



## DEBATE PACK

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# The Future Relationship between the United Kingdom and the European Union

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

## Negotiations on future EU-UK relations

The UK's future relations with the EU will be detailed in a separate agreement from the withdrawal agreement currently being negotiated, but the withdrawal agreement will contain a political declaration on the framework for future EU-UK relations.

We don't know yet what that will look like, but there is support from the [European Parliament](#) and from the UK Government in its [July White Paper](#) for an Association Agreement (AA) between the EU and the UK. This was also discussed in reports by the [House of Lords European Exit Committee](#) and the [European Parliament's Constitutional Affairs Committee](#).

## EU Association Agreements

An association agreement is a treaty between the EU and a non-EU country that creates a framework for co-operation between them. Its legal basis is Article 217 of the Treaty on the Functioning of the EU (TFEU), which provides for "an association involving reciprocal rights and obligations, common action and special procedures". AAs can involve setting up a free trade area or creating broader economic and political co-operation in areas of mutual interest – in defence and security, migration, environmental protection, energy, science and education, for example. Typically, Article 127 TFEU requires the following:

1. Privileged links between the EU and the third country that aim to foster wide-ranging co-operation between them;
2. Reciprocal rights and obligations;
3. Institutions to implement and monitor the agreement; e.g. an Association Council (ministerial level) and an Association Committee.

Typically, AAs have the following features:

1. They contain some kind of free trade arrangement with the EU;
2. In return for some access to the EU's Single Market, the third country is usually required to adopt some relevant EU laws;
3. There may be cooperation beyond trade in areas of mutual interest;
4. They include a clause on respect for human rights and democratic principles.

AAs were originally created to prepare non-member countries for accession to the EU. In the context of Brexit, European Council President Donald Tusk has said Brexit is about “disassociation, not association”.

## **Government White Paper on future relations**

### **Economic partnership**

The White Paper published on 12 July set out the Government’s proposals for the UK’s future relations with the EU. It proposes that the economic partnership include the following elements:

- A common rulebook for goods including agri-food. This would cover only those rules required for frictionless trade at the border. The UK would commit by Treaty to ongoing harmonisation with relevant EU rules. The UK Parliament would be free not to maintain harmonisation in the future but this would be in the knowledge that there would be consequences (e.g. for market access);
- UK to participate in EU agencies which provide authorisations for goods in heavily regulated sectors, such as the European Chemicals Agency and the European Aviation Safety Agency;
- A new Facilitated Customs Arrangement, introduced in phases, removing the need for customs checks/controls between the UK and the EU “as if they were a combined customs territory”. The UK would apply the EU’s tariffs and trade policy for goods destined for the EU and its own trade policy for those destined for the UK market;
- No tariffs on goods trade between the UK and EU;
- Regulatory freedom for services, recognising that this will lead to reduced access for the UK and EU to each other’s markets;
- A new framework allowing UK and EU citizens to continue to travel to each other’s countries, and businesses and professionals to provide services – in line with those the UK might wish to offer other close trading partners in future;
- Measures that guarantee an open and fair trading environment, through, for example, common rules on state aid and agreement to maintain high standards in areas such as the environment and employment.

### **Governance**

The proposed institutional arrangements would draw on precedents from other international agreements, which all have some form of institutional architecture. For instance, the EU-Canada Comprehensive Economic and Trade Agreement (CETA) and the EU-Ukraine Association Agreement.

The proposed future relationship is likely to consist of a number of separate agreements, each covering different elements of economic, security and cross-cutting cooperation. The details of each individual agreement will be subject to negotiation with the EU, but some should be legally binding - components of the economic partnership such as a core Free Trade Agreement (FTA) and of the security partnership such as internal security – for instance; while others should be based on political

commitments - components of external security cooperation, for example.

The majority of these individual agreements would sit within an overarching institutional framework, with a Governing Body providing political direction and a Joint Committee to underpin its technical and administrative functions.

The Governing Body would set the direction for the future relationship; discuss and determine if, how and when changes to the relationship were necessary, and provide transparency and accountability. It would meet biannually at leader level, including at least once between the UK Prime Minister and the EU heads of state and governments, as well as the presidents of the EU institutions, with additional ad hoc formal and informal ministerial dialogue as necessary. This would also involve discussion of coordinated action beyond the UK-EU relationship. This could relate to foreign policy, defence or development objectives, or international standards, where the UK and the EU may choose to coordinate activity.

The Joint Committee would work under the direction of the Governing Body, bringing together officials from the UK and the EU, to manage and monitor the implementation of the future relationship, resolve disputes related to the future relationship and provide additional administrative functions related to the future relationship. This would meet more regularly, with more specialised sub-committees working to it where appropriate. Where the UK and EU had agreed to maintain a common rulebook, there would be a technical dialogue in the Joint Committee to oversee the application of legislative and regulatory commitments, and the UK would commit by treaty that its courts would pay "due regard" to Court of Justice of the EU (CJEU) case law, insofar as this was relevant to the matter before them

Where discussions did not resolve a difference in interpretation of how rules should apply, a formal dispute would be raised in the Joint Committee. There could be a reference to an independent arbitration panel with an option of referral to the CJEU for an interpretation (where the UK had agreed to adhere to the common rulebook). Where there was continued non-compliance with a decision, there could be a financial penalty, suspension of specific obligations or, as a last resort, suspension of part of the agreement.

