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# BREXIT UPDATE

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An t-Ionad Fiosrachaidh

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## QUEEN'S SPEECH

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The [Queen's Speech](#) of 19 December 2019 set out the UK Government's legislative programme for the upcoming session. The Speech highlighted the Government's priority to "deliver the United Kingdom's departure from the European Union on 31 January." The speech also contained the following commitment:

” ... My Ministers will bring forward legislation to ensure the United Kingdom's exit on that date and to make the most of the opportunities that this brings for all the people of the United Kingdom.

Thereafter, my Ministers will seek a future relationship with the European Union based on a free trade agreement that benefits the whole of the United Kingdom. They will also begin trade negotiations with other leading global economies.

### Bills requiring the consent of the Scottish Parliament

In a [Parliamentary Question initiated by the Scottish Government](#), the Minister for Parliamentary Business and Veterans indicated a number of Bills announced in the Queen's Speech appeared to require the legislative consent of the Scottish Parliament. These were:

- Agriculture Bill
- Air Traffic Management and Unmanned Aircraft Bill
- Birmingham Commonwealth Games Bill
- Broadband legislation
- Building Safety Bill
- Counter Terrorism (Sentencing and Release) Bill
- Domestic Abuse Bill
- Environment Bill
- European Union (Withdrawal Agreement) Bill
- Fisheries Bill
- Immigration and Social Co-ordination (EU Withdrawal) Bill
- Private International Law (Implementation of Agreements) Bill
- Sentencing (Pre-consolidation Amendments) Bill
- Trade Bill

## EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL

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The revised [European Union \(Withdrawal Agreement\) Bill](#) was introduced by the UK Government on 19 December 2019.

### Second Reading

The bill was [considered at its Second reading](#) in the House of Commons on 20 December 2019. Opening the debate, the Prime Minister asked the new Parliament to come together to break the Brexit deadlock and:

” ... finally, to get Brexit done. Now is the moment, as we leave the European Union, to reunite our country, and allow the warmth and natural affection we all share for our European neighbours to find renewed expression in one great new national project of building a deep, special and democratically accountable partnership with those nations we are proud to call our closest friends.

MPs voted to approve the second reading of the bill by 358 votes to 234.

### Committee stage

The bill's scrutiny by a [Committee of the whole House](#) began in the House of Commons on 7 January 2020.

Steve Barclay, the Secretary of State for Exiting the European Union opened the Committee stage, saying:

” The Bill implements the withdrawal agreement negotiated by the Prime Minister. It fulfils the will of the British people and will set the stage for our bright future outside the European Union. It lets us take back control of our laws, our money, our borders and our trade policy, and it delivers on the overwhelming mandate given to us by the British people to get Brexit done by the end of January.

MPs [continued to debate the bill](#) at the Committee stage in the House of Commons on 8 January 2020.

### Third reading

The [third reading of the bill](#) in the House of Commons took place on 9 January 2020.

Concluding the third reading, the Secretary of State for Exiting the European Union Steve Barclay said:

” The Bill will secure our departure from the European Union with a deal that gives certainty to businesses, protects the rights of our citizens and ensures that we regain control of our money, our borders, our laws and our trade policy. Once the Bill has been passed and the withdrawal agreement ratified, we will proceed swiftly to the completion of a free trade deal with the EU by the end of December 2020, as laid out in our manifesto, bringing the supremacy of EU law to an end and restoring permanently the sovereignty of this place.

The bill was passed at the third reading by 330 votes to 231 and now moves to the House of Lords for consideration.

### SPICe resources on the revised bill

SPICe published a [briefing on the revised European Union \(Withdrawal Agreement\) Bill](#) and its implications for Scotland on 6 January 2020.

### Scottish Government response

The revised Withdrawal Agreement Bill introduced in December 2019 included a clause not found in the [Withdrawal Agreement Bill introduced in October 2019](#), preventing an extension of the transition period beyond 31 December 2020. This clause raises the possibility of the UK leaving the EU without a deal - if no agreement has been reached by this date.

The [Cabinet Secretary for Government Business and Constitutional Relations Michael Russell](#) said:

“ Once again the prospect of a disastrous ‘no deal’ Brexit is looming for Scotland if the UK leaves the European Union without a deal.

The decision to remove Scotland from the European Union, which ignores the will of the Scottish people, is the most serious example of the democratic deficit in our post-devolution relationship with the UK Government.

A ‘no deal’ Brexit would further and seriously compound the harmful effects of this decision and have a very damaging effect on our economy.

## LEGISLATIVE CONSENT MEMORANDUM

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On 20 December 2019, the Scottish Government lodged a [Legislative Consent Memorandum](#) on the revised European Union (Withdrawal Agreement) Bill.

On 6 January 2020, the Scottish Government lodged a [Legislative Consent Motion](#) on the Bill which noted that the:

“ people in Scotland voted remain and for remain parties, most recently at the UK General Election on 12 December 2019; considers that the Withdrawal Agreement negotiated by the UK Government would cause damage to Scotland’s environment, economic and social interests; regrets that the European Union (Withdrawal Agreement) Bill has been amended to remove important protections from workers’ rights and asylum-seeking children, and to prohibit an extension of the implementation period to negotiate the future relationship with the EU; regrets that the European Union (Withdrawal Agreement) Bill is to proceed through the UK Parliament with minimal scrutiny, failing to respect the significance of the decision to be taken by, or the role of, the Scottish Parliament in scrutinising legislation requiring its legislative consent; is determined to respect and uphold the views of the people of Scotland on this crucial issue to the future of the nation, and therefore does not support the Withdrawal Agreement and Political Declaration negotiated by the UK

Government, and does not consent to the European Union (Withdrawal Agreement) Bill that would implement that agreement.

