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BREXIT UPDATE

Scottish Parliament Information Centre

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

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The Scottish Parliament
Pàrlamaid na h-Alba

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THE WITHDRAWAL AGREEMENT AND POLITICAL DECLARATION

SPICe briefings on the Withdrawal Agreement and Political Declaration are available at the links below:

- [An overview of the Withdrawal Agreement](#) (November 2018)
- [An overview of the Political Declaration](#) (November 2018)

Publication of legal advice

Following [calls to release its legal advice](#) on the Withdrawal Agreement, the UK Government published a summary of this advice: [EU Exit: Legal position on the Withdrawal Agreement \(Command Paper\)](#)

On 4 December, the UK Parliament passed the following motion:

“ That this House finds Ministers in contempt for their failure to comply with the requirements of the motion for return passed on 13 November 2018, to publish the final and full legal advice provided by the Attorney General to the Cabinet concerning the EU Withdrawal Agreement and the framework for the future relationship, and orders its immediate publication.

In response, on 5 December the UK Government’s Attorney General Geoffrey Cox issued a [written statement to Parliament](#) that:

“ I am today placing in the Libraries of both Houses a copy, a copy, in full, of the final advice that I provided to Cabinet on 14 November on the legal effect of the Withdrawal Agreement.

The UK Government published a [copy of the legal advice](#) on its website.

UK Parliamentary debate on approval

Before the Withdrawal Agreement and Political Declaration can be ratified, one of the necessary conditions is approval by the UK Parliament.

Four days of debate on the so-called “meaningful vote” were conducted over [4 December](#), [5 December](#), [6 December](#). However on 10 December, following a statement by the Prime Minister, the vote scheduled for 11 December was [indefinitely delayed by the UK Government](#) – for more detail see The “Meaningful Vote” section.

The UK Government has indicated that it intended to seek further legal clarifications about the status of the Ireland and Northern Ireland border backstop.

EU Council meeting – 13 December

On 13 December, [the European Council once again discussed Brexit](#).

Following the meeting, European Council President Donald Tusk [gave a statement and read out the meeting's conclusions](#):

🗣️ Today Prime Minister May informed the leaders about the difficulties with ratifying the deal in London and asked for further assurances that would, in her view, unlock the ratification process in the House of Commons. After discussing the Prime Minister's intervention among 27 leaders, and bearing in mind our full respect for the parliamentary process in the United Kingdom, we have agreed the following:

"1. The European Council reconfirms its conclusions of 25 November 2018, in which it endorsed the Withdrawal Agreement and approved the Political Declaration. The Union stands by this agreement and intends to proceed with its ratification. It is not open for renegotiation.

2. The European Council reiterates that it wishes to establish as close as possible a partnership with the United Kingdom in the future. It stands ready to embark on preparations immediately after signature of the Withdrawal Agreement to ensure that negotiations can start as soon as possible after the UK's withdrawal.

3. The European Council underlines that the backstop is intended as an insurance policy to prevent a hard border on the island of Ireland and ensure the integrity of the Single Market. It is the Union's firm determination to work speedily on a subsequent agreement that establishes by 31 December 2020 alternative arrangements, so that the backstop will not need to be triggered.

4. The European Council also underlines that, if the backstop were nevertheless to be triggered, it would apply temporarily, unless and until it is superseded by a subsequent agreement that ensures that a hard border is avoided. In such a case, the Union would use its best endeavours to negotiate and conclude expeditiously a subsequent agreement that would replace the backstop, and would expect the same of the United Kingdom, so that the backstop would only be in place for as long as strictly necessary.

5. The European Council calls for work on preparedness at all levels for the consequences of the United Kingdom's withdrawal to be intensified, taking into account all possible outcomes."

THE “MEANINGFUL VOTE”

What is the “meaningful vote”?

The European Union (Withdrawal) Act 2018 requires parliamentary approval of the negotiated withdrawal agreement and the framework for the future relationship, before any ratification is permissible. The vote to determine this approval is known as the “meaningful vote”.

The requirement and provisions for the “meaningful vote” and the vote’s possible outcomes are established by Section 13 of the European Union (Withdrawal) Act 2018.

- If the House of Commons votes **with** the motion to approve the withdrawal agreement and the framework for the future relationship, the UK Government can be expected to introduce a *European Union (Withdrawal Agreement) Bill* to implement the Withdrawal Agreement in domestic law.
- If the House of Commons votes **against** the motion to approve the withdrawal agreement and the framework for the future relationship, the UK Government are required to make a statement within 21 days on the Government’s proposals for next steps. The government must also bring a motion for debate noting the statement.