### **Statement of Secretary of State for Exiting the EU**

Presenting the White Paper to the House of Commons, the new Secretary of State for Exiting the EU, Dominic Raab, [said](#) it was a blueprint for a "principled, pragmatic and ambitious future partnership between the UK and the EU", and:

This White Paper sets out the right Brexit deal, delivering on the result of the referendum; taking back control over our money, laws and borders; supporting the economy by maintaining a strong trading relationship after we have left; ending free movement while avoiding a hard border between Northern Ireland and Ireland, or indeed between Northern Ireland and Great Britain; restoring sovereignty to Parliament and the

authority of the UK Supreme Court; seizing the opportunity to forge new trade deals around the world; and maintaining co-operation with the EU in the many other areas that we prize, including security co-operation to keep our people safe. This is our vision for a bold, ambitious and innovative new partnership with the EU. Principled and practical, faithful to the referendum, it delivers a deal that is good for the UK and good for our EU friends.

Mr Raab said “Now it is time for the EU to respond in kind”.

### **What now?**

The Commission’s chief Brexit negotiator, Michel Barnier, has said the European Commission will “analyse the Brexit White Paper... in light of the European Council guidelines”. EU negotiations resume on 16-18 July 2018 and it is possible that the Commission’s position on the White Paper will be made known in the coming days. The Government would like its negotiating team, on the basis of its proposal, “to engage with the EU’s at pace, working to reach a substantive agreement on the Future Framework alongside the Withdrawal Agreement later this year”. Given that there are still several outstanding issues to be resolved in the withdrawal negotiations, it is not clear whether this can be achieved.

## 2. Press Articles

The following is a selection of press and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or accuracy of external content.

**[If we can't work together on a deal we must rethink the whole idea of Brexit](#)**

Evening Standard  
Dominic Grieve QC MP  
16 July 2018

**[Shadowing EU regulation cripples hopes of being a global free trader](#)**

The Times  
Mark Littlewood  
16 July 2018

**[Britain must be able to control all regulations after Brexit](#)**

Financial Times  
David Davis MP  
15 July 2018

**[Why Brussels is keeping quiet on May's White Paper](#)**

BBC News  
Katya Adler  
13 July 2018

**[Government to set out blueprint white paper outlining future relationship with EU](#)**

Evening Standard  
Robin de Peyer  
12 July 2018

**[Brexit white paper won't win over MPs or the EU](#)**

The Guardian  
Martin Kettle  
12 July 2018

**[Brexit white paper revealed: Key points in May's EU exit plan – new demands on Brussels](#)**

Daily Express  
Joe Barnes  
12 July 2018

**[UK's latest Brexit proposal is unrealistic, say EU officials](#)**

The Guardian  
Jennifer Rankin  
2 July 2018

## 3. Press Releases

### PM words following Chequers

**10 Downing St**

**6 July 2018**

Prime Minister Theresa May hosted a Cabinet away day at Chequers.

Prime Minister Theresa May said:

Today in detailed discussions the Cabinet has agreed our collective position for the future of our negotiations with the EU.

Our proposal will create a UK - EU free trade area which establishes a common rule book for industrial goods and agricultural products. This maintains high standards in these areas, but we will also ensure that no new changes in the future take place without the approval of our Parliament.

As a result, we avoid friction in terms of trade, which protects jobs and livelihoods, as well as meeting our commitments in Northern Ireland.

We have also agreed a new business-friendly customs model with freedom to strike new trade deals around the world.

Next week we will be publishing a white paper which will set out more details of how we will be taking back control of our money, laws and borders.

Now we must all move at pace to negotiate our proposal with the EU to deliver the prosperous and secure future all our people deserve.

## 4. PQs

### [Brexit: Northern Ireland](#)

16 Jul 2018 | HL9149

**Asked by: Baroness Altmann**

To ask Her Majesty's Government what steps they intend to take to reassure Northern Irish businesses that their operations will not be interrupted if the UK leaves the EU in March 2019 without a withdrawal agreement.

**Answering member: Lord Duncan of Springbank**

**| Department: Northern Ireland Office**

The Government has agreed a detailed proposal for a UK-EU free trade area which will establish a common rule book for industrial goods and agricultural products and maintain high standards in these areas.

This proposal will protect jobs and livelihoods and ensure that both sides meet their commitments to Northern Ireland and Ireland through the overall future relationship, whilst retaining the constitutional integrity of the United Kingdom and respecting the result of the referendum. Further details are set out in the White Paper.

We are confident that this proposal will work for the UK and the EU and look forward to productive discussions. As a responsible Government we will also continue to prepare for a range of outcomes, including the unlikely scenario in which no mutually satisfactory agreement can be reached.

### [Brexit: Northern Ireland](#)

16 Jul 2018 | 162540

**Asked by: Emma Reynolds**

To ask the Secretary of State for Exiting the European Union, whether under the proposals agreed by the Cabinet at Chequers on 6 July the Government's proposed backstop for Northern Ireland will be permanent or time limited.

**Answering member: Robin Walker | Department: Department for Exiting the European Union**

The proposals agreed by the Cabinet at Chequers on 6 July for the UK's future relationship with the EU, and if agreed to in negotiations, would ensure that the backstop solution as part of the Withdrawal Agreement would not need to be brought into effect. It has always been the UK Government's intention to address our commitments on the Irish border through the future relationship and these proposals show how we can do so.

### [UK Trade with EU](#)

**13 Jul 2018 | 161065**

**Asked by: Tom Brake**

To ask Mr Chancellor of the Exchequer, what steps a business will be required to take to be able to become a trusted trader once the UK has left the EU.

**Answering member: Mel Stride | Department: Treasury**

The Government published a White Paper yesterday, which sets out proposals for the future relationship with the EU.

This includes proposals that the UK and the EU would work together on the phased introduction of a new Facilitated Customs Arrangement that would remove the need for customs checks and controls between the UK and the EU as if a combined customs territory. The precise nature of the new customs arrangement, including trusted traders, are subject to negotiations with the EU.

