

# European Union (Withdrawal Agreement) Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Before Clause 7**

LORD GREAVES

Insert the following new Clause—

**“Rights of European citizens resident in the United Kingdom**

- (1) This section applies to citizens of the EU, EEA and EFTA nationals and Swiss citizens who are ordinarily resident in the United Kingdom on exit day.
- (2) Except as provided for in this Act, following exit day all persons mentioned in subsection (1) have the rights, status and obligations which applied to them before that day.
- (3) The provisions in this section apply to the children and other dependent relatives of such persons whether or not they were ordinarily resident in the United Kingdom on exit day.
- (4) The rights referred to in subsection (2) may not be amended or removed except by primary legislation.”

**Clause 7**

LORD OATES  
LORD MCNICOL OF WEST KILBRIDE

Leave out Clause 7 and insert the following new Clause—

**“Rights related to residence**

- “(1) This section applies to—
- (a) persons within the personal scope of the withdrawal agreement (defined in Article 10) having the right to reside in the United Kingdom;
  - (b) persons to whom the provisions in (a) do not apply but who are eligible for indefinite leave to enter or remain or limited leave to enter or remain by virtue of residence scheme immigration rules (see section 17).
- (2) The Secretary of State may by regulations make provision to extend the scope of persons eligible for indefinite leave to enter or remain or limited leave to enter or remain by virtue of residence scheme immigration rules (see section 17).

**Clause 7 - continued**

- (3) A person has settled status in the United Kingdom if that person meets the criteria set out in ‘Eligibility for indefinite leave to enter or remain’ in Immigration Rules Appendix EU, or any amendment of these rules according to subsection (2).
- (4) A person with settled status holds indefinite leave to enter or remain and has the rights provided by the withdrawal agreement for those holding permanent residence as defined in Article 15 of the agreement, even if that person is not in employment, has not been in employment or has no sufficient resources or comprehensive sickness insurance.
- (5) A person has pre-settled status in the United Kingdom if that person meets the eligibility requirements set out in ‘Eligibility for limited leave to enter or remain’ in residence scheme immigration rules (see section 17), or any amendment of these rules according to subsection (2).
- (6) A person who has pre-settled status has leave to enter or remain and has the rights provided by the withdrawal agreement for those holding permanent residence as defined in Article 15 of the withdrawal agreement, even if that person is not in employment, has not been in employment or has no sufficient resources or comprehensive sickness insurance, except for the right to reside indefinitely in the United Kingdom and subject to the limitations set out in Article 23(2) of the withdrawal agreement.
- (7) The Secretary of State must by regulations made by statutory instrument make provision –
  - (a) implementing Article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document), including making provision for a physical document providing proof of residence;
  - (b) implementing Article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence;
  - (c) implementing Article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document), including making provision for a physical document providing proof of residence.
- (8) The regulations adopted under subsection (11) must apply to those defined in subsections (1)(a) and (1)(b).
- (9) A person holding pre-settled or settled status does not lose the right to reside for not having registered that settled or pre-settled status.
- (10) A person who has settled or pre-settled status who has not registered their settled or pre-settled status by 30 June 2021 or any later date decided by the Secretary of State may register at any time after that date under the same conditions as those registering prior to that date.
- (11) After 30 June 2021 or any later date decided by the Secretary of State, a person or their agent may require proof of registration of settled or pre-settled status under conditions prescribed by the Secretary of State in regulations made by statutory instrument, subject to subsections (12) to (14).