More detail is available in the Commons’ Library paper: [A User's Guide to the Meaningful Vote](#).

Delay to the vote

The meaningful vote was scheduled to take place on 11 December. However, on 10 December this was delayed.

In a statement, [the Prime Minister announced](#) the delay, saying:

“ We have now had three days of debate on the withdrawal agreement setting out the terms of our departure from the EU, and the political declaration setting out our future relationship after we have left. I have listened very carefully to what has been said, in the Chamber and out of it, by Members on all sides. From listening to those views, it is clear that while there is broad support for many of the key aspects of the deal, on one issue, the Northern Ireland backstop, there remains widespread and deep concern. As a result, if we went ahead and held the vote tomorrow, the deal would be rejected by a significant margin. We will therefore defer the vote scheduled for tomorrow, and will not proceed to divide the House at this time.

The Prime Minister then announced potential further discussions and provisions in relation to the backstop:

“ ... I am clear from what I have heard in this place and from my own conversations that these elements [of the “backstop”] do not offer a sufficient number of colleagues the reassurance that they need. I spoke to a number of EU leaders over the weekend, and in advance of the European Council I will go to see my

counterparts in other member states and the leadership of the Council and the Commission. I will discuss with them the clear concerns that this House has expressed.

We are also looking closely at new ways of empowering the House of Commons to ensure that any provision for a backstop has democratic legitimacy and to enable the House to place its own obligations on the Government—*[Interruption.]* To enable the House to place its own obligations on the Government to ensure that the backstop cannot be in place indefinitely.

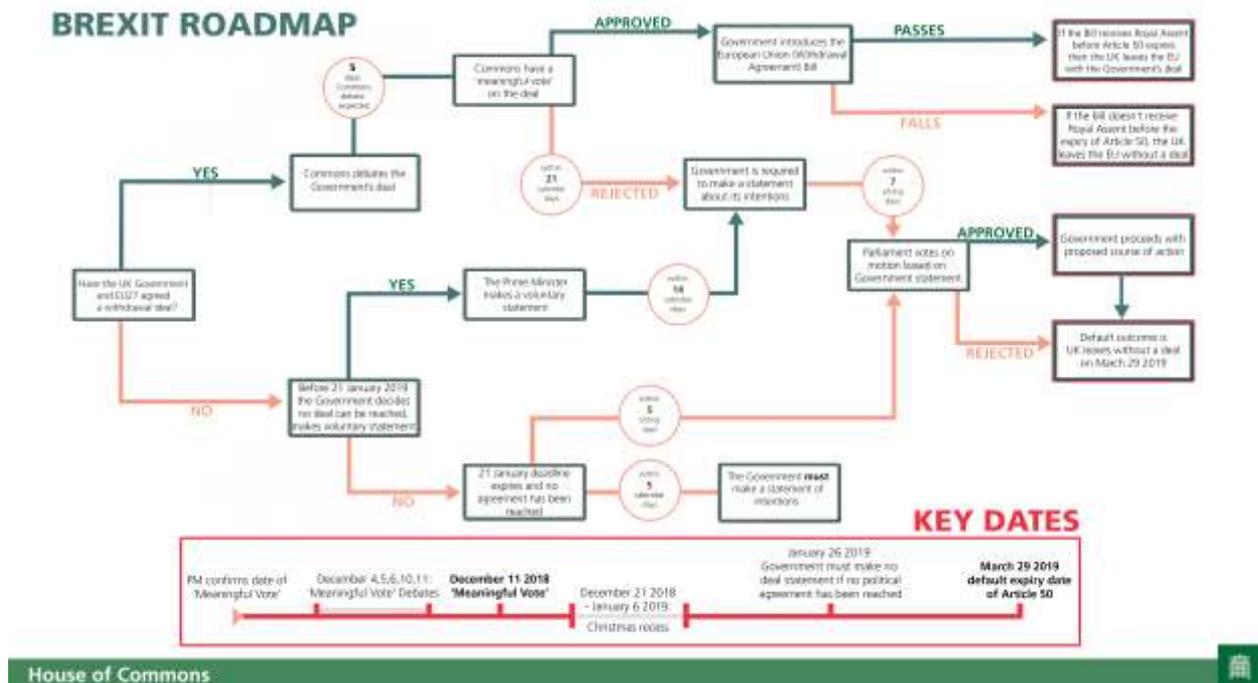
Two further statements were made to the UK Parliament on 10 December:

1. The Leader of the House of Commons, Andrea Leadsom made a [Business Statement](#) which was largely procedural.
2. The Secretary of State for Exiting the European Union, Stephen Barclay made a [statement acknowledging the European Court of Justice ruling](#) on the question of the revocability of an Article 50 notice. This ruling is discussed in the CJEU Ruling section.