### [Free Movement of Labour](#)

**12 Jul 2018 | 161057**

**Asked by: Tom Brake**

To ask the Secretary of State for Exiting the European Union, whether businesses will be able to move staff (a) unrestricted and (b) under current rules on the movement of workers between the UK and the EU once the UK has left the EU.

**Answering member: Robin Walker | Department: Department for Exiting the European Union**

We have been clear that as we leave the EU, free movement of people will come to an end. As part of our future relationship with the EU we will seek to include a mobility framework so that UK nationals and EU citizens can continue to travel to each other's territories and provide services – similar to what the UK may offer other close trading partners in the future.

The Government has published a White Paper setting out further detail on the UK's position on our future relationship with the EU.

### [Family Proceedings: Jurisdiction](#)

**10 Jul 2018 | HL8990**

**Asked by: Baroness McIntosh of Pickering**

To ask Her Majesty's Government which jurisdiction will apply in family law disputes where one parent is living in another EU member state after 29 March 2019.

**Answering member: Lord Keen of Elie | Department: Ministry of Justice**

The UK and EU negotiation teams have agreed the terms of an implementation period running from 30 March 2019 until 31 December 2020, which will mean that the existing rules continue to determine which jurisdiction hears a family law dispute until the end of that period. The UK Government has also been clear that we are seeking a comprehensive future relationship with the EU in the area of civil judicial cooperation, to include rules on which jurisdiction will hear cases in family law disputes involving parties based in EU Member States.

**[European Defence Fund](#)**

**10 Jul 2018 | 160130**

**Asked by: Andrew Rosindell**

To ask the Secretary of State for Defence, what involvement the UK is planned to have in the EU's new defence fund and defence industrial programme.

**Answering member: Guto Bebb | Department: Ministry of Defence**

As the Prime Minister stated in Munich, the UK wants to agree a future relationship with the European Defence Fund, including the European Industrial Development Programme. The UK has always participated in European collaborative programmes and we support this new mechanism for managing collaboration.

Our track record shows we have much to offer and our defence industry is world-class. We have a key role to play in European defence and security.

We are open to considering all options for participation in the EDF and the Government will be guided by what delivers the greatest economic advantage to the UK and UK industry.

**[Falkland Islands: European Union](#)**

**10 Jul 2018 | 159557**

**Asked by: Angus Brendan MacNeil**

To ask the Secretary of State for Exiting the European Union, whether the Government has assessed the potential merits of permitting another EU member state to act as sponsor for the Falkland Islands remaining in the EU under article 355(3) of the Lisbon Treaty; and if he will make a statement.

**Answering member: Robin Walker | Department: Department for Exiting the European Union**

The UK Government is responsible for the external relations of the Falkland Islands and it has been the long-standing policy of the Government not to alter the arrangements for the sovereignty of its Overseas Territories without the consent of their peoples.

As for the Falkland Islands' relationship with the EU, the Prime Minister has been clear that we are negotiating for an ambitious future relationship on behalf of the whole UK family and we want a deal which works for all the Overseas Territories. That deal must work for the Falklands too.

### [Customs](#)

**09 Jul 2018 | HL8950**

#### **Asked by: Lord Whitty**

To ask Her Majesty's Government what plans they are making for customs arrangements after Brexit; and what discussions they have had with (1) port users, and (2) port operators in (a) the UK, and (b) mainland Europe, on the possible impact of Brexit.

#### **Answering member: Lord Bates | Department: Treasury**

The Government has been clear that as we leave the European Union, we will also leave the EU Customs Union. In assessing the options for the UK's future outside the Customs Union, the Government is guided by what delivers the greatest economic advantage to the UK, and by its strategic objectives:

Ensuring UK-EU trade is as frictionless as possible;

Avoiding a 'hard border' between Ireland and Northern Ireland; and

Establishing an independent international trade policy.

On 6<sup>th</sup> July 2018, the Government released a statement confirming it will publish a White Paper which will set out proposals for the future relationship with the EU. This includes proposals that the UK and the EU would work together on the phased introduction of a new Facilitated Customs Arrangement that would remove the need for customs checks and controls between the UK and the EU as if a combined customs territory. The precise nature of the new customs arrangement is subject to negotiations with the EU

HMRC and other departments working with the Border Delivery Group are engaging port users and operators, domestically and at key EU ports, to understand what the synergies and constraints are in different locations, and to ensure locations are operationally ready to meet the requirements of future customs arrangements with the EU.

### [European Arrest Warrants](#)

**02 Jul 2018 | 157101**

#### **Asked by: David Simpson**

To ask the Secretary of State for the Home Department, what recent discussions he has had with the EU negotiating team on the maintenance of the UK's participation in the European Arrest Warrant after the UK leaves the EU.

**Answering member: Mr Nick Hurd | Department: Home Office**

Regarding our future relationship with the EU, the UK is seeking a comprehensive security relationship which preserves mutually important operational capabilities whilst allowing the UK and EU to continue to work together to combat fast evolving security threats. The UK's position is that it is in the interests of both the UK and the EU to continue the efficient and reliable operational capabilities provided by the European Arrest Warrant once the UK leaves the EU, and we are working with the EU and Member States to ensure that this is the case.

**[Department for Exiting the European Union: Policy](#)**

**25 Jun 2018 | 155739**

**Asked by: Philip Davies**

To ask the Secretary of State for Exiting the European Union, what the main policy priority is for his Department for 2018; and if he will make a statement.

**Answering member: Mr Steve Baker | Department: Department for Exiting the European Union**

The Department for Exiting the European Union (DExEU) published an updated Single Departmental Plan on 23 May 2018. This set out the department's main policy objectives and how it will achieve them. Single Departmental Plans will be revised annually to reflect new priorities or changes in responsibilities.

DExEU is responsible for overseeing negotiations to leave the European Union. Its priority is negotiating a orderly withdrawal from the EU and a new comprehensive partnership for the future.

