

JANUARY 2020

Amidst the talk of Brexit coins, Oxford commas and Big Ben bongs, this month's bumper Brexit Brief has news of various meetings between the key Brexit players in EU and UK. We have updates on EU exit related legislation including the EU (Withdrawal Agreement) Act 2020 which implements the EU-UK deal into law; news on the first meeting of the Ministerial Forum on International Trade; and details of meetings between the UK Government and the devolved administrations to discuss issues surrounding exit from the EU. We also have the details of the approval of the Withdrawal Agreement which paved the way for exit day on 31 January 2020.

JOHNSON MEETS VON DER LEYEN



Source: [European Union 2020 EC-Audio-visual Service](#)

On 8 January, Prime Minister Boris Johnson met with European Commission President Ursula von der Leyen to discuss the forthcoming negotiations on the future relationship between the EU and the UK.

Following the meeting the Government issued a [press release](#)

“.... [The Prime Minister] said the UK wanted a positive new UK and EU partnership, based on friendly cooperation, our shared history, interests and values.

The PM reiterated that we wanted a broad free trade agreement covering goods and services, and cooperation in other areas.

The PM was clear that the UK would not extend the Implementation Period beyond 31 December 2020; and 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 [readout](#) of the meeting between said:

"..... Both leaders agreed that the EU and the UK share common values and many interests, and that there are many areas where cooperation on the global stage will be invaluable, such as climate change, human rights, security, etc.

President von der Leyen stressed the fact that the EU fully respects the decision by the UK to leave the EU. This decision brings with it consequences, as no relationship can be as close as being a member of the EU.

The EU will negotiate in good faith, in the framework of the Political Declaration, with the aim of achieving the best possible outcome. Time however is short for such an agreement to be reached and then ratified before the end of 2020. The President made clear that there is a trade-off between any regulatory divergence and access to the EU market..."

BRITISH-IRISH CHAMBER REPORT ON POST-BREXIT TRADE IN SERVICES

On 8 January 2020, the British-Irish Chamber of Commerce published a framework for the continuation of trade in services between the UK and the EU post-Brexit. The [report 'Signposts for Services'](#) are proposed to be considered by negotiators when entering talks on the future trading relationship between the EU and UK in early 2020.

Key recommendations made in the paper to deliver an unprecedented deal in services include:

- Negotiations should be conducted using a "negative listing" approach to ensure all services would be covered unless otherwise stated;
- Coverage for the delivery of services that are integrated into the production of goods e.g. R&D for in-built technologies such as mobile phones;
- A Comprehensive Mutual Recognition of Qualifications Framework should be agreed which has an open approach towards market access for professional services, including the right to establish and invest;
- Generous provisions towards the temporary movement of people engaged in services-related business activity;
- Close alignment between EU and UK regulatory systems to allow for ongoing cross-border delivery of financial services in areas covered by the equivalence regime.
- The paper also proposes agreement on a number of cross-cutting areas such as data protection, energy, aviation and research.

GOVERNMENT LEGISLATES FOR PAYMENTS TO FARMERS

The Department for Environment, Food and Rural Affairs introduced the [Direct Payments to Farmers \(Legislative Continuity\) Bill](#) into the House of Commons on 9 January 2020. This legislation will provide the legal basis for the UK Government and the devolved administrations to continue paying Direct Payments to farmers by ensuring that the scheme continues in the UK claim year 2020.

Under the terms of the EU's Common Agricultural Policy (CAP), UK farmers receive around £3.2 billion in support from the EU every year. CAP consists of two pillars. Pillar 1 mainly provides Direct Payments, accounting for 88% of total payments. Pillar 2 accounts for the remaining 12%, supporting environmental outcomes, farming productivity, socio-economic outcomes and rural growth.

The Withdrawal Agreement disapplies the CAP Direct Payments legislation in the UK for the 2020 claim year because CAP Direct Payments for the 2020 claim year will be funded from the EU's new 2021 multi-annual budget (because CAP Direct Payments are paid in arrears).

In September 2019 the Government accepted the recommendations of the Bew Review concerning the allocation of farm support funding in the UK. It agreed that a greater share of the so-called 'convergence funding', an uplift of the financial ceiling for Direct Payments given by the EU to the UK, should in 2020-22 be allocated to Scotland and Wales, while the corresponding allocations for England and Northern Ireland should be maintained. The Bill will enable the Government to implement this decision.

As agriculture is a devolved matter the Government sought consent for the Bill from the Scottish Parliament and National Assembly for Wales in order to legislate for areas within the competence of the devolved administrations. The [Scottish](#) and [Welsh](#) Governments recommended to the respective legislatures that legislative consent be granted. The Northern Ireland Assembly agreed a motion on granting legislative consent to the Bill on 27 January 2020.

The Bill received Royal Assent on 30 January 2020 and is now the Direct Payments to Farmers (Legislative Continuity) Act 2020.

BARNIER SPEAKS ON THE EU-UK FUTURE RELATIONSHIP

Speaking at the European Commission office in Sweden on 9 January, Michel Barnier [commented](#) on the future relationship between the EU and the UK.

On the timetable for the negotiations he said:

“... we have a huge amount of work ahead of us if we are to secure an ambitious new partnership between the EU and the UK. 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.... we will have less than 11 months to conclude a deal....

We will strive for a partnership that goes well beyond trade and is unprecedented in scope: covering everything from services and fisheries, to climate action, energy, transport, space, security and defence. But that is a huge agenda. And we simply cannot expect to agree on

every single aspect of this new partnership in under a year. If we want to agree on each and every point of this Political Declaration – which would lead to an unprecedented relationship – it will take more than 11 months.