When will a vote be brought?

As reported in various media sources, the Prime Minister’s spokesperson has indicated that the UK Government will table the meaningful vote before 21 January 2019.

This date has significance as it is referred to as a deadline in [section 13 of the European Union \(Withdrawal\) Act 2018](#). The Commons Library’s [Brexit Roadmap](#) sets out a flow chart of the legislative requirements:



There is however debate as to whether the 21 January deadline has been superceded or not.

The Prime Minister indicated the UK Government's position in [answer to questions](#) following her statement on 11 December:

” Justine Greening (Putney) (Con)

The Prime Minister has not yet confirmed when the meaningful vote will be held. My understanding from the House of Commons Library is that now that the Government have made a statement, as she has done, that the political agreement on the withdrawal agreement and future framework has been reached, the requirement on the Government to make a statement to the House by 21 January on no deal has been superseded because of her statement today. In its view, in practice, the latest date we could have a meaningful vote is 28 March. Is this what she intends? Can I get an assurance that the delay she is talking about is a matter of days, not weeks and months?

The Prime Minister

I do not believe that the scenario my right hon. Friend sets out is the correct one. The date of 21 January has been set in legislation—the vote on that took place last week—and we are conscious of the requirement that that places on the Government. It is right, however, that we recognise the concerns expressed in the House and attempt to find a way through them and to resolve them.

For further reading see the Commons Library Insight blog: [The “meaningful vote” deferred: What now?](#)

Scottish Parliament vote – 5 December

On 5 December, the Scottish Government [brought a debate on the Withdrawal Agreement and Political Declaration](#). The [Scottish Government's motion](#) was formally supported by Labour, Green and Liberal Democrat MSPs in advance of the debate. No amending motion was tabled.

The motion, as passed by 92 to 29 with no abstentions, was:

” S5M-15032: That the Parliament agrees that both a no deal outcome and the outcomes arising from the withdrawal agreement and political declaration setting out the framework for the future relationship between the EU and the UK, as presented to the House of Commons by the Prime Minister, would be damaging for Scotland and the nations and regions of the UK as a whole, and therefore recommends that they be rejected and that a better alternative be taken forward.

Whilst the vote on the motion has no legal effect, it sends a political message about the Scottish Parliament's view of the Withdrawal Agreement and Political Declaration

CJEU RULING: REVOCATION OF THE UK'S ARTICLE 50 NOTIFICATION

Context

On 19 December 2017, a cross-party group of Scottish politicians lodged a petition for judicial review at the [Court of Session](#) in Edinburgh to determine whether the UK could unilaterally revoke its Article 50 notification before the expiry of the two-year negotiation period. The petitioners in the case are Andy Wightman MSP and Ross Greer MSP (Scottish Greens); Joanna Cherry QC MP and Alyn Smith MEP (SNP); David Martin MEP and Catherine Stihler MEP (Scottish Labour); and Jolyon Maugham QC ([Good Law Project](#)). They were joined in May 2018 by Chris Leslie MP (Labour) and Tom Brake MP (Liberal Democrats).

Since Article 50 of the [Treaty on European Union](#) (TEU) is a provision of EU law, the petitioners argued that the issue should be referred to the [Court of Justice of the European Union](#) (CJEU) for advice. The original application for judicial review was granted in March 2018 however, on 8 June, the Court [declined to refer](#) the matter to the CJEU, ruling that the question was hypothetical as the UK Government does not intend to withdraw the Article 50 notification. This decision [was reversed](#) following an appeal to the Inner House of the Court of Session. On 3 October, the Court formally [referred the issue](#) to the CJEU for a preliminary ruling. The UK Government sought leave to appeal against this ruling, but its request [was rejected](#) by the Supreme Court on 20 November.

Judgement

Advocate General Manuel Campos Sánchez-Bordona, issued [his non-binding opinion](#) on 4 December 2018, to assist the CJEU in reaching its judgement. In that opinion, he suggested that a Member State could unilaterally revoke Article 50 “provided that the revocation has been decided upon in accordance with the Member State’s constitutional requirements, is formally notified to the European Council and does not involve an abusive practice.”