**Clause 7 - continued**

- (12) Any person or their agent who is allowed under subsection (11) to require proof of registration has discretion to establish by way of other means than proof of registration that the eligibility requirements for pre-settled or settled status under the provisions of this Act have been met.
- (13) When a person within the scope of this section is requested to provide proof of registration of settled or pre-settled status as a condition to retain social security benefits, housing assistance, access to public services or entitlements under a private contract, that person shall be given a reasonable period of at least three months to initiate the registration procedure set out in this section if that person has not already registered.
- (14) During the reasonable period under subsection (13), and subsequently on the provision of proof of commencement of the registration procedure and until a final decision on registration on which no further administrative or judicial recourse is possible, a person cannot be deprived of existing social security benefits, housing assistance, access to public services or private contract entitlements on the grounds of not having proof of registration.
- (15) A statutory instrument containing regulations under this section may not be made unless a draft instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member’s explanatory statement***

*This amendment creates a declaratory registration that provides incentives for registration while at the same avoiding EU citizens becoming illegally resident if not registering by the deadline. It ensures EU citizens receive physical proof of registration. It consolidates both the current eligibility criteria of the EU Settlement Scheme immigration rules, and the rights of those eligible under the Scheme, into primary legislation.*

Leave out Clause 7 and insert the following new Clause –

**“Rights related to residence**

- (1) The Secretary of State must by regulations make provision –
  - (a) implementing Article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document), including making provision for a physical document providing proof of residence;
  - (b) implementing Article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence;
  - (c) implementing Article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence.
- (2) Subsection (1) applies in the same way to –
  - (a) persons within the personal scope of the withdrawal agreement having the right to reside in the United Kingdom;

**Clause 7 - continued**

- (b) persons to whom the provisions in paragraph (a) do not apply but who are eligible for indefinite leave to enter or remain or limited leave to enter or remain by virtue of residence scheme immigration rules (see section 17).”

***Member’s explanatory statement***

*This amendment removes all the bill’s references to a constitutive system, and instead makes clear it will implement the Withdrawal Agreement via a declaratory registration system. It does so by replacing the references to Withdrawal Agreement 18(1-3) with 18(4).*

**Clause 11**

LORD MCNICOL OF WEST KILBRIDE  
LORD GREAVES

Page 14, line 2, leave out subsection (1) and insert –

- “(1) A person may appeal against a citizens’ rights immigration decision to the First-tier Tribunal.”

***Member’s explanatory statement***

*This amendment would give a right of appeal against a citizens’ rights immigration decision.*

LORD GREAVES

Page 14, line 2, leave out “may” and insert “must”

***Member’s explanatory statement***

*This is a probing amendment.*

Page 14, line 3, leave out “of a kind described in the regulations”

***Member’s explanatory statement***

*This is a probing amendment.*

Page 14, line 24, leave out subsection (3)

LORD MCNICOL OF WEST KILBRIDE  
LORD GREAVES

Page 14, line 24, leave out subsections (3) and (4) and insert –

- “(3) Subject to subsection (4), while an appeal is pending, the person concerned has all the rights associated with indefinite leave to remain under the residence scheme immigration rules, in particular as concerns residence, employment, access to social security benefits and other services.
- (4) Subsection (3) does not apply to an appeal against a decision falling within subsection (2)(a) or (c).
- (4A) “Pending” has the same meaning for the purposes of subsections (3) and (4) as in section 104 of the Nationality, Immigration and Asylum Act 2002.”

***Member’s explanatory statement***

*This amendment would protect the rights of EU citizens while their appeals are pending.*

Page 14, line 24, leave out “also”

***Member’s explanatory statement***

*This amendment is consequential to the amendment in the name of Lord McNicol of West Kilbride to Clause 11, page 14, line 2.*

BARONESS HAYTER OF KENTISH TOWN  
BARONESS HAMWEE  
VISCOUNT HAILSHAM

Page 14, line 25, leave out “(including judicial reviews)”

***Member’s explanatory statement***

*This amendment would remove the power for the Government to make regulations in connection with judicial review.*

**Clause 13**

BARONESS HAYTER OF KENTISH TOWN  
BARONESS HAMWEE  
VISCOUNT HAILSHAM

Page 17, line 12, at end insert –

“( ) No regulations may be made under this section after the end of the period of two years beginning with IP completion day.”

