



House of Commons

Thursday 25 June 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

TRADE BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [16 June, as amended on 18 June 2020].

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

16

Clause 2, page 2, line 34, leave out subsections (7) and (8) and insert—

“(7) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of the period of five years beginning with IP completion day.”

Member’s explanatory statement

This amendment would bar any extension to the five-year window for making regulations to implement EU rollover agreements.

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

17

Clause 2, page 2, line 34, leave out subsections (7) and (8) and insert—

“(7) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of—

(a) the period of five years beginning with IP completion day (“the initial five year period”), or

Trade Bill, continued

- (b) such other period as is specified in regulations made by the Secretary of State in accordance with subsection (8).
- (8) Regulations under subsection (7)(b) may not extend the initial five year period or any subsequent period beyond the day which falls ten years after IP completion day.”

Member’s explanatory statement

This amendment would limit any extension of the window to a maximum of ten years.

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

Clause 2, page 2, line 35, leave out “five” and insert “three”

20

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

Clause 2, page 2, line 36, leave out “five” and insert “three”

21

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

Clause 2, page 2, line 39, leave out “five” and insert “three”

22

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

Clause 2, page 2, line 41, leave out “five” and insert “three”

23

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

Schedule 2, page 11, line 26, leave out from “section 1(1)” to the end of line 27 and insert “may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

18

Member’s explanatory statement

This amendment would specify an affirmative resolution procedure for regulations under section 1(1).

Trade Bill, *continued*

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

6

Schedule 2, page 13, leave out lines 13 to 16 and insert—

- “4 (1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 2(1) in respect of an international trade agreement which meets the criteria under section 2(3) or 2(4) may not be made unless all provisions of sub-paragraphs (1A) to (1D) have been satisfied.
- (1A) The Secretary of State must lay before Parliament—
- (a) a draft of an order to the effect that the agreement be ratified, and
 - (b) a document which explains why the Secretary of State believes that the agreement should be ratified.
- (1B) The Secretary of State may make an order in the terms of the draft order laid under subparagraph (1A) if—
- (a) after the expiry of a period of 21 sitting days after the draft order is laid, no committee of either House of Parliament has recommended that the order should not be made, and
 - (b) after the expiry of a period of 40 sitting days after the draft order is laid, a motion in the terms of the draft order is approved by a resolution of each House of Parliament.
- (1C) If a committee of either House of Parliament recommends that an order should not be made under subparagraph (2), the Secretary of State may, after the expiry of a period of 60 sitting days after the draft order is laid, make a motion for a resolution in each House of Parliament in the terms of the draft order.
- (1D) If a motion in the terms of the draft order is approved by a resolution of each House of Parliament under subparagraph (1B)(b), the Secretary of State may make an order in the terms of the draft order.
- (1E) A free trade agreement to which this paragraph applies shall not be deemed to be a treaty for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010.
- (1F) In section 25 of the Constitutional Reform and Governance Act 2010, after subsection (1)(b), at end insert “but does not include an international trade agreement to which paragraph 4(1) of Schedule 2 to the Trade Act 2020 applies.””

Member’s explanatory statement

This amendment would establish a form of super-affirmative procedure for scrutiny of an international trade agreement before ratification and before regulations implementing the agreement could be made.

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

7

Schedule 2, page 13, line 25, at end insert—

- “4A (1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 2(1) in respect of an international trade agreement which does not meet the criteria under section 2(3) or section 2(4) may not be made except in accordance with the steps in subparagraphs (1A) to (1D).