On 10 December 2018, the Full Court of the CJEU broadly concurred, [ruling that](#) any Member State that has notified the European Council of its intention to withdraw from the European Union is free to unilaterally revoke that notification. The ruling went on to state that this possibility exists for as long as a withdrawal agreement has not entered into force or, if no agreement has been concluded, for as long as the two-year negotiation period from the date of notification has not expired. In addition, the ruling indicated that any decision to revoke must follow a democratic process in accordance with national constitutional requirements. What this would actually look like is not immediately clear – some legal experts [have argued](#) that an Act of Parliament would be necessary, while others are [less sure](#). In any event, the nature of these requirements would be for the UK itself to determine and would be a matter of UK, not EU, law. Any disputes would be settled in the UK Courts and, ultimately, the Supreme Court.

The ruling also made it clear that any decision to revoke the Article 50 notification must be unequivocal and unconditional (i.e. the goal of revocation must be to actually stay in the EU, not simply alter the shape or direction of withdrawal negotiations) and must be communicated in writing to the European Council. Finally, the CJEU ruled that

revocation would confirm the continuing EU membership of the Member State under unchanged terms. The suggestion has been made that a decision to revoke could result in the end of UK-specific membership terms, such as the rebate and the opt-outs from Schengen and the Euro. The ruling takes that possibility off the table.

The UK Government responded to the ruling later on 10 December, with the Secretary of State for Exiting the EU, Stephen Barclay MP, [giving a statement](#) to the House of Commons. The Secretary of State accepted the judgement of the CJEU, but stressed that this did not alter UK Government policy, which is that the Article 50 notice will not be revoked.

With the CJEU having now provided its ruling on the relevant aspects of EU law, the case reverts back to the Court of Session for further consideration and a final judgement, with a hearing scheduled for 20 December.

SUPREME COURT RULING: CONTINUITY BILL

Context

During the passage of the *European Union (Withdrawal) Bill* (the “Withdrawal Bill”) through the UK Parliament, the Scottish and Welsh governments objected to the way in which the Bill proposed to treat devolved powers.

During this dispute the Scottish Government introduced the *UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill* (the “Continuity Bill”) to the Scottish Parliament. This Bill had a similar purpose to the Bill introduced into the UK Parliament, but did so in a way that the Scottish Government considered to be compatible with the devolution settlement. The Welsh Government introduced a similar Bill into the Welsh Assembly.

Negotiations between the Scottish, Welsh and UK governments eventually lead to agreement between the UK and Welsh governments on suitable amendments to the Withdrawal Bill, and the Bill introduced into the Welsh Assembly was allowed to proceed to Royal Assent on the basis it would then be repealed. The Scottish Government’s objections were not resolved. Subsequently the Scottish Parliament voted by a majority not to provide legislative consent to the relevant parts of the Withdrawal Bill and to pass Stage 3 of the Continuity Bill on 21 March 2018.

Before the Continuity Bill received Royal Assent, the UK Government [referred the Bill to the Supreme Court](#) for a ruling on whether legislation is within devolved legislative powers. The case was heard on 24-25 July 2018.

Judgement

The Supreme Court [issued its judgement on the case](#) on 13 December. The Supreme Court’s press summary reads:

- “ The Supreme Court gives a unanimous judgment. It finds that the whole of the Scottish Bill would not be outside the legislative competence of the Scottish Parliament. However, section 17 would be outside the legislative competence of the Parliament because it would modify the Scotland Act and, at least in part, the

sections referred to in the final paragraph below would be outside the competence of the Scottish Parliament because they would modify provisions of the UK Withdrawal Act.

Section 17 would have created a requirement for UK Ministers (and others) to seek Scottish Ministers' consent before making subordinate legislation that contain devolved provision that modified or otherwise affected the operation of retained (devolved) EU law.

The other sections judged to be outside the competence of the Scottish Parliament, because they would modify provisions of the UK Withdrawal Act, are:

☞ These are: section 2(2) [101]; section 5 [102]; section 7(2)(b) and 7(3) [103-104]; section 8(2) [105]; section 9A [106]; section 9B [107]; section 10(2), 10(3)(a) and 10(4)(a) [108-110]; section 11 [111-113]; section 13B, section 14, section 14A, section 15, section 16, section 19(1) and section 22 (to the extent that these provisions relate to section 11) [114-118, 120-121]; section 26A(6) [122]; and section 33 and Schedule 1 paragraphs 11(a) and 16 [123-124].

