

LORDS AMENDMENTS TO THE  
TRADE BILL

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*[The page and line references are to HL Bill 127, the bill as first printed for the Lords]*

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**Clause 1**

**1** Page 2, line 13, after “direct” insert “principal”

**Clause 2**

**2** Page 2, line 18, leave out “(4)” and insert “(4A)”

**3** Page 2, line 39, at end insert—

“(4A) If regulations under subsection (1) include provision in any of the areas listed in subsection (4B), the provision must be consistent with maintaining UK levels of statutory protection in that area.

(4B) The areas referred to in subsection (4A) are—

- (a) the protection of human, animal or plant life or health;
- (b) animal welfare;
- (c) environmental protection;
- (d) employment and labour.

(4C) “UK levels of statutory protection” means levels of protection provided for by or under any—

- (a) primary legislation,
- (b) subordinate legislation, or
- (c) retained direct EU legislation,

which has effect in the United Kingdom, or the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid.”

**4** Page 2, line 41, after “direct” insert “principal”

**5** Page 2, line 47, after first “for” insert “civil”

**After Clause 5**

6 Insert the following new Clause –

**“Post-ratification report**

- (1) This section applies where –
  - (a) the United Kingdom has ratified a free trade agreement, and
  - (b) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day.
- (2) Before the end of the period of five years beginning with the date of ratification, a Minister of the Crown must publish a report giving the Minister’s assessment of the impact of the agreement on trade between the United Kingdom and the other party (or each other party) to the agreement.”

7 Insert the following new Clause –

**“Parliamentary approval of trade agreements**

- (1) Negotiations towards a free trade agreement may not commence until the Secretary of State has laid a draft negotiating mandate before the appropriately constituted Committee and it has been approved by –
  - (a) resolution of that Committee, and
  - (b) a resolution of both Houses of Parliament.
- (2) Prior to the draft negotiating mandate being laid, the Secretary of State must have consulted with each devolved administration on the content of the draft negotiating mandate.
- (3) Prior to considering a resolution approving a mandate relating to the negotiation of a free trade agreement, the Committee must produce a sustainability impact assessment.
- (4) Before either House of Parliament may approve by resolution the text of a proposed free trade agreement, the Secretary of State must lay the text of the proposed agreement before the Committee and that text must be approved by a resolution of that Committee.
- (5) Prior to the laying of the text of the proposed agreement, the Secretary of State must have consulted with each devolved administration on the text of the proposed agreement.
- (6) Prior to considering a resolution approving the text of a free trade agreement under subsection (4), the Committee must produce a report setting out a recommendation in relation to the ratification of the agreement.
- (7) The Secretary of State must lay the report produced under subsection (6) before both Houses of Parliament.
- (8) Schedule (*Committee on Trade Agreements*) contains further provision about the reports under subsection (6).
- (9) A free trade agreement may not be ratified unless the agreement has been laid before, and approved by an amendable resolution of, both Houses of Parliament.
- (10) The Constitutional Reform and Governance Act 2010 is amended as follows.

- (11) At the end of section 25(2) insert “, or a treaty containing a free trade agreement as defined in section (*Parliamentary approval of trade agreements*) of the Trade Act 2019.”
- (12) In this section, “free trade agreement” refers to any agreement between the United Kingdom and one or more partners that includes components that facilitate the trade of goods, services or intellectual property including but not limited to—
- (a) Free Trade Agreements (FTA) as defined by section 8;
  - (b) Interim Association Agreements, Association Agreements (AA);
  - (c) Economic Partnership Agreements (EPA);
  - (d) Interim Partnership Agreements;
  - (e) Stabilisation and Association Agreements (SAA);
  - (f) Global Agreements (GA);
  - (g) Economic Area Agreements (EAA);
  - (h) Cooperation Agreements (CA);
  - (i) Comprehensive Economic and Trade Agreements (CETA);
  - (j) Association Agreements with strong trade component;
  - (k) Transatlantic Trade and Investment Partnerships (TTIP);
  - (l) Investment Protection Agreements.”