***Member’s explanatory statement***

*This amendment introduces a two-year sunset on the delegated powers relating to the coordination of social security systems, ensuring any subsequent changes must be enacted through primary legislation.*

**Clause 15**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 15 stand part of the Bill.*

**Clause 21**

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER  
VISCOUNT HAILSHAM

Page 25, line 5, leave out “(including modifying this Act)”

***Member’s explanatory statement***

*This amendment would remove the ability to amend the European Union (Withdrawal) Act 2018 itself by statutory instrument in connection with the Ireland/Northern Ireland Protocol.*

BARONESS RITCHIE OF DOWNPATRICK  
LORD EAMES  
LORD HAIN

Page 25, line 6, leave out “may” and insert “must”

Page 25, line 8, at end insert –

“(3A) In this Act, “access to the market within Great Britain 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.

(3B) Northern Ireland businesses shall enjoy the rights under subsection (3A) regardless of whether they trade directly with Great Britain or trade via Dublin port.”

BARONESS HAYTER OF KENTISH TOWN  
LORD BEITH  
VISCOUNT HAILSHAM

Page 25, line 17, at end insert –

“( ) But regulations under subsection (1) may not –

- (a) impose or increase taxation or fees,
- (b) make retrospective provision,
- (c) create a relevant criminal offence,
- (d) establish a public authority,
- (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
- (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998.”

***Member’s explanatory statement***

*This amendment places a series of limitations on the regulation-making powers allowed for by inserted section 8C.*

BARONESS RITCHIE OF DOWNPATRICK  
LORD EAMES  
LORD HAIN

Page 25, line 19, at end insert –

“( ) Any regulations made under this Act or any other Act that would introduce new requirements on goods traded from Northern Ireland to Great Britain (including, but not limited to, import customs declarations or origin checks) may not come into force without the consent of the Northern Ireland Assembly.

( ) No additional official or administrative costs consequent on any such regulations may be recouped from the private sector.”

**Clause 22**

BARONESS RITCHIE OF DOWNPATRICK  
LORD EAMES  
LORD HAIN

Page 26, line 16, leave out “may” and insert “must”

**After Clause 23**

BARONESS RITCHIE OF DOWNPATRICK  
LORD EAMES  
LORD HAIN

Insert the following new Clause—

**“Northern Ireland’s place in the UK internal market**

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 United Kingdom, the Government must develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.”

**Clause 26**

LORD PANNICK  
BARONESS TAYLOR OF BOLTON  
LORD BEITH  
LORD ANDERSON OF IPSWICH

Page 30, line 13, leave out paragraph (b)

***Member’s explanatory statement***

*This amendment would remove the power of Ministers by delegated legislation to decide which courts and tribunals should have power to depart from judgments of the Court of Justice of the European Union and by reference to what test.*

Page 30, line 20, leave out paragraph (d)

***Member’s explanatory statement***

*This amendment would remove the power of Ministers by delegated legislation to decide which courts and tribunals should have power to depart from judgments of the Court of Justice of the European Union and by reference to what test.*

**Clause 27**

BARONESS HAYTER OF KENTISH TOWN  
BARONESS LUDFORD  
VISCOUNT HAILSHAM

Page 32, line 35, leave out paragraph (c)

**Member's explanatory statement**

*This amendment, coupled with another, prevents a widening of the definition of "deficiency" in relation to retained EU law which would allow the Government to make additional changes by delegated legislation.*

BARONESS HAYTER OF KENTISH TOWN  
LORD WALLACE OF SALTAIRE

Page 32, line 41, leave out subsection (5)

**Member's explanatory statement**

*This amendment would maintain the current sunset clause (i.e. exit day) on the delegated powers granted by section 8 of the European Union (Withdrawal) Act 2018.*

BARONESS HAYTER OF KENTISH TOWN  
BARONESS LUDFORD  
VISCOUNT HAILSHAM

Page 32, line 42, leave out subsection (6)

**Member's explanatory statement**

*This amendment, coupled with another, prevents a widening of the definition of "deficiency" in relation to retained EU law which would allow the Government to make additional changes by delegated legislation.*

