

# European Union (Withdrawal Agreement) Bill

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THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**After Clause 37**

BARONESS HAMWEE  
BARONESS MILLER OF CHILTHORNE DOMER

37

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  
 BARONESS BENNETT OF MANOR CASTLE

38 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  
 BARONESS QUIN

39 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).”

LORD WIGLEY

40 Insert the following new Clause –

**“Objectives during negotiations**

A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless –

- (a) a statement on objectives for the future relationship with the EU has been approved by the House of Commons on a motion moved by a Minister of the Crown,
- (b) a motion for the House of Lords to take note of that statement has been moved in that House by a Minister of the Crown,
- (c) a motion relating to that statement has been approved by a resolution of the National Assembly for Wales,
- (d) a motion relating to that statement has been approved by a resolution of the Scottish Parliament,
- (e) a motion relating to that statement has been approved by a resolution of the Northern Ireland Assembly.”

41 Insert the following new Clause –

**“Economic impact assessment**

- (1) A Minister of the Crown must –

**After Clause 37 - continued**

- (a) lay before each House of Parliament, and
  - (b) submit to the Presiding Officer of each devolved legislature,
- a comprehensive economic impact assessment of potential outcomes arising from the conclusion of negotiations on the future relationship with the EU.
- (2) An assessment under subsection (1) must include –
    - (a) an analysis by NUTS1 and NUTS2 regions of the United Kingdom including (but not limited to) –
      - (i) impact on employment as both an actual figure and a percentage, and
      - (ii) impact on Gross Value Added;
    - (b) a sectoral analysis including but not limited to agriculture, health and social care, manufacturing, the aerospace industry and financial services.”

***Member’s explanatory statement***

*This new Clause would require the Government to produce an economic impact assessment on the future relationship with the European Union.*

LORD WHITTY  
BARONESS RANDERSON

42

Insert the following new Clause –

**“Transport between the United Kingdom and the EU**

- (1) During the implementation period a Minister of the Crown must as necessary make regulations and seek agreements with the EU or with an individual member State of the EU to ensure that transport of freight and of passengers by road, rail, air and sea continues to operate smoothly between the United Kingdom and member States of the EU during the implementation period.
- (2) No later than 31 July 2020 a Minister of the Crown must set out in a report to both Houses of Parliament the basis for movement of freight and of passengers by road, rail, air and sea between the United Kingdom and member States of the EU after the implementation period.
- (3) A Minister of the Crown must, within the period of 14 sitting days beginning with the day on which the report is published, make arrangements for an amendable motion on the report to be debated and voted on in each House of Parliament.”

***Member’s explanatory statement***

*This amendment is to alleviate concerns that permits will become less available and more complicated for lorries and drivers on cross-Channel journeys by ensuring that contingency arrangements can be made during the implementation period.*

LORD WHITTY

43 Insert the following new Clause—

**“Agencies of the EU and Euratom**

- (1) During the implementation period, the Secretary of State must continue to cooperate with the agencies listed in Schedule (*Agencies of the EU and Euratom*) and, if the Secretary of State considers it necessary, make regulations to enable cooperation.
- (2) Subsection (3) applies whether or not during the implementation period the United Kingdom is a member, associate member or observer at an agency, or has no formal association with it.
- (3) No later than a month before the end of the implementation period, the Secretary of State must lay a report before both Houses of Parliament setting out the United Kingdom's intended future relationship with each agency listed in Schedule (*Agencies of the EU and Euratom*) after the implementation period.”

***Member’s explanatory statement***

*The EU executive agencies have impacts on different sectors of UK business and society. This amendment would compel the Government to set out how they intend to fulfill their obligations in respect of the agencies during the implementation period, and how they intend future relations with those agencies will be conducted afterwards.*

LORD TEVERSON

44 Insert the following new Clause—

**“Continuation of EU citizenship**

It is an objective of Her Majesty’s Government in their negotiations on the framework for the future relationship of the United Kingdom and the EU to secure continued EU citizenship, or a form of associated EU citizenship, for those UK citizens who wish to retain their EU citizenship.”

**Clause 38**

LORD THOMAS OF CWMGIEDD  
BARONESS FINLAY OF LLANDAFF  
BARONESS HUMPHREYS  
LORD WIGLEY

45 Page 37, line 42, at end insert—

- “( ) But it is also recognised, for the purposes of ratifying and implementing a negotiated future relationship treaty, that—
- (a) in accordance with section 28(8) of the Scotland Act 1998, the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament;
  - (b) in accordance with section 107(6) of the Government of Wales Act 2006, the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the National Assembly for Wales.”

**Member's explanatory statement**

*This amendment adds to the Clause recognising that nothing in the Bill derogates from the sovereignty of the UK Parliament, by recalling the principle that Parliament will not normally legislate with regard to devolved matters without the legislative consent of the Scottish Parliament and the National Assembly for Wales.*

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

46 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 GREAVES

47 Page 46, line 29, leave out paragraph 3

**Member's explanatory statement**

*This amendment is tabled to probe the timetable for setting up the IMA and the need to appoint an interim chief executive.*

48 Page 47, line 12, at end insert—

- “(d) a member who knows about conditions in England relating to the relevant matters.”

