European Union (Withdrawal) Bill: amendments linked to the environment

AMENDMENT NUMBER	HOUSE	STAGE	MP/PEER	AMENDMENT TEXT	Briefings produced by Greener UK
NC25	Commons	Committee	Kerry McCarthy	To move the following Clause— “Treatment of retained law (1) Following the commencement of this Act, no modification may be made to retained EU law save by primary legislation, or by subordinate legislation made under this Act. (2) By regulation, the Minister may establish a Schedule listing technical provisions of retained EU law that may be amended by subordinate legislation. (3) Regulations made under subsection (2) will be subject to an enhanced scrutiny procedure including consultation with the public and relevant stakeholders. (4) Regulations may only be made under subsection (2) to the extent that they will have no detrimental impact on the UK (5) Delegated powers may only be used to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of environmental protection.”	YES
NC55	Commons	Committee	Dominic Grieve	To move the following Clause— “Treatment of retained law (No. 2) (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation made under this Act. (2) The Secretary of State must by regulations establish a schedule listing technical	YES

				provisions of retained EU law that may be amended by subordinate legislation. (3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State after approval in draft by both Houses of Parliament, which must include consultation with the public and relevant stakeholders. (4) Delegated powers may be used only to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of equalities, environmental and employment protection, and consumer standards.”	
NC58	Commons	Committee	Jeremy Corbyn	To move the following Clause— “Retaining Enhanced Protection Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend, repeal or modify retained EU law in the following areas— (a) employment entitlement, rights and protection; (b) equality entitlements, rights and protection; (c) health and safety entitlement, rights and protection; (d) consumer standards; and (e) environmental standards and protection.”	YES
NC60	Commons	Committee	Mary Creagh	To move the following Clause— “Retention of principles of EU environmental law (1) On and after exit day the environmental principles of European Union law become principles of United Kingdom law in accordance with this section. (2) The “environmental principles of EU law” are the principles set out in Article 191 of the Treaty on the Functioning of the European Union (the precautionary principle; the principle that preventive action should be taken; the principle that environmental damage should as a priority be rectified at source and that the polluter should pay). (3) A court or tribunal interpreting or applying an enactment must, so far as it is possible to do so, construe or apply the enactment in a manner that is compatible with the environmental principles of EU law.	YES

				(4) A public authority must, in the exercise of its functions, have regard to the environmental principles of EU law.”	
25	Commons	Committee	Jeremy Corbyn	Clause 7, page 6, line 18, at end insert— “(g) remove or reduce any protections currently conferred upon individuals, groups or the natural environment, (h) prevent any person from continuing to exercise a right that they can currently exercise, (i) amend, repeal or revoke the Equality Act 2010	YES
96	Commons	Committee	Kerry McCarthy	Clause 7, page 6, line 18, at end insert— “(g) limit the scope or weaken standards of environmental protection.”	YES
121	Commons	Committee	Tom Brake	Clause 7, page 5, line 44, leave out subsection (5) and insert— “(5) No regulations may be made under this section which provide for the establishment of public authorities in the United Kingdom. (6) Subsection (5) applies to but is not limited to— (a) Agency for the Cooperation of Energy Regulators (ACER), (b) Office of the Body of European Regulators for Electronic Communications (BEREC Office), (c) Community Plant Variety Office (CPVO), (d) European Border and Coast Guard Agency (Frontex), (e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), (f) European Asylum Support Office (EASO), (g) European Aviation Safety Agency (EASA), (h) European Banking Authority (EBA), (i) European Centre for Disease Prevention and Control (ECDC), (j) European Chemicals Agency (ECHA), (k) European Environment Agency (EEA), (l) European Fisheries Control Agency (EFCA), (m) European Insurance and Occupational Pensions Authority (EIOPA), (n) European Maritime Safety Agency (EMSA), (o) European Medicines Agency (EMA), (p) European Monitoring Centre for Drugs and Drug Addiction	NO

				(EMCDDA), (q) European Union Agency for Network and Information Security (ENISA), (r) European Police Office (Europol), (s) European Union Agency for Railways (ERA), (t) European Securities and Markets Authority (ESMA), and (u) European Union Intellectual Property Office (EUIPO).”	
138	Commons	Committee	Mary Creagh	Clause 7, page 6, line 18, at end insert— “(6A) Regulations may not be made under this section unless a Minister of the Crown has certified that the Minister is satisfied that the regulations do not remove or reduce any environmental protection provided by retained EU law.”	YES
333	Commons	Committee	Jeremy Corbyn	Clause 7, page 6, line 11, at end insert – (da) establish a new entity or public authority in the United Kingdom charged with exercising any powers and functions currently exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day in relation to the environment or environmental protection”.	NO
NC27	Commons	Committee	Caroline Lucas	To move the following Clause— “Institutional arrangements (1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to the environment or environmental protection that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions“) will— (a) continue to be carried out by an EU entity or public authority; (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or (c) be carried out by an appropriate international entity or public authority. (2) For the purposes of this section, relevant powers and functions relating to the UK exercisable by an EU entity or public authority include, but are not limited to—	YES