We have been working hard and at pace towards achieving that aim. We have made good progress in the negotiations so far having concluded the vast majority of the Withdrawal Agreement, recently reaching agreement on arrangements for goods on the market, Euratom related issues, and on cooperation in civil and commercial matters.

We have also begun talks on our future relationship which have covered aspects of our future economic and future security partnerships.

With talks ongoing, we remain on track to reach agreement on the Withdrawal Agreement and Future Framework by October 2018.

## [Brexit](#)

25 Jun 2018 | 155291

### **Asked by: Rushanara Ali**

To ask the Minister for the Cabinet Office, pursuant to the oral evidence of the Permanent Secretary of HMRC of 23 May and 5 June 2018 to the Treasury Committee, which Government departments had seen prior to the publication of the estimated figures of £17 billion to £20 billion for the cost of the maximum facilitation model in a letter to that Committee, dated 5 June 2018, (a) submissions and (b) briefing papers on those figures.

### **Answering member: David Lidington | Department: Cabinet Office**

The Government is considering two approaches to a future customs relationship with the EU: a 'new customs partnership' and a 'highly streamlined customs arrangement'. Ongoing analysis continues to support the development of both models.

The analysis to support the estimated £17-20 billion figure was published in a letter by the Chief Executive of Her Majesty's Revenue and Customs to the Treasury Select Committee on 5 June, 2018.

## [Customs Unions](#)

20 Jun 2018 | 152749

### **Asked by: Bill Esterson**

To ask the Secretary of State for International Trade, whether he has had discussions with Cabinet colleagues on the effect of the UK entering a customs union with the EU after the UK leaves the EU on future trade deals with third party countries.

### **Answering member: Greg Hands | Department: Department for International Trade**

My Rt Hon. Friend the Secretary of State for International Trade has regular discussions with his Cabinet colleagues on a variety of topics.

We are leaving the Customs Union and have presented two potential options for our future customs relationship with the EU: the New Customs Partnership and the Highly Streamlined Customs Arrangement.

The government will be guided by what delivers the greatest economic advantage to the UK and by our strategic objectives: to keep trade with the EU as frictionless as possible; to avoid a 'hard border' between Ireland and Northern Ireland and to establish an independent international trade policy.

Leaving the Customs Union will allow an independent UK trade policy to reach ambitious and innovative trade agreements with the world's fastest-growing economies.

## 5. Other Parliamentary material

### 5.1 Debates

#### [UK-EU: International Development](#)

**21 Mar 2018 | House of Commons | 638 cc196-210WH**

Motion that this House has considered the UK's future relationship with the EU on international development.

#### [UK and EU Relations](#)

**12 Sep 2017 | House of Lords | 783 cc2348-2384**

Lords motion to take note of the position papers and future partnership papers published by Her Majesty's Government on the United Kingdom's future relationship with the European Union. Agreed to on question. (Part 1 of 2).

#### [UK and EU Relations](#)

**12 Sep 2017 | House of Lords | 783 cc2397-2444**

Lords motion to take note of the position papers and future partnership papers published by Her Majesty's Government on the United Kingdom's future relationship with the European Union. Agreed to on question. (Part 2 of 2).

#### [Brexit: UK-EU Relationship](#)

**01 Dec 2016 | House of Lords | 777 cc320-366**

Lords motion to take note of the best options for the United Kingdom's future relationship

### 5.2 Statements

#### [EU: Future Relationship White Paper](#)

**12 Jul 2018 | House of Commons chamber | 644 cc1153-1180**

[Extract: only the Secretary of State's statement is included below]

**The Secretary of State for Exiting the European Union (Dominic Raab):** With permission, Mr Speaker, I will make a statement about the UK's future relationship with the European Union.

I pay tribute both to my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) for his Herculean efforts and to my hon. Friend the Member for Wycombe (Mr Baker) and the wider Department for Exiting the EU team for getting us to this point in both the negotiations and the successful passage of the European Union (Withdrawal) Bill through Parliament. It is a striking achievement. My right hon. Friend is a loss to Government, but I suspect, with the mildest apprehension, a considerable gain to this House.

Today, we publish the Government's White Paper on the UK's future relationship with the EU. It is a new and detailed proposal for a principled, pragmatic and ambitious future partnership between the UK and the EU in line with the policy agreed at Chequers last week. I have now placed a copy of the White Paper in the Libraries of both Houses.

Let me briefly set out the key proposals. The Government are determined to build a new relationship that works both for the UK and the EU: one that is grounded in our shared history, but which also looks to a bright and ambitious future; and a relationship that delivers real and lasting benefits to both sides.

First, the White Paper confirms that the UK will leave the European Union on 29 March 2019, forging a new way in the world, outside the single market and outside the customs union. It safeguards the constitutional and economic integrity of the UK. It reclaims the UK's sovereignty and it protects our economic interests by minimising the risk of any disruption to trade. It delivers on the instruction that we received loud and clear from the British people to take back control over our laws, our borders and our money.

In delivering on this vision, the Government propose an innovative and unprecedented economic partnership based on open and free trade, maintaining frictionless trade through a new UK-EU free trade area for goods, underpinned by an ongoing common rulebook covering only those rules necessary to provide for frictionless trade at the border. This will support business and meet our shared commitments to Northern Ireland and Ireland, avoiding reliance on the so-called backstop solution. A key component of this will be our proposal for a facilitated customs arrangement—a business-friendly model that removes the need for a new routine customs check and controls between the UK and the EU, while enabling the UK to control its own tariffs to boost trade with the rest of the world. We want a deep and comprehensive deal on services, based on the principles of international trade. Our approach minimises new barriers to service provision, allowing UK firms to establish in the EU and vice versa, and provides for mutual recognition of professional qualifications.

