



House of Commons
Exiting the European Union
Committee

**Response to the 12
March 2019 vote
on the Withdrawal
Agreement and Political
Declaration: next steps
for Parliament**

Thirteenth Report of Session 2017–19

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons
to be printed 13 March 2019*

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.

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

Publication

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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), Jonathan Arkless (Committee Specialist), Leo Oliveira (Senior Committee Assistant), Hannah Finer (Senior Committee Assistant), Henry Ayi-Hyde (Committee Assistant), Estelle Currie (Senior Media Officer) and Ben Shave (Media and Communications Officer).

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Response to the 12 March 2019 vote on the Withdrawal Agreement and Political Declaration: next steps for Parliament

1. On 15 January 2019, the House of Commons voted by a majority of 230 to reject the Withdrawal Agreement and Political Declaration on the Future Framework for Relations between the EU and the UK that were laid before Parliament on 26 November 2018. The following day, we agreed and published a report identifying the four broad options for how the House might proceed, namely

- Option 1: To hold another vote in Parliament on the draft Withdrawal Agreement and Framework for the Future Relationship;
- Option 2: To leave with no deal on 29 March 2019 with no agreement on future relations in place and with no transition / implementation period.
- Option 3: To call on the Government to seek to re-negotiate the deal to achieve a specific outcome, with the main renegotiation possibilities identified as
 - Seeking changes to the text in the Withdrawal Agreement on the backstop arrangements;
 - Seeking a Canada-style deal; and
 - Seeking to join the EEA through the EFTA pillar and remaining in a customs union with the EU or a variation on this.
- Option 4: To hold a second referendum to allow the British people to decide either which kind of Brexit deal they want or whether they wish to remain in the EU.¹ We also said that option 4 - to hold a further referendum - was not necessarily an alternative to the first three options but could be combined with any one of these options.

2. The Committee also noted that the UK could seek provision for additional time by requesting an extension to Article 50. Extension requires the approval of all EU Member States and amendment of those provisions of the EU (Withdrawal) Act 2018 that set the exit date as 29 March 2019 (this amendment could be achieved by statutory instrument). The only other option identified was to revoke the Article 50 notification. We concluded that

It is vital that the House of Commons is now given the opportunity to identify an option that might secure a majority. We recommend that this is done by holding a series of indicative votes on the options we have set out [...] as soon as possible.²

3. On 29 January, the House of Commons considered a neutral motion, tabled pursuant to Section 13 of the EU (Withdrawal) Act 2018, and agreed two amendments. The first, tabled by Rt Hon Dame Caroline Spelman MP, provided that the House rejected “the

1 Eleventh Report of Session 2017–19, [Response to the vote on the Withdrawal Agreement and Political Declaration: Options for Parliament](#), paras 15 to 19.

2 Ibid para 21.

United Kingdom leaving the EU without a Withdrawal Agreement and a Framework for the Future Relationship”.³ The second, tabled by Rt Hon Sir Graham Brady MP, called for “the Northern Ireland backstop to be replaced with alternative arrangements to avoid a hard border; supports leaving the European Union with a deal and would therefore support the Withdrawal Agreement subject to this change.” Further negotiations on the nature of the Northern Ireland backstop were then subsequently undertaken by the Government.

4. The Prime Minister gave an undertaking on 26 February 2019 that she would bring the Withdrawal Agreement and Political Declaration back to the House by 12 March and, if not agreed by that date, that she would table a motion the following day to enable the House to consider whether it supports leaving the EU without a withdrawal agreement and a framework for a future relationship on 29 March. If the House again voted to reject leaving the EU with no deal, she undertook to bring forward a motion for consideration on Thursday 14 March to enable the House to decide whether it wants to seek “a short, limited extension to article 50”.⁴ The Prime Minister added that “if the House votes for an extension, [the Government will] seek to agree that extension approved by the House with the EU and bring forward the necessary legislation to change the exit date commensurate with that extension”.⁵

5. On 11 March the Chancellor of the Duchy of Lancaster and the Minister for the Cabinet Office, Rt Hon David Lidington MP, reported that the Prime Minister had secured legally binding changes that “strengthen and improve” the Withdrawal Agreement and the Political Declaration. Referring to the House’s agreement of the amendments tabled both by Dame Caroline Spelman and Sir Graham Brady on 29 January, he noted that

The House spoke clearly on 29 January when it voted in favour of honouring the decision of the British people and leaving the European Union with a deal that works for the UK. The primary issue of concern then was the Northern Ireland backstop. This House said it needed legally binding changes, and today that is what the Prime Minister and the Secretary of State have achieved.

6. The Government subsequently tabled three additional documents to be considered alongside the Withdrawal Agreement and the Political Declaration on the Framework for the Future Relationship between the European Union and the United Kingdom,⁶ namely

- A joint instrument relating to the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community;
- A joint statement supplementing the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland; and
- A declaration by Her Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland concerning the Northern Ireland Protocol.