				(a) monitoring and measuring compliance with legal requirements, (b) reviewing and reporting on compliance with legal requirements, (c) enforcement of legal requirements, (d) setting standards or targets, (e) co-ordinating action, (f) publicising information including regarding compliance with environmental standards. (3) Within 12 months of exit day, the Government shall consult on and bring forward proposals for the creation by primary legislation of— (a) a new independent body or bodies with powers and functions at least equivalent to those of EU entities and public authorities in Member States in relation to environment; and (b) a new domestic framework for environmental protection and improvement. (4) Responsibility for any functions or obligations arising from retained EU law for which no specific provision has been made immediately after commencement of this Act will belong to the relevant Minister until such a time as specific provision for those functions or obligations has been made.”	
NC62	Commons	Committee	Mary Creagh	To move the following Clause— “Enforcement of retained environmental law (1) The Secretary of State must make regulations under section 7 of this Act for the purpose of ensuring that retained EU legislation relating to environmental protection continues to be monitored and enforced effectively after exit day. (2) The regulations must, in particular— (a) create a statutory corporation (to be called “the Environmental Protection Agency”) with operational independence from Ministers of the Crown to monitor environmental targets set by retained EU law relating to environmental protection; (b) require the statutory corporation to report to Parliament every year on progress in meeting those targets and to make recommendations for	YES

				remedial action where appropriate; (c) allow the statutory corporation to publish additional reports identifying action or omissions on the part of Ministers of the Crown that is likely to result in targets not being met.”	
NC63	Commons	Committee	Jeremy Corbyn	To move the following Clause— “Environmental standards and protections: enforcement (1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to environmental standards and protections that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day and which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom. (2) For the purposes of this section, relevant powers and functions include, but are not limited to— (a) reviewing and reporting on the implementation of environmental standards in practice, (b) monitoring and measuring compliance with legal requirements, (c) publicising information including regarding compliance with environmental standards, (d) facilitating the submission of complaints from persons with regard to possible infringements of legal requirements, and (e) enforcing legal commitments. (3) For the purposes of this section, relevant powers and functions carried out by an appropriate existing or newly established entity or public authority in the United Kingdom on any day after exit day must be at least equivalent to all those exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement. (4) Any newly established entity or public authority in the United Kingdom charged with exercising any relevant powers and functions on any day after exit day shall not be established other than by an Act of Parliament. (5) Before making provision under subsection (1), a Minister of the Crown shall	YES

				hold a public consultation on— (a) the precise scope of the relevant powers and functions to be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom, and (b) the institutional design of any entity or public authority in the United Kingdom to be newly established in order to exercise relevant powers and functions. (6) A Minister of the Crown may by regulations make time-limited transitional arrangements for the exercise of relevant powers and functions until such time as an appropriate existing or newly established entity or public authority in the United Kingdom is able to carry them out.”	
26	Commons	Committee	Jeremy Corbyn	Clause 8, page 6, line 38, at end insert— “(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment, (f) prevent any person from continuing to exercise a right that they can currently exercise, (g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”	YES
97	Commons	Committee	Kerry McCarthy	Clause 8, page 6, line 38, at end insert— “(e) limit the scope or weaken standards of environmental protection.”	YES
352	Commons	Committee	Geraint Davies	Clause 8, page 6, line 40, at end insert— “(5) Any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its schedules must be used, and may only be used, insofar as is necessary to ensure that standards of equalities, environmental protection and employment protection, and consumer standards will continue to remain in all respects equivalent to those extant in the EU. (6) In particular, no agreement relating to international trade or investment with the EU or with a third-party state or states shall be made that permits or requires standards of equalities, environmental protection and employment protection, and consumer standards to fall below those extant in the EU at the time.”	NO
27	Commons	Committee	Jeremy	Clause 9, page 7, line 8, at end insert—	YES

			Corbyn	"(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment, (f) prevent any person from continuing to exercise a right that they can currently exercise, (g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act."	
98	Commons	Committee	Kerry McCarthy	Clause 9, page 7, line 8, at end insert— "(e) limit the scope or weaken standards of environmental protection."	YES
NC12	Commons	Committee	Chris Leslie	To move the following Clause— "Social, employment and environmental protection Any rights, protections, liabilities, obligations, powers, remedies and procedures which exist immediately before exit day in the fields of— (a) social and employment law, and (b) environmental law will not be amended through any regulations made to deal with deficiencies or withdrawal unless approved by a resolution of each House of Parliament or by Act of Parliament"	NO
99	Commons	Committee	Kerry McCarthy	Clause 17, page 14, line 13, at end insert— "(8) Regulations under this section may not limit the scope or weaken standards of environmental protection."	YES
NC67	Commons	Committee	Jeremy Corbyn	To move the following Clause— "Environmental protection: principles under Article 191 of TFEU (1) Principles contained in Article 191 of TFEU in relation to environmental protection and listed in subsection (2) shall continue to be recognised and applied on and after exit day. (2) The principles are— (a) the precautionary principle as it relates to the environment, (b) the principle that preventive action should be taken to avert environmental damage, (c) the principle that environmental damage should as a priority be rectified at source, and	YES

