



House of Commons
Exiting the European Union
Committee

**Parliamentary scrutiny
and approval of the
Withdrawal Agreement
and negotiations on
a future relationship:
Government Response
to the Committee's
Sixth Report**

**Seventh Special Report of Session
2017–19**

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Exiting the European Union Committee

The Exiting the European Union Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Exiting the European Union and related matters falling within the responsibilities of associated public bodies.

Current membership

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Powers

The Committee is one of the departmental select committees; its powers are set out under a Temporary Standing Order of 4 July 2017.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/exeucom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are James Rhys (Committee Clerk), Claire Cozens (Second Clerk), Dr Ariella Huff (Senior Committee Specialist), Duma Langton (Committee Specialist), Adrian Hitchins (Committee Specialist), Julian Mazowiecki (Committee Specialist), Eoin Martin (Committee Specialist), Leo Oliveira (Senior Committee Assistant), Henry Ayi-Hyde (Committee Assistant), Estelle Currie (Senior Media Officer) and Ben Shave (Media and Communications Officer).

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Seventh Special Report

1. The Committee on Exiting the European Union published its Sixth Report of Session 2017–19, *Parliamentary scrutiny and approval of the Withdrawal Agreement and negotiations on a future relationship*, (HC 1240), on 28 June 2018. On 10 October 2018, the Committee received the Government Response to the Report. It is appended below.

Appendix: Government Response

1. The conclusion of a Withdrawal Agreement between the UK and the EU27 and its accompanying Political Declaration on the framework for a future relationship will initiate a series of proceedings in Parliament which will need to be concluded by 29 March 2019, the date on which, under the terms of Article 50 of the Treaty on European Union, the UK becomes a third country. Even under the most optimistic scenario of full agreement at the October Council, Parliament will have barely more than five months to consider a motion to approve both documents (the “meaningful vote”), to complete consideration of the Withdrawal and Implementation Bill, and of any delegated legislation and any other primary legislation required by exit day, and to complete procedures required under the Constitutional Reform and Governance Act 2010 for treaty ratification. (Paragraph 39)

The Government is of course aware of the challenging timeframe which Parliament will have to approve the deal we agree with the EU and pass the necessary implementing legislation. That timeframe flows from the operation of Article 50 of the Treaty on European Union and the decision to trigger Article 50, which was supported by Parliament through the passage of the EU (Notification of Withdrawal) Act 2017. Nonetheless, we are confident that there is sufficient time for the relevant processes to be completed, and to allow for all decisions to receive the necessary scrutiny and democratic endorsement.

It is important to note that a significant amount of the Withdrawal Agreement has already been agreed and published - this includes agreement on important matters such as citizens' rights, the financial settlement and the implementation period. Scrutiny of the agreement will therefore not begin at the point negotiations conclude; it is already possible on large sections of the Withdrawal Agreement. Indeed, the Select Committee has commented on the Withdrawal Agreement in its report. The Government also published a White Paper on 24 July setting out its proposed approach to implementing these parts of the Withdrawal Agreement in domestic law. There was also a general debate in the Commons on legislating for the Withdrawal Agreement on 10 September. This has enabled parliamentarians to consider the Government's approach in advance of negotiations concluding.

With regard to the volume of secondary legislation identified by the Committee, the Government has already started to lay SIs to correct deficiencies under the EU (Withdrawal) Act 2018. At the point negotiations conclude, this process will be well under way. Departments have also been ensuring over the past year that their non-exit related secondary legislation is taken forward in good time, to ensure Parliament has capacity to focus on exit related legislation.

The Government has also now published its White Paper on our future relationship with the EU. Whilst this is not a document agreed with the EU, we expect it to provide a precise, responsible and credible basis for progressing negotiations.

We expect the EU to engage seriously with the proposals and both negotiating teams to work at pace to reach a substantive agreement on the Future Framework in the autumn. Scrutiny of the White Paper is ongoing.