On financial services, we propose a new economic and regulatory approach with the EU that will preserve the mutual benefits of our uniquely integrated markets, while protecting financial stability and, critically, the autonomy of our own rule making. Crucially, our proposals on services provide the UK with regulatory flexibility in the sector, including our dynamic, innovative and digital sectors, which will in turn open up new possibilities in relation to trade with the wider world.

As we leave the EU, free movement of people will come to an end. We will control the number of people who come to our country. We will assert stronger security checks at the border. [Interruption.]

[...]

12.56 pm  
Sitting suspended.

1.01 pm  
On resuming—

**Mr Speaker:** Order. I invite the Secretary of State to continue with the delivery of his statement.

[...]

**Dominic Raab:** Thank you, Mr Speaker.

As we leave the EU, free movement of people will come to an end. We will control the number of people who come to our country. We will assert stronger security checks at the border. The Government will also seek a reciprocal mobility arrangement with the EU in line with the approach we intend to take with other key trading partners around the world. In practice having ended free movement, this is about enabling firms to move their top talent across borders to deliver services, facilitating travel without a visa for tourism and business trips, and making sure that our students and youngsters in the UK and the EU continue to benefit from the educational opportunities in universities and colleges—and indeed from the rich tapestry of cultural life right across the continent.

Next, the White Paper addresses Europe's security, which has been and will remain the UK's security. That is why the Government have made an unconditional commitment to maintain it. The Government's proposal is for a new security partnership with the EU to tackle the shared, complex and evolving threats, enabling the UK and the EU to act together on some of the most pressing global challenges. It is important that the UK and the EU can continue operational co-operation on law enforcement and criminal justice to keep people safe right across Europe. Our proposals extend to other areas of co-operation of vital importance to the UK and the EU, including the continued protection and exchange of personal data; new arrangements on fishing; and co-operative accords on science and innovation, culture, and defence research.

When we leave the EU, the European Court will no longer have jurisdiction over this country. At the same time, we will need to be able to interpret what we have agreed accurately and consistently, and to manage any future bones of contention sensibly and responsibly. Our proposals provide for proper accountability and the consistent interpretation of UK-EU agreements by both parties. We envisage resolving disputes that may arise through arbitration. That is fair, balanced, and reflective of global practice. To provide the foundation for a new and enduring relationship, the agreement must be flexible enough to enable us to review and, if necessary, revise its operation over time in the best interests of this country, as is common in free trade agreements across the world.

I would like to make one thing very clear: we will not sign away our negotiating leverage or spend taxpayers' money in return for nothing. The financial settlement that was agreed in December, which substantially lowered EU demands, was agreed on the basis that it would sit alongside a deep and mutually beneficial future partnership.

We agreed that we would meet our commitments as they fall due, with ever-declining payments over a finite period that add up to a tiny fraction of what would have been our net contribution. Both sides have been clear that nothing is agreed until everything is agreed. Indeed, that is in keeping with the spirit of article 50. There should be a firm commitment in the withdrawal agreement requiring the framework for the future relationship to be translated into legal text as soon as possible. Of course, if one party fails to honour its side of the overall bargain, there will be consequences for the whole deal. For our part, today, with the publication of this White Paper, the UK Government are demonstrating, in good faith and with good will, our ambition and resolve to ensure that we do build that deep and special partnership.

The Prime Minister first outlined the blueprint for a deep and special relationship with the EU at Lancaster House, and expanded on it further in speeches in Florence, in Munich, and at Mansion House. Those speeches have shaped and continue to shape our negotiations with the EU. I am confident that a deal is within reach, given the success of the Prime Minister and her negotiating team so far. Most issues under the withdrawal agreement have by now been resolved, with a deal in place to secure the rights of over 3 million EU citizens living in the UK and about 1 million UK citizens living in the EU. We have agreed a time-limited implementation period that gives businesses, government and citizens the certainty to plan their lives and invest for the future. We will shortly publish a White Paper on the withdrawal agreement and implementation Bill setting out how we will give effect to the withdrawal agreement in domestic law and demonstrating to the EU that the UK is a dependable negotiating partner—one that will deliver on its commitments.

Our discussions with the EU will squarely focus on our shared future. This White Paper sets out how we can achieve that new partnership. Now it is time for the EU to respond in kind. We approach these negotiations with a spirit of pragmatism, compromise and, indeed, friendship. I hope and trust that the EU will engage with our proposals in the same spirit, and I plan to meet Michel Barnier next week to discuss the detail in person.

At the same time, the Government are preparing in the event that that spirit of pragmatism and good will is not reciprocated. On Monday I spoke with my right hon. Friend the Prime Minister, and we agreed to step up our planning for the no deal scenario so that the UK is ready for Brexit no matter what the outcome of these negotiations is. That is the responsible thing for a Government to do.

This White Paper sets out the right Brexit deal, delivering on the result of the referendum; taking back control over our money, laws and borders; supporting the economy by maintaining a strong trading relationship after we have left; ending free movement while avoiding a hard border between Northern Ireland and Ireland, or indeed between Northern Ireland and Great Britain; restoring sovereignty to Parliament and the authority of the UK Supreme Court; seizing the opportunity to forge new trade deals around the world; and maintaining co-operation with the EU in the many other areas that we prize, including security co-operation to keep our people safe. This is our vision for a bold,

ambitious and innovative new partnership with the EU. Principled and practical, faithful to the referendum, it delivers a deal that is good for the UK and good for our EU friends. I commend this statement and the White Paper to the House.