				(d) the principle that the polluter should pay.”	
NC28	Commons	Committee	Kerry McCarthy	To move the following Clause— “General Environmental Principles (1) In carrying out their duties and functions arising by virtue of this act, public authorities must have regard to and apply the principles set out in this section. (2) Any duty or function conferred on a public authority must be construed and have effect in a way that is compatible with the principles in this section and the aim of achieving a high level of environmental protection and improvement of the quality of the environment. (3) The principles in this section are— (a) the need to promote sustainable development in the UK and overseas; (b) the need to contribute to preserving, protecting and improving the environment; (c) the need to contribute to prudent and rational utilisation of natural resources; (d) the need to promote measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change; (e) the precautionary principle as it relates to the environment; (f) the principle that preventive action should be taken to avert environmental damage; (g) the principle that environmental damage should as a priority be rectified at source; (h) the polluter pays principle; (i) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities, in particular with a view to promoting sustainable development. (j) the need to guarantee participatory rights including access to information, public participation in decision making and access to justice in relation to environmental matters. (together the “environmental principles“). (4) In carrying out their duties and functions, public authorities shall take account	YES

				of— (a) available scientific and technical data; (b) environmental benefits and costs of action or lack of action; and (c) economic and social development. (5) Public authorities, shall when making proposals concerning health, safety, environmental protection and consumer protection policy, take as a base a ·high level of protection, taking account in particular of any new development based on scientific facts. (6) Subsection (7) applies in any proceedings in which a court or tribunal determines whether a provision of primary or subordinate legislation is compatible with the environmental principles. (7) If the court is satisfied that the provision is incompatible with the environmental principles, it may make a declaration of that incompatibility. (8) In formulating and implementing agriculture, fisheries, transport, research and technological development and space policies, public authorities shall pay full regard to the welfare requirements of animals as sentient beings, while respecting the administrative provisions and customs relating in particular to religious rites, cultural traditions and regional heritage.”	
NC01	Commons	Report	Jeremy Corbyn	To move the following Clause— “Retaining Enhanced Protection (1) A Minister may use regulations provided for by an Act of Parliament other than this Act to amend, repeal or modify retained EU law if, and only if, the use of the regulation is necessary to maintain or enhance rights and protections. (2) The procedure in subsection (3) applies if a Minister of the Crown proposes to use regulations provided for by Acts of Parliament other than this Act to amend, repeal or modify retained EU law in the following areas— (a) employment entitlement, rights and protection, (b) equality entitlements, rights and protection, (c) health and safety entitlement, rights and protection, (d) consumer standards, or (e) environmental standards and protection. (3) A Minister of the Crown must— (a) produce an explanatory document which must explain why using the	NO

				regulation is necessary to maintain or enhance rights and protections, (b) consult for a period of no less than 12 weeks after the publication of the explanatory document with— (i) organisations, and persons who are likely to be affected by the proposals, including representative bodies; (ii) the Law Commission, the Scottish Law Commission or the Northern Ireland Law Commission in such cases as the Minister considers appropriate; and (iii) where the proposals relate to the functions of one or more statutory bodies, those bodies or persons appearing to the Minister to be representative of those bodies, (c) give details of any representations received under the consultation provided including Ministerial responses. (4) Any regulations to which this section applies may be made only if they have been approved by a resolution of each House of Parliament.”	
NC02	Commons	Report	Chris Leslie	To move the following Clause— “Meaning of Withdrawal Agreement It shall be the objective of Her Majesty’s Government to ensure that the arrangements for the UK’s withdrawal from the EU which comprise the “withdrawal agreement” specified in subsection (1) of section 14 shall include full, comprehensive and sufficient detail as if it were a legal instrument capable of acceptance and deposit as an international trade agreement at the World Trade Organisation, with detailed agreements on the following aspects of the future relationship between the United Kingdom and European Union including— (a) geographical scope of application, (b) regulatory cooperation, (c) national security, (d) cross-border trade in services, (e) market access, (f) tariff arrangements, (g) tariff rate quotas on all products, (h) customs duties on imports, (i) duties, taxes and charges on exports, (j) fees and charges,	NO