8 Insert the following new Clause—

**“Customs union**

It shall be the objective of Her Majesty’s Government to take all necessary steps to implement an international trade agreement which enables the United Kingdom to participate after exit day in a customs union with the European Union.”

9 Insert the following new Clause—

**“Continuation of North-South trade and prevention of customs arrangements at borders**

An international trade agreement between the United Kingdom and the European Union may not be ratified under sections 20 to 25 of the Constitutional Reform and Governance Act 2010 unless the agreement—

- (a) is compatible with the terms of the Northern Ireland Act 1998, and
- (b) does not—
  - (i) negatively affect any form of North-South trade in goods or services or the operation of the relevant North-South implementation bodies, or
  - (ii) create or facilitate customs arrangements between Northern Ireland and the Republic of Ireland after exit day which feature—
    - (a) physical infrastructure related to customs checks,
    - (b) a requirement for customs or regulatory compliance checks,
    - (c) random checks on goods vehicles, or
    - (d) any other checks and controls related to trade, that did not exist before exit day and which are not subject to an agreement between Her Majesty’s Government and the Government of Ireland.”

10 Insert the following new Clause –

**“Trade agreement with the EU: mobility framework**

It shall be the objective of the Secretary of State to take all necessary steps to secure an international trade agreement with the European Union which includes a mobility framework that enables all UK and EU citizens to exercise the same reciprocal rights to work, live and study for the purpose of the provision of trade in goods or services.”

**Clause 6**

11 Leave out Clause 6 and insert the following new Clause –

**“UK participation in EU and EEA organisations**

- (1) The Secretary of State must seek to negotiate an international trade agreement with the EU which will enable the United Kingdom to continue, after exit day, to co-operate closely with the bodies listed in subsection (2).
- (2) The bodies are –
  - (a) the European Medicines Agency;
  - (b) the European Chemicals Agency;
  - (c) the European Aviation Safety Agency;
  - (d) the European Maritime Safety Agency;
  - (e) the European Network of Transmission System Operators for Electricity;
  - (f) Electricity;
  - (g) the European Network of Transmission System Operators for Gas.”

**After Clause 6**

12 Insert the following new Clause –

**“Statement on equalities legislation**

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1).
- (2) Before a draft of the statutory instrument containing the regulations is laid before either House of Parliament, the Minister must make a statement –
  - (a) as to whether the statutory instrument would, if made, modify any provision of equalities legislation, and
  - (b) if it would, explaining what the effect of each such modification would be.
- (3) If the Minister fails to make a statement as required by subsection (2), the Minister must make a statement explaining why.
- (4) A statement under this section must be made in writing and published in such manner as the Minister making it considers appropriate.
- (5) In this section, “equalities legislation” means the Equality Act 2006, the Equality Act 2010 and any subordinate legislation made under either of those Acts.”

**Clause 7**

13 Page 5, line 15, leave out subsection (2)

### Clause 8

- 14 Page 6, line 12, leave out from “has” to end of line 13 and insert “the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018;”
- 15 Page 6, line 33, at end insert –
- “(6) In this section, “domestic law” means the law of England and Wales, Scotland or Northern Ireland.”

### After Clause 15

- 16 Insert the following new Clause –

#### “Conditions of commencement

The provisions in Parts 1 to 3 of this Act may only come into force if –

- (a) a withdrawal agreement and a framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018, or
- (b) the House of Commons has passed a motion “That this House approves of the United Kingdom leaving the European Union without a withdrawal agreement and a framework for the future relationship”.”