**[This statement was repeated and debated in the House of Lords:  
[EU Exit: Future Relationship White Paper](#)]**

### **[Leaving the EU: Parliamentary Scrutiny](#)**

**28 Jun 2018 | Select Committee statements | House of Commons chamber | 643 cc1072-1081**

[Extract: only the Committee Chair's statement is included below]

**Hilary Benn (Leeds Central) (Lab):** I thank the Backbench Business Committee for giving me the opportunity to present the Sixth Report of the Exiting the European Union Committee, on Parliamentary scrutiny and approval of the Withdrawal Agreement and negotiations on a future partnership. I am grateful to all those who gave evidence to the Committee, including two Ministers from the Department for Exiting the European Union—and it is good to see a third here today. I am also grateful to the terrific team who support us in our work, and to all the members of the Committee. On occasion we are not able to agree on everything, but that is the nature of Brexit.

The Committee thought that it would be helpful to the House to set out the task that will face us as the process of leaving the European Union unfolds, and that is what the report covers. Let me say first that time is very tight. Even if we secure a withdrawal agreement and a political declaration at the October Council—and that must now be in doubt—the Committee will expect to take evidence from the Secretary of State as soon as possible thereafter so that we can report to the House. That would probably take us to about mid-November for Parliament's debate and meaningful vote to approve the agreement. We recommend that the debate should last at least five days, which is the amount of time that was provided in 1971 for the House to debate whether we should join the common market.

This will be a very important moment, and the Committee believes that the debate will need to be managed in a way that gives the House an opportunity to express its opinion clearly. We recommend that the Business of the House motion should make it possible for the Speaker to select a series of different amendments, and we are asking the Procedure Committee to advise on how that could best be done.

If this House and the other place approve the withdrawal agreement, the Government will introduce a withdrawal agreement and implementation Bill to give effect to it in UK law. The Bill will have to receive Royal Assent before we leave the EU, because otherwise the UK would be bound by the agreement without the legislation to implement it. That would put the country potentially in breach of international law, and would create legal uncertainty for businesses and citizens.

We could have just three to four months, or approximately 60 to 70 sitting days, in which to pass the Bill. Given that it took more than 11 months for the EU (Withdrawal) Act 2018 to complete its passage, that is not a lot of time for the scrutiny that will be required. We then need to add to that the 21-day CRaG process—which relates to the Constitutional Reform and Governance Act 2010—for the ratification of treaties, which is likely to take place in parallel with the withdrawal agreement and implementation Bill, and the time required for other Bills to do with Brexit, and statutory instruments that will need to be passed before exit day. We shall be legislating for a new immigration system, a new customs system, new systems for agricultural support, a new legal basis for management of our fisheries, and lots of other things. When we consider all that, the scale of the task becomes very clear.

Now, let us imagine for a moment that the withdrawal agreement and political declaration are not finalised at the October Council. Given where we are, that would not be surprising. Indeed, the draft conclusions from the European Council suggest that there will not be a breakthrough in negotiations today or tomorrow. On the contrary, the EU is saying that we need to speed up the process—although I would observe that it takes two to move faster—and it wants much greater clarity about what the UK is seeking for the future partnership.

The fact that, two years after the referendum, Ministers have yet to reach agreement on what kind of customs arrangements they would like with our biggest, nearest and most important trading partner reminds us how much more is still to be done. It is also a cause of growing concern to business, as we have seen in the last couple of weeks, and there is still no agreement on the backstop to prevent the return of a hard border between Northern Ireland and the Republic. Today's European Council was once billed as a "make or break" meeting on the Irish border, on which progress would be needed to keep the negotiations on track, but that does not seem likely either now.

If there is no agreement until November or the end of the year, that will leave even less time for Parliament properly to scrutinise the proposed deal and to put in place the required legislation by March 2019—and, of course, we are not the only Parliament that must approve the agreement. As the Committee heard from Guy Verhofstadt MEP last week, the European Parliament needs three months in which to consider and give its consent to the agreement before the EU can conclude it. He said that the Parliament must receive the deal by the end of this year, or it will not have enough time to vote on it by March next year.

Then we come to the meaningful vote in the House. If we approve the agreement, matters can progress, but what if we choose to place some conditions on our approval? What if we reject the agreement? What if the European Parliament rejects it? The Secretary of State has previously said that the House of Commons voting down the deal would mean the UK leaving without a deal, but the Committee does not accept that.

In considering an amendable motion, the House of Commons would have the opportunity to make its reasoning clear in any decision to

reject the agreement or to place conditions on it. In such circumstances, the House would surely expect the Government to take full account, to seek to re-enter negotiations if required, and then to come back to the House with a further motion. That is why we say in our report that it is important for Parliament to be able to express its view clearly and advise the Government on how to proceed. The Government would then need to return to the House with any renegotiated text and resubmit the motion, because they cannot introduce the withdrawal agreement and implementation Bill until Parliament approves the agreement.

The Committee remains concerned that the looming deadline of March next year leaves very little room for manoeuvre. We call on the Government to publish details of their intended legislative timetable, the publication dates of any White or Green Papers, and any contingency plans for handling a no-deal outcome. We reiterate the recommendation in our Third Report that the Government should be prepared to seek a limited extension to the article 50 period in the event that substantive aspects of the future relationship remain to be agreed, or if there is a lack of parliamentary consent to the withdrawal agreement, or if there is no deal. However, we do recognise that it is by no means certain that the EU would respond positively to such a request.

Finally, I turn to the negotiations on the future relationship. Assuming that a withdrawal agreement and political declaration is concluded, we will have only 21 months from the date of our withdrawal to the end of the transition period in December 2020 in which to turn a political declaration into legal text on the future relationship and for such a treaty—and it could be more than one treaty—to be ratified. I think we all know that the negotiators will be dealing with a task that is frankly unparalleled in its scope and complexity and in the detail that will be required. There is a possibility that this will prove insufficient time to do all that work. We therefore call on the Government to seek that a mechanism be put into the withdrawal agreement for the extension of the transition period if that is required. We also call on the Government to ensure that Parliament is given a meaningful vote on the final text of the agreement with the EU that will cover the UK-EU relationship in the years ahead.