				(k) import and export restrictions, (l) provisions concerning anti-dumping and countervailing measures, (m) transparency, (n) sanitary and phytosanitary measures, (o) trade conditions, (p) customs valuation, (q) subsidies, (r) dispute settlement and mediation, (s) establishment of investments, (t) non-discriminatory treatment, (u) expropriation, (v) enforcement of awards, (w) mutual recognition of professional qualifications, (x) cross-border financial services, (y) prudential regulatory alignment, (z) maritime transport services, (aa) telecommunications, (bb) electronic commerce, (cc) competition policy, (dd) state enterprises and monopolies, (ee) government procurement, (ff) intellectual property, (gg) trade and sustainable development and the environment, (hh) trade and labour standards and employment conditions and (ii) taxation.”	
NC12	Commons	Report	Mary Creagh	To move the following Clause— “Environmental protection after EU exit (1) Before any exit day, the Secretary of State must publish a report detailing all EU environmental protections, powers and functions. (2) The report pursuant to subsection (1) shall specify— (a) all environmental legal protections which derive from EU law; (b) the powers and functions relating to environmental protection or improvement exercised by EU institutions; (c) the empowering provisions in EU law relating to those functions; and (d) any loss of environmental protection, or the monitoring and enforcement of environmental protections, which may arise as	NO

				a result of the UK's exit from the EU. (3) Before any exit day the Secretary of State must publish proposals for primary legislation (the "Draft Environmental Protection Bill"). (4) The Draft Environmental Protection Bill must include provisions which would — (a) ensure that the level of environmental protection provided by EU law on the day this Act receives Royal Assent is maintained or enhanced; (b) make provision to remedy any loss of environmental protection, or the monitoring and enforcement of environmental protections, established in the report pursuant to subsection (1); (c) create a statutory corporation (to be called "the Environmental Protection Agency") with operational independence from Ministers of the Crown to monitor environmental targets previously set by EU law relating to environmental protection and other such environmental targets that may be set by Ministers of the Crown and international treaties to which the United Kingdom is party; (d) require the statutory corporation in (4)(c) to report to Parliament every year on progress in meeting those targets and to make recommendations for remedial action where appropriate; (e) allow the statutory corporation in (4)(c) to publish additional reports identifying action or omissions on the part of Ministers of the Crown that is likely to result in targets not being met; and (f) extend to the whole of the United Kingdom. (5) The Secretary of State must publish annual reports to Parliament on how environmental protections and the monitoring and enforcement of environmental protections have been affected by the United Kingdom's exit from the EU. Consideration of Bill (Report Stage): 10 January 2018 11 European Union (Withdrawal) Bill, continued (6) Before publishing a report pursuant to subsection (5) the Secretary of State must hold a public consultation on the effect of leaving the EU on environmental protection. (7) The Secretary of State must publish and lay before each House of Parliament the first report pursuant to subsection (5) no later 29 March 2020 and each subsequent report must be published no later than the period of one year after the publication of the previous report."	
NC18	Commons	Report	Caroline Lucas	To move the following Clause— "Consultation on environmental governance and principles (1) Within one month of Royal Assent, the Secretary of State must consult on and bring forward proposals to— (a) provide that all powers and functions relating to the environment or	YES

				environmental protection that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement are fully carried out. (b) introduce primary legislation to establish a new independent environmental regulator with the purpose of, responsibility for, and appropriate powers to oversee the implementation of, compliance with and enforcement of environmental law and principles by relevant public authorities. (c) incorporate EU environmental principles in primary legislation as a basis for relevant decision-making by UK public bodies and public authorities. (d) establish a process for the publication of a national environmental policy statement or statements describing how the environmental principles will be interpreted and applied. (2) EU Environmental principles include but are not limited to— (a) the precautionary principle; (b) the principle that preventive action should be taken to avert environmental damage; (c) the principle that environmental damage should as a priority be rectified at source; (d) the polluter pays principle; (e) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities, in particular with a view to promoting sustainable development; (3) In carrying out a consultation under this section, the Government must— (a) consult with the devolved authorities; (b) be open to responses for at least two months; and (c) consider the resources and legal powers that the proposed regulator under (1)(b) will need in order to properly carry out its functions.”	
NC21	Commons	Report	Kerry McCarthy	To move the following Clause— “Environmental protection and improvement: continuation of powers and functions	YES

				(1) The Secretary of State must establish and maintain a publicly accessible register of EU environmental powers and functions. (2) The register produced pursuant to subsection (1) shall specify— (a) the specific powers and functions relating to environmental protection or improvement exercised by EU institutions; (b) the EU institution previously responsible for exercising those powers and functions; and (c) the empowering provision in EU law relating to those powers and functions. (3) The register produced pursuant to subsection (1) shall include the following functions— (a) monitoring and measuring compliance with legal requirements; (b) reviewing and reporting on compliance with legal requirements; (c) enforcement of legal requirements; (d) setting standards or targets; (e) co-ordinating action; and (f) publicising information including regarding compliance with environmental standards. (4) Within one month of Royal Assent, the Secretary of State must— (a) publish and lay before Parliament a statement identifying those powers and functions identified in the public register established under subsection (1) that will continue to be exercised by EU institutions or, alternatively, the existing or proposed new public authorities to which these powers and functions will be transferred; and (b) make Regulations containing provisions to ensure that all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom before exit day continue on and after exit day.”	
21	Lords	Committee	B Hayter of Kentish Town	Insert the following new Clause— "Future treatment of retained EU law (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation	YES

