27 March 2018

Dear Lord Teverson,

During the European (Withdrawal) Bill, Committee day 8 on Monday 19 March, you asked who is responsible to the international community for safeguarding during transition.

The draft Withdrawal Agreement published on 19 March 2018 sets out the terms of an implementation period that will last until the end of December 2020. These terms mean that existing Euratom arrangements will continue during this period, including on safeguards. Euratom will therefore continue to deliver safeguards in the UK until the end of 2020.

In terms of the specific legal text, the scope of the implementation period is set out in Article 122 of the draft Agreement. This states that Union law shall continue to apply during the implementation period, and that this law ‘shall produce in respect of and in the United Kingdom the same legal effects as those which it produces within the Union and its Member States and shall be interpreted and applied in accordance with the same methods and general principles as those applicable within the Union’. It further states that, during this period, ‘any reference to Member States in the Union law... shall be understood as including the United Kingdom’. The definition of ‘Union law’ set out in Article 2 makes clear that this includes the Euratom Treaty, which contains the obligation on Euratom to provide safeguards in Member States.

Further to this, Article 168 of the draft Agreement makes clear that the separation arrangements agreed on Euratom-related issues will only commence from the end of the implementation period. These separation provisions include both Article 76, which covers the end of the Euratom Community’s responsibility for matters relating to the UK’s international obligations; and Article 77, which states that the UK shall implement a safeguards regime. Both of these provisions will come into force from 1 January 2021.

As you will have seen, the Government is putting in place the necessary legislative arrangements through the Nuclear Safeguards Bill to allow the establishment of a domestic safeguards regime so that the UK can meet its
international safeguards obligations once Euratom arrangements no longer apply to the UK.

I hope you find this letter helpful. I will also place a copy in the House library.

Yours faithfully,

BARONESS GOLDIE

Lord Teverson
House of Lords