7 January 2019

Dear Ann,

WITHDRAWAL AGREEMENT AND SUBSEQUENT LEGISLATION

Thank you for your letter of 5 December regarding the Withdrawal Agreement between the UK and the EU, and subsequent domestic legislation.

You have asked, in particular, about Article 164 of the Withdrawal Agreement which provides for a Joint Committee comprising representatives of the UK and the EU. This will have the powers listed in Article 164, to ensure both the UK and the EU are able to discuss any issues that might arise concerning the management and operation of the Agreement.

The relationship between the UK and the EU is expected to evolve during the course of the implementation period. The Agreement therefore provides flexibility for the Joint Committee to develop in parallel to the governance arrangements for the future relationship.

Currently, the Government has agreed with the EU that the Joint Committee will publish an annual report on the functioning of the Withdrawal Agreement. This is likely to include many of the decisions and recommendations made.

The exact procedures and ways of working for the Joint Committee are yet to be agreed between the EU and the UK. I recognise that Parliament will rightfully expect that it will be able to undertake scrutiny of the decisions agreed by the Government at the Joint Committee, and I can assure you that the Government’s approach at the Joint Committee will be underpinned by full ministerial accountability to Parliament. I am sure that as our understanding of the ways of working for the Joint Committee develops, there will need to be further conversations about how best to provide for the necessary parliamentary scrutiny of its operation.
You also asked about the timetable for the EU (Withdrawal Agreement) Bill. The Bill will be introduced as soon as possible after Parliament has approved the Withdrawal Agreement and framework for the future relationship. The Prime Minister has confirmed that this vote will take place next week. It would be presumptive to introduce or publish the Bill implementing the Withdrawal Agreement before Parliament has approved the terms of the final deal.

As you note, the Bill must receive Royal Assent before exit day in order for the UK to ratify the Withdrawal Agreement. Having approved the deal, we hope both Houses will work to pass this vital piece of legislation. As you will be aware, neither myself nor the Department for Exiting the European Union can commit to timetabling arrangements as that is a matter for the usual channels in the House to discuss. Nevertheless, I have copied this letter to the Leader of the House and the Government Chief Whip, so that they are aware of the Committee’s view in their discussions with the other parts of the usual channels.

The Government is committed to doing everything it can to ensure that Parliament has the opportunity to scrutinise the Bill in the time available. It is important, not just to our statute book, but to individuals and businesses across the UK that the mechanisms we put in place enable us to implement the Withdrawal Agreement in a timely and effective manner. I look forward to working with you and the Committee to ensure we do just that.

Kind regards,

Lord Callanan
Minister of State for Exiting the European Union