				made under this Act insofar as this subordinate legislation meets the requirements in subsections (2) to (6). (2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation. (3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State. (4) Regulations under subsections (2) and (3) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament. (5) The enhanced scrutiny procedure provided for by subsection (3) must include a period of consultation with the public and relevant stakeholders. (6) Regulations under this section may be used only to modify provisions of retained EU law listed in any schedule made under subsection (2) to the extent that such modification will not limit the scope of or weaken— (a) employment entitlements, rights and protection, (b) equality entitlements, rights and protection, (c) health and safety entitlements, rights and protection, (d) consumer standards, or (e) environmental standards and protection.”	
66	Lords	Committee	B Jones of Whitchurch	Insert the following new Clause— “Maintenance of EU environmental principles (1) Public authorities must have special regard to and apply the principles set out in this section. (2) The principles in this section are— (a) the precautionary principle as it relates to the environment, (b) that preventive action should be taken to avert environmental damage, (c) that environmental damage should, as a priority, be rectified at source, (d) the polluter pays principle, and (e) that environmental protection requirements must be integrated into the definition and implementation of policies and activities, with a view to promoting sustainable development. (3) The principles in subsection (2) may be called the “environmental principles”. (4) In carrying out their duties and functions arising by virtue of this Act, public authorities must take account of the public interest in— (a) promoting sustainable development in the UK and overseas, (b) preserving, protecting and improving the environment, (c) the prudent and rational utilisation of natural resources,(d) promoting measures at the international level to deal with regional or	YES

				worldwide environmental problems, and combat climate change, (e) guaranteeing participatory rights including— (i) access to information, (ii) public participation in decision making, and (iii) access to justice, in relation to environmental matters, and (f) acting in a way that takes account of available scientific and technical data. (5) When making proposals concerning environmental protection, public authorities shall take as a base a high level of protection, taking account in particular of any new development based on scientific facts. (6) Subsection (7) applies in any proceedings in which a court or tribunal determines whether a provision of primary or subordinate legislation is compatible with the environmental principles. (7) If the court is satisfied that the provision is incompatible with the environmental principles, it may make a declaration of that incompatibility.”	
112	Lords	Committee	L Krebs	Insert the following new Clause— “Consultation on environmental governance and principles (1) Within one month of Royal Assent, the Secretary of State and ministers of the devolved authorities must consult jointly on proposals to— (a) introduce primary legislation to establish a new independent environmental regulator before exit day with the purpose of, responsibility for, and appropriate powers to oversee the implementation of, compliance with and enforcement of environmental law and principles by relevant public authorities; (b) incorporateenvironmentalprinciplesinprimarylegislation;and (c) establish a process for the publication of a national environmental policy statement or statements describing how environmental principles will be interpreted and applied. (2) A consultation under this section must— (a) beopentoresponsesforatleasttwomonths;and (b) consider the resources and legal powers that the proposed regulator under subsection (1)(a) will need in order to properly carry out its functions.”	YES

113	Lords	Committee	L Krebs	Insert the following new Clause— “Environmental protection and improvement: continuation of powers and functions (1) Within one month of Royal Assent, the Secretary of State must— (a) publish and lay before Parliament a statement identifying those powers and functions listed in the public register established under subsection (2) that it expects— (i) will continue to be exercised in the United Kingdom or on behalf of the United Kingdom by EU entities or other EU public authorities; or (ii) will be transferred to existing or new public authorities in the United Kingdom; or (iii) will cease to be exercisable under the terms of the withdrawal agreement. (b) make regulations containing provisions to ensure that all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom or on behalf of the United Kingdom before exit day continue to have effect on and after exit day. (2) The Secretary of State must establish and maintain a publicly accessible register of all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom before exit day. (3) The register produced pursuant to subsection (2) shall specify— (a) the specific powers and functions relating to environmental protection or improvement exercised by EU institutions; (b) the institution previously responsible for exercising those functions; and (c) the empowering provision in EU law relating to those functions. (4) The register produced pursuant to subsection (2) shall include the following functions— (a) monitoring and measuring compliance with legal requirements; (b) reviewing and reporting on compliance with legal requirements; (c) enforcement of legal requirements; (d) setting standards or targets; (e) co-ordinating action; and (f) publicising information including regarding compliance with environmental standards.”	YES
115	Lords	Committee	L Whitty	Insert the following new Clause— “Chemicals (1) The Secretary of State must ensure that the standards established by and under the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (EC 2006/1907) ('REACH') continue to apply on and after exit day. (2) The standards referred to in this section include, but are not limited to, the restriction of chemical substances and the identification and control of substances of very high concern. (3) The Secretary of State must by regulations establish a procedure for the registration of chemical	NO

