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament.

Insert the following new Clause—

“Parliamentary control

- (1) Not less than 30 days before exit day, a Minister of the Crown must lay the terms agreed with the European Union in the negotiations under Article 50 of the Treaty on the Functioning of the European Union (TFEU) (the “agreed terms”) before each House of Parliament, whereupon—
 - (a) if both Houses pass a resolution approving the agreed terms, the terms may be ratified;
 - (b) no agreed terms may be ratified unless they are approved as provided in paragraph (a);
 - (c) if both Houses by a resolution so require, the agreed terms must be put to a national referendum on a question to be determined by both Houses of Parliament and within the period of time specified in the resolution;
 - (d) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.
- (2) Not less than 30 days before exit day, in the event that Her Majesty’s Government has not by then concluded a transitional or final agreement with the European Union in the negotiations under Article 50 TFEU, a Minister of the Crown must lay a report before each House of Parliament explaining the reasons that no such agreement has been made and making recommendations on how to proceed.
- (3) After a report under subsection (2) has been laid before each House—
 - (a) any recommendation contained in that report is subject to approval, amendment or rejection by resolution of each House;
 - (b) if both Houses by resolution so require, a national referendum on a question to be determined by both Houses of Parliament must be held within the period of time specified in the resolution;
 - (c) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.
- (3) Any resolution proposed by a Minister of the Crown and considered by either House of Parliament pursuant to this section must, if amended by that House, be pursued by Her Majesty’s Government in the amended terms.

After Clause 9 - continued

- (5) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons (the Commons Resolution) is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes specified in this section.
- (6) The Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, it is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.
- (7) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament.”

Before Schedule 2

LORD WHITTY

Insert the following new Schedule—

“Agencies of the European Union and Euratom

- (1) For the purposes of the strategy under Clause (*Euratom and European Union Agencies*), the following agencies of the European Union are specified—
 - (a) European Agency for Safety and Health at Work;
 - (b) European Centre for the Development of Vocational Training;
 - (c) European Foundation for the Improvement of Living and Working Conditions;
 - (d) European Environment Agency;
 - (e) European Institute of Innovation and Technology;
 - (f) European Training Foundation;
 - (g) European Monitoring Centre for Drugs and Drug Addiction;
 - (h) European Medicines Agency;
 - (i) European Union Intellectual Property Office;
 - (j) Community Plant Variety Office;
 - (k) Translation Centre for the Bodies of the European Union;
 - (l) European Food Safety Authority;
 - (m) European Maritime Safety Agency;
 - (n) European Aviation Safety Agency;
 - (o) European Network and Information Security Agency;
 - (p) European Centre for Disease Prevention and Control;
 - (q) European Global Navigation Satellite Systems Agency;
 - (r) European Railway Agency;
 - (s) European Agency for the Management of Operational Cooperation at the External Borders of Member States of the European Union;
 - (t) European Fisheries Control Agency;
 - (u) European Chemicals Agency;
 - (v) European Institute for Gender Equality;
 - (w) European Defence Agency;
 - (x) European Institute for Security Studies;

Before Schedule 2 - continued

- (y) European Union Satellite Centre;
 - (z) European Police College;
 - (za) European Police Office;
 - (zb) European Body for the Enhancement of Judicial Co-operation;
 - (zc) Fundamental Rights Agency;
 - (zd) Body of European Regulators of Electronic Communications;
 - (ze) European Systemic Risk Board;
 - (zf) Agency for the Cooperation of Energy Regulators;
 - (zg) European Banking Authority;
 - (zh) European Securities and Markets Authority;
 - (zi) European Insurance and Occupational Pensions Authority;
 - (zj) European Asylum Support Office;
 - (zk) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.
- (2) For the purposes of the strategy under section (*Euratom and European Union Agencies*), the following agencies of Euratom are specified –
- (a) Euratom Supply Agency; and
 - (b) Fusion for Energy.”

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9 February 2018