Note: References in square brackets are to paragraphs in the judgment.

The provisions in some of the sections referred to in the quote above are described below:

- Section 2(2) defines the 'EU-derived domestic legislation' that is to be saved (i.e. continue to have effect in Scots law on and after exit day) by other provision in Section 2.
- Section 11 contains regulation making powers to deal with deficiencies in 'retained (devolved) EU law' arising from UK withdrawal.
- Section 5 contains provisions to ensure the general principles of EU law and the Charter of Fundamental Rights continue to be part of Scots law, so far as they have effect in EU law immediately before exit day and so far as they relate to anything to which section 2, 3 or 4 of the Bill applies.

Following the judgement, the Lord Advocate, James Wolfe QC gave a [statement to the Scottish Parliament](#).

HOLYROOD BREXIT ROUND-UP

Joint committee meeting with David Lidington MP

On 29 November, Minister for the Cabinet Office David Lidington MP attended a [joint meeting of the Culture, Tourism, Europe and External Affairs Committee and Finance and Constitution Committee](#) on the Withdrawal Agreement.

In response to a question from Adam Tomkins on regulatory divergence between Northern Ireland and the rest of the UK, David Lidington said:

“ On regulations, as Professor Tomkins knows, Northern Ireland already diverges from Great Britain in some areas, such as livestock, for which the island of Ireland is a single epidemiological area, and electricity—there is a single electricity market across the Irish border.

In the negotiation, we have sought to reduce the risk that Professor Tomkins described to the bare minimum that is necessary, to ensure that the backstop is an insurance policy for the sake of the peace-building process in Northern Ireland, and we want to ensure that the experience for ordinary businesses on both sides of the Irish Sea is pretty much exactly as it is now.

In such circumstances, EU law would require more intensive livestock inspections than are currently carried out, but the principle is already there in the current arrangements—livestock would still go through the port of Larne, as it does now. However, the Commission has already signalled that it wants a veterinary agreement. New Zealand’s veterinary agreement with the EU has reduced checks on livestock imports to the EU from that country to just 1 per cent of the total, so there are tried and trusted ways to minimise the burden.

In response to a question from Murdo Fraser on the Scottish Government’s stated concern that, should the backstop be initiated, businesses in Northern Ireland will have a competitive advantage over businesses in Scotland because Northern Ireland would be in the EU single market for goods while Scotland and the rest of Great Britain would not, David Lidington said:

“ I again say that the clear intention of all sides is for the backstop not to be used and, if it is, used for as short a time as possible.

The alignment of Northern Ireland with the EU on goods would be in respect of only those things necessary to ensure that there was no need for any sort of controls at the Irish border. If we look at the issue in terms of pages, the rules under the agreement amount to about 40 pages compared to about 1,100 pages of single market rules, if we take the whole proposition into account. In practical terms, the degree of difference between businesses in Scotland and those in Northern Ireland will be marginal. Where Northern Ireland businesses could well have an advantage would be within the island of Ireland, and that has certainly caused a few complaints south of the Irish border.

David Lidington responded to questions on fishing from Tavish Scott.

On the UK's part in negotiating quotas, he said:

“ We will take part as a full member state, with all the associated rights and responsibilities, in the settling of the quotas for 2019. During the implementation period, we will be non-members when the fisheries quotas are settled in December 2019 for the calendar year 2020. In the political agreement, as you know, there is an obligation on the EU to act in good faith, taking account of UK interests, and part of the agreement is that the keys to the quota system will not be touched.

On the concern that a dependency has been made between access to waters and access to markets, he said:

“ What has caused a furore in the last week is the suggestion by President Macron that the question of access to waters should be linked to that of access to trading markets generally in all sectors. That is something on which the Commission made concessions during the negotiation. If you look back at the wording of its mandate last spring, you will see that it says that future UK access to the EU market per se, not just fish, has to be linked to access to UK waters. We dug in and said that that is not how independent coastal states operate. In any other agreement between the EU and a third country, those issues are distinct, and trade is separate from access to waters. That remains our position, and the EU agreed not to push that in the final negotiations.