**After Clause 30**

BARONESS HAYTER OF KENTISH TOWN  
LORD WALLACE OF SALTAIRE  
LORD HANNAY OF CHISWICK  
LORD BOWNESS

Insert the following new Clause—

**“Oversight of negotiations for 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 statement on objectives for the future relationship with the EU must be consistent with the political declaration of 17 October 2019 referred to in Article 184 of the withdrawal agreement (negotiations on the future relationship).
- (4) A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless—



**After Clause 30 - continued**

- (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, and
  - (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.
- (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 (4)(b).
- (6) 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 (4), 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.
- (7) Subsections (8) and (9) 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.
- (8) 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.
- (9) 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

**After Clause 30 - continued**

- (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.
- (10) 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 (9) applies in relation to the ratification of that treaty.
- (11) 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 three months;
- “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;

**After Clause 30 - continued**

“treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25(1) and (2) of that Act).”

**Member’s explanatory statement**

*This amendment reinstates the oversight Clause from the original version of the Bill, providing an ongoing role for both Houses of Parliament during the future relationship negotiations.*

BARONESS HAYTER OF KENTISH TOWN  
LORD WALLACE OF SALTAIRE  
VISCOUNT HAILSHAM

Insert the following new Clause –

**“Reporting of progress in negotiations on the future relationship**

After section (*Negotiations for future relationship*) of the European Union (Withdrawal) Act 2018 (for which see section (*Oversight of negotiations for future relationship*)) insert –

**“13D Reporting of progress in negotiations on the future relationship**

- (1) A Minister of the Crown must, before 15 June 2020, make a statement setting out the status of Her Majesty Government’s negotiations with the EU on securing agreements on trade and security as envisaged by Parts II and III of the Political Declaration setting out the framework for the future relationship between the EU and the United Kingdom.
- (2) The statement under subsection (1) must include –
  - (a) a report of the negotiations carried out to date,
  - (b) a declaration of whether, in the Minister’s opinion, agreements can be concluded and ratified before IP completion day, and
  - (c) the policy of Her Majesty’s Government if agreements are not concluded and ratified before IP completion day.
- (3) A Minister of the Crown must, within three Commons sitting days, seek the approval of the House of Commons for the policy arising from the circumstance outlined in subsection (2)(c).”

**Member’s explanatory statement**

*This amendment requires a Minister to provide an interim assessment of UK-EU trade negotiations before 15 June and afford MPs the opportunity to endorse the Government’s position.*

**Clause 33**

LORD NEWBY  
BARONESS HAYTER OF KENTISH TOWN  
VISCOUNT HAILSHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 33 stand part of the Bill.*

**Member’s explanatory statement**

*Removing this Clause would prevent the prohibition on extending the implementation period.*

**After Clause 35**

BARONESS SMITH OF BASILDON  
BARONESS RITCHIE OF DOWNPATRICK  
LORD BRUCE OF BENNACHIE  
LORD KERR OF KINLOCHARD

Insert the following new Clause—

**“Involvement of the devolved administrations**

After section 10 of the European Union (Withdrawal) Act 2018 insert—

**“10A Involvement of the devolved administrations**

- (1) The Joint Ministerial Committee (EU Negotiations) is to be a forum—
  - (a) for discussing—
    - (i) the United Kingdom’s future relationship with the European Union, and
    - (ii) the economic and security impacts of that envisaged future relationship on the constituent parts of the United Kingdom, with particular regard to the position of Northern Ireland and its participation in the UK Internal Market,
    - (iii) means of mitigating the impacts mentioned in subparagraph (ii); and
  - (b) for seeking a consensus on those matters between Her Majesty’s Government and the other members of the Joint Ministerial Committee.
- (2) Her Majesty’s Government must, within the period of one month beginning with the day on which this Act is passed, produce a document for consideration by the Joint Ministerial Committee setting out—
  - (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding a future relationship with the EU by IP completion day,
  - (b) the steps Her Majesty’s Government intend to take to keep the Joint Ministerial Committee informed of progress in negotiating that future relationship,
  - (c) the steps Her Majesty’s Government intend to take to seek the approval of—
    - (i) the Scottish Parliament,
    - (ii) the National Assembly for Wales, and
    - (iii) the Northern Ireland Assembly
 before entering into that future relationship.
- (3) Following consideration of the document mentioned in subsection (2), Her Majesty’s Government must convene at least one meeting of the Joint Ministerial Committee each calendar month.
- (4) The Secretary of State must, after each meeting of the Joint Ministerial Committee, inform the UK representatives on the Joint Committee of the outcomes.