2. This Committee's scrutiny of the deal will be important to the "meaningful vote". The Secretary of State has committed to give evidence to us following the October Council and we would expect a similar commitment if final agreement is deferred to the December Council or an even later date. We will expect the Secretary of State to be prepared to give evidence to us as soon as practicable after the Council at which any agreement is reached. We recommend the Government allow sufficient time between the Secretary of State appearing before us to give evidence and the scheduling of the "meaningful vote" to ensure that we have the opportunity to report to the House, as appropriate, on the final deal. We note that the Institute for Government suggested that parliamentarians should be given two weeks at the very least to consider the Withdrawal Agreement and Political Declaration before the debate is held. However, we recognise this timetable would need to be condensed in certain circumstances. (Paragraph 40)

The Government recognises that the vote on the final deal will be a major political decision, and therefore that adequate scrutiny is critical for Parliament to make an informed choice. At the end of the evidence session on 24 July, the Chair asked whether the Secretary of State would give evidence to the Committee once a deal had been concluded, and he agreed to do so.

However, the Committee also rightly recognises in its first recommendation that there are a number of different processes which need to be completed before exit day, and there is a degree of interdependence in the timings of these processes. For example, we have committed not to introduce the Withdrawal Agreement Bill until the vote on the final deal has taken place.

Therefore, whilst we are committed to providing adequate time for scrutiny, we are also working to ensure that as much scrutiny as possible can be undertaken before the negotiations conclude. That is one of the reasons why, as set out in our response to the Committee's first recommendation, much of the Withdrawal Agreement has already been agreed and published, and we released two detailed White Papers before the Summer Recess.

The exact timetabling will, of course, be a matter for determination nearer to the time.

3. The debate on the motion for approval of the Withdrawal Agreement and Political Declaration will be one of the most significant parliamentary debates in a generation. We note the precedent of five days spent debating the motion to approve the UK's decision to join the then European Communities in 1971. Five days would therefore be the minimum time that would be appropriate on this occasion. (Paragraph 41)

The Government agrees that these will be very significant parliamentary debate and that it is important that sufficient time is provided.

Whilst the Government recognises that the debates on the UK's accession to the European Communities in 1971 are a relevant precedent, other EU treaties, such as Maastricht or Lisbon, were primarily debated through their relevant implementing legislation.

Of course, the circumstances are not identical: the 1971 debates were focused on whether to join the European Communities, whilst now Parliament will be debating the terms of withdrawal negotiated by the Government. We will not be debating whether or not to leave the EU.

As with the previous recommendation, the exact timetabling will be a matter for determination nearer to the time.

4. The Secretary of State indicated to us that the motion to approve the Withdrawal Agreement and Political Declaration will be amendable. Given the significance of the debate on the motion it would be unconscionable if the House of Commons was not provided with the opportunity both for the fullest debate and to enable a clear expression of its opinion. It is essential that debate is organised through a Business of the House motion to ensure that it is possible for the Speaker to select a series of different amendments for consideration. The Government must ensure, so far as it is within its powers to do so, that these procedures allow the decision on the Withdrawal Agreement and Political Declaration motion to reflect, as far as possible, the view of the House as a whole even if this differs from the Government's preferred wording. The means of doing this is a matter on which the House would benefit from the expertise of the Procedure Committee and we request that that Committee give it consideration. (Paragraph 42)

The vote on the final deal will be a simple choice: whether to accept or reject the deal that the Government has negotiated with the EU. Of course, we accept that the Speaker may permit the tabling of amendments to the motion, as is usual convention.

The Government is always mindful of its ultimate accountability to Parliament, but it is important to be clear about the terms of the vote and the interaction between domestic and international law. Under no circumstances can amendments to the motion automatically alter the text of the Withdrawal Agreement or Future Framework, which will have both been agreed at the international level between the UK and EU. Nor can they delay or prevent our departure from the EU. The timing of our departure from the EU is set out in international law under the Article 50 process.

Under Section 13 of the EU (Withdrawal) Act 2018, the deal that is laid before Parliament must be approved by a resolution of the House of Commons to allow the Withdrawal Agreement to be ratified. If the motion is amended such that it cannot be demonstrated that both the Withdrawal Agreement and the Future Framework have been approved then the Government may be unable to ratify the Withdrawal Agreement.