Trade Bill, continued

- (1A) The Minister shall lay before Parliament—
- (a) a draft of the regulations, and
 - (b) a document which explains why the Secretary of State believes that regulations should be made in terms of the draft regulations.
- (1B) The Minister may make an order in the terms of the draft regulations laid under subparagraph (1A) if—
- (a) after the expiry of a period of 21 sitting days after the draft regulations are laid, no committee of either House of Parliament has recommended that the regulations should not be made, and
 - (b) after the expiry of a period of 60 sitting days after the draft regulations are laid, the draft regulations are approved by a resolution of each House of Parliament.
- (1C) If a committee of either House of Parliament recommends that the regulations should not be made, the Secretary of State may—
- (a) lay before Parliament revised draft regulations, and
 - (b) after the expiry of a period of 40 sitting days after the revised draft regulations are laid, make a motion for a resolution in each House of Parliament for approval of the revised draft regulations.
- (1D) If a motion under subparagraph (1C)(b) is approved by a resolution of each House of Parliament, the Secretary of State may make the regulations.”

Member’s explanatory statement

This amendment would establish a form of super-affirmative procedure for scrutiny of regulations implementing all trade agreements covered by the bill. The procedure would apply to agreements other than EU rollover trade agreements if amendments extending the application of the bill were agreed to.

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

19

Schedule 2, page 13, leave out lines 33 to 35 and insert—

- “(3A) A statutory instrument containing regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1) in respect of an agreement which falls within the description in section 2(3) or section 2(4) may not be made except in accordance with the steps in subparagraphs (1) to (1D) of paragraph 4.
- (3B) A statutory instrument containing regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1) in respect of an agreement which falls within the description in section 2(4A) may not be made except in accordance with the steps in subparagraphs (1) to (1D) of paragraph 4A.”

Member’s explanatory statement

This amendment would extend the super-affirmative procedure under former Amendment 19 to regulations where the Minister was acting jointly with a devolved authority.

Trade Bill, *continued*

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

15

Clause 4, page 3, line 26, at end insert—

““international agreement that mainly relates to trade, other than a free trade agreement” means a strategic partnership agreement or mutual recognition agreement that is ancillary to a free trade agreement, or an investment agreement”

Bill Esterson
 Gareth Thomas
 Matt Western
 Charlotte Nichols
 Fleur Anderson

1

Schedule 4, page 15, leave out line 14 and insert—

“(a) a member to chair it, appointed by the Secretary of State with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This amendment would establish the requirement for Parliament, through the relevant committee, to give its consent to the Secretary of State’s recommendation for appointment to the Chair of the Trade Remedies Authority.

Stewart Hosie
 Drew Hendry

35

Schedule 4, page 15, leave out lines 27 and 28 and insert—

“3 A person holds office as a member of the TRA for a fixed period of five years from the date of appointment.

3A A person is eligible for renewal of appointment for a further fixed period of five years upon the expiry of the first period.”

Stewart Hosie
 Drew Hendry

36

Schedule 4, page 16, line 11, at end insert—

“10A A person shall be considered unable or unfit if the Chair is satisfied as regards any of the following matters—

(a) that the person becomes insolvent,

(b) that the person has been convicted of a criminal offence,

(c) that the person is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.”

Trade Bill, continued

Bill Esterson
Gareth Thomas
Matt Western
Charlotte Nichols
Fleur Anderson

2

Schedule 4, page 19, line 26, at end insert—

“no later than 1 August of the calendar year in which the last day of the financial year covered by the report falls”.

Member’s explanatory statement

This amendment would ensure that the Secretary of State must lay the annual report of the Trade Remedies Authority before Parliament within a reasonable time frame.

Bill Esterson
Gareth Thomas
Matt Western
Charlotte Nichols
Fleur Anderson

3

Schedule 4, page 19, line 26, at end insert—

“Recommendation reports

- 31A (1) The TRA must prepare a report on each of the individual recommendations it makes to the Secretary of State in connection with the conduct of an international trade dispute.
- (2) The report must accompany the recommendation submitted to the Secretary of State.
- (3) The Secretary of State must lay the report before Parliament as soon as reasonably practicable, and not later than five days from the time it is submitted to the Secretary of State by the TRA.”

Member’s explanatory statement

This amendment would ensure that Parliament is kept informed, in a timely fashion, of the individual recommendations made by the Trade Remedies Authority to the Secretary of State in connection with cases of dumping, foreign subsidies and import increases causing injury to UK producers.