In response to questions from James Kelly on the Treasury's economic analysis, David Lidington said:

“ The Treasury scenarios that were published yesterday all show, under any circumstances, continued growth in the future. The Treasury analysis compared different outcomes over the long term and looked at how great the growth would be, depending on the nature of our future relationship with the European Union. What that analysis showed was that the deal on the table would have far better outcomes than the no-deal scenario, which I suspect that most members present would agree is undesirable, and that it was significantly better than a standard free-trade agreement.

... nothing that Philip Hammond said yesterday nor anything that is in the Treasury documents that were published yesterday suggests that people will be poorer than they are today. What the Treasury was looking at was the relative outturn, depending on different scenarios and leaving aside completely the question whether UK—or, for that matter, EU—policies might change in a way that reflected the comparative competitiveness of us and the EU. It was an attempt, through analysis, to isolate the economic impact of different scenarios with regard to our future relationship with the EU.

ECCLR meeting on Brexit and the environment

On 4 December, [ECCLR Committee took evidence](#) from Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, and Fergus Ewing, Cabinet Secretary for the Rural Economy on EU exit and the environment.

The topics covered included agriculture, fisheries, EU funding, trade policy and environmental standards, principles and governance. The following SPICe resources are available:

- SPICe Briefing [SB18-69 The UK Agriculture Bill](#)
- SPICe Spotlight blog series on [How are fishing quotas set?](#)
- SPICe Briefing [SB18-61 EU Funding in Scotland](#)

Fergus Ewing answered questions on the UK Agriculture Bill and Fisheries Bill. On the question of adding a Scottish schedule to the Agriculture Bill, he said:

“ It is still an option, as the secretary of state has said. It would require the consent of the Scottish Parliament. We have expressed serious concerns with the bill because we understand that, in at least three respects, it predates on the powers of the Parliament. In shorthand, those relate to compliance with the World Trade Organization agreement, producer organisations and fair dealings in agricultural supply chains ... we continue to seek to resolve the issues and to work at official level with the UK Government.

On the legal basis for continuing CAP payments after Brexit, he said:

“ There is a sound legal basis for making payments. The particular basis will depend on the particular outcome of Brexit. I am not going to begin to speculate, but there are three broad scenarios. In each case, there is a clear legislative basis for continuing the payments.

“ There are only limited circumstances in which a bill would be required, but it would not be a complex matter... No legislation is needed for 2019. For 2020, a small technical issue may need to be dealt with. From 2021 onwards, we may need a bill for the approach in our consultation document “Stability and Simplicity—proposals for a rural funding transition period”.

On EU funding under the Common Agricultural Programme, Fergus Ewing said:

“ ... the guarantees that we have received are for the CAP pillar 1 payments for the 2019-20 scheme year and CAP 2 contracts, excluding technical assistance, that are entered into by the end of 2020. There is no guarantee or certainty, because the UK Government commitment is to maintain “the same cash total in funds for farm support ... until 2022.”

That begs the question of what “farm support” is. Is forestry support farm support? I do not think so. Is the agri-environment climate scheme farm support? I would not have thought so, although there is an argument for that. The terminology that the Treasury has used in making a distinction about farm support does not have clarity for the purposes of the variety of schemes under pillar 2, some of which have an element of supporting activity on farms but are perhaps designed primarily for other key environmental things, such as the alleviation of flooding. Forestry funding is not directed primarily through farm support.

After 2020, there is really no investor certainty for projects that were entered into prior to 2020. The trouble with that is that the forestry schemes—I think that this is also the case with the environmental schemes—are long-term projects over a number of years, therefore long-term investor certainty is a sine qua non for any investment decision. The impairment of investment decisions is an increasingly likely scenario, unless the UK Treasury decides to provide clearer guarantees than it has provided at the moment.

In any event, the guarantees for pillar 1 take us up to only 2022. We really have no idea what will happen after that, except that the Treasury has said that direct payments for farmers will stop by 2027.

On the Fisheries Bill, he said

“ We felt that the draft of the Fisheries Bill contained powers in respect of the allocation of quotas that appeared to predate on the powers of the Scottish Parliament—that is, to take away those powers. To be fair to DEFRA and UK ministers, and to put it simply, after we pointed that out, they accepted the argument and changed the original wording... Unfortunately, there are other aspects of the Fisheries Bill, which we saw at the last minute, that have not yet been resolved.

On the same day, the Scottish Government [wrote to the UK Government to request a number of amendments](#) regarding quota and effort limits, seafood levies, the European Maritime and Fisheries Fund and other issues.