The report says:

“The debate on the motion for approval of the Withdrawal Agreement and Political Declaration will be one of the most significant parliamentary debates in a generation.”

We all want to do that moment justice, and I hope that our report will assist the House in doing precisely that.

[Publication of the Framework for the UK-EU Security Partnership.](#)  
[09/05/2018](#)

**15 May 2018 | Written statements | HCWS683**

**David Davis (Secretary of State for Exiting the European Union):**

On Wednesday 9 May, we published the Framework for the discussions with the EU on the UK and EU's future security partnership. These slides have been produced by the UK negotiating team for discussion with the EU, in order to inform the development of the future framework. This framework will set out the terms of our future relationship and will be concluded alongside the Withdrawal Agreement later this year.

The United Kingdom wants to build a new, deep and special partnership with the European Union, enabling us to protect our shared interests and ensure we act together for our mutual benefit. The threats we face do not recognise the borders of individual nations. The Security Partnership we are seeking with the EU builds on the breadth and depth of our shared interests and values, and goes beyond any existing third country arrangements.

Copies of these slides will be deposited in the libraries of both Houses.

[UK-Gibraltar Relationship](#)

**12 Mar 2018 | Written statements | HCWS532**

**Robin Walker (Parliamentary Under-Secretary of State for Exiting the European Union):** I chaired the sixth meeting of the UK-Gibraltar Joint Ministerial Council (Gibraltar EU Negotiations) on Thursday 8 March. We agreed a series of measures that will ensure that the valued and historic links between the UK and Gibraltar grow, deepen and endure.

The UK will guarantee Gibraltar financial services firms' access to UK markets as now until 2020. Ahead of this, the UK Government will work closely with the Government of Gibraltar to design a replacement framework to endure beyond 2020 similarly based on shared, high standards of regulation, and enforcement of this regulation, and underpinned by modern arrangements for information-sharing, transparency and regulatory co-operation.

The UK and Gibraltar have agreed to recognise the importance of enhancing our liaison on all of the environmental and fisheries implications of EU exit that are relevant to Gibraltar, whether by sharing information as openly as possible, by providing specialist expertise across a range of policy areas to support Gibraltar with its own preparations, or by considering with Gibraltar where its interests might be promoted in future through regional or international agreements.

The UK has provided assurance to the Government of Gibraltar that, following EU Exit, British Citizens resident in Gibraltar will continue to be eligible for higher education home fee status at English Institutions (both during the Implementation Period and afterwards) subject to concluding a reciprocal agreement for UK students studying at Higher Education Institutions in Gibraltar.

The UK has provided assurance that gambling operators based in Gibraltar will continue to access the UK market after we leave the EU in the same way they do now - and we are working towards agreement of a MOU which will enable closer working and collaboration between gambling regulators in Gibraltar and the UK.

The UK is committed to work closely with the Government of Gibraltar towards transport arrangements post EU Exit that support Gibraltar's prosperity.

The UK will maintain the current reciprocal healthcare arrangement between the UK and Gibraltar. This means that Gibraltar can continue to refer an unlimited number of their patients to the UK for free elective treatment. The UK remains committed to fully involving Gibraltar as we leave the EU. We will continue to work together through the JMC process to ensure we take account of Gibraltar's priorities in our negotiations with the EU.

**[The agreement reached with the European Union \(EU\) to safeguard the rights of EU citizens who are resident in the United Kingdom \(UK\) following the UK's withdrawal from the EU following the Opposition Day Debate on 29 November 2017](#)**  
**20 Feb 2018 | Written statements | HCWS471**

**Caroline Nokes (The Minister of State for Immigration):** The Government has been clear since the start of negotiations with the EU that protecting the rights of EU citizens in the UK, together with the rights of UK nationals living in EU countries, was its first priority.

Since the opposition day debate on 29 November 2017 secured by the hon Member for North East Fife on the vital issue of safeguarding citizens' rights, we have delivered on that commitment and reached an agreement with our EU partners on citizens' rights. The agreement was set out as part of a joint report issued on 8 December 2017, and provides more than three million EU citizens living in the UK with certainty about their future rights and, most importantly, allows them and their families to stay in the UK.

The agreement will protect EU citizens who have been exercising free movement rights in the UK at the time of the UK's withdrawal from the EU. Family members, including those from outside the EU, living lawfully in the UK with a qualifying EU citizen at this point are also protected.

As part of our citizens' rights agreement, we have agreed with the EU that we will introduce a new settled status scheme under UK law for EU citizens and their family members who are covered by the agreement. Those who have already had five years of continuous residence in the UK will be eligible to apply for settled status. Others will be able to remain in the UK to build up their five years' residence.

We have agreed with the EU that the eligibility criteria for UK settled status will be the same as, or more favourable than, those set out in the EU Directive 2004/38/EC for acquiring permanent residence. In line with

this, we have already committed to setting the evidence requirements to suit the demands of this unique situation and have taken a unilateral decision to introduce more favourable provisions to ensure that everyone lawfully in the UK on exit day will be able to stay. For example, we will not require evidence that economically inactive EU citizens have previously held comprehensive sickness insurance or apply a 'genuine and effective' work test. We are engaging closely with representative bodies for EU citizens in the UK to understand all the different circumstances under which they have built their lives in the UK so as to tailor evidential requirements appropriately.

Those who obtain settled status under the agreement on citizens' rights will be granted indefinite leave to remain in UK law. This status will provide the holder with the same access to benefits, education and healthcare as those who have obtained permanent residence under EU law.