So we are ready to do our best, to do the maximum, in the 11 months. To secure a basic agreement with the UK, but we will need more time to agree on each and every point of this Political Declaration.... we will have... to prioritise on what we can do in 2020.

1. First, we must build up a new capacity that enables us to work together.....
2. Secondly, we need to build a very close security relationship....
3. Thirdly, we need an economic partnership based on a level playing field.”

On the future relationship he said:

“Yes, the UK represents 9% of all EU27 trade. But more significantly, the EU27 accounts for 43% of all UK exports and 50% of its imports. So, it is clear that if we fail to reach a deal, it will be more harmful for the UK than for the EU27. All the more so because EU Member States can rely on each other or on the many other partners that the EU has free trade agreements with.

So we will insist on a trade partnership with zero tariffs, zero quotas, but also zero dumping. Zero tariffs, zero quotas, zero dumping:

.... By 1 February, the Commission will be ready to propose a mandate for the negotiations to EU Member States. I hope that we can launch negotiations soon after. At the end of February or the first days of March. Our aim will be to make as much progress as possible by June. This is when EU27 and UK leaders will meet to take stock of the negotiations.

..... I will approach the negotiations of this next phase with the same respect, the same objectivity, the same calm and the same patience. Brexit is a school of patience.

At the same time, 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. The Single Market is much more than a free trade zone. It is an ecosystem, with common laws, common standards for the environment, rights for workers and consumers, common regulations, common supervisions, and on the top of this, a common jurisdiction: the Court of Justice. This is the ecosystem we have built together, with Sweden, and also with the UK for the last 45 years.

To be clear, the integrity of the Single Market – the four freedoms – has never been, and will never be, negotiable.”

JOINT MINISTERIAL COMMITTEE MEETS TO DISCUSS BREXIT

The Joint Ministerial Committee (EU Negotiations) [met](#) in London on 9 January 2020.

The Joint Ministerial Committee (JMC) is a set of committees that comprises ministers from the UK and devolved governments. JMC (EU Negotiations) was created to provide a forum to discuss the

Government's Brexit plans, with the objective to 'agree a UK approach to, and objectives for, Article 50 negotiations'.

JMC (EN) meetings are attended by ministers responsible for Brexit preparations in the UK Government, Scottish and Welsh Governments. In the absence of a Northern Ireland Executive, a senior official from the NI Civil Service has been attending the meetings.

At the meeting on 9 January, the Committee [discussed](#) the UK's exit from the EU, including preparations for the UK-EU future relationship negotiations and a forward look to post-January engagement structures.

The Committee met again in Cardiff on 28 January 2020. The meeting was chaired by Michael Gove, Chancellor of the Duchy of Lancaster. It's reported that the meeting was called in order to discuss issues raised in the passing of the EU (Withdrawal Agreement) Act 2020 where all three devolved institutions did not to give consent to the legislation. The First Minister Arlene Foster and deputy First Minister Michelle O'Neill attended the meeting.

Speaking ahead of the meeting, Mr Gove said:

"Ahead of the UK leaving the European Union on Friday, today I will be in Cardiff to meet with the Scottish, Welsh and Northern Ireland governments to discuss moving forward together, as one United Kingdom.

2020 will be a year of growth and opportunity as we level up across all four corners of the country and strengthen our Union. This has started positively with the restoration of Executive in Northern Ireland, and I look forward to seeing First Minister Arlene Foster and deputy First Minister Michelle O'Neill back around the table today for the first time since 2017."

The [joint communiqué](#) issued followed the meeting said:

"The Committee discussed the UK's exit from the EU, including the role of the devolved administrations in EU exit negotiations and the strategic choices relating to leaving the European Union.

The Committee also discussed other issues, including an update on the intergovernmental relations review."

MINISTERS MEET TO DISCUSS EU EXIT AND AGRICULTURE AND ENVIRONMENT ISSUES

Policy paper

Inter-Ministerial Group for Environment, Food and Rural Affairs (IMG EFRA) Communiqué: 13 January 2020

The Government's Inter-Ministerial Group for Environment, Food and Rural Affairs (IMG EFRA) met on 13 January 2020 in London. The meeting was chaired by Secretary of State for the Environment, Food and Rural Affairs, Theresa Villiers MP.

Ministers from the UK Government and devolved administrations meet regularly to discuss issues relating to the environment, food and rural affairs. The latest meetings have focused in particular on issues for the sectors in light of EU exit.

The attendees discussed a range of issues including the potential impact of new tariff and non-tariff barriers to trade, particularly in terms of exports to the EU.

The devolved administrations also sought assurances on the UK Government's future immigration policy, particularly on salary thresholds for visas, with a view to ensuring sustainable access to labour upon the ending of freedom of movement from the EU.

The next meeting of the Group is scheduled to take place in Belfast in February 2020.

NEW UK-EU FRIENDSHIP GROUP IN EUROPEAN PARLIAMENT



Source: Terry Reintke/PA

A German MEP has established the 'UK-EU Friendship Group' at the European Parliament. Green MEP Terry Reintke set up the group in advance of the UK Members of the European Parliament vacating their seats with the aim of maintaining close ties with the UK as it leaves the EU. The group has more than 70 members (approximately 10% of MEPs).

The group's inaugural meeting was held on 14 January 2020.

Ms Reintke said:

"We wanted to do this before all of our British colleagues packed up and left.

"We want to keep as close ties as possible for the future, especially when there are difficult times ahead and things might get very messy. We want to keep this not only as a platform for MEPs but pro-European civil society to get engaged.

"For EU citizens in the UK, a lot are scared about what is going to happen in the next few years and we wanted to be a voice for them and bring up their concerns in the European Parliament."