### Before Schedule 1

- 17 Insert the following new Schedule –

#### “COMMITTEE ON TRADE AGREEMENTS

*Recommendation in relation to ratification*

- 1 The report under section (*Parliamentary approval of trade agreements*)(6) must include –
- (a) an account of the Committee’s consultation with –
    - (i) each devolved authority,
    - (ii) public bodies, businesses, consumer groups, trade unions and non-governmental organisations which, in the opinion of the Committee, have a relevant interest,
    - (iii) the public, and
    - (iv) equivalent bodies in the other signatory states;
  - (b) an assessment of the qualitative and quantitative impact of the proposed trade agreement on –
    - (i) the economy, broken down by the different parts of the United Kingdom and different regions of England,
    - (ii) the environment,
    - (iii) human rights standards,
    - (iv) labour standards,
    - (v) individuals with protected characteristics under section 4 of the Equalities Act 2010,

- in the United Kingdom;
- (c) an assessment of the qualitative and quantitative impact of the proposed trade agreement on –
- (i) the economy,
  - (ii) the environment,
  - (iii) human rights standards,
  - (iv) labour standards,
  - (v) individuals with protected characteristics under section 4 of the Equalities Act 2010,
- in any other state which is a proposed signatory to the agreement.
- 2 The report under subsection (6) of section (*Parliamentary approval of trade agreements*) must include an assessment of the extent to which the provisions of the proposed agreement conflict with, or are consistent with –
- (a) the provisions of international treaties ratified by the United Kingdom;
  - (b) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015;
  - (c) the provisions of the United Nations Guiding Principles on Business and Human Rights;
  - (d) domestic human rights law;
  - (e) international human rights law and international humanitarian law;
  - (f) the United Kingdom’s obligations on workers’ rights and labour standards as established by the United Kingdom’s commitments under the International Labour Organisation’s fundamental conventions including but not limited to the Declaration on Fundamental Rights at Work;
  - (g) obligations relating to animal sentience by which the United Kingdom is bound, or any principles relating to animal sentience to which the United Kingdom adheres, and any provision in domestic law (including retained EU law) relating to animal welfare standards and the welfare of animals in the production of food and the wider supply chain practice;
  - (h) the principle of eliminating poverty;
  - (i) the United Kingdom’s environmental obligations in international law;
  - (j) the offences in section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour);
  - (k) the sovereignty of Parliament;
  - (l) the legal authority of UK courts;
  - (m) the rule of law;
  - (n) the principle of equality before the law.”

### Schedule 1

- 18 Page 11, line 28, leave out sub-paragraph (7)
- 19 Page 12, line 3, after “Ministers” insert “acting alone”
- 20 Page 12, line 7, after “department” insert “acting alone”

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- 21 Page 12, line 17, after “authority” insert “acting alone”
- 22 Page 13, line 29, after “Ministers” insert “acting alone”
- 23 Page 13, line 34, after “Ministers” insert “acting alone”
- 24 Page 13, line 41, after “Ministers” insert “acting alone”
- 25 Page 13, line 47, after “department” insert “acting alone”
- 26 Page 14, line 1, leave out “department” and insert “devolved authority”

## Schedule 2

- 27 Page 15, line 18, after “Crown” insert “acting alone”
- 28 Page 15, line 21, leave out “or by the Welsh Ministers acting jointly with a Minister of the Crown” and insert “acting alone”
- 29 Page 15, line 24, leave out “(other than when acting jointly with a Minister of the Crown)” and insert “acting alone”
- 30 Page 15, line 29, after “Ministers” insert “acting alone”
- 31 Page 15, line 35, after “Crown” insert “acting alone”
- 32 Page 15, line 38, after “Ministers” insert “acting alone”
- 33 Page 16, line 1, after “Ministers” insert “acting alone”
- 34 Page 16, line 4, after “department” insert “acting alone”
- 35 Page 16, line 8, leave out sub-paragraph (5)
- 36 Page 17, line 20, after “Crown” insert “acting alone”
- 37 Page 17, line 23, after “Ministers” insert “acting alone”
- 38 Page 17, line 26, after “Ministers” insert “acting alone”
- 39 Page 17, line 29, after “department” insert “acting alone”
- 40 Page 17, line 32, leave out sub-paragraph (5)

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