Bill Esterson
Gareth Thomas
Matt Western
Charlotte Nichols
Fleur Anderson

28

Clause 6, page 4, line 22, at end insert “and

- (c) analysis of the impact of any exercise by the Secretary of State of the power under section 15 of the Taxation (Cross-border Trade) Act 2018 (as amended by section 94 of the Finance Act 2020) to vary an amount of import duty if he or she considers that it is appropriate to do so.”
-

Trade Bill, continuedStewart Hosie
Drew Hendry

32

Clause 7, page 5, line 4, after “may”, insert “, following consultation with relevant stakeholders,”

Stewart Hosie
Drew Hendry

33

Clause 7, page 5, line 17, at end insert—
“(7) Nothing in any regulations made under subsection (3) may require the disclosure of information or the production of documents which are subject to legal professional privilege.”

Stewart Hosie

34

Clause 8, page 5, line 45, at end insert—
“(5A) Nothing in this section authorises the disclosure of information or the production of documents which are subject to legal professional privilege.”

Bill Esterson
Gareth Thomas
Matt Western
Charlotte Nichols
Fleur Anderson

NC1

To move the following Clause—

“Regulations: review of social impact

- (1) The Secretary of State must conduct reviews of the social impact of any regulations made under section 1(1).
 - (2) “Social impact” shall include but not be limited to the impact upon—
 - (a) the exercise of any right for workers under the Employment Rights Act 1996,
 - (b) the exercise of any right for consumers under the Consumer Rights Act 2015,
 - (c) the exercise of any right under the Trade Union Act 2016, and
 - (d) the fulfilment of any obligation held by the United Kingdom by virtue of its membership of the International Labour Organisation.
 - (3) A review under subsection (1) must be laid before both Houses of Parliament.
 - (4) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
-

Trade Bill, *continued*

Bill Esterson
 Gareth Thomas
 Matt Western
 Charlotte Nichols
 Fleur Anderson

NC2

To move the following Clause—

“Regulations: review of climate and environmental impact

- (1) The Secretary of State must conduct reviews of the environmental impact of any regulations made under section 1(1).
- (2) “Environmental impact” shall mean the impact upon—
 - (a) progress toward meeting the UK’s Net Zero targets,
 - (b) global emissions,
 - (c) producer responsibility,
 - (d) resource efficiency,
 - (e) management of waste,
 - (f) regulation and enforcement of waste management,
 - (g) air quality,
 - (h) the recall of motor vehicles for the purpose of protecting the environment,
 - (i) regulation of water and sewerage undertakers,
 - (j) water abstraction,
 - (k) water quality,
 - (l) land drainage,
 - (m) biodiversity gain in planning,
 - (n) biodiversity objectives and reporting,
 - (o) local nature recovery strategies,
 - (p) tree felling and planting,
 - (q) creation of conservation covenants, and
 - (r) the effect of conservation covenants.
- (3) A review under subsection (1) must be laid before both Houses of Parliament.
- (4) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”

Bill Esterson
 Gareth Thomas
 Matt Western
 Charlotte Nichols
 Fleur Anderson

NC3

To move the following Clause—

“Regulations: review of impact on public health

- (1) The Secretary of State must conduct reviews of the impact in England of any regulations made under section 1(1) upon—
 - (a) food safety,

Trade Bill, *continued*

- (b) standards in food production, including the treatment of animals and impact on consumer choice, and
 - (c) any public health outcome within the definition used by Public Health England.
- (2) A review under subsection (1) must be laid before both Houses of Parliament.
 - (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
-

Bill Esterson
 Gareth Thomas
 Matt Western
 Charlotte Nichols
 Fleur Anderson

NC4

To move the following Clause—

“Regulations: review of economic impact

- (1) The Secretary of State must conduct reviews of the economic impact of any regulations made under section 1(1).
 - (2) A review under subsection (1) must be laid before both Houses of Parliament.
 - (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
-

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC5

To move the following Clause—

“Parliamentary scrutiny of free trade agreements before signature

- (1) The United Kingdom may not become a signatory to a free trade agreement which does not meet the criteria under section 2(3) unless—
 - (a) before entering negotiations on the proposed agreement, the Secretary of State has—
 - (i) laid before Parliament a sustainability impact assessment carried out following consultation as prescribed by section [*Sustainability impact assessments*], and
 - (ii) published a response to any report which a committee of either House of Parliament may have published expressing an opinion on the sustainability impact assessment, as long as that report is published within 30 sitting days of the day on which the sustainability impact assessment is laid before Parliament;
 - (b) both Houses of Parliament have passed a resolution authorising the Secretary of State to enter negotiations on the proposed agreement as

Trade Bill, continued

- prescribed by section [*Parliamentary consent to launch of trade negotiations*];
- (c) during the course of negotiations, the text of the agreement as so far agreed or consolidated has been made available as prescribed by section [*Availability of agreement texts*];
 - (d) the Secretary of State has, within ten sitting days of the close of each round of negotiations on the proposed agreement, laid before Parliament a statement detailing the progress made in each area of the negotiations and the obstacles still remaining at the close of that round;
 - (e) the text of the agreement in the form to which it is proposed that the United Kingdom should become a signatory has been made available to Parliament for a period of 21 sitting days; and
 - (f) a resolution has been passed by the House of Commons approving the Secretary of State's intention to sign the agreement.
- (2) "Sitting day", for the purposes of subsection (1)(a)(ii) shall mean any day on which both Houses of Parliament begin to sit"

Member's explanatory statement

This new clause would set out a structure for parliamentary scrutiny of negotiations on proposed trade agreements.

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC6

To move the following Clause—

"Sustainability impact assessments

- (1) A sustainability impact assessment laid before Parliament under section [*Parliamentary scrutiny of free trade agreements before signature*](1)(a) shall be carried out following consultation.
- (2) A consultation under subsection (1) shall—
 - (a) be carried out in line with any guidance or code of practice on consultations issued by Her Majesty's Government, and
 - (b) actively seek the views of—
 - (i) Scottish Ministers,
 - (ii) Welsh Ministers,
 - (iii) a Northern Ireland devolved authority,
 - (iv) representatives of businesses and trade unions in sectors which, in the opinion of the Secretary of State, are likely to be affected by the proposed international trade agreement, and
 - (v) any other person or organisation which appears to the Secretary of State to be representative of interests affected by the proposed international trade agreement.
- (3) The Secretary of State shall ensure that public bodies, non-governmental organisations and the public may be made aware of the consultation by circulating and publishing details of it prominently on relevant government websites.

Trade Bill, *continued*

- (4) A sustainability impact assessment under subsection (1) shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade agreement, including as a minimum—
- (a) the economic impacts on individual sectors of the economy, including, but not restricted to—
 - (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
 - (b) the social impacts, including but not restricted to—
 - (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the government’s duties under the Equality Act 2010;
 - (c) the impacts on human rights, including but not restricted to—
 - (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
 - (d) the impacts on the environment, including but not restricted to—
 - (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;
 - (e) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
 - (f) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of clause 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.
- (5) The elements of the sustainability impact assessment to be undertaken under (4)(f) must be sufficiently disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.
- (6) A sustainability impact assessment under subsection (1) shall include recommendations for possible action to maximise any positive impacts and to prevent or offset any negative impacts foreseen, including the possible limitation of the negotiating mandate so as to exclude those sectors most at risk from the proposed trade agreement.”
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Trade Bill, *continued*

