



Department  
for Exiting the  
European Union

# Parliamentary Oversight of Withdrawal

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## EU (Withdrawal Agreement) Bill



## OVERVIEW

*The UK has agreed a new Brexit deal with the EU. The EU (Withdrawal Agreement) Bill will implement this new deal in UK law, and deliver Brexit by 31st October 2019.*

*The **Bill** will: take back control of our laws by reaffirming the sovereignty of Parliament; end vast annual payments to Brussels; protect the Union by ensuring we leave as one United Kingdom; protect the rights of EU, **EEA EFTA** and Swiss citizens living in the UK; and secure an **implementation period** to give businesses certainty.*

The **Bill** ensures Parliament has a role in shaping the UK's proposals for the long-term future relationship with the EU.



## NEXT PHASE OF NEGOTIATIONS

The **Bill** ensures that before negotiations with the EU on the future trade and security relationship can begin, Parliament will have to approve the negotiating objectives. The **Bill** sets out that the statement of objectives must be consistent with the aims of the Political Declaration, as agreed on 17 October 2019.

During the negotiations with the EU, Ministers must seek to achieve the objectives approved by parliamentarians and report back to Parliament on progress every three months. Each report will make a clear statement on the progress of negotiations. If a Minister's assessment is that the future relationship with the EU is not likely to reflect the objectives, the Minister will be obliged to explain why that is the case. All reports made to Parliament will also be sent to the **devolved administrations**. Ministers may make a revised statement on objectives at any time, but must seek further parliamentary approval before they can negotiate on the basis of that revised statement.

Once an agreement has been reached with the EU on any aspect of the future relationship, the Government must present a statement outlining that a political agreement has been reached, alongside a copy of the draft treaty to Parliament. Parliament then has a key role in approving this, and a Minister may not ratify the treaty unless the House of Commons has given its approval. The process would apply to any treaty that makes up the economic or security relationship between the UK and the EU.

## **PARLIAMENTARY OVERSIGHT DURING THE IMPLEMENTATION PERIOD**

EU law will continue to apply in the UK during the **implementation period**, but the UK will no longer form part of the EU's political institutions or take part in its lawmaking activities. This clause will ensure parliamentary scrutiny over legislation made, or which may be made, during the **implementation period** that will, in the opinion of the House of Common's European Scrutiny Committee, affect the UK's vital national interests.

## **OVERSIGHT OF THE JOINT COMMITTEE**

The **Joint Committee** is the formal means of engagement between the UK and the EU post-exit. It will oversee the application and implementation of the **Withdrawal Agreement** and after the end of the **implementation period**, the **Joint Committee** will have a role in resolving any disputes between the UK and the EU. Given the importance of the **Joint Committee**, the **Bill** will ensure ministerial oversight of the **Joint Committee** by making sure that the UK's co-chair will be a Government Minister.

## **KEY TERMS**

### **ACT OF PARLIAMENT**

An Act of Parliament is a law that both Houses of Parliament have agreed to and which has received Royal Assent. It is enforced in all the areas of the UK where it is applicable.

### **AGREEMENTS**

The term used when referring to the EU Withdrawal Agreement, EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement.

### **BILL**

A proposal for a new law or an amendment to an existing law that has been presented to Parliament for consideration. Once agreed and made into law, it becomes an Act.

### **DEVOLVED ADMINISTRATIONS**

These are the Scottish Government, the Welsh Government and the Northern Ireland Executive.

### **DEVOLVED COMPETENCE**

The areas in which the devolved legislatures are responsible for making laws ('legislative competence') or the devolved administrations are responsible for governing or making secondary legislation ('executive competence').

### **DEVOLVED INSTITUTIONS**

The collective term for the devolved administrations and the devolved legislatures (The Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly).

### **DEVOLVED LEGISLATURES**

The law making bodies of the devolved nations of the UK. These are the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

### **EEA EFTA**

The EFTA states who are party to the EEA Agreement - Norway, Iceland and Liechtenstein.

## **IMPLEMENTATION PERIOD**

Time-limited period following the point at which the UK leaves the EU. During this period, EU law will continue to apply in the UK subject to the terms set out in the Withdrawal Agreement.

## **JOINT COMMITTEE**

A committee composed of representatives from the UK and the EU that will oversee the application and implementation of the Withdrawal Agreement. Other Joint Committees will perform a similar function for the EEA EFTA and Swiss agreements.

## **OTHER SEPARATION ISSUES**

This refers to 13 ongoing processes, such as ongoing judicial proceedings, which will continue under EU law, as a transitional measure after the end of the implementation period to ensure a smooth exit from the EU.

## **POLITICAL DECLARATION**

The Political Declaration sets out the framework for the future relationship between the European Union and the UK.

## **ROYAL ASSENT**

When the Queen formally agrees to make a bill an Act of Parliament.

## **SECONDARY LEGISLATION**

Legal instruments (including regulations and orders) made under powers delegated to ministers or other office holders in Acts of Parliament. They have the force of law but can be disapplied by a court if they do not comply with the terms of their parent Act. Also called subordinate or delegated legislation.

## **STATUTE BOOK**

The body of legislation that has been enacted by Parliament or one of the devolved legislatures and has effect in the UK.

## **SECONDARY LEGISLATION**

The international legal agreement between the UK and the EU containing the arrangements for leaving the EU.

## **WITHDRAWAL AGREEMENT**

The international agreement between the UK and the EU that sets out the respective rights and obligations of both parties following the UK's withdrawal from the EU.

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