**After Clause 35 - continued**

- (5) In undertaking work in the Joint Committee, the UK representatives on that body must have due regard to the outcomes of meetings of the Joint Ministerial Committee.
- (6) UK representatives on the Joint Committee must also have due regard to the obligation on Her Majesty's Government under Article 6.2 of the Protocol on Ireland/Northern Ireland to use best endeavours to facilitate trade between Northern Ireland and other parts of the United Kingdom.””

**Member's explanatory statement**

*This amendment would place the Joint Ministerial Committee (EU Negotiations) on a statutory footing, requiring representatives of the devolved administrations to be briefed at least once a month on the Government's approach to the future relationship negotiations. In addition, it would introduce a requirement for UK representatives on the UK-EU Joint Committee to be notified of the outcomes of JMC meetings, and to have regard to the unique circumstances for Northern Ireland.*

**Clause 37**

LORD DUBS  
BARONESS HAMWEE  
LORD KERR OF KINLOCHARD

*The above-named Lords give notice of their intention to oppose the Question that Clause 37 stand part of the Bill.*

**Member's explanatory statement**

*Omitting Clause 37 would ensure the continuation of the refugee children and family reunification provisions of the European Union (Withdrawal) Act 2018.*

**After Clause 37**

LORD MCNICOL OF WEST KILBRIDE  
BARONESS LUDFORD  
VISCOUNT HAILSHAM

Insert the following new Clause –

**“Publication of further legislation relating to EU exit**

- (1) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, publish draft Bills relating to the –
  - (a) agricultural arrangements,
  - (b) employment rights,
  - (c) financial services legislation,
  - (d) fisheries arrangements,
  - (e) healthcare arrangements,
  - (f) immigration arrangements for EU nationals,
  - (g) monitoring and enforcement of environmental protections, and
  - (h) trade remedies arrangements,

that will be in effect in the United Kingdom after IP completion day.

**After Clause 37 - continued**

- (2) When publishing these draft Bills, the Secretary of State must make a statement outlining the steps they will take to seek the timely passage of such legislation before IP completion day.”

***Member’s explanatory statement***

*This amendment would require the Government to bring forward versions of the Brexit legislation published but not passed during the last two parliamentary sessions, as well as requiring Secretaries of State to outline how this legislation will be passed before the end of the implementation period.*

BARONESS JONES OF WHITCHURCH  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD RANDALL OF UXBRIDGE  
 BARONESS BROWN OF CAMBRIDGE

Insert the following new Clause—

**“Non-regression in relation to environmental and animal welfare matters**

After section 16 (maintenance of environmental principles etc.) of the European Union (Withdrawal) Act 2018 insert—

**“16A Non-regression in relation to protected matters**

- (1) Any action taken by or on behalf of a Minister of the Crown under—
- (a) this Act, or
  - (b) any other enactment, for the purposes of or in connection with the withdrawal of the United Kingdom from the EU,
- is unlawful if it is intended to have, or in practice is reasonably likely to have, a regressive effect in relation to the protected matters.
- (2) A public authority exercising a function in respect of a protected matter must not exercise that function in a way that is intended to have, or is reasonably likely to have, a regressive effect.
- (3) Regulations may not be made under this Act if they are intended to have, or are reasonably likely to have, a regressive effect.
- (4) The protected matters are—
- (a) the environment,
  - (b) food safety standards,
  - (c) registration, evaluation, authorisation and restriction of chemicals, and
  - (d) animal welfare.
- (5) For the purposes of this section an effect shall be considered regressive if it—
- (a) reduces a level of protection provided for in retained EU law, or
  - (b) weakens governance processes associated with that protection.””