				substances with a domestic agency previously registered under REACH, with particular attention paid to companies whose market is limited to the territory of the United Kingdom. (4) Chemical substances that have not been registered by under REACH before exit day or under domestic legislation procedure established pursuant to subsection (3) must not have access to the United Kingdom market after exit day. (5) The Secretary of State must by regulations establish a procedure for issuing authorisations for the use of substances of very high concern. (6) The procedures referred to in subsections (3) and (5) above must retain as far as possible the rules applied, principles underlying and processes followed under REACH. (7) The Secretary of the State must, within one month of this Act receiving Royal Assent, produce and publish a review analysing the options for the regulation of chemical substances in the United Kingdom after exit day and this review must consider at least the following— (a) the potential for future participation in REACH processes; (b) the functions currently exercised by the European Chemicals Agency or shared with other member States that are not currently carried out by an equivalent UK body; (c) the compatibility of new chemicals regulations with achieving a high level of environmental protection; (d) the future validity of registrations of United Kingdom chemical companies in the EU; and (e) access to the REACH database.”	
260	Lords	Committee	L Adonis	Page 14, line 28, at end insert— “( ) Regulations under this section may not limit the scope of, or weaken standards of, environmental protection.”	NO
263	Lords	Committee	L Whitty	Insert the following new Schedule— “Agencies of the European Union and Euratom (1) For the purposes of the strategy under Clause (Euratom and European Union Agencies), the following agencies of the European Union are specified- (a) European Agency for Safety and Health at Work; (b) European Centre for the Development of Vocational Training; (c) European Foundation for the Improvement of Living and Working Conditions; (d) European Environment Agency; (e) European Institute of Innovation and Technology; (f) European Training Foundation; (g) European Monitoring Centre for Drugs and Drug Addiction; (h) European Medicines Agency; (i) European Union Intellectual Property Office; (j) Community Plant Variety Office; (k) Translation Centre for the Bodies of the European Union; (l)	NO

				European Food Safety Authority; (m) European Maritime Safety Agency; (n) European Aviation Safety Agency; (o) European Network and Information Security Agency; (p) European Centre for Disease Prevention and Control; (q) European Global Navigation Satellite Systems Agency; (r) European Railway Agency; (s) European Agency for the Management of Operational Cooperation at the External Borders of Member States of the European Union; (t) European Fisheries Control Agency; (u) European Chemicals Agency; (v) European Institute for Gender Equality; (w) European Defence Agency; (x) European Institute for Security Studies; 8 European Union (Withdrawal) Bill Before Schedule 2 - continued (y) European Union Satellite Centre; (z) European Police College; (za) European Police Office; (zb) European Body for the Enhancement of Judicial Co-operation; (zc) Fundamental Rights Agency; (zd) Body of European Regulators of Electronic Communications; (ze) European Systemic Risk Board; (zf) Agency for the Cooperation of Energy Regulators; (zg) European Banking Authority; (zh) European Securities and Markets Authority; (zi) European Insurance and Occupational Pensions Authority; (zj) European Asylum Support Office; (zk) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. (2) For the purposes of the strategy under section (Euratom and European Union Agencies), the following agencies of Euratom are specified— (a) Euratom Supply Agency; and (b) Fusion for Energy.”	
317	Lords	Committee	L Wigley	Insert the following new Clause— “Common frameworks for environmental protection Within one month of this Act receiving Royal Assent, a Minister of the Crown and the devolved authorities must jointly publish for consultation proposals for replicating the common European Union frameworks that will apply in the United Kingdom immediately before exit day with the purpose of— (a) achieving compliance with international environmental commitments; (b) establishing minimum common environmental objectives, harmonisation and standards, which aim at a high level of protection; (c) promoting sustainable development; and (d) facilitating the prudent and rational management of common resources after exit day.”	YES
227A	Lords	Committee	B Young of	Insert the following new Clause— “Replication of EU law: consultation on impact	NO

			Old Scone	and equivalence (1) This section applies to regulations (whether or not under this Act) which— (a) are designed to replicate a provision of EU legislation (with or without modifications), or (b) amend or replace legislation which was made under section 2(2) of the European Communities Act 1972 or which was otherwise made for the purpose of giving effect to EU obligations. (2) Before making the regulations a Minister of the Crown must publish a statement that the Minister is satisfied that a draft has been published in such a manner, and for such a period, as to give persons representing interests affected by the regulations a reasonable opportunity to consider and make representations about— (a) the environmental, social and other impacts of the regulations; and (b) equivalence with EU legislation. (3) The period referred to in subsection (2) must not be less than 3 months, except where the Minister includes a statement that— (a) the Minister is satisfied that 3 months' notice could not reasonably be given in the circumstances; and (b) as much notice was given as the Minister considers reasonably practicable."	
227C	Lords	Committee	Baroness Bowles of Berkhamsted	Page 14, line 12, at end insert— "( ) Regulations under this Act may not— (a) impose or increase taxation; (b) make retrospective provision; (c) create or expand the scope of a criminal offence; (d) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it; (e) make provisions that exceed what is necessary (unless for the purpose of devolution); (f) materially change policy (in particular but not exclusively concerning rights relating to workers, equality, family, children, disabled people and the environment) including by omission or revocation; (g) delegate legislative power to regulatory authorities greater than that exercised by European Agencies; (h) increase legislative burdens on individuals or business; (i) amend this section."	NO
23A	Lords	Committee	L Judd	Insert the following new Clause— "Statement of protected legislative areas (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation or by subordinate legislation made under this Act which meets the requirements in subsections (2) and (3). (2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation. (3) Subordinate legislation may be used only to modify provisions of retained EU	NO