5. We do not accept that a refusal by the House of Commons to approve the Withdrawal Agreement and the Political Declaration would mean that the Withdrawal Agreement would fall and that the UK would therefore leave the EU on 29 March 2019 without a deal. Consideration of the approval motion will give the House the opportunity to ask the Government to renegotiate terms, if the EU agreed to do so, or to seek to put its own conditions on approval. The House will expect that, in such circumstances the Government would re-submit the motion following any

renegotiation sought by Parliament or having considered the terms set by the House. We call on the Government to provide for a second parliamentary vote to approve the Withdrawal Agreement and Political Declaration in such circumstances. (Paragraph 43)

As we have already stated, the vote on the final deal will be a simple choice: whether to accept or reject the deal that the Government has negotiated with the EU. That is the only agreement which will have been agreed in good faith between the negotiators. There will be no alternative deal on the table.

The Select Committee itself has outlined in its first recommendation the timing constraints faced by both Government and Parliament. These are relevant to any suggestion that the vote on the final deal can be used as an opportunity to ask the Government to renegotiate terms. The Select Committee also correctly points out that we would be entirely reliant on the willingness of the EU to renegotiate.

Most importantly, we are confident that we will achieve a good deal that Parliament will want to support. That confidence is also founded in an understanding of parliamentarians' perspectives - the Government has heard the views of parliamentarians throughout the process of formulating its negotiating positions, as expressed through very large numbers of select committee reports and through contributions to the great many debates which have taken place on issues around EU exit.

6. It is possible that a renegotiation may be required in the event of either the UK Parliament or the European Parliament rejecting the Withdrawal Agreement or Political Declaration. However, the terms of Article 50 mean that, without an extension of Article 50 negotiations by the UK and the EU27, the UK is due to exit the EU on 29 March 2019 with or without an agreement. (Paragraph 44)

The Government has already set out its view with regards to a renegotiation. However, we agree with the Committee's analysis that the UK is due to exit the EU on 29 March 2019, whether or not an agreement is in place.

8. The negotiations on the UK's exit from the EU are unlike any other in that a "no deal" scenario does not maintain the status quo but has significant implications for the UK and the EU from the moment that the EU Treaties would cease to apply to the UK at 11pm on 29 March 2019.

In the circumstances that a deal is not reached (or a deal is not reached that Parliament is prepared to approve), it is important that Parliament is able to express its view clearly and advise the Government on how to proceed. The provisions in the European Union (Withdrawal) Act 2018 provide a framework for Parliament's role in that scenario. Were this situation to arise, we would expect the Government to provide an opportunity for both Houses to express their views, as the Secretary of State told the House they would. In such circumstances, the country would expect more than that its elected representatives simply "took note" of the situation. (Paragraph 46)

We want our future relationship with the EU to be a deep and special partnership, taking in both economic and security cooperation. We are confident that this is in the interests of both parties, so we approach these negotiations anticipating success. We do not want or expect a no deal outcome.

As a result of the significant progress made in negotiations to date, as set out in the joint statement on the Withdrawal Agreement published on 19 June and demonstrated by the agreement reached at the March European Council on citizens' rights, the financial settlement and the implementation period, we are increasingly confident that we will secure a deal with the EU and that the prospect of leaving negotiations with 'no deal' has receded significantly.

However, a responsible government should prepare for all potential outcomes, including the unlikely scenario in which no mutually satisfactory agreement can be reached. We are preparing as other European countries and the EU Commission are doing as well: not expecting this scenario to happen, but planning just in case.

As the Committee notes, the provisions in the European Union (Withdrawal) Act 2018 provide a framework for Parliament's role in that scenario. These provisions were agreed to by both Houses of Parliament. The Government also recognises that it is open for Ministers and members of the House of Commons to table motions on and debate matters of concern and that, as is the convention, parliamentary time will be provided for this.