***Member’s explanatory statement***

*This amendment prevents Ministers from using powers relating to EU withdrawal to diminish protections in retained EU law relating to the environment and animal welfare.*

LORD STEVENSON OF BALMACARA  
BARONESS LUDFORD

Insert the following new Clause—

**“Reporting of progress on achieving a data adequacy ruling**

After section 15 of the European Union (Withdrawal) Act 2018 (publication and rules of evidence) insert—

**“15A Reporting of progress on achieving a data adequacy ruling**

- (1) A Minister of the Crown must, before 31 June 2020 and every two months thereafter until IP completion day, make a statement setting out the status of Her Majesty’s Government’s discussions with the EU on a future data adequacy ruling.
- (2) The statement under subsection (1) must include—
  - (a) a report of the discussions carried out to date or since the last report,
  - (b) a declaration of whether, in the Minister’s opinion, a data adequacy agreement can be secured from the European Commission in order to take effect immediately after IP completion day, and
  - (c) the policy of Her Majesty’s Government in the event of a data adequacy agreement not being secured to take effect immediately after IP completion day.”

***Member’s explanatory statement***

*This amendment requires a Minister to provide updates on the UK’s discussions with the EU regarding the granting of a data adequacy decision.*

LORD PADDICK  
BARONESS LUDFORD

Insert the following new Clause—

**“Implementation period negotiating objectives: security partnership**

- (1) It is an objective of Her Majesty’s Government within the framework of the future relationship of the United Kingdom and the EU to secure agreements that achieve equivalent outcomes to—
  - (a) continued UK participation in the European Arrest Warrant;
  - (b) continued UK membership of Europol and Eurojust; and
  - (c) continued direct access for UK agencies to the following EU data-sharing mechanisms—
    - (i) the Second Generation Schengen Information System (SIS II);
    - (ii) the European Criminal Records Information System (ECRIS);
    - (iii) the Prüm Decisions;
    - (iv) Passenger Name Record (PNR); and
    - (v) the Europol Information System (EIS).
- (2) A Minister of the Crown must lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1)(a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

***Member's explanatory statement***

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

LORD FOX  
BARONESS LUDFORD

Insert the following new Clause—

**“Mobility framework**

It is an objective of Her Majesty's Government to take all necessary steps to secure an agreement within the framework of the future relationship of the United Kingdom and the EU which includes a mobility framework that enables all UK and EU citizens to exercise the same reciprocal rights to work, live and study, including the ability while resident in one state to work with ease across borders.”

***Member's explanatory statement***

*This new Clause would require the Government to seek reciprocal rights for UK and EU citizens to work, live and study.*

LORD FOX

Insert the following new Clause—

**“Implementation period negotiating objectives: level playing-field**

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

***Member's explanatory statement***

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



## BARONESS JOLLY

Insert the following new Clause –

**“UK participation in the European medicines regulatory network**

- (1) It is the objective of an appropriate authority to take all necessary steps to implement an international trade agreement, which enables the United Kingdom to participate fully after IP completion day in the European medicines regulatory network partnership between the EU, the EEA and the European Medicines Agency.
- (2) A Minister of the Crown must lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

***Member’s explanatory statement***

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

BARONESS HAMWEE  
BARONESS MILLER OF CHILTHORNE DOMER

Insert the following new Clause –

**“UK citizens resident in the EU, EEA or Switzerland: 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 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.”