3 Votes and Proceedings, [29 January 2019](#).

4 HC Deb, 26 February 2019, [col 167](#)

5 Ibid; an extension of the Article 50 period beyond 29 March 2019 would require both the unanimous agreement of the EU27 and an amendment to Section 20 of the EU (Withdrawal) Act 2018.

6 Additions have been made to the Political Declaration that was first published in November 2018.

We took evidence from the Secretary of State, Rt Hon Stephen Barclay MP, on 12 March on the further negotiations that had been carried out.⁷

7. Jean-Claude Juncker, President of the European Commission, responded to the agreement of 11 March stating that “There will be no further interpretations of the interpretations; and no further assurances of the re-assurances—if the meaningful vote [on 12 March 2019] fails”.⁸

8. On 12 March, the House voted by a majority of 149 to again reject the Withdrawal Agreement and Political Declaration on the Framework for the Future Relationship between the EU and the UK together with the three new documents. On the evening of Wednesday 13 March, the House will consider the motion

That this House declines to approve leaving the European Union without a Withdrawal Agreement and a Framework for the Future Relationship on 29 March 2019; and notes that leaving without a deal remains the default in UK and EU law unless this House and the EU ratify an agreement.⁹

If the House again votes to reject leaving with no deal, it will be invited to consider requesting an extension of the Article 50 process. The Prime Minister has argued that this should be a “short, limited” extension, but the House will need to consider what duration of extension it should ask the Government to request and the EU27 will then consider what extension it may consent to.

9. Swee Leng Harris, Head of Policy and Public Affairs, The Legal Education Foundation, and Senior Policy Adviser, Bingham Centre for the Rule of Law, told us that, for the EU27, “a key consideration [in considering a request for extension] is obviously the purpose of an extension, and therefore whether the time proposed for the extension is likely to be adequate for the purpose”.¹⁰ Professor Alison Young, Faculty of Law, University of Cambridge, believed that

there will be concerns within the European Union about whether we are just doing this to get extra time with no further purpose. They will be thinking about the extent to which this is a legitimate purpose. Do we have a way forward? Do we know where we are going with the negotiations, or is this just extra delay, extra time?¹¹

10. Jean-Claude Juncker, President of the European Commission, stated in a letter of 11 March 2019 to the President of the European Council, Mr Donald Tusk, that

the United Kingdom’s withdrawal should be complete before the European Parliament elections that will take place between 23–26 May this year. If the United Kingdom has not left the European Union by then, it will be legally required to hold these elections, in line with the rights and obligations of all Member States as set out in the Treaties.¹²

7 Oral evidence taken on 12 March 2019

8 [Remarks by President Jean-Claude Juncker at joint press conference with the Prime Minister, 11 March 2019](#)

9 House of Commons Order Paper, [13 March 2019](#).

10 [Q5](#)

11 [Q6](#)

12 Letter from Jean-Claude Juncker to Donald Tusk, [11 March 2019](#)

However, the Committee heard a different view in a recent discussion in Brussels to the effect that there would not be a problem with not holding these elections provided that the UK left the EU by the end of June, because the first session of the new European Parliament will not convene until 2 July.

11. **The House voted on 12 March to reject for a second time the Withdrawal Agreement and Political Declaration with the additional provisions relating to the backstop negotiated by the Prime Minister. It has twice rejected the first option that we identified in January - voting again on the deal. If leaving with no deal is rejected on 13 March, the House will also have rejected the second option - leaving with no deal - on two occasions. Following the passage of the Brady amendment, the Government pursued the first of the options that we identified in January for seeking to re-negotiate the deal - seeking changes to the text in the Withdrawal Agreement on the arrangements for the Northern Ireland backstop. The House has now rejected the outcome of those re-negotiations.**

12. **If the House votes again to reject no deal, which in our Twelfth Report of Session 2017–19 we said “cannot constitute the policy of any responsible Government”, the House will then consider a motion to extend the Article 50 process on Thursday 14 March. It will be necessary for the UK to request an extension of the Article 50 process, but it will need to make clear the purpose to which such an extension would be put and provide the EU27 with some indication of how the UK intends to find a solution to the current impasse in Parliament. We reiterate our recommendation that the House of Commons must be given an opportunity to identify what new approach might secure a majority in the House of Commons. Making provision, therefore, for the House to hold a series of indicative votes should now happen without delay so as to begin the process by which a clear plan can be identified.**