When asked to identify the key environmental risks in a no deal scenario Roseanna Cunningham responded:

“ ... one concern relates to waste shipment. There is a risk that a no-deal exit and new customs controls could stop or slow down waste shipments. We would see the implications of that waste backing up here quite quickly.

Another issue relates to chemicals regulation. We want to avoid barriers to trade and ensure that we have an effective regulatory system. We would not have that system in place at the point of there being no deal, and there are real issues about unsafe materials entering Scotland.

On common frameworks, she said:

“ Conversations have been going ahead, and in my portfolio there are discussions about frameworks on chemicals, two on environmental quality, one on waste and producer responsibility, one on ozone-depleting substances and fluorinated gases, and one—on which the committee has taken quite a lot of evidence—on the emissions trading scheme, which relates not to DEFRA but to the Department for Business, Energy and Industrial Strategy.

On the delay to the Scottish Government's environmental governance consultation, she said:

“ One of the problems is that there was no warning from the UK Government of the proposals in the backstop protocol for “an independent and adequately resourced body or bodies” in respect of environmental governance. Basically, we knew nothing about that until we were confronted with it. Officials are engaging with DEFRA on its plans for legislation to establish a governance body for England and reserved matters only, but also to try to bottom out what is meant by that phrase in the backstop protocol. We need to get a bit of clarity in and around some of this.

On the delay in the consultation, I am talking not about six months but about a relatively short period while we try to get further clarity on the matter, which appeared with no advance warning or consultation.

On the delay to the Scottish Government’s environmental strategy, she said:

“ We are having a discussion about environment strategy and intend to give a strategic statement of ambition, which will apply across Government—it will not be just for me. An environment strategy across Government will help to co-ordinate action and guide future activity, particularly in relation to environmental ambition.

At the moment, we are having a conversation along those lines. We are considering responses to the online discussion about the strategy and engaging with public bodies and stakeholders to inform its development, as I indicated earlier. That process will be gone through before any legislative decisions are made about either a possible agriculture bill or an environment bill, which I currently have absolutely no plans to bring forward.

NO DEAL PREPAREDNESS IN SCOTLAND

Health and medicine supply

SPICe have published two blogs on preparations for no-deal Brexit in the area of health and medicine supply:

- [Contingency Planning for Health and Social care in the event of a ‘No-deal’ Brexit](#)
- [‘No-deal’ EU exit preparations – The regulation of medicines, clinical trials and medical devices](#)

CTEEA Committee inquiry

The Scottish Parliament’s Culture, Tourism, Europe and External Affairs Committee published a call for evidence on preparedness for Brexit on 14 September 2018 asking for views on preparations being made for any Brexit scenario, and also views on how helpful the guidance from both the European Commission and UK Government has been in preparations for Brexit.

Responses to the Committee’s call for evidence, as well as the no-deal preparations being coordinated by the European Commission and the UK Government, are summarised in the SPICe Spotlight blog: [Preparing for No-Deal Brexit](#)

On 29 November, the Committee took [oral evidence on Brexit preparedness](#) from Universities Scotland, NFU Scotland, the General Medical Council, the Scottish Council for Development and Industry, Culture Counts, and the Freight Transport Association.

UK Statutory Instrument notifications

Number of ‘consent notifications’ received by the Scottish Parliament: **47**

These notifications inform the Scottish Parliament when the Scottish Government intends to consent to the UK Government laying statutory instruments (required as a result of Brexit) that include proposals relating to devolved competencies.

A **full list of SI notifications** received to date, and the Committee’s response, is available from the [DPLR Committee webpages](#).