"We know this has been a difficult transition, watching everyone leave.

"For my colleagues, it has been horrible, but it has also been hard on the staff. We want to make sure we continue that relationship in the years to come."

COMMISSION DISCUSSIONS ON FUTURE EU-UK RELATIONSHIP

The European Commission's Task Force for Relations with the UK is holding internal preparatory discussions on the future relationship with the other EU27 member states. The discussions are focused on a range of themes and the Task Force has been publishing the [slides](#) which are used in the meetings. Topics published so far:

- Energy
- Transport
- Fisheries
- Level playing field and sustainability
- Free trade agreement
- Personal data protection: cooperation and equivalence in financial services
- Law enforcement and judicial cooperation in criminal matters
- Foreign policy, security and defence
- UK participation in Union programmes
- Mobility of persons
- Governance
- Architecture and legal nature of the partnership

EUROPEAN PARLIAMENT DISCUSSES CITIZENS' RIGHTS



© European Union 2020 - Source : EP

The European Parliament adopted a [resolution](#) on 15 January 2019 which states that assurances are needed on the protection of citizens' rights in order to ensure the Parliament's consent to the Withdrawal Agreement. The Parliament is due to vote on the deal on 29 January 2020.

The resolution was adopted with 610 votes in favour, 29 against and 68 abstentions. A [press release](#) issued following the vote said:

“.... Parliament expresses concerns especially about the application-based approach used in the UK EU Settlement Scheme, the absence of physical proof for successful applicants, and its accessibility, among other issues.

MEPs question the set-up and independence of the UK's “independent authority” foreseen in the Withdrawal Agreement, stating that they would welcome the establishment of a joint European Parliament - UK Parliament scrutiny mechanism.

The adopted text calls for information campaigns to be launched to prepare citizens and urges governments in EU27 member states to adopt consistent and generous measures to provide legal certainty for UK citizens residing in their territory.”

AGRICULTURE BILL; FISHERIES BILL; AND ENVIRONMENT BILL INTRODUCED

The [Agriculture Bill](#) - one of the suite of 'Brexit Bills' mentioned in the Queen's Speech - was introduced to the House of Commons on 16 January 2020. It is anticipated that the Government will seek the legislative consent of the devolved institutions to the legislation as some of the provisions touch on devolved competences.

This legislation will, amongst other things:

- authorise expenditure for certain agricultural and other purposes
- make provision about direct payments following the UK's exit from the EU and about payments in response to exceptional market conditions affecting agricultural markets
- confer power to modify retained direct EU legislation relating to agricultural and rural development payments and public market intervention and private storage aid
- make provision about reports on food security
- make provision about the acquisition and use of information connected with food supply chains
- confer powers to make regulations about the imposition of obligations on business purchasers of agricultural products, marketing standards, organic products and the classification of carcasses
- make provision for the recognition of associations of agricultural producers which may benefit from certain exemptions from competition law
- make provision about fertilisers
- make provision about the identification and traceability of animals
- make provision about red meat levy in Great Britain
- make provision about agricultural tenancies
- confer power to make regulations about securing compliance with the WTO Agreement on Agriculture

The [Fisheries Bill](#) was introduced to the House of Lords on 29 January 2020. This Bill will provide the legal framework for the UK to operate as an independent coastal state under the United Nations Convention on the Law of the Sea 1982 after the UK has left the European Union (EU) and the Common Fisheries Policy (the CFP).

It is anticipated that the Government will seek the legislative consent of the devolved institutions to the legislation as some of the provisions touch on devolved competences.

The Bill creates common approaches to fisheries management between the Secretary of State for Environment, Food and Rural Affairs and the Devolved Administrations. It also confers additional powers on the Marine Management Organisation ("the MMO") to improve the regulation of fishing and the marine environment in the UK and beyond.

The Bill includes the following provisions:

- Fisheries objectives, fisheries statements and fisheries management plans
- Access: when the UK leaves the EU, any access for EU and other foreign vessels to UK waters will be a matter for negotiation. The Bill revokes the EU legislation which currently provides for automatic rights for vessels registered in the EU to access UK waters
- Fishing boat licensing: the Bill revokes, replaces existing powers for licensing authorities to license fishing in UK waters
- Fishing opportunities: the Bill revokes EU legislation which currently sets UK fishing opportunities and provides for the Secretary of State to determine the UK's fishing opportunities. Before doing so she must consult the Devolved Administrations and the MMO.
- Discard prevention charging scheme
- Marine environment: the Bill extends marine conservation powers to regulate fishing for the purposes of protecting the marine environment

- Cost recovery: the Bill extends the cost recovery powers of the MMO and the Devolved Administrations to enable them to charge for services they provide to the fishing industry.
- Financial assistance : the Bill provides powers for the Fisheries Administrations to introduce schemes of financial assistance for the fish and aquaculture industries, to improve the marine and aquatic environment, to develop areas in which fish or aquaculture activities are carried out, to promote the health and safety of fishers and to promote recreational fishing.
- Power to amend UK law (including primary legislation and retained EU law) related to fisheries
- Power to amend UK law including primary legislation and retained EU law) related to aquatic animal health

The [Environment Bill](#) was introduced to the House of Commons on 30 January 2020. The Bill comprises two thematic halves. The first provides a legal framework for environmental governance. The second makes provision for specific improvement of the environment, including measures on waste and resource efficiency, air quality and environmental recall, water, nature and biodiversity, and conservation covenants.

