

Alok Sharma, MP for Reading West

19th December 2017

Dear Constituents,

Thank you for contacting me about the amendment 7 to the EU (Withdrawal) Bill tabled by Dominic Grieve MP on approval of the final deal with the EU which was narrowly passed last week.

The Government has already said that MPs would have at least three formal opportunities to have a say on the UK's withdrawal from the EU in addition to the many debates that take place in Parliament every week.

Before the amendment was voted on, my ministerial colleagues had said that MPs would have a vote on whether to accept the final deal or not as soon as possible after the end of the negotiations. It is still the intention that this should take place and before the European Parliament votes on the agreement.

The Prime Minister had also separately promised that a Bill would be brought forward so that the withdrawal agreement reached with the EU could be put into UK domestic law. This would give MPs another chance to debate, scrutinise and vote on the deal reached with the EU.

Further agreements reached on the UK and the EU's future relationship would additionally be implemented through legislation where necessary. This would give MPs an opportunity again to scrutinise the deal reached the EU.

For your information, I attach a letter I have recently received from the Rt Hon David Davis MP, Secretary of State for Exiting the European Union, regarding this matter.

Thank you again for taking the time to contact me.

Yours sincerely,



Alok Sharma MP



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13 December 2017

Dear Colleague,

PROCEDURES FOR THE APPROVAL AND IMPLEMENTATION OF EU EXIT AGREEMENTS

Following the deal we struck last Friday and in advance of the European Council, today we are, for the first time, offering written clarity and detail about how we implement the deal we negotiate. The Written Ministerial Statement I have tabled addresses the concerns raised by amendments to the Withdrawal Bill, such as amendment 7, by making clear that there will be a number of votes for Parliament on the final deal we strike with the EU.

Our entire approach to this Bill has been to listen to MPs where they say they can improve the Bill. That is what we did when we announced a sifting committee for SIs, when we announced a Withdrawal Agreement and Implementation Bill to give MPs a say on the final deal, and that is our approach today. We listen to MPs and value their contribution.

I have today made a Written Ministerial Statement setting out the role of Parliament in approving the agreements relating to the terms of our withdrawal from the EU and how they will be implemented. The statement explains that there will be at least two agreements: a Withdrawal Agreement and an agreement governing our future relationship.

The Withdrawal Agreement, negotiated under Article 50 whilst the UK is still a member of the EU, will set out the terms of the UK's withdrawal (including an agreement on citizens' rights, Northern Ireland and any financial settlement), as well

as the details of any implementation period agreed between both sides. This agreement will need to be signed by both parties and concluded by the EU and ratified by the UK before it can enter into force.

The EU's Chief Negotiator, Michel Barnier, has said that he wants to have finalised the Withdrawal Agreement by October 2018. In Europe, the agreement will then require the consent of the European Parliament and final sign off by the Council acting by a qualified majority. It will not require separate approval or ratification by the individual Member States.

In the UK, **the Government has committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded.** This vote will take the form of a resolution in both Houses of Parliament and will cover both the Withdrawal Agreement and the terms for our future relationship. **The Government will not implement any parts of the Withdrawal Agreement – for example by using Clause 9 of the European Union (Withdrawal) bill – until after this vote has taken place.**

In addition to this vote, the Constitutional Reform and Governance Act 2010 (CRAG) normally requires the Government to place a copy of any treaty subject to ratification before both Houses of Parliament for a period of at least 21 sitting days, after which the treaty may be ratified unless there is a resolution against this. If the House of Commons resolves against ratification the Government can lay a statement explaining why it considers the treaty should still be ratified and there is then a further 21 sitting days during which the House of Commons may decide whether to resolve again against ratification. **The Government is only able to ratify the agreement if the House of Commons does not resolve against the agreement.**

If Parliament supports the resolution to proceed with the Withdrawal Agreement and the terms for our future relationship, the Government will bring forward a Withdrawal Agreement & Implementation Bill to give the Withdrawal Agreement domestic legal effect. The Bill will implement the terms of the Withdrawal Agreement in UK law as well as providing a further opportunity for parliamentary scrutiny. This legislation will be introduced before the UK exits the EU and the substantive provisions will only take effect from the moment of exit. Similarly, we expect any steps taken through secondary legislation to implement any part of the Withdrawal Agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.

We have not only committed to bring forward this legislation domestically but, as demonstrated by the Joint Report on 8 December, in our negotiations with the EU as well. Furthermore, it is entirely necessary to implement the Withdrawal Agreement. As such, there cannot be any doubt that we will bring forward this legislation to implement our agreement with the EU.

As described above, the agreement governing our future relationship with the EU can only be legally concluded once the UK has left the EU. This may take the form of a single agreement or a number of agreements covering different aspects of the relationship. Whatever their final form, agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and Member States are exercising their competences in an agreement, Member States will also need to ratify it.

In the UK, the Government will introduce further legislation where it is needed to implement the terms of the future relationship into UK law, providing yet another opportunity for proper parliamentary scrutiny. The CRAG process that I have outlined above is also likely to apply to agreements on our future relationship, depending on the final form they take.

I hope this explanation provides clarity and reassurance about Parliament's role in approving the agreements that will give effect to our withdrawal from the EU.

A handwritten signature in blue ink, appearing to read 'David Davis', with a stylized flourish at the end.

**RT HON DAVID DAVIS MP
SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION**