



# EU (Withdrawal) Bill

Department  
for Exiting the  
European Union

Factsheet 4: Power to  
implement the Withdrawal  
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## Power to implement the withdrawal agreement

The Government has stated its intention to secure a deep and special partnership with the European Union following its withdrawal. Under the Article 50 process, the Government intends to agree the terms of our future partnership alongside those of our withdrawal from the EU.

The aim of the Withdrawal Bill is to ensure that our statute book operates appropriately as we leave the EU. The Bill therefore contains a power to make legislative changes appropriate for the purposes of implementing a withdrawal agreement.

This is a time-limited power that allows provision to be made for the purposes of implementing elements of the Withdrawal Agreement where this needs to be done on or before exit day. This power will enable us to give full effect to an agreement concluded under Article 50 of the Treaty on European Union and Article 106a of the Euratom Treaty.

This power is supplementary to the Government's planned Withdrawal Agreement and Implementation Bill, which will be a piece of primary legislation, introduced after we have reached a deal with the EU, to implement the major elements of the withdrawal agreement.

Following votes in both Houses, the use of the power is now subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the UK from the EU. The House of Lords has also voted that its use should be subject to approval by Parliament of a mandate for negotiations about the United Kingdom's future relationship with the EU; this suggestion will now need to be considered by the House of Commons.

The Withdrawal Agreement will affect the whole of the UK and a power to implement the Withdrawal Agreement will be conferred on the devolved administrations in relation to domestic legislation within areas of devolved competence.

## Key facts

- The power in the Withdrawal Bill enables Government and the devolved administrations to make legislative changes appropriate for the purposes of implementing the Withdrawal Agreement.
- The exact use of the power will depend on the contents of the Withdrawal Agreement, but it can cater for a range of negotiated outcomes.

- For example, if there was relevant provision in the Withdrawal Agreement, the power could be used to clarify the situation in relation to UK cases before the CJEU that had started before exit but were not concluded by exit day.
- It could also be used to enable regulatory approvals for UK products that were pending at the point of exit, in line with the proposal set out in the UK's position paper on the Continuity of the Availability of Goods in the EU and UK.
- Any use of the power will be scrutinised by Parliament (or the relevant devolved legislature), and some statutory instruments will need the approval of both Houses of Parliament to become law.