**Member's explanatory statement**

*This amendment adds England alongside the other constituent parts of the United Kingdom.*

49 Page 47, line 39, leave out from “(3)” to end of line 42 and insert—

- (a) the Secretary of State must propose to appoint a different person, and
- (b) sub-paragraphs (2) and (3) apply again.”

**Member's explanatory statement**

*This amendment means that the Secretary of State cannot appoint a member against the wishes of the relevant authority.*

50 Page 48, line 1, leave out sub-paragraph (7)

***Member's explanatory statement***

*This amendment is consequential on another amendment to Schedule 2 on page 47, line 39.*

51 Page 48, line 11, leave out “and” and insert –

“( ) in relation to an appointment for the purposes of paragraph 4(2)(d), an organisation that the Secretary of State considers to represent local government in England, and”

***Member's explanatory statement***

*This amendment follows from an amendment to Schedule 2, page 47, line 12 and effectively requires the Secretary of State to consult the Local Government Association.*

52 Page 49, line 3, leave out “and gratuities”

53 Page 49, line 31, leave out “allowances and gratuities” and insert “and allowances”

54 Page 50, line 20, leave out from “relevant” to end of line 22

55 Page 50, line 24, at end insert –

“( ) The minutes of meetings of the IMA, and of its committees and sub-committees, must be published and placed on the IMA’s website.”

***Member's explanatory statement***

*This amendment will ensure that the proceedings and decisions of the IMA are transparent.*

56 Page 52, line 15, at end insert –

“( ) The IMA must publish its annual plan at the same time that it sends it to the Secretary of State.”

***Member's explanatory statement***

*This amendment is in the interests of transparency.*

57 Page 53, line 22, at end insert –

“( ) The IMA may also keep under review and undertake enquiries into any other matters which affect the life and welfare of citizens of EU countries who are settled in the United Kingdom.”

***Member's explanatory statement***

*The IMA will be able to review matters which are outside the specific terms of Part 2 of the withdrawal agreement and the EEA EFTA separation agreement.*

LORD MCNICOL OF WEST KILBRIDE  
LORD OATES

58 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.*

LORD THOMAS OF CWMGIEDD  
BARONESS FINLAY OF LLANDAFF  
BARONESS HUMPHREYS  
LORD WIGLEY

59 Page 59, line 31, at end insert –

“(3A) Sub-paragraph (3B) applies for the purpose of ensuring that the transferee has knowledge of conditions relating to the relevant matters in –

- (a) Scotland,
- (b) Wales, and
- (c) Northern Ireland.

(3B) Regulations under sub-paragraph (1) must, so far as possible, make provision equivalent to paragraphs 4 and 5 in respect of the transferee.”

**Member's explanatory statement**

*Schedule 2 provides a role for each devolved administration in appointing the non-executive member of the IMA with knowledge about the conditions in their territory. This amendment ensures that similar provisions would apply as far as possible if the Secretary of State transfers the IMA's responsibilities to another body*

LORD MCNICOL OF WEST KILBRIDE  
LORD OATES

60 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.*

LORD GREAVES

61 Page 60, line 25, at end insert –

*“Charging for services*

40A(1) The IMA may not make a charge for the exercise of its functions.

- (2) Sub-paragraph (1) applies to any body to which the IMA's functions are transferred under paragraph 39.”

### After Schedule 3

LORD WHITTY

62 Insert the following new Schedule—

#### “AGENCIES OF THE EU AND EURATOM

- 1 For the purposes of section (*Agencies of the EU and Euratom*), the following agencies of the European Union are listed—
- (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 Border and Coast Guard Agency;
  - (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;
  - (y) European Union Satellite Centre;
  - (z) European Union Agency for Law Enforcement Training;
  - (za) European Union Agency for Law Enforcement Cooperation;
  - (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;
  - (zl) Executive Agency for Small and Medium-sized Enterprises;
  - (zm) Education, Audiovisual and Culture Executive Agency;
  - (zn) Consumers, Health, Agriculture and Food Executive Agency;
  - (zo) Innovation and Networks Executive Agency;
  - (zp) Research Executive Agency; and



**After Schedule 3 - continued**

- (zq) European Research Council Executive Agency.
- 2 For the purposes of section (*Agencies of the EU and Euratom*), the following agencies of Euratom are listed –
- (a) Euratom Supply Agency; and
  - (b) European Joint Undertaking for ITER and the Development of Fusion Energy.”

**Schedule 4**

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER

- 63 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.*

- 64 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.*

- 65 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.*

- 66 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.*

LORD TOPE  
LORD TYLER

- 66A Page 68, line 9, leave out from “41(1)” to end of line 10 and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

**Schedule 4 - continued**

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER

- 67 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.*

LORD GREAVES

- 68 Page 68, line 13, leave out from “2” to end of line 14 and insert “shall be dealt with under the provisions of section 11 of the Public Bodies Act 2011.”

***Member’s explanatory statement***

*This amendment would introduce an established procedure to provide greater safeguards in the event of a proposal to abolish, change or transfer the functions or procedures of the IMA.*

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MARSHALLED  
LIST OF AMENDMENTS  
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*15 January 2020*

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