The Bill has 8 Parts:

1. Environmental Governance
2. Environmental Governance: Northern Ireland
This part includes provisions to extend the application of the new Office for Environmental Protection to Northern Ireland, and makes separate provision for Environmental Improvement Plans and environmental principles in Northern Ireland.
3. Waste and Resource Efficiency
4. Air Quality and Environmental Recall
5. Water
6. Nature and Biodiversity
7. Conservation Covenants
8. Miscellaneous and General Provisions

It is anticipated that the Government will seek the legislative consent of the devolved institutions to the legislation as some of the provisions touch on devolved competences.

COMMISSION PRESIDENT VISITS DUBLIN



Source: [European Union 2020 EC-Audio-visual Service](#)

Head of the European Commission Ursula von der Leyen visited Dublin on 15 January. Welcoming the Commission President, Taoiseach Leo Varadkar said

“I’m very pleased to welcome President von der Leyen on her first official visit to Ireland. She’s set out an ambitious agenda for the Commission’s new term, and significantly the EU’s solid support for Ireland on Brexit is going to continue.....

I’m looking forward to discussing the next phase of Brexit negotiations, including the Free Trade Agreement between the EU and the UK. I want to ensure that CAP is adequately funded, which is really important for farmers and rural communities.

I’ll be raising our request for a €1 billion Peace Plus programme for Northern Ireland and the border counties, and will brief her on the breakthrough at Stormont and the restoration of power-sharing..... “

[Speaking](#) at the joint press conference, President von der Leyen said:

“..... I want to elaborate a bit on the Brexit topic, indeed. It is going to be in two weeks now that the United Kingdom will leave the European Union. As we could hear from your words, there is almost no other country in the European Union that is more affected by this decision than Ireland. That is the reason why Ireland and Northern Ireland were one of our top priorities during the withdrawal negotiations.

As you have mentioned, we have said ‘We do not want a hard border’. We delivered. There will not be a hard border. We have said that Ireland will stay at the heart of the European Union – and so it is now. So I think the withdrawal negotiations and the Withdrawal Agreement were very successful what Ireland and the island of Ireland are concerned. And it is in the process of being ratified now on the UK’s side and the European Parliament will ratify it at the end of the month.....

.... Now we have legal certainty with the Withdrawal Agreement. And I must say: I listened a lot to the negotiation team. I have listened a lot of course to all the stories and anecdotes,

but also details Michel Barnier told me. And one thing is clear for me: It would not have been possible to reach this agreement without the very hard work, the patience and the unity of everybody here in Ireland. So you referred to that, and it is the same experience on the side of the European Commission. Without the work of the government, without the work of the politicians in the Parliament, the civil service, the whole country coming together, this would not have been possible. Therefore, Leo, thank you a lot for your leadership and the cooperation. That was excellent and I think we see now the results – they are excellent, too.

We do have quite a lot of work ahead of us. The Protocol on Ireland and Northern Ireland now needs to be implemented and I say very clearly that we will watch over the implementation very closely, and of course, the Northern Ireland institutions have a crucial democratic role to play. As you have said, we are very happy about the recent agreement on restoring power sharing in Northern Ireland. Now we enter a new phase of negotiations. We are going to be ambitious and we want to have a very close partnership with our British friends. We are neighbours. We share a lot of experience, 45 years of experience together. We share a common history, we share the geography and we will share our common destiny. So we are looking forward to these negotiations and we are looking forward – thank you very much for saying that – that you will show the same level of engagement and support in this new phase of negotiations.....”

EU CITIZENS IN UK STILL TO APPLY FOR SETTLED STATUS

A [newspaper report](#) of 16 January claimed that an estimated 900,000 EU citizens in the UK have yet to applied for settled status which will allow them to remain the UK after exiting from the EU. There is no official information on how many EU citizens live in the UK however estimates suggest that the figure is between 3 million and 3.6 million people.

Home Office figures for December 2019 show that just over 2.7 million EU citizens and their family members have applied for settled status. The scheme was launched by Government in March 2019 and EU citizens have until the end of this year to apply for settled status, or until June 2021 if a trade agreement is reached between the UK and EU.

Brandon Lewis, Minister for Security in the Home Office said of EU citizens in the UK:

“The UK is their home and the EU settlement scheme has already granted status to 2.5 million people so they can stay. We have done more than other EU member states to support EU citizens and it’s time other countries made the same generous offer to the million UK nationals who live among them.”

Brexit secretary Steve Barclay met with the European Parliament’s Brexit Coordinator Guy Verhofstadt on 16 January when they discussed the status of EU citizens in the UK after it leaves the EU.



Guy Verhofstadt
@guyverhofstadt

Frank discussion with @SteveBarclay. I presented the @Europarl_EN's resolution on citizen's rights, adopted this week by a large majority. A few adjustments from the UK & more action from some EU countries would end the anxieties of many UK & EU-citizens who deserve certainty.



7:20 PM · Jan 16, 2020 · Twitter for Android

Speaking to BBC Radio 4's Today programme following the meeting Mr Verhofstadt said he believed those who missed the deadline would still be able to apply for settled status after "giving grounds why it was not possible to do it within the normal procedures".

"There will be no automatic deportation," he added.