***Member’s explanatory statement***

*This new Clause requires the Government to take steps to preserve the rights of UK citizens living in the EU, EEA or Switzerland, including continuing to uprate UK state pensions and paying for publicly provided healthcare.*

LORD STOREY  
THE EARL OF CLANCARTY  
BARONESS COUSSINS

Insert the following new Clause—

**“Implementation period negotiating objectives: Erasmus+**

- (1) It is an objective of Her Majesty’s Government to secure an agreement within the framework of the future relationship of the United Kingdom and the EU before the end of the implementation period that enables the United Kingdom to participate in all elements of the Erasmus+ programme on existing terms after the implementation period ends.
- (2) A Minister must lay before each House of Parliament a progress report on the objective in subsection (1) within six months of this Act being passed.”

*Member’s explanatory statement*

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

LORD LEA OF CRONDALL

Insert the following new Clause—

**“Future relationship: EEA alignment**

It shall be an objective of the Government to secure an agreement with the EU that aligns as closely as possible with EEA member status, having regard to Article 184 of the withdrawal agreement (concerning ongoing commitment to the political declaration).”

**Clause 38**

LORD WALLACE OF SALTAIRE  
LORD TYLER

*The above-named Lords give notice of their intention to oppose the Question that Clause 38 stand part of the Bill.*

**After Clause 40**

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER  
LORD BLENCATHRA

Insert the following new Clause—

**“Regulations: extension of EUWA 2018 sifting provisions**

- (1) Schedule 7 to the European Union (Withdrawal) Act 2018 is amended as follows.
- (2) In paragraph 1(3), after “8(1)” insert “, 8A(1), 8B(1) or 8C(1)”.”

*Member’s explanatory statement*

*This amendment ensures the sifting provisions in the European Union (Withdrawal) Act 2018 apply to regulations made under inserted sections 8A to 8C.*

## Schedule 2

LORD MCNICOL OF WEST KILBRIDE  
LORD OATES

Page 59, line 15, leave out paragraphs 39 and 40

***Member's explanatory statement***

*This amendment would require any transfer or abolition of the functions of the Independent Monitoring Authority to be provided for by primary legislation.*

Page 59, line 41, at end insert –

- “( ) Regulations under sub-paragraph (1) may not abolish the IMA unless –
- (a) all of its functions have been transferred to another body, and
  - (b) the Joint Committee has been notified of the laying of such regulations.”

***Member's explanatory statement***

*This amendment would clarify that whilst the IMA can be wound up by statutory instrument, this may only happen once all its functions have been relocated and the Joint Committee has been notified.*

## Schedule 4

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER  
LORD BLENCATHRA

Page 64, line 40, leave out from “to” to end of line 41 and insert “the procedure laid out in paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018.”

***Member's explanatory statement***

*This amendment, coupled with others to Schedule 4, ensures that SIs arising from delegated powers in this Bill will be subject to the sifting mechanisms provided for by the 2018 Act.*

Page 65, line 15, leave out from “to” to end and insert “the procedure laid out in paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018.”

***Member's explanatory statement***

*This amendment, coupled with others to Schedule 4, ensures that SIs arising from delegated powers in this Bill will be subject to the sifting mechanisms provided for by the 2018 Act.*

Page 65, line 32, leave out from “to” to end of line 33 and insert “the procedure laid out in paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018.”

***Member's explanatory statement***

*This amendment, coupled with others to Schedule 4, ensures that SIs arising from delegated powers in this Bill will be subject to the sifting mechanisms provided for by the 2018 Act.*

Page 66, line 31, leave out from “to” to end of line 32 and insert “the procedure laid out in paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018.”

***Member's explanatory statement***

*This amendment, coupled with others to Schedule 4, ensures that SIs arising from delegated powers in this Bill will be subject to the sifting mechanisms provided for by the 2018 Act.*

Page 68, line 10, leave out from “to” to end and insert “the procedure laid out in paragraph 17 of Schedule 7 to the European Union (Withdrawal) Act 2018.”

***Member's explanatory statement***

*This amendment, coupled with others to Schedule 4, ensures that SIs arising from delegated powers in this Bill will be subject to the sifting mechanisms provided for by the 2018 Act.*

# European Union (Withdrawal Agreement) Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*10 January 2020*

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