14. Parliament will also need to ratify the Withdrawal Agreement before exit day in accordance with the provisions of the Constitutional Reform and Governance Act 2010 (CRAG) on treaty ratification. We would expect the CRAG process to commence no earlier than the introduction of the Withdrawal Agreement and Implementation Bill in Parliament. The CRAG process should not be triggered when the Withdrawal Agreement is laid in the House ahead of the parliamentary vote unless the timing of events does not allow for this. (Paragraph 85)

The Government has consistently stated that the vote on the final deal will be over and above the provisions set out in the Constitutional Reform and Governance Act 2010 (CRAG). We note the Committee's views with regards to the laying of documents before Parliament ahead of the vote on the final deal, and the interplay with CRAG.

We do not expect to treat the laying of the negotiated withdrawal agreement for the purposes of section 13(1)(a)(ii) of the EU (Withdrawal) Act 2018 as also having effect for the purposes of section 20(1)(a) of the Constitutional Reform and Governance Act 2010 (CRAG).

15. The Government should give a commitment that there will be a vote on the Withdrawal Agreement if a resolution is tabled against it during the 21-day CRAG process. (Paragraph 86)

The vote on the final deal will be the first—and most significant—opportunity for Parliament to have its say on the Withdrawal Agreement and Future Framework in their entirety before we leave the EU on 29 March 2019. If the Commons does not approve both documents, under the terms of the EU (Withdrawal) Act 2018, the Withdrawal Agreement cannot be ratified. This would render the provisions of CRAG irrelevant as there would be no treaty to ratify.

However, we are confident of achieving a good deal that Parliament will want to support. If a motion is tabled against the Withdrawal Agreement during the 21-day CRAG process, then this will be considered in line with existing conventions. Importantly, however, delaying the ratification of the Withdrawal Agreement would not legally delay or prevent our exit from the EU on 29 March 2019.

17. Once we leave the EU, the UK Parliament will lose the role it had in scrutinising EU external agreements, including trade agreements, through the European scrutiny processes in each House. Parliamentary scrutiny will be restricted instead to the provisions in the Constitutional Reform and Governance Act 2010 (CRAG) relating to ratification of treaties. CRAG provisions are inadequate, denying Parliament the right to information during negotiations, and not even guaranteeing a debate or vote on a treaty before it is ratified. The Government must ensure that the UK Parliament is given a meaningful vote on the final text of the agreements with the EU that will comprise the future UK-EU relationship. The Government must also commit to scheduling a vote in Parliament if a resolution is tabled against any of the future relationship agreements during the 21-day CRAG process. (Paragraph 105)

The Government's White Paper on *The future relationship between the United Kingdom and European Union* makes clear that:

The future relationship is likely to consist of a number of separate agreements, each covering different elements of economic, security and cross-cutting cooperation. The details of each individual agreement will be subject to negotiation with the EU, but some should be legally binding, for instance, components of the economic partnership such as a core Free Trade Agreement (FTA) and of the security partnership such as internal security, while others should be based on political commitments, for instance, components of external security cooperation.

The mechanics for Parliament's endorsement of those agreements and for their implementation in domestic law will need to be considered as the form and content of those agreements becomes clearer over time through the process of negotiations.

7. We reiterate the recommendation from our Third Report that the Government should be prepared to seek a limited extension to the Article 50 period if substantive aspects of the future relationship remain to be agreed. This would allow Government to meet its objective that negotiations on substantive aspects of the future relationship should not continue into the transition/implementation period. A limited extension to Article 50 may also be required to prevent the UK leaving the EU on 29 March 2019 without an agreement in the event that parliamentary consent to the Withdrawal Agreement is delayed by either side of the negotiations, although it is by no means certain that the EU would respond positively to such a request. (Paragraph 45)

We are not seeking to extend the Article 50 process. We continue to work at pace to finalise the Withdrawal Agreement and Future Framework in the autumn, and we remain on track to do so.

In doing so, we are building on the momentum the talks have gathered over the past months. In March we reached a significant milestone on the Withdrawal Agreement, agreeing legal text on a time-limited implementation period, citizens' rights and a fair financial settlement. In June we set out in a joint statement the further progress made on the majority of other separation issues. We have now reached agreement on the vast majority of the Withdrawal Agreement, and have also begun talks on our future relationship, covering aspects of our future economic and future security partnerships,

cross-cutting issues and an institutional framework for governance of the agreements. The Government's White Paper on the future relationship, published in July, set out our vision for that relationship in more detail, providing a firm foundation for those discussions.