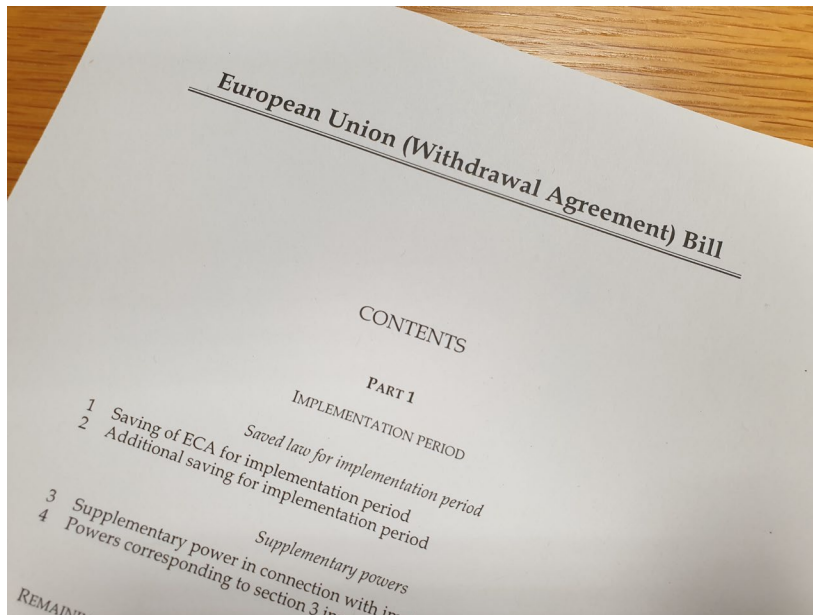
"I wanted to be sure that there would be no automatic deportation for people after that period because it can be people who are very vulnerable..... The idea would be that even these people, after the grace period, they will have the possibility to apply giving the grounds for why it was not possible [to apply for settled status] within the normal procedures."

Following the meeting Mr Barclay said:

"The EU settlement scheme has been a huge success, and 2.5 million people have already been granted a status guaranteeing their right to live, work, study and access benefits such as healthcare.

"The focus should be on offering reassurances and avoiding misconceptions about the EUSS [Settled Status scheme] and on ensuring that EU member states step up and provide a similar level of reassurance for UK nationals."

EU (WITHDRAWAL AGREEMENT) BILL BECOMES LAW



The EU (Withdrawal Agreement) Bill received Royal Assent on 23 January 2020, becoming the [European Union \(Withdrawal Agreement\) Act 2020](#).

The House of Lords had agreed five [amendments](#) to the Bill - one amendment on the EU Settlement Scheme; two amendments on interpretation of retained EU law; one amendment on family reunification for asylum-seeking children; and one amendment on parliamentary sovereignty. The House of Commons then voted on these five amendments, with the Government recommending that all five be rejected. None of the Lords amendments were agreed by the Commons.

With regards to the role of the devolved administrations, the Secretary of State for Exiting the EU Steve Barclay [wrote](#) to the Scottish Government, Welsh Government and the Head of the NICS in December 2019 requesting legislative consent for specific clauses of the Bill which affect devolved competence. The letter from Mr Barclay emphasised that the consent of the devolved legislatures was sought in respect of **implementation** of the Withdrawal Agreement rather than the content of the Withdrawal Agreement itself:

“The conduct of international negotiations and the approval of international agreements resulting from those negotiations, including the Withdrawal Agreement, is a reserved matter, and will be considered by the UK Parliament, including by MPs representing constituencies in Scotland/Wales. The implementation of those agreements, where it would otherwise fall within devolved competence, is devolved..... consent is not sought for the obligations in the Withdrawal Agreement, but for the manner in which provisions in this Bill implement those obligations in devolved domestic law.”

The Scottish Government lodged a [Legislative Consent Memorandum](#) (LCM) on the Bill on 20 December 2019 stating “The Scottish Government therefore believes that the Scottish Parliament should not agree legislative consent to the Bill, but should take a firm stance against withdrawal, against the Withdrawal Agreement, and against the Bill.”

On 8 January 2020, the Scottish Parliament voted 92-29 to agree a motion withholding consent to the Bill.

On 6 January 2020, the Welsh Government lodged an [LCM](#) on the Bill stating that it cannot recommend to the National Assembly for Wales that it gives consent to the Bill. The Assembly debated a motion on consent to the Bill on 21 January and voted 35-15 against giving consent to the Bill.

The Welsh Government [wrote](#) to the Lord Speaker of the House of Lords on 8 January requesting that the Lords table [amendments](#) to the Bill which aim “to protect the interests of the devolved institutions”. The amendments were supported by the Scottish Government. A number of amendments that were the same as, or similar, to those proposed by the Welsh Government were tabled in the Lords. None of the amendments were agreed by the House of Lords.

On 13 January 2020, Steve Barclay, Secretary of State at DExEU wrote to the First Minister and deputy First Minister seeking the consent of the Northern Ireland Assembly as the EU (Withdrawal Agreement) Bill affects devolved competence and will legislate in devolved areas.

Given the timeframe for submission of the Assembly’s view in advance of the Bill receiving Royal Assent, there was insufficient time for the usual procedures surrounding legislative consent.

On 20 January 2020, the Northern Ireland Assembly [debated](#) a motion laid by the Executive Office

“That the Assembly notes the request from the Secretary of State for Exiting the European Union for the consent of the Assembly for the provisions of the European Union (Withdrawal Agreement) Bill which affect its competence; and affirms that the Assembly does not agree to give its consent.”

The Assembly voted unanimously to support the motion.

Steve Barclay wrote to the Scottish and Welsh Governments on 17 January 2020 to set out the UK Government’s position on their consideration of the Withdrawal Agreement Bill.

“These letters set out the UK Government’s view that the devolution settlements did not intend for the Devolved Administrations to be able to frustrate the UK Government’s exercise of reserved powers. The UK Government had hoped that the Scottish and Welsh Governments would consider the Bill on the basis on the provisions for which we sought consent, including the important powers granted to them to protect citizens’ rights.