Support for Scottish businesses

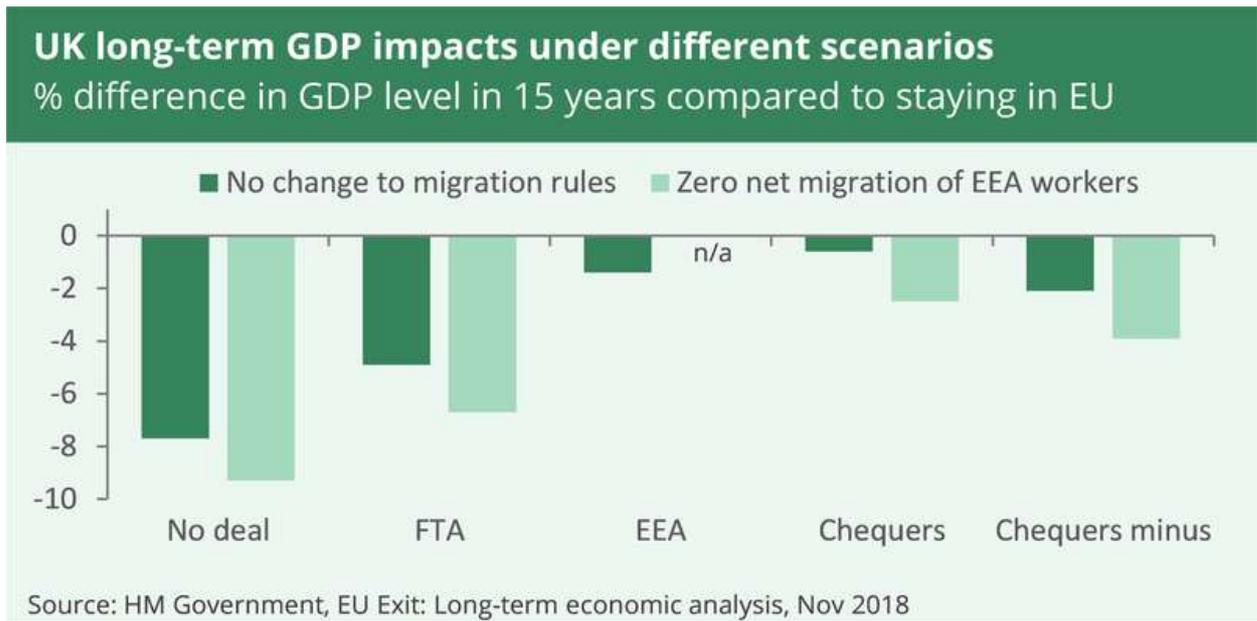
At the start of November Scottish Government launched an [online tool to help Scottish businesses identify how they could be affected by Brexit](#). Grants of up to £4,000 are available for exporters and potential exporters “to help them mitigate risks and capitalise on export opportunities despite the challenge Brexit will bring”.

WESTMINSTER BREXIT ROUND-UP

Economic analyses

On 28 November 2018, the Government [published its analysis of the long-term impact of Brexit on the economy](#). The analysis compares how big the economy will be – as measured by GDP – in five different future trading scenarios relative to a ‘baseline’ scenario of the UK staying in the EU.

Findings are summarised in the graph below and discussed by the Commons Library in its Insight blog: [Brexit and the economy: Government analysis of the long-term impact](#)



A future trading scenario based on the Political Declaration is not modelled, but the Commons Library indicate that:

- Under the more restrictive migration scenario, Chequers minus results in GDP being 3.9% lower – this figure has been used by some economists and commentators as the scenario closest to what is contained in the UK-EU Political Declaration.

The Institute for Government say that the analysis has [passed their transparency tests](#) which has allowed them to [analyse the assumptions](#):

- The Government’s analysis assumes that additional trade barriers will have a dynamic impact on the UK economy, permanently hampering productivity growth. There are good theoretical reasons for this, though empirical evidence on the exact size of this effect is imprecise.

This has the effect of making all the impacts of moving away from EU membership bigger and magnifies the impact of the assumed additional trade barriers. That increases the gap between Chequers and the other scenarios – particularly no deal. The Government has produced its analysis and been clear about the assumptions it makes.

Not surprisingly, it has put the best possible gloss on Theresa May’s deal – the option it wants to promote. It is now up to MPs to scrutinise the analysis carefully in the run-up to the ‘meaningful vote’, when they must decide whether or not to back the Prime Minister’s deal.

Agriculture and Fisheries Bills

The [Agriculture Bill](#), introduced 12 September 2018 and the next stage is the House of Commons Report stage (not yet scheduled).

- SPICe Briefing [SB18-69 The UK Agriculture Bill](#) is available.
- The Cabinet Secretary for the Rural Economy provided an update on the Scottish Government's position to the ECCLR meeting on Brexit and the environment.

The [Fisheries Bill](#), introduced 25 October and is currently at Committee stage.

- On 4 December, the Scottish Government [wrote to the UK Government to request a number of amendments](#) regarding quota and effort limits, seafood levies, the European Maritime and Fisheries Fund and other issues.
- On 7 December, the Scottish Government [lodged a Legislative Consent Memorandum on the Fisheries Bill](#) which does not recommend that the Parliament consents to the Bill "at this time".

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About this publication

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

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

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