We are therefore confident of reaching agreement on the Withdrawal Agreement alongside an agreement on the framework for our future relationship in the autumn. This will allow sufficient time for both the UK and EU ratification processes, as well as the passage of the required domestic implementing legislation as we have set out in the Withdrawal Agreement Bill White Paper, published on 24 July.

As set out in the future relationship White Paper, we recognise that the EU is only able legally to conclude the final agreements on the future relationship once the UK has left the EU in March 2019; but we are seeking commitment from the EU to finalise these legal agreements as soon as possible in accordance with the parameters set out in the Future Framework, in order to achieve a smooth transition out of the implementation period and into the future relationship.

9. Notwithstanding the constraints of the Article 50 process, which sets out the procedures for a country exiting the EU rather than a country establishing a new relationship, the House of Commons will expect a high level of detail in the Political Declaration accompanying the Withdrawal Agreement if it is to be able to give its approval to both. We call on the Government to seek the inclusion of the Political Declaration as an annex to the Withdrawal Agreement in order to give its contents greater force. (Paragraph 64)

Article 50 makes clear that the Withdrawal Agreement needs to take account of the framework for the UK's future relationship with the EU. As talks progress on the future relationship, we are working hard and at pace to deliver the best possible agreement on this Future Framework, which will be to the mutual benefit of both the UK and the EU.

The European Council highlighted in its March guidelines that the Future Framework agreement should take the form of a political declaration and that will accompany and be referred to in the Withdrawal Agreement.

The UK and the EU have been clear that the Withdrawal Agreement and the Future Framework form a package, and that 'nothing is agreed until everything is agreed'—meaning that neither document can be considered final until this is true of both.

The Government also said in the White Paper that the Withdrawal Agreement should include an explicit commitment by both parties to finalise the legal agreements to give effect to the future relationship as soon as possible, in order to achieve a smooth transition out of the implementation period and into the future relationship.

Although the EU is only able legally to conclude the final agreements on the future relationship once the UK has left the EU in March 2019, this political declaration will nevertheless carry significant force. As part of the Article 50 process, it will, together with the Withdrawal Agreement, be subject to the approval of Parliament in the UK and equivalent EU processes.

10. The section on the financial settlement in the text of the draft Withdrawal Agreement published after the March Council was highlighted in green, indicating that it had been agreed in principle by both sides. The UK's agreement to pay the financial settlement estimated at between £35 billion and £39 billion will be legally binding under international law once the Withdrawal Agreement is ratified by all parties concerned. The Withdrawal Agreement will be considered by the UK Parliament alongside a non-binding Political Declaration. A legally binding agreement on the UK's future relationship can only be agreed once the UK is a third country. If the UK Government wishes to make the payment of the financial settlement conditional on reaching a binding agreement on the future relationship, it would need to secure the agreement of the EU27 to inserting text to this effect in the Withdrawal Agreement. We note that the Government has not yet secured a clause in the Withdrawal Agreement linking the financial settlement to the satisfactory conclusion of negotiations on the framework for the future relationship. We call on the Government to confirm whether the inclusion of such a clause is one of its negotiating objectives. (Paragraph 65)

The UK and the EU have been clear that the Withdrawal Agreement and the Future Framework form a package. Article 50 sets out that the terms of the UK's withdrawal from the EU must be agreed taking account of the framework for the future relationship, and the EU's guidelines of March 2018 confirmed that, in line with Article 50, this political declaration will accompany and be referred to in the Withdrawal Agreement.

As the Secretary of State has made clear that in keeping with the spirit of Article 50, and both sides' commitments to the principle that 'nothing is agreed until everything is agreed', the financial settlement agreed as part of the Withdrawal Agreement and the framework for the future relationship are inextricably linked - and so must be concluded together.

Because the EU is only able legally to conclude agreements giving effect to the future relationship once the UK has left the EU in March 2019, the Government also said in the White Paper that the Withdrawal Agreement should include an explicit commitment by both parties to finalise the legal agreements to give effect to the future relationship as soon as possible, in order to achieve a smooth transition out of the implementation period and into the future relationship.

