



European Union (Withdrawal Agreement) Act 2020

2020 CHAPTER 1

PART 4

OTHER SUBJECT AREAS

Parliamentary oversight

29 Review of EU legislation during implementation period

After section 13 of the European Union (Withdrawal) Act 2018 (Parliamentary approval of the outcome of negotiations with the EU) insert—

“13A Review of EU legislation during implementation period

- (1) Subsection (2) applies where the European Scrutiny Select Committee of the House of Commons (“the ESC”) publishes a report in respect of any EU legislation made, or which may be made, during the implementation period and the report—
 - (a) states that, in the opinion of the ESC, the EU legislation raises a matter of vital national interest to the United Kingdom,
 - (b) confirms that the ESC has taken such evidence as it considers appropriate as to the effect of the EU legislation and has consulted any Departmental Select Committee of the House of Commons which the ESC considers also has an interest in the EU legislation, and
 - (c) sets out the wording of a motion to be moved in the House of Commons in accordance with subsection (2).
- (2) A Minister of the Crown must, within the period of 14 Commons sitting days beginning with the day on which the report is published, make arrangements for the motion mentioned in subsection (1)(c) to be debated and voted on by the House of Commons.

- (3) Subsection (4) applies where the EU Select Committee of the House of Lords (“the EUC”) publishes a report in respect of any EU legislation made, or which may be made, during the implementation period and the report—
- (a) states that, in the opinion of the EUC, the EU legislation raises a matter of vital national interest to the United Kingdom,
 - (b) confirms that the EUC has taken such evidence as it considers appropriate as to the effect of the EU legislation, and
 - (c) sets out the wording of a motion to be moved in the House of Lords in accordance with subsection (4).
- (4) A Minister of the Crown must, within the period of 14 Lords sitting days beginning with the day on which the report is published, make arrangements for the motion mentioned in subsection (3)(c) to be debated and voted on by the House of Lords.
- (5) In this section—
- “EU legislation” means—
- (a) any amendment to the Treaty on European Union, the Treaty on the Functioning of the European Union, the Euratom Treaty or the EEA agreement,
 - (b) any EU directive, or
 - (c) any EU regulation or EU decision which is not EU tertiary legislation;
- “the European Scrutiny Select Committee of the House of Commons” means the Select Committee of the House of Commons known as the European Scrutiny Select Committee or any successor of that committee;
- “the EU Select Committee of the House of Lords” means the Select Committee of the House of Lords known as the EU Select Committee or any successor of that committee.”

30 Certain dispute procedures under withdrawal agreement

After section 13A of the European Union (Withdrawal) Act 2018 (review of EU legislation during implementation period) (for which see section 29 above) insert—

“13B Certain dispute procedures under withdrawal agreement

- (1) Subsection (2) applies if a request has been made under Article 170 of the withdrawal agreement to the other party in a dispute (request to establish an arbitration panel in relation to a dispute between the EU and the United Kingdom).
- (2) A Minister of the Crown must, within the 14 day period beginning with the day on which the request is made, make a statement in writing to each House of Parliament that the request has been made and setting out the details of it.
- (3) Subsection (4) applies if the European Court has given a ruling in response to a request by an arbitration panel under Article 174(1) of the withdrawal agreement (request for ruling by European Court on certain questions arising in a dispute submitted to arbitration).

- (4) A Minister of the Crown must, within the 14 day period beginning with the publication in the Official Journal of the European Union of the ruling of the European Court, make a statement in writing to each House of Parliament that the ruling has been made and setting out the details of it contained in the Official Journal.
- (5) After the end of each reporting period, a Minister of the Crown must lay before each House of Parliament a report setting out the number of times within the reporting period that the Joint Committee has been provided with notice under Article 169(1) of the withdrawal agreement (notice concerning the commencement of consultations in the Joint Committee to resolve a dispute between the EU and the United Kingdom about the interpretation and application of the withdrawal agreement).
- (6) In this section—
- “reporting period” means—
- (a) the period of one year beginning with the day on which IP completion day falls, and
- (b) each subsequent year;
- “the 14 day period” means—
- (a) in relation to the House of Commons, the period of 14 Commons sitting days, and
- (b) in relation to the House of Lords, the period of 14 Lords sitting days.”

31 Repeal of section 13 of EUWA 2018

- (1) Section 13 of the European Union (Withdrawal) Act 2018 (Parliamentary approval of the outcome of negotiations with the EU) is repealed.
- (2) Accordingly, none of the conditions set out in paragraphs (a) to (d) of subsection (1) of that section apply in relation to the ratification of the withdrawal agreement.

32 Requirements in Part 2 of CRAGA

Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to the withdrawal agreement (but this does not affect whether that section applies in relation to any modification of the agreement).