There was substantial engagement with the devolved administrations before the Bill’s introduction to ensure that it works across the UK. The UK Government will continue to work collaboratively with all of the devolved administrations going forward”

With reference to proceeding with the legislation, the letters state:

The Sewel Convention holds that the UK Government should not normally press ahead with legislation without legislative consent motions from devolved administrations but the circumstances of our departure from the European Union are specific, singular and exceptional. That does not, however, mean the UK Government will not continue to work to address your concerns.

CHANCELLOR RULES OUT ALIGNMENT WITH EU REGULATIONS

In an [interview](#) with the Financial Times, Chancellor of the Exchequer Sajid Javid said that there would be no alignment with EU regulations after the transition period.

“There will not be alignment, we will not be a rule taker, we will not be in the single market and we will not be in the customs union – and we will do this by the end of the year. We’re ... talking about companies that have known since 2016 that we are leaving the EU.”

Responding to the Chancellor’s comments, Director General of the Confederation of British Industry (CBI) Carolyn Fairbairn said:

“For some firms, divergence brings value, but for many others, alignment supports jobs and competitiveness – particularly in some of the most deprived regions of the UK,”

Claire Walker, co-executive director of the British Chamber of Commerce said:

“The government must clearly communicate these changes in a timely way and provide substantial support to help firms adapt,” Walker added. “Otherwise they will struggle to make the most of new opportunities as Britain sets its own trading policies.”

WELSH GOVERNMENT PRIORITIES FOR EU NEGOTIATIONS



The Welsh Government published its priorities for the future trade, and broader relationship with the EU on 20 January 2020. ‘[The future UK/EU relationship: negotiating priorities for Wales](#)’ says:

“... The decision by the UK Government to rule out extending the transition period is reckless and only serves to artificially constrain the negotiations....

.. given the importance of our relationships with the EU we believe in a number of important areas the UK’s future relationship with the EU needs to be closer and deeper than as set out in the Political Declaration:

- Given the overwhelming importance of the EU markets to our economy particularly Wales' manufacturing, agriculture and services sectors the UK must prioritise EU markets over trade arrangements with other countries;
- While we recognise our future relationship with the EU will be based on a Free Trade Agreement, the UK must have the fullest access to EU markets without tariffs and non-tariff barriers must be minimised. This means:
 - Agreeing to a broad level playing field with the EU to ensure open and fair competition including alignment on environmental, social and labour market standards;
 - Dynamic alignment with EU rules and regulations necessary to ensure no new trade barriers come into force;
 - Participation in EU bodies and agencies such as the European Chemicals Agency to support dynamic alignment;
 - Ensuring that the choices regarding governance of our future relationship, and the UK's future immigration framework reflect the prioritisation of EU markets.
- The fullest possible future security partnership that replicates as far as possible current arrangements including internal and external cooperation;
- Continued participation in important EU programmes, including but not limited to, Erasmus+, Horizon Europe, Creative Europe and INTERREG.
- Recognition that devolved governments may seek to be involved in EU programmes even if some or all of the rest of the United Kingdom does not choose to;
- Urgent need to obtain a positive adequacy assessment from the EU to secure data flows;
- Finally, the Devolved Governments must be fully involved in the negotiations and in the Joint Committee that will oversee the implementation of the agreements. “

FLOW OF GOODS ACROSS THE IRISH SEA AFTER BREXIT



Source: Parliament UK

During Prime Minister's Question Time on 22 January, Sir Jeffrey Donaldson MP [asked](#) Boris Johnson about the flow of goods from Great Britain to Northern Ireland post Brexit.

"As we approach the moment when we will leave the European Union, the Prime Minister will be aware of concerns in Northern Ireland. We welcome his assurance that there will continue to be unfettered access for Northern Ireland businesses to the UK single market, but does that commitment also apply to goods moving from Great Britain to Northern Ireland?"

The Prime Minister answered: "Emphatically it does."

Speaking at a 'Brexit - What Next?' event at University College London on the day, Stefaan de Rynck, senior advisor to Michel Barnier, [said](#) that the UK had agreed to apply necessary checks on goods.

"There are clear commitments on the UK which are legally binding and have to be implemented.

"We will not tolerate any backsliding or half measures on this. It is clear what needs to be done by both sides and we will stick to that."

FIRST MINISTERIAL FORUM FOR INTERNATIONAL TRADE



Conor Burns ✓
@ConorBurnsUK

This afternoon I chaired (by phone) the first Ministerial Forum for Trade. Joined by all three devolved Governments and [@WalkerWorcester](#) Determined as we leave the EU to get trade agreements that deliver for all nations and regions of the UK [@tradegovuk](#)



Ivan McKee MSP and 2 others

4:07 PM · Jan 23, 2020 · [Twitter Web App](#)

Conor Burns, Minister of State at the Department for International Trade chaired the first Ministerial Forum for Trade on 23 January 2020. The Forum was established by the Government to 'ensure there is a regular and formal structure to support discussion and engagement between the UK Government and the devolved administrations on trade agreements'.

The Government committed to establishing the Forum in its February 2019 [Command Paper](#) on 'Processes for making free trade agreements after the United Kingdom has left the European Union'

"Our clear intention is that the Forum will be a flexible mechanism to enable Ministerial discussion at the key points during trade negotiations.

There will also continue to be a programme of official-level technical engagement between the Department for International Trade and the devolved administrations to underpin the Ministerial Forum. Together, these processes will ensure that the priorities and expertise of the devolved administrations can shape and inform the development of the UK Government's international trade policy and negotiating positions."

EUROPEAN PARLIAMENT COMMITTEE RECOMMENDS APPROVAL OF THE EU-UK WITHDRAWAL AGREEMENT

The European Parliament Committee on Constitutional Affairs (AFCO) met on 23 January 2020 to discuss and vote on a [recommendation](#) regarding the draft withdrawal agreement between the EU and the UK.