				law listed in any schedule made under subsection (2) to the extent that such modification will not limit the scope of or weaken— (a) human rights and equality, (b) privacy and data protection, (c) immigration and asylum protections, (d) criminal justice protections, (e) employment protections, (f) environment and public health protections, (g) consumer protection, (h) access to housing, education and health and social care.”	
8	Lords	Report	Baroness McIntosh of Pickering	Insert the following new Clause— “*Status of EU directives adopted, but not implemented, before exit day* (1) Unless already part of retained EU law under any other provision of this Act, all EU directives adopted but not implemented before exit day, including those listed in subsection (4), remain binding in domestic law, as if the United Kingdom had not left the EU. (2) In implementing any EU directive under subsection (1) after exit day, a Minister of the Crown may use any power set out in the European Communities Act 1972 as if that Act had not been repealed. (3) If, through implementing a directive under subsection (2), a situation arises which would be considered a deficiency had it arisen in retained EU law, a Minister of the Crown may use any of the powers set out in section 7 of this Act to remedy that situation as if that directive had been implemented before exit day. (4) EU directives adopted, but not implemented, before exit day, include— (a) Recognition of Professional Qualifications Directive (2017/2397); (b) Fraud (criminal law) Directive (2017/1371); (c) Accessibility of websites and mobile applications Directive (2017/2102); (d) Legal aid (suspects, accused persons and those under European Arrest Warrant proceedings) Directive (2016/1919); (e) Rail safety Directive (2016/798); (f) Rail interoperability Directive (2016/797); (g) Safeguards for child suspects in criminal proceedings Directive (2016/800); (h) Trade marks Directive (2015/2436); (i) Financial instruments Directive (2014/65); (j) Cost-effective emission reductions and low-carbon investments Directive (2018/410); (k) Environmental assessments (genetically modified organisms) Directive (2018/350); (l) Maritime workers Directive (2018/131); (m) VAT Directive (2017/2455); (n) Health and safety (exposure to carcinogens or mutagens at work) Directive (2017/2398); (o) Passenger ships (safety and standards) Directive (2017/2108); (p) Passenger ships (passenger registration) Directive	NO

				(2017/2109); (q) Passenger ships (inspections) Directive (2017/2110); (r) Hazardous substances (electronic equipment) Directive (2017/2102); (s) Tax dispute (resolution mechanisms) Directive (2017/1852); (t) Hybrid mismatches (third countries) Directive (2017/952); (u) Weapons (control and acquisition) Directive (2017/853); (v) Shareholder engagement Directive (2017/828); (w) Maritime workers (International Labour Organisation) Directive (2017/159); (x) Tax Avoidance Directive (2016/1164); (y) Mayotte (status) Directive (2013/64).”	
11	Lords	Report	Baroness Hayter of Kentish Town	Insert the following new Clause— “*Enhanced protection for certain areas of EU law* (1) Following the day on which this Act is passed, a Minister of the Crown may not amend, repeal or revoke retained EU law relating to— (a) employment entitlements, rights and protection, (b) equality entitlements, rights and protection, (c) health and safety entitlements, rights and protection, (d) consumer standards, or (e) environmental standards and protection, except by primary legislation, or by subordinate legislation made under any Act of Parliament insofar as this subordinate legislation meets the requirements in subsections (2) to (5). (2) Subordinate legislation which amends, repeals or revokes retained EU law in the areas set out in subsection (1) must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State. (3) Regulations under subsection (2) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament. (4) The enhanced scrutiny procedure provided for by subsection (2) must include a period of consultation with relevant stakeholders. (5) When making regulations relating to the areas of retained EU law set out in subsection (1), whether under this Act or any other Act of Parliament, a Minister of the Crown must— (a) produce an explanatory statement under paragraph 22 of Schedule 7, and (b) include a certification that the regulation does no more than make technical changes to retained EU law in order for it to work following exit.”	NO
27	Lords	Report	Baroness Brown of Cambridge	Insert the following new Clause— “Maintenance of EU environmental principles and standards (1) The Secretary of State must take steps designed to ensure that the United	YES

