



# HOUSE OF LORDS

Select Committee on the Constitution

House of Lords  
London  
SW1A 0PW

Tel: 020 7219 1228  
constitution@parliament.uk  
www.parliament.uk/lords

Lord Callanan  
Minister of State for Exiting the European Union  
9 Downing Street  
SW1A 2AG

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*Sean M. W. ...*

## **Withdrawal Agreement and subsequent legislation**

I write on behalf of the Constitution Committee regarding the Withdrawal Agreement. While the Committee will focus its work primarily on the Withdrawal Agreement Bill, we have a specific question about the constitutional implications of the Withdrawal Agreement itself which we wish to raise with you.

Article 4 sets out that the provisions of the Withdrawal Agreement, and the provisions of European Union law made applicable by the Withdrawal Agreement, will have direct effect in UK law and supremacy over incompatible domestic legislation. The Withdrawal Agreement will therefore be an important part of the law in the UK for the duration of its operation.

We note that the Joint Committee which will oversee the implementation and application of the Withdrawal Agreement is empowered to adopt decisions amending the Agreement, to correct errors, address omissions or other deficiencies, and to address unforeseen situations, provided that essential elements of the Agreement are not altered (Article 164). This is potentially a broad power. We are concerned that the Withdrawal Agreement places no requirement on either the UK or the European Union to publish decisions and recommendations of the Joint Committee, which could include amending the Agreement itself (Annex VIII, Rule 10). Will the Government therefore make a commitment to publish all decisions and recommendations of the Joint Committee and make a statement to Parliament where such decisions result in amendments to the Agreement? We note that the European Union Committee, in its report on the Withdrawal Agreement published today, has raised similar concerns (paras 36-38).

As you will be well aware, there is limited parliamentary time available to pass the Withdrawal Agreement Bill before the UK leaves the European Union at the end of March next year. It would be regrettable if a Bill of such importance was fast-tracked in order to secure its passage in time. Is it the Government's intention that the normal minimum intervals between stages of scrutiny will be adhered to and, if not, what commitment can you give that the available time for scrutiny in both Houses will not be constrained? In addition, now that the Withdrawal Agreement has been finalised with the European Union, will the Government undertake to publish as much of the Bill as possible in draft to allow Parliament as much time as possible to scrutinise its provisions?

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Baroness Taylor". The signature is fluid and cursive, with a long horizontal stroke at the top.

Baroness Taylor of Bolton  
Chairman of the Constitution Committee