The recommendation was drafted by rapporteur Guy Verhofstadt and proposed the approval of the draft withdrawal agreement. The Committee voted 23-3 in favour of recommending to the Parliament that the Withdrawal Agreement be agreed. The European Parliament is set to vote on the Committee's recommendation at its plenary sitting of 29 January.

President of the European Commission Ursula von der Leyen and European Council President Charles Michel formally signed the Withdrawal Agreement on 24 January 2020.



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The agreement then crossed the English Channel to be signed by Prime Minister Boris Johnson



Photograph: Andrew Parsons/No 10 Downing Street/Crown Copyright

POST BREXIT ARRANGEMENTS IN WHITEHALL

At the No 10 lobby briefing on 27 January 2020, the Prime Minister's spokesman James Slack briefed journalists on the post Brexit arrangements in Whitehall. He said that there will be 40 officials working in 'Taskforce Europe' - the Government's taskforce on the EU future relationship.

The Taskforce will operate from within Number 10 and will be responsible to the Prime Minister. It will be headed up by David Frost, the Prime Minister's EU Advisor. His deputies will come from the Foreign and Commonwealth Office and the Treasury. Michael Gove will oversee the Withdrawal Agreement and the Prime Minister will oversee the negotiations on the future relationship.

After 31 January, the UK will no longer sit with the EU at international meetings. The UK Permanent Representative to the EU, Sir Tim Barrow, will become ambassador to the EU.

BARNIER VISITS DUBLIN AND BELFAST

On 27 January, Head of the European Commission's Task Force for Relations with the UK Michel Barnier visited Dublin to meet with Taoiseach Leo Varadkar and Minister for Europe Helen McEntee TD. They discussed the next phase of Brexit negotiations, dealing with the future relationship between the EU and the UK, including trade as well as implementation of the Ireland/Northern Ireland Protocol.

Mr Barnier then travelled to Belfast to meet with Michelle O'Neill, deputy First Minister and Diane Dodds, Minister for the Economy.



NI Executive
@niexecutive

Productive meeting between deputy First Minister O'Neill, Economy Minister Dodds and @MichelBarnier. They reinforced the importance of protecting the rights and interests of our people and businesses after Brexit and the need to protect the flow of trade north-south & east-west



Michelle O'Neill and 3 others

4:48 PM · Jan 27, 2020 · Twitter for iPhone

In the evening, he gave a [speech](#) at Queen's University Belfast on 27 January 2020. The speech was themed 'Reflections on Brexit and the European Union'.

"..... Whatever agreement we reach on our future relationship, Brexit will always be a matter of damage limitation.

Not one single person – from the UK or elsewhere – has ever convinced me of the added value of Brexit.

At least, with the Withdrawal Agreement, which has now been ratified by the UK, we have managed to secure an orderly Brexit – for now. One that limits the destruction of value for our citizens and businesses. This is also our objective going forward."



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On the Ireland/Northern Ireland Protocol:

“... Implementing this new system will be a big challenge, in particular for UK authorities. In agreeing to the Protocol, the UK has agreed to a system of reinforced checks and controls for goods entering Northern Ireland from Great Britain. I understand the fears of negative economic fallout expressed by some about these checks.

But Brexit unfortunately has consequences that we must manage.

The UK has chosen to become a third country; to leave the Single Market and the Customs Union; to leave behind the EU's framework of common rules, common supervision and common Court of Justice. It has chosen to create two regulatory spaces.

This makes frictionless trade impossible. It makes checks indispensable.

We will need sanitary and phyto-sanitary checks on food products and live animals. The EU must be able to assess risks on any product coming into its market and, if necessary, activate physical controls. These checks must take place somewhere. And as the whole point of the Protocol is to avoid a hard border and protect the all-island economy, it was clear that they could not take place at the land border between Ireland and Northern Ireland. The only real option was to use Northern Ireland's other entry points. This is also where such checks are the easiest to implement. And controls will also take place in Dublin and other EU entry points.

On standards and a level playing field:

“... In our joint Political Declaration on our future relationship, the UK agreed that we need common standards to avoid unfair competitive advantages.

So when it tells us it does not want to align with EU standards and regulations in the future, it is not clear to me where, or by how much, it wishes to diverge: on standards relating to the safety and quality of products? Or on those relating to fair competition?

It is not clear to me whether, when the UK leaves the EU and the Single Market, it will also choose to leave Europe's societal and regulatory model. That is the key question, and we are waiting for an answer. Because that answer will be key for our future relationship. I hope that our UK friends are reflecting carefully on this issue. Because the UK cannot expect high-quality access to our Single Market if it insists on competing on State aid, social or environmental standards. I would not want to be misunderstood: Competition between our economies is not a bad thing. Countries compete with each other, also within the Single Market. But competition needs to be based on common high levels of standards to make sure it is fair..."

STRATEGIC TRADE ADVISORY GROUP MEETS TO DISCUSS FUTURE EU RELATIONSHIP

Conor Burns, Minister of State in the Department for International Trade, chaired a meeting of the [Strategic Trade Advisory Group](#) (STAG) on 28 January 2020. STAG was established in April 2019 and the membership was decided following a public expression of interest by Government in July 2018. STAG is made up of 16 core members. Nick Coburn CBE of Ulster Carpets sits on the group as a representative of Northern Ireland business.

The Strategic Trade Advisory Group (STAG) provides a forum for high-level strategic discussions between Government, and stakeholders representing a cross-section of interests from all parts of the UK on trade policy matters. Its principal purpose is "for the Government to engage with stakeholders, to help shape future trade policy and realise opportunities across all nations and regions of the UK through high level strategic discussion."