				Kingdom's withdrawal from the EU does not result in the removal or diminution of any rights, powers, liabilities, obligations, restrictions, remedies and procedures that contribute to the protection and improvement of the environment. (2) In particular, the Secretary of State must carry out the activities required by subsections (3) to (6) within the period of three months beginning with the date on which this Act is passed. (3) The Secretary of State must publish proposals for primary legislation establishing a duty on public authorities to apply principles of environmental law established in EU law or on which EU environmental law is based in the exercise of relevant functions after exit day. (4) The Secretary of State must publish proposals for the establishment before exit day of an independent institution with the purpose of ensuring compliance with environmental law by relevant public authorities. (5) In making proposals under subsection (4), the Secretary of State must include proposals to the effect that— (a) the chair of the independent institution must be appointed by the Secretary of State with the agreement of the first ministers of the devolved administrations and the approval of a committee of either House of Parliament charged with approving such an appointment; (b) the independent body must receive funds judged by the Comptroller and Auditor General to be sufficient for it to carry out its functions; (c) the independent body must report annually before 30 June on compliance with environmental law by relevant public authorities, including the Secretary of State's compliance with the terms of the Statement of Environmental Policy published in accordance with subsection (7); and (d) the Secretary of State must publish a response to such a report annually before 30 September. (6) The Secretary of State must publish— (a) a list of statutory functions that can be exercised so as to achieve the objective in subsection (1); and (b) a list of functions currently exercised by EU bodies that must be	

				retained or replicated in UK law in order to achieve the objective in subsection (1). (7) The Secretary of State must before 1 January 2020 lay before Parliament a Statement of Environmental Policy which sets out how the Government will give effect to the principles set out in subsection (8). (8) The principles referred to in subsection (3) include— (a) the precautionary principle as it relates to the environment, (b) the principle of preventive action to avert environmental damage, (c) the principle that environmental damage should as a priority be rectified at source, (d) the polluter pays principle, (e) sustainable development, (f) prudent and rational utilisation of natural resources, (g) public access to environmental information, (h) public participation in environmental decision making, (i) access to justice in relation to environmental matters, and (j) full regard to the welfare requirements of animals as sentient beings. (9) Before complying with subsections (3) to (7) the Secretary of State must consult— (a) each of the devolved administrations; (b) persons appearing to represent the interests of local government; (c) persons appearing to represent environmental interests; and (d) such other persons as the Secretary of State thinks appropriate.”	
41	Lords	Report	L Whitty	Insert the following new Clause— “*Environmental etc. standards* (1) The Secretary of State must within two months of the passing of this Act lay before Parliament a report indicating how it is intended to maintain a relationship with executive agencies of the European Union and enforcement processes of the European Union in respect of environmental standards, food safety and animal welfare, whether by continued participation in European agencies and processes or by establishing effective equivalents within the United Kingdom.	NO

				(2) The report referred to in subsection (1) must include proposals for continued engagement with or replacement of— (a) in respect of environmental standards— (i) the REACH programme; (ii) the European Chemicals Agency; (iii) the European Environment Agency; and (iv) the powers of the European Commission in relation to air and water pollution and soil quality including powers to enforce cross compliance. (b) in respect of standards of food and feed safety and quality and of animal health and welfare— (i) the European Food Safety Agency; and (ii) the powers of the European Commission to enforce standards of food and feed and of animal health and welfare including powers to enforce cross compliance. (3) The Report referred to in subsection (1) may include proposals for regulations, which may be contained in a statutory instrument or, in the case of Northern Ireland, are exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)), and may be made by— (a) the Secretary of State, (b) a Welsh Minister, (c) a Scottish Minister, or (d) a Northern Ireland department, according to the legislative competence of the relevant Parliament or Assembly. (4) A statutory instrument containing regulations under paragraph (3)(a) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.	

				(5) A statutory instrument containing regulations under paragraph (3)(b) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales. (6) Regulations made by the Scottish Ministers under paragraph (3)(c) are subject to the affirmative procedure. (7) Regulations may not be made by a Northern Ireland department under paragraph (3)(d) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”	
64	Lords	Report	B Young of Old Scone	Insert the following new Clause— “Replication of EU law: consultation on impact and equivalence (1) This section applies to regulations (whether or not under this Act) which— (a) are designed to replicate a provision of EU legislation (with or without modifications), or (b) amend or replace legislation which was made under section 2(2) of the European Communities Act 1972 or which was otherwise made for the purpose of giving effect to EU obligations. (2) Before making the regulations a Minister of the Crown must publish a statement that the Minister is satisfied that a draft has been published in such a manner, and for such a period, as to give persons representing interests affected by the regulations a reasonable opportunity to consider and make representations about— (a) the environmental, social and other impacts of the regulations, and (b) equivalence with EU legislation. (3) The period referred to in subsection (2) must not be less than 3 months, except where the Minister includes a statement that— (a) the Minister is satisfied that 3 months’ notice could not reasonably be given in the circumstances, and (b) as much notice was given as the Minister considers reasonably practicable.	NO

				(4) This section ceases to have effect on 31st December 2021 unless the Secretary of State by regulation continues it.”	
11A	Lords	Report	L Low of Dalston	*As an amendment to Amendment 11* After “(e) environmental standards and protection” insert— “( ) human rights protection.”	NO