The motion was [debated in the Scottish Parliament](#) on 8 January 2020. Following the debate, MSPs voted by 92 votes to 29 to support the motion. .

Following the vote, the Presiding Officer told MSPs he would write to his counterparts in the other UK legislatures informing them of the decision of the Scottish Parliament to withhold consent on the European Union (Withdrawal Agreement) Bill.

## VISIT OF THE PRESIDENT OF THE EUROPEAN COMMISSION

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Ursula von der Leyen, President of the European Commission visited the UK on 8 January 2020 and gave a speech on [‘Old Friends, New Beginnings: building another future for the EU-UK partnership’](#) at an event hosted by the London School of Economics and Political Science.

The President said the EU was ready to negotiate an ambitious and comprehensive partnership with the UK but highlighted compromises may be needed in order to secure an agreement, saying:

” Without the free movement of people, you cannot have the free movement of capital, goods and services. Without a level playing field on environment, labour, taxation and state aid, you cannot have the highest quality access to the world's largest single market.

The more divergence there is, the more distant the partnership has to be.

Before her visit, the President had [expressed concerns on the length of the transition](#) period and the prospect of a deal being agreed before the transition period was due to end on 31 December 2020, telling a French newspaper:

” It’s not only about negotiating a free trade deal but many other subjects. It seems to me that on both sides we must ask ourselves seriously if all these negotiations are feasible in such a short time.

She reiterated this view during her speech in London, reflecting on the limited time available to secure a deal following the UK Government’s commitment not to extend the transition period beyond December 2020. She advised that without an extension, it would be unrealistic to expect agreement on all aspects of the new partnership and priorities would need to be identified, but striking an optimistic tone she said the EU was:

” ready to work day and night to get as much of this done within the timeframe we have.

None of this means it will be easy, but we start this negotiation from a position of certainty, goodwill, shared interests and purpose.

The President also [issued a statement](#) after her speech on 8 January 2020.

### Meeting with the Prime Minister

Following the speech, von der Leyen met with Prime Minister Boris Johnson to discuss the forthcoming negotiations on the future relationship between the EU and the UK. The [UK Government issued a press release](#) after the meeting, reiterating its intention not to extend the transition period beyond 2020 and noting its desire to secure a “broad free trade agreement covering goods and services, and cooperation in other areas.” On the content of a future agreement, the press release stated:

“ that any future partnership must not involve any kind of alignment or ECJ jurisdiction. He said the UK would also maintain control of UK fishing waters and our immigration system.

The PM made clear that we would continue to ensure high standards in the UK in areas like workers’ rights, animal welfare, agriculture and the environment.

The PM said the UK was ready to start negotiations on the future partnership and Canada-style FTA as soon as possible after January 31.

The European Commission [published a readout of the meeting](#) between President von der Leyen and the Prime Minister. The readout confirmed the position of the EU ahead of negotiations on a new partnership and their belief that there is a trade-off between any regulatory divergence and access to the EU market.

## MICHEL BARNIER ARTICLE

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On 20 December 2019, the Head of the EU Task Force for Relations with the UK, Michel Barnier, published an article called ‘[Three New Year’s Wishes for Britain and the EU.](#)’

In the article, Barnier set three goals for the UK and the EU to achieve by the end of 2020. These were:

- to ensure they had sufficient means to work together and discuss joint solutions to global challenges;
- to build a close security relationship, and
- to have agreed an economic partnership which reflects the common interests, geographical proximity, and interdependence of both.

Reflecting on the three wishes, Barnier concluded:

“ If we achieve these three objectives, we will have made the most of the next year. As soon as we receive our mandate from the 27 EU member states, our team will be ready to negotiate in a constructive spirit with the UK – a country that we will always regard as a friend, ally, and partner.

Barnier re-affirmed these goals in a [speech on 9 January 2020](#) at the European Commission Representation in Sweden. He also advised that in the next few weeks, the European Commission would propose a draft mandate for negotiations with the UK to the European Council, the Council of Ministers and the European Parliament.

He also advised he would approach the next phase of negotiations with the “same respect, the same objectivity, the same calm and the same patience” but cautioned that

” nobody should doubt the determination of the Commission – and my determination – to continue to defend the interests of the EU 27’s citizens and businesses and to defend the integrity of the Single Market.

Michel Barnier also reflected on the tight timescales for agreeing the future relationship saying:

” The timeframe is hugely challenging. A new clock is ticking.

If Prime Minister Johnson does not want an extension of the transition period beyond the end of the year – and yesterday when we met him with Ursula von der Leyen, he told us very clearly that he does not want such an extension – we will have less than 11 months to conclude a deal.

If we fail, the transition period will end on 1 January 2021 without any arrangements for a new future relationship in place.

This would not affect the issues covered in the Withdrawal Agreement: the financial settlement, and, thankfully, the deal we have reached on the island of Ireland and on citizens would still stand.

But it would mean the return of tariffs and quotas: a total anachronism for interconnected economies like ours.

Of course, this is not what the EU wants.

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## About this publication

This regular paper produced by SPICe sets out developments in the UK's negotiations to leave the European Union, the process for which formally begun following the Prime Minister's triggering of Article 50 on 29 March 2017.

The updates provide information on the UK Government's approach to leaving the EU including the domestic legislation necessary to ensure a smooth transition in terms of the UK statute book, along with details of the positions of the Scottish Government and the other Devolved Administrations. The updates also provide information on developments within the EU with regard to the UK's departure. Finally, the updates will provide information on the key issues likely to be at play during the negotiations and in developing the UK's future relationship with the European Union.

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