16. On the basis of the existing text of the Withdrawal Agreement the UK will leave the institutions of the EU on 29 March 2019 and continue in the transition/implementation period until no later than 31 December 2020. This leaves only 21 months to translate the Political Declaration accompanying the Withdrawal Agreement into the legal text for any agreement or agreements on the future relationship, and for the ratification process to be sufficiently completed for key provisions to enter into force. The European Parliament elections in May 2019 and the subsequent establishment of a new Commission will substantially reduce the time available for meaningful negotiations to around 15 to 16 months. There is a possibility that this will not prove sufficient. Therefore, the Government should seek to secure a simple mechanism in the Withdrawal Agreement for the extension of the transition/implementation period if required. (Paragraph 104)

Both the UK and the EU agree that the implementation period has to be time-limited and the legal text agrees an end date of 31 December 2020. Our White Paper on the Future

Relationship between the EU and the UK calls for any legal agreements reached to be finalised as soon as possible, after 29 March 2019. We are working at pace to ensure that all of the necessary arrangements are in place for 31 December 2020.

11. If the House of Commons agrees the motion to approve the Withdrawal Agreement and Political Declaration, the Government will then introduce the Withdrawal Agreement and Implementation Bill to give effect to relevant provisions of the agreement in UK law and to allow for the exercise of delegated powers under Section 9 of the EU (Withdrawal) Act 2018. This will not provide an opportunity for parliamentarians to influence or amend the text of the Withdrawal Agreement itself. (Paragraph 82)

12. It is likely that, to secure the legal basis necessary for the standstill transition/implementation period envisaged in the current text of the Withdrawal Agreement, the Withdrawal and Implementation Bill will need to restore (for the limited period of the transition/implementation period) provision for the direct effect of EU law which is to be removed by the European Union (Withdrawal) Act 2018.

We call on the Government to clarify the legal basis that will be used to provide for the standstill transition/implementation period. We also call on the Government to clarify how legal provision will be made for any backstop solution agreed for the Irish border and whether this backstop will need to be given provisional legal effect in the Withdrawal Agreement and Implementation Bill. (Paragraph 83)

On 24 July 2018, the Government published a White Paper on *Legislating for the Withdrawal Agreement between the United Kingdom and the European Union*. The White Paper sets out in detail how we plan to legislate for key parts of the Withdrawal Agreement, and covers those parts of the Withdrawal Agreement that have already been agreed with the EU, including the time-limited implementation period.

The UK will no longer be a Member State during the implementation period, but common rules will remain in place, with EU law continuing to apply in the UK subject to the terms set out in the Withdrawal Agreement. This will mean that businesses will be able to trade on the same terms as they do now.

This will be achieved by way of transitional provision, in which the EU (Withdrawal Agreement) Bill will amend the EU (Withdrawal) Act 2018 so that the key effects of the European Communities Act 1972 are saved for the time-limited implementation period. Exit day, as defined in the EU (Withdrawal) Act 2018, will remain 29 March 2019. The implementation period will ensure that businesses and citizens only need to prepare for one change as we bridge to the future relationship.

While the UK and the EU have made progress in the negotiations on the Northern Ireland and Ireland Protocol, discussions continue and consideration is being given to areas that may require domestic legislation.

The EU (Withdrawal Agreement) Bill will be the primary legislative vehicle for giving effect to the Withdrawal Agreement. The Secretary of State for Exiting the EU confirmed to the House that the EU (Withdrawal Agreement) Bill will include provisions to implement the Northern Ireland and Ireland protocol as required. These parts of the Bill will become clear as we reach agreement on the remaining areas in the Withdrawal Agreement.

Finally, the Government agrees with the Committee that amendments to the EU (Withdrawal Agreement) Bill cannot amend the text of the Withdrawal Agreement itself.