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

NC7

To move the following Clause—

“Parliamentary consent to launch of trade negotiations

- (1) The Secretary of State shall not commence negotiations relating to a free trade agreement which does not meet the criteria under section 2(3) unless all provisions of this section have been satisfied.
 - (2) A Minister of the Crown shall lay before Parliament a draft of a negotiating mandate relating to the proposed international trade agreement.
 - (3) The draft mandate under subsection (2) shall set out—
 - (a) all fields and sectors to be included in the proposed negotiations;
 - (b) the principles to underpin the proposed negotiations;
 - (c) any limits on the proposed negotiations, including sectors to be excluded from the proposed negotiations; and
 - (d) the desired outcomes from the proposed negotiations.
 - (4) The Secretary of State shall make a motion for a resolution in the House of Commons in respect of the draft, setting out the elements listed in subsection (3), but such a motion shall be made—
 - (a) no earlier than 25 sitting days after the day on which the draft of the negotiating mandate is laid under subsection (2), and
 - (b) not before the Secretary of State has published a response to any report which a committee of either House of Parliament may have published expressing an opinion on the draft negotiating mandate, as long as that report is published within 20 sitting days of the day on which the draft mandate is laid before Parliament.
 - (5) A motion for a resolution under subsection (4) shall be made in such a way as to permit amendment of any of the elements prescribed under subsection (3).
 - (6) A motion to enable consideration of the negotiating mandate shall be laid before the House of Lords.
 - (7) The terms of any negotiating mandate authorised by a resolution under subsection (4) shall be binding upon the Secretary of State and anyone acting on his or her behalf in the course of negotiation.
 - (8) “Sitting day” shall, for the purposes of subsection (4), mean any day on which both Houses of Parliament begin to sit.”
-

Trade Bill, *continued*

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC8

To move the following Clause—

“Availability of agreement texts

- (1) The text of any proposed international trade agreement which is being negotiated shall, so far as it is agreed or consolidated, be made publicly available within ten days of the close of each round of negotiations.
- (2) Every—
 - (a) document submitted formally by the United Kingdom government to the negotiations, and
 - (b) agenda for each new round of negotiations
 shall be made publicly available by the Secretary of State.
- (3) All other documents relating to the negotiations and not falling within the descriptions provided in subsections (1) and (2) shall be made publicly available by the Secretary of State, subject to subsection (4).
- (4) The Secretary of State may withhold from publication any document of a kind falling within the description in subsection (3) but must publish a statement of the reasons for doing so.
- (5) In the case of any document withheld under subsection (4), the Secretary of State shall provide full and unfettered access to that document to—
 - (a) any select committee of either House of Parliament to which, in the opinion of the Secretary of State, the proposed agreement is relevant, and
 - (b) any other person or body which the Secretary of State may authorise.
- (6) In the case of a document to which access is provided under subsection (5), the Secretary of State may specify conditions under which the text shall be made available.
- (7) The Secretary of State shall maintain an online public register of all documents published under subsections (1), (2) and (3) or withheld under subsection (4).”

Bill Esterson
 Gareth Thomas
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC9

To move the following Clause—

“Import of agricultural goods after IP completion day

- (1) After IP completion day, agricultural goods imported under a free trade agreement may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—
 - (a) animal health and welfare,
 - (b) protection of the environment,

Trade Bill, continued

- (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (2) The Secretary of State must prepare a register of standards under UK law relating to—
- (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health
- which must be met in the course of production of any imported agricultural goods.
- (3) A register under subsection (2) must be updated within seven days of any amendment to any standard listed in the register.
- (4) “Agricultural goods”, for the purposes of this section, means anything produced by a producer operating in one or more agricultural sectors listed in Schedule 1.
- (5) “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause would set a requirement for imported agricultural goods to meet animal health and welfare, environmental, plant health, food safety and other standards which are at least as high as those which apply to UK produced agricultural goods.

Bill Esterson
Gareth Thomas
Charlotte Nichols
Matt Western
Fleur Anderson

NC10

To move the following Clause—

“Regulations: review of impact on SMEs

- (1) The Secretary of State must conduct reviews of the impact upon small and medium-sized enterprises of any regulations made under section 1(1).
- (2) A review under subsection (1) must be laid before both Houses of Parliament.
- (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”

Stewart Hosie
Drew Hendry

NC11

To move the following Clause—

“Import standards

- (1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the agreement—

Trade Bill, continued

- (a) includes an affirmation of the United Kingdom’s rights and obligations under the SPS Agreement, and
 - (b) prohibits the importation into the United Kingdom of agricultural and food products