

# Reflecting principles established by an amended Political Declaration on the future relationship between the UK and EU in law

## DRAFT CLAUSES

### 1 Nature of arrangements for the future relationship with the EU

- (1) A Minister of the Crown must seek to negotiate with the EU arrangements for the future relationship between the United Kingdom and the EU consistent with the parameters established by the Political Declaration, and which include in particular –
- 5 (a) a system for free movement of goods, persons, services and capital, subject to safeguard measures exercisable in the event of serious economic, social or environmental difficulties, between the United Kingdom and the EU (and, with the agreement of the other EEA states, across the European Economic Area);
- 10 (b) a customs union with the EU (customs arrangements which include a common external tariff and no tariffs, fees, charges, quantitative restrictions, or checks on rules of origin);
- (c) mechanisms for ensuring that competition is not distorted;
- (d) regulatory alignment on matters relating to the environment, employment rights and social policy;
- 15 (e) close co-operation in other fields including research and development, education and culture.
- (2) Before commencing negotiations with the EU, a Minister of the Crown must publish a document (a “negotiating mandate”) that sets out Her Majesty’s Government’s objectives for the arrangements the Minister is seeking to negotiate in accordance with subsection
- 20 (1).
- (3) Before publishing the negotiating mandate the Minister of the Crown must consult the Welsh Ministers to seek their views about a draft of the negotiating mandate.
- (4) The negotiating mandate must be –
- (a) laid before each House of Parliament, and
- 25 (b) sent to the First Minister of Wales, who must lay it before the National Assembly for Wales.
- (5) In this section and in section 3 the reference to the “Political Declaration” is to the political declaration setting out the framework for the future relationship between the United Kingdom and the EU, agreed between Her Majesty’s Government and the EU and
- 30 published on [date of publication of amended Political Declaration].

## 2 Reporting on progress of negotiations on future relationship agreement

(1) A Minister of the Crown must make a statement to report on progress made in meeting the objectives set out in the negotiating mandate, which must include, in particular, information about—

- (a) any concern the Minister has that an objective may not be agreed, or
- (b) opposition expressed by the EU in the negotiations to any of the objectives.

(2) A statement made by a Minister of the Crown under subsection (1) must be made at least every three months and—

- (a) laid before each House of Parliament, and
- (b) sent to the First Minister of Wales, who must lay it before the National Assembly for Wales.

## 3 Procedure if no agreement on future relationship 8 months before the end of the transition period

(1) This section relates to any of the objectives set out in the negotiating mandate and applies if 8 months before the end of the transition period—

- (a) the Prime Minister makes a statement that no agreement in principle on the objective can be reached, or
- (b) there is no agreement in principle on the objective.

(2) A Minister of the Crown must make a statement setting out how Her Majesty's Government proposes to proceed within the period of 14 days beginning with—

- (a) the day on which the statement mentioned in subsection (1)(a) is made, or
- (b) (if no statement is made) the day that is 8 months before the end of the transition period.

(3) The Minister of the Crown must—

- (a) lay the statement made under subsection (2) before each House of Parliament,
- (b) send the statement to the First Minister of Wales who must lay it before the National Assembly for Wales and, within the period of seven sitting days beginning with the day on which the statement is made, move a motion for the National Assembly to take note of it, and
- (c) make arrangements for—
  - (i) a motion, to the effect that the House of Commons has considered the statement, to be moved by a Minister of the Crown within the period of seven sitting days beginning with the day on which the statement is made, and
  - (ii) a motion for the House of Lords to take note of the statement to be moved by a Minister of the Crown within the period of seven sitting days beginning with the day on which the statement is made.

#### 4 Parliamentary approval of future relationship agreement

(1) An agreement determining the United Kingdom's future relationship with the EU (a "future relationship agreement") may be ratified only after each of the following events has taken place –

(a) a Minister of the Crown has consulted the Welsh Ministers to seek their views about the future relationship agreement;

(b) a Minister of the Crown has prepared the documents mentioned in subsection (2) and –

(i) laid them before each House of Parliament, and

(ii) sent them to the First Minister of Wales who must lay them before the National Assembly for Wales and table a motion for the National Assembly to take note of the future relationship agreement;

(c) the future relationship agreement has been approved by a resolution of the House of Commons on a motion in neutral terms moved by a Minister of the Crown;

(d) a motion for the House of Lords to take note of the future relationship agreement has been tabled in the House of Lords by a Minister of the Crown and –

(i) the House of Lords has debated the motion, or

(ii) the House of Lords has not concluded a debate on the motion before the end of the period of five sitting days beginning with the first sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (c),

(e) the motion tabled by the First Minister of Wales in accordance with paragraph (b) (ii) –

(i) has been debated by the National Assembly for Wales, or

(ii) the National Assembly for Wales has not concluded a debate on the motion before the end of the period of five sitting days beginning with the first sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (c).

(2) The documents referred to in subsection (1)(b) are –

(a) a statement that political agreement has been reached, and

(b) a copy of the future relationship agreement.

(3) This section does not affect the operation of Part 2 of the Constitutional Reform and Governance Act 2010 (ratification of treaties) in relation to the withdrawal agreement.

(4) In this section "ratified" is to be construed in accordance with section 25 of the Constitutional Reform and Governance Act 2010 .

#### 5 Procedure if Parliamentary approval not obtained

(1) This section applies if the House of Commons decides not to pass the resolution mentioned in section 4(1)(c).

(2) A Minister of the Crown must, within the period of 21 days beginning with the day on which the House of Commons decides not to pass the resolution, make a statement setting out how Her Majesty's Government proposes to proceed.

- (3) A statement made under subsection (2) must –
- (a) be laid before each House of Parliament, and
  - (b) be sent to the First Minister of Wales who must –
    - (i) lay the statement before the National Assembly for Wales,
    - (ii) table a motion for the National Assembly to take note of the statement, and
    - (iii) move the motion within seven sitting days beginning with the day on which the statement was received.
- (4) A Minister of the Crown must make arrangements for –
- (a) a motion, to the effect that the House of Commons has considered the statement, to be moved by a Minister of the Crown within the period of seven sitting days beginning with the day on which the statement is made, and
  - (b) a motion for the House of Lords to take note of the statement, to be moved by a Minister of the Crown within the period of seven sitting days beginning with the day on which the statement is made.

## 6 Meaning of “sitting day”

- (1) In sections 3, 4 and 5, “sitting day” means –
- (a) in relation to the House of Commons, a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);
  - (b) in relation to the House of Lords, a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
  - (c) in relation to the National Assembly for Wales, any working day falling within a week in which the Assembly sits in plenary.
- (2) For the purposes of subsection (1)(c), “working day” means any day unless it is –
- (a) a Saturday or a Sunday,
  - (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
  - (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971, or
  - (d) a day appointed for public thanksgiving or mourning.