19. The UK's future trade agreement with the EU and negotiations on trade with non-EU states will have significant impacts on devolved policy areas and interests. As we said in our First Report, there needs to be cooperative, participative mechanisms for joint working between the UK Government and the devolved administrations to ensure that devolved interests are properly considered when entering into and developing new international agreements. We also asked the Government to set out whether it is considering formal structures for inter-governmental relations, including any arbitration system for disputes, so that the views of the devolved governments can be heard.

The Government should set out in detail the processes by which the views of the devolved governments and parliaments will be fed into the negotiations on the UK's future relationship with the EU and on future trade agreements with non-EU states. The Government should also commit to seeking the views of the devolved parliaments as part of the process of seeking approval for the Withdrawal Agreement and Political Declaration. (Paragraph 107)

The Government is committed to securing a deal with the EU that works for the entire United Kingdom—for Scotland, Wales, Northern Ireland and all parts of England. We have been clear from the start that the devolved administrations should be fully engaged in this process.

The Joint Ministerial Committee (EU Negotiations) (JMC(EN)), chaired by the Chancellor of the Duchy of Lancaster, which DExEU Ministers attend, serves as a high level political forum for discussing the negotiations and wider inter-governmental issues related to EU Exit. In the absence of an Executive, officials from the Northern Ireland Civil Service observe. There have been eleven meetings of JMC(EN) since it was established in October 2016. It met most recently on 5 July 2018 and is due to meet again in advance of October European Council (OEC).

Building on discussions at JMC(EN), a Ministerial Forum on EU Negotiations (MF(EN)) was established in May 2018 so that the devolved administrations can contribute to the development of the UK negotiating position on the future relationship in greater breadth and depth. The Ministerial Forum is jointly chaired by the Cabinet Office Minister for the Constitution and the Parliamentary Under Secretary of State for the Department for Exiting the EU and has met on three occasions. The meetings are an opportunity to discuss each government's requirements for the future relationship with the EU and to provide oversight of negotiations with the EU. The forum will also discuss issues stemming from the negotiation process which may impact upon or have consequences for all administrations. The Ministerial Forum will continue to meet regularly over the coming months in order to inform the detailed negotiations that will begin once the UK has formally left the EU and becomes a third country.

The Government is committed to seeking the input of the devolved administrations to ensure they influence the UK's future trade policy, recognising the role they will have in developing and delivering it. The Department for International Trade has recently started detailed discussions with the devolved administrations on their role in future trade agreements.

The Government's White Paper on the UK's Future Relationship with the EU was clear that the future relationship will have implications for the existing structures of Joint Ministerial Committees being discussed as part of the joint review of Intergovernmental Relations. The UK Government will work with the devolved administrations to ensure that any modifications to the existing arrangements reflect the new relationship between the UK and the EU.

Finally, on seeking the views of the devolved legislatures on the Withdrawal Agreement and Political Declaration, it is for the UK Government to enter into and sign the Withdrawal Agreement as an international treaty on behalf of the UK.

And it is for the UK Parliament, with members representing constituencies in all parts of the UK, to scrutinise and hold the UK Government to account.

13. Depending on the outcome of negotiations, the Government will have a large amount of legislation, both primary and secondary to pass before exit day or the end of the transition/implementation period if the transition/implementation period is agreed. It is essential that sufficient time is provided for proper consideration of the legislation required. Indeed, given the volume and complexity of legislation that now needs to be considered in such a short time, the Government should publish details of its intended legislative timetable including the intended publication dates of any proposed White Papers or Green Papers, and any contingency plans for handling a "no deal" outcome including legislative consequences. (Paragraph 84)

The Government has taken the necessary steps to implement the result of the referendum and ensure the UK has a smooth and orderly exit, by working on delivering an unprecedented programme of legislation.

The EU (Withdrawal) Act completed its passage through Parliament, having undergone rigorous scrutiny by MPs and peers. Its successful passage marks a significant milestone in the process of EU exit. With this Act, existing EU legislation will be converted into UK law, providing certainty for people and businesses across the UK as we leave.

We are laying Statutory Instruments under the powers in the EU (Withdrawal) Act so that we are ready for exit, whatever the outcome of the negotiations.