In addition, those granted indefinite leave to remain in line with this agreement will also benefit from certain more favourable entitlements than those with permanent residence under EU law. For example, their status will not lapse unless they have been continuously absent from the UK for over five years, as opposed to two years.

Importantly, our agreement on citizens' rights has also opened the door for us to finalise work on the development and delivery of the new system for settled status applications.

The scheme, which will open for applications by the end of 2018, will be streamlined, user-friendly and will draw on existing government data to minimise the burden on applicants to provide evidence.

The Home Office will work with applicants to ensure that their application is not refused on minor technicalities, and caseworkers considering applications will exercise discretion in favour of the applicant where appropriate. As a result, we expect the vast majority of cases to be granted.

To ensure all EU citizens and their families have enough time to apply for UK status, the scheme will remain open for applications for at least two years after the UK leaves the EU. During this period, they will enjoy the rights conferred by the agreement. The application fee will not exceed the cost charged to British citizens for a UK passport, and for those who already have a valid permanent residence document there will be a simple process to exchange this for a new settled status document which will be free of charge.

The agreement reached in December will now be converted into the legal text of the Withdrawal Agreement. The Withdrawal Agreement and Implementation Bill will incorporate the contents of the Withdrawal Agreement, including the agreement on citizens' rights, into UK law by primary legislation. This will mean that the agreement on citizens' rights will have direct effect in UK law and EU citizens can rely directly on it.

We are pleased with the progress we have made on citizens' rights. Reaching an agreement with the EU on this and other separation issues

is an important step on our journey towards a new relationship with our European partners.

The Government hugely values the contributions that EU citizens and their families make to the economic, social and cultural fabric of this country, and we have been clear from the start that we want them to stay. The agreement we have reached with the EU will allow EU citizens to do this and continue living their lives as they do now.

## 5.3 Early Day Motions

### **IMPORTANCE OF THE EUROPEAN UNION CUSTOMS UNION**

**EDM 1372 (session 2017-19)**

**11 June 2018**

**Hywel Williams**

That this House notes the amendment to Lords Amendments No 2. to the European Union (Withdrawal) Bill in the names of Plaid Cymru hon. Members that seeks to ensure that the Government negotiates, as part of the framework for the UK's future relationship with the EU an arrangement which enables the UK to continue participating in the EU Union; believes retaining membership of the EU Customs Union is the best way to mitigate the economic risks of Brexit, rather than negotiating a new customs union with the EU; recognises the benefits of UK membership of the EU Customs Union which removes costly and time-consuming customs processes and red tape for trade with other EU member states, allows the operation of a soft Northern Ireland-Republic of Ireland border that would be in jeopardy were the UK to leave, and allows the UK to fully benefit from 56 existing trade agreements; further notes the support for continued membership of the EU Customs Union across the House; regrets the Government's alternatives for the EU Customs Union, a new customs partnership, maximum facilitation, and a 10 mile buffer zone, none of which deliver the same benefits as the EU Customs Union and protect the soft border between Northern Ireland and the Republic as it stands; does not believe that the Government will be able to successfully negotiate free trade deals with other countries that will adequately replace the loss in trading relationships as a result of leaving the EU Customs Union; and calls on the Government to support this amendment to ensure it negotiates for the UK to remain a member of the EU Customs Union following the UK's withdrawal from the EU.

### **IMPORTANCE OF THE EUROPEAN ECONOMIC AREA**

**EDM 1371 (session 2017-19)**

**11 June 2018**

**Hywel Williams**

That this House supports the Lords Amendment No. 51 to the European Union (Withdrawal Bill) that seeks to ensure the Government negotiates, as part of the framework for the UK's future relationship with the EU, an international agreement which enables the UK to continue to participate in the European Economic Area after exit day; recognises that continued participation in the European Economic Area would retain full access to the EU's internal market, allowing the UK to

continue to trade with the EU on a tariff-free basis; notes the overwhelming cross-party support this amendment received in the House of Lords; regrets the decision of the Labour frontbench in the House of Lords to abstain on this amendment; further regrets the decision of the Labour frontbench in this House to amend this amendment to dilute its impact and jeopardise the likelihood of Lords Amendment No. 51 from passing; and calls on the Government to support this amendment to ensure it negotiates for the UK to remain a member of the European Economic Area following the UK's withdrawal from the EU.

## 6. Further reading

### Government White Paper

#### [The future relationship between the United Kingdom and the European Union](#)

HM Government  
Cm 9593  
12 July 2018

### Library Briefing Papers

#### [Brexit: Negotiations Update \(March-June 2018\)](#)

Commons Briefing Paper CBP-8339  
20 June 2018

#### [Brexit: Customs and Regulatory Arrangements](#)

Commons Briefing Paper CBP-8309  
13 July 2018

#### [The European Economic Area](#)

Commons Briefing Paper CBP-8129  
6 June 2018

#### [Brexit: new guidelines on the framework for future EU-UK relations](#)

Commons Briefing Paper CBP-8289  
19 April 2018

### Committee inquiry

#### [The progress of the UK's negotiations on EU withdrawal inquiry](#)

Exiting the European Union Committee

#### **Scope of the inquiry**

The Committee is interested in examining the following topics:

- The priorities and positions of the UK Government and of its negotiating partners - the Commission, the EU-27 and the European Parliament;
- The structure and sequencing of the negotiations as they develop, including the extent to which they include provisions relating to the UK's future relationship with the EU including transitional arrangements;
- The Government's management of the negotiation process in respect of the objectives set out in the White Paper and its relations with the devolved administrations; and
- Whether DExEU and cross-Government structures have the capacity and ability to manage the negotiation process effectively.

This page has reports from the committee's inquiry, as well as transcripts of evidence sessions.

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