

EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL – IMPACT ASSESSMENT

STATEMENT FROM THE REGULATORY POLICY COMMITTEE

20 December 2019

The independent Regulatory Policy Committee (RPC) considers whether or not impact assessments (IAs) supporting regulatory proposals are fit for purpose. As required by the Better Regulation Framework, the RPC publishes its opinions of IAs, identifying areas where they could be improved. This helps to ensure that the evidence placed before decision-making bodies, including ministers and Parliament, is sufficient to support their deliberations.

The RPC scrutinised the IA that accompanied the earlier European Union (Withdrawal Agreement) Bill, introduced on 21 October 2019 and issued an opinion (<https://www.gov.uk/government/publications/european-union-withdrawal-agreement-bill-rpc-opinion>). The RPC identified a number of areas where the evidence was not at the level that the RPC would normally expect to see. We took the exceptional decision not to rate the IA in recognition of the unique circumstances (specifically, the very short time available particularly in relation to the conclusion of the Northern Ireland protocol) that prevented the Department from producing a more substantive IA covering all significant aspects of the Bill. We stated in our opinion that, if significantly more time was available prior to the parliamentary scrutiny process, we would expect the Department to expand the analysis and submit a revised IA. In those circumstances, the RPC would review the revised IA and issue a fresh opinion.

The revised European Union (Withdrawal Agreement) Bill was introduced to Parliament on 19 December 2019. The Bill has been amended and contains several new clauses, but we have not at this stage received an amended impact assessment addressing these changes or the shortcomings identified in the previous IA. In these circumstances, and given the compressed timescales, we have not had the opportunity to revise our earlier opinion before the Bill was introduced on 19 December. We now plan to review the existing IA, or any revised IA we receive from the Department, alongside the new Bill and publish a further opinion as early as possible in the new year.

Regulatory Policy Committee