Four other Acts preparing the UK for exit are now in place:

- the Sanctions and Anti-Money Laundering Act which ensures that we can impose, update and lift sanctions and anti-money laundering regimes;
- the Nuclear Safeguards Act which establishes a domestic nuclear safeguards regime as we leave Euratom;
- the Haulage Permits and Trailer Registration Act which gives the UK the powers it needs to support British hauliers to continue operating internationally after exiting the EU; and
- the Taxation (Cross-border Trade) Act which will allow the UK to create a standalone customs regime once we exit the EU.

The Trade Bill, which will provide continuity by enabling the preservation of the UK's current trade and investment relationships, is currently making its way through the House of Lords. The Agriculture Bill, constituting the first major agricultural reform in the UK for almost 50 years, was recently introduced in Parliament. Bills on fisheries and immigration are being prepared.

Finally, the EU (Withdrawal Agreement) Bill, which will implement the final Withdrawal Agreement reached between the UK and the EU in UK law, will be introduced once the negotiations have concluded and Parliament has approved the final deal.

Earlier this summer we published a White Paper setting out how the Bill will legislate for the elements of the Withdrawal Agreement that we have already agreed with the EU, including citizens' rights, the financial settlement and the time-limited implementation period.

18. It is also important to look beyond the treaties we conclude with the EU to the negotiating and signing of any new agreements with non-EU countries, including new trade deals. We recommend that Parliament has a role in the scrutiny of these agreements. The Liaison Committee should examine the role of parliamentary committees in scrutinising treaties after the UK leaves the EU and consider proposals for a dedicated committee on treaties or how existing select committees might best approach this work. (Paragraph 106)

As the Secretary of State for International Trade said in his statement to the House on 16 July, the Government is committed to providing Parliament with the ability to inform and scrutinise new trade agreements in a timely and appropriate manner.

The Government will ensure that parliamentarians are given the opportunity to consider the level of ambition of our approach to negotiations and the potential implications of any agreements, as well as keeping both Houses updated on the progress of negotiations through statements and updates to the International Trade Committee.

Furthermore, to implement a new trade agreement with a new partner, the Government will bring forward a bespoke piece of primary legislation, when required, for each new future trade agreement that requires changes to legislation and where there are no existing powers. Parliament will therefore have the opportunity to scrutinise the new legislation in the normal way.

We therefore believe that this process will strengthen Parliament's ability to shape and scrutinise the Government's ambitious trade policy agenda and our new free trade agreements with partners around the world.

20. The negotiations on our future relationship with the EU will be a monumental task, touching a wide range of aspects of the political and economic future of this country. It is not yet clear whether changes will be made to the machinery of Government to accomplish this task. However, were the Department for Exiting the European Union to be abolished and this Committee to lose its role, adding the scrutiny of these negotiations to the workload of another existing committee would not be adequate. To ensure the right level of scrutiny of these historic negotiations and an effective role for Parliament in seeking the best outcome for the UK, there must continue to be a

dedicated select committee on EU exit during the transition/implementation period to scrutinise and hold the Government to account in negotiating the UK's future relationship with the EU. (Paragraph 108)

As the Prime Minister made clear in her written statement on 24 July, she will lead the negotiations with the European Union with the Secretary of State for Exiting the European Union deputising on her behalf.

Both the Prime Minister and the Secretary of State for Exiting the European Union will be supported by the Cabinet Office Europe Unit, with the Europe Unit having overall responsibility for the preparation and conduct of the negotiations.

The Department for Exiting the European Union has a continuing role on all of the Government's preparations for EU exit: domestic preparations in both a deal and a no deal scenario, all of the necessary legislation, and preparations for the negotiations to implement the detail of the Future Framework. The most important thing is that the Government continues to be correctly configured to secure the best outcome for the UK in both the current negotiations and for the negotiations to implement the detail of the Future Framework.

As stated above, the level and nature of scrutiny that Parliament wishes to give departments and negotiations, now and in the future, would of course remain a matter for Parliament. Select committees across Parliament are scrutinising our plans for exit, as more than 100 select committee inquiries related to EU exit demonstrate; and we will continue to engage with select committees as negotiations on the future relationship progress.