Membership for the period 2019 to 2020 is:

- DIT Minister for Trade Policy, (chair)
- Professor Holger Breinlich, University of Surrey, (academia)
- Carolyn Fairbairn, Confederation of British Industry, (business representative organisation)
- Gary Campkin, City UK, (services, business representative organisation)
- Dr Scott Steedman CBE, British Standards Institution, (standards)
- Caroline Normand, Which?, (consumer)
- Dr Dirk Willem te Velde, Overseas Development Institute, (developmental)
- Mark Abrams, Trade Finance Global, (new entrant)
- Michael Gidney, Fair Trade Foundation, (non-government organisations)
- Nick Coburn CBE, Ulster Carpets, (Northern Ireland business)
- Denise Valin Alvarez, Burberry, (regional business)
- Liz Cameron OBE, Scottish Chamber of Commerce, (Scottish business)
- Sean Ramsden, Ramsden International, (small and medium enterprise)
- Mike Cherry OBE, Federation of Small Business, (small and medium enterprise, business representative organisation)
- Sam Lowe, Centre for European Reform, (think tanks)
- Paul Nowak, Trade Union Congress, (trade unions)
- Prys Morgan, Kepak Group Limited, (Welsh business)



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This morning I chaired our Strategic Trade Advisory Group (STAG). Good discussions on Trade Bill, Free Trade Agreements, market access barriers, tariffs, future market priorities, future EU relationship and [@UKExportFinance](#) [@tradegovuk](#) #ReadytoTrade



2:38 PM · Jan 28, 2020 · [Twitter Web App](#)

WITHDRAWAL DEAL APPROVED

At its plenary session on 29 January, the European Parliament [debated](#) and voted to approve the withdrawal agreement between the UK and the EU. The vote was passed by 621 votes to 49 with 13 abstentions. Martina Anderson MEP voted to approve the deal, and Diane Dodds and Naomi Long voted against the deal.

President of the European Commission Ursula von der Leyen said

“Honourable Members, no new partnership will bring back the benefits of being part of the same Union, but we have a duty to seek the best for the British and for the European people in a post-Brexit world. On our side, we’ll seek the best for industries and farmers across our continent who ask for predictability. We will seek our best for young British and young European students who want to study and who want to live across the Channel. And we’ll seek the best for all the researchers and scientists who want to explore the unknown and work for common solutions together in the European Union as well as in the United Kingdom. We will devote all our energy, 24/7, to come to results. And to our British friends, and many – perhaps not all, but many – of our British MEPs here in the room, I want to use the words of the famous British poet George Eliot. She said: only in the agony of parting do we look into the depth of love. We will always love you, and we will never be far. Long live Europe.”

On 30 January, the Council of the EU [adopted](#), by written procedure, the decision on the conclusion of the withdrawal agreement on behalf of the EU following the Parliament's vote. . This follows the European Parliament's vote of consent on 29 January and the signature of the withdrawal agreement by the EU and the United Kingdom on 24 January.

MOVE OVER ARTICLE 50, IS ARTICLE 217 THE NEW BUZZWORD?

It's reported that Michel Barnier briefed EU Ambassadors on 30 January that the future relationship negotiations with the UK should be done via an Association Agreement (Article 217 of the Treaty on the Functioning of the European Union). This would require ratification by all EU27 member states as well as the European Parliament.

All aspects of the future relationship, from trade to security, would be covered by a single system of governance and level playing field conditions.. It's expected the Mr Barnier's Taskforce will structure the negotiations in three week sessions, with talks on 12 separate strands happening in parallel. This [Twitter thread](#) from journalist Nick Gutteridge has more detail

It is as yet unclear as to whether the final UK/EU deal will be mixed agreement. A mixed agreement is one between the EU and a third country which touches both on powers, or competencies, exclusive to the EU and on competencies exclusive to EU member states. A mixed agreement would have to be approved by both the EU and all EU27 member states.

BREXIT LEGISLATION

Links are provided to legislation already passed / legislation which has been introduced at Parliament

- [Agriculture Bill](#)
- [Direct Payments to Farmers \(Legislative Continuity\) Act 2020](#)
- [Environment Bill](#)
- [EU \(Withdrawal Agreement\) Act 2020](#)
- [EU \(Withdrawal\) Act 2018](#)
- [Financial Services Bill](#)
- [Fisheries Bill](#)
- [Haulage Permits and Trailer Registration Act 2018](#)
- [Healthcare \(European Economic Area and Switzerland Arrangements\) Act 2019](#)
- [Nuclear Safeguards Act 2018](#)
- [Immigration and Social Security Co-ordination \(EU Withdrawal\) Bill](#)
- [Private International Law \(Implementation of Agreements\) Bill](#)
- [Sanctions and Anti-Money Laundering Act 2018](#)
- [Taxation \(Cross-border Trade\) Act 2018](#)
- [Trade Bill](#)

WHAT'S NEXT?

Feb 25 2020: European Council adoption of 'headline principles' of EU negotiating position

March 3 2020: Opening round of negotiations between UK and EU on the future relationship

April 4 2020: Announcement of results of Labour leadership contest

End June 2020: UK and EU aim to have agreements on fishing; data protection; and financial services completed

July 1 2020: The date in the Withdrawal Agreement by which the UK and EU must decide if they want to extend the transition period beyond the current deadline of December 2020.

July 15 2020: Announcement of results of Liberal Democrat leadership contest

Dec 10-11 2020: European Council

Dec 31 2020: Date in law when the transition period ends