13. **Any extension to the Article 50 process will need to be sufficient for the purpose of identifying the way forward that the House of Commons can support; negotiating any subsequent changes to the Political Declaration to provide sufficient clarity about the future relationship between the UK and the EU for Parliament and the public, so that the House of Commons can approve the Withdrawal Agreement and Political Declaration; and the complex task of passing the legislation required to give effect to the Withdrawal Agreement in domestic law and complete the requirements of ratification required before exit. It is not currently clear what length of extension would be necessary to enable these processes to be completed, and therefore Parliament should propose an extension of sufficient length to reach agreement with the EU.**

14. **We note the view of the President of the European Commission that, if the UK is to extend the Article 50 process, and therefore remain a Member State of the EU beyond 26 May 2019, it will need to hold European Parliament elections. We believe that it may be necessary to request an extension beyond the end of May and, unless a protocol can quickly be agreed in discussions with the EU which removes the obligation on the UK to participate in the European Parliament elections, the UK should be prepared for the possibility of having to hold these elections at the end of May.**

15. **Given that there are different views on the question of UK participation in the European Parliament elections and, in the light of existing EU and UK law, the Government should urgently clarify what its understanding of the position is.**

Formal minutes

Wednesday 13 March 2019

Members present:

Hilary Benn, in the Chair

Joanna Cherry	Mr Pat McFadden
Stephen Crabb	Craig Mackinlay
Jonathan Djanogly	Seema Malhotra
Richard Graham	Mr Jacob Rees-Mogg
Peter Grant	Emma Reynolds
Wera Hobhouse	Stephen Timms
Andrea Jenkyns	Hywel Williams
Stephen Kinnock	Sammy Wilson
Jeremy Lefroy	

Draft Report (*Response to the 12 March 2019 vote on the Withdrawal Agreement and Political Declaration: next steps for Parliament*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 15 read and agreed to.

Question put, That the Report be the Thirteenth Report of the Committee to the House.

The Committee divided.

Ayes, 13	Noes, 4
Joanna Cherry	Andrea Jenkyns
Stephen Crabb	Craig Mackinlay
Jonathan Djanogly	Mr Jacob Rees-Mogg
Richard Graham	Sammy Wilson
Peter Grant	
Wera Hobhouse	
Stephen Kinnock	
Jeremy Lefroy	
Mr Pat McFadden	
Seema Malhotra	
Emma Reynolds	
Stephen Timms	
Hywel Williams	

8 Response to the 12 March 2019 vote on the
Withdrawal Agreement and Political Declaration: next steps for Parliament

Question accordingly agreed to.

Ordered, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Wednesday 20 March at 10.00am

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2017–19

First Report	European Union (Withdrawal) Bill	HC 373 (HC 771)
Second Report	The progress of the UK's negotiations on EU withdrawal	HC 372 (HC 862)
Third Report	The progress of the UK's negotiations on EU withdrawal: December 2017 to March 2018	HC 884 (HC 1077)
Fourth Report	The future UK-EU relationship	HC 935 (HC 1150)
Fifth Report	The progress of the UK's negotiations on EU withdrawal (March to May 2018)	HC 1060 (HC 1552)
Sixth Report	Parliamentary approval of the Withdrawal Agreement and the future relationship	HC 1240 (HC 1641)
Seventh Report	The progress of the UK's negotiations on EU withdrawal: Data	HC 1317 (HC 1564)
Eighth Report	The progress of the UK's negotiations on EU withdrawal: the rights of UK and EU citizens	HC 1439 (HC 1872)
Ninth Report	The progress of the UK's negotiations EU withdrawal (June to September 2018)	HC 1554
Tenth Report	The progress of the UK's negotiations on EU withdrawal - The Withdrawal Agreement and Political Declaration	HC 1778
Eleventh Report	Response to the vote on the Withdrawal Agreement and Political Declaration: Options for Parliament	HC 1902
Twelfth Report	Response to the vote on the Withdrawal Agreement and Political Declaration: Assessing the Options	HC 1908
First Special Report	European Union (Withdrawal) Bill: Government Response to the Committee's First Report	HC 771
Second Special Report	The progress of the UK's negotiations on EU withdrawal: Government response to the Committee's Second Report	HC 862
Third Special Report	The progress of the UK's negotiations on EU withdrawal (December 2017 to March 2018): Government response to the Committee's Third Report	HC 1077
Fourth Special Report	The future UK-EU relationship: Government Response to the Committee's Fourth Report	HC 1150

Fifth Special Report	The progress of the UK's negotiations on EU withdrawal (March to May 2018): Government Response to the Committee's Fifth Report	HC 1552
Sixth Special Report	The progress of the UK's negotiations on EU withdrawal: Data: Government Response to the Committee's Seventh Report	HC 1564
Seventh Special Report	Parliamentary scrutiny and approval of the Withdrawal Agreement and negotiations on a future relationship: Government Response to the Committee's Sixth Report	HC 1641
Eighth Special Report	The progress of the UK's negotiations on EU Withdrawal: The rights of UK and EU citizens: Government Response to the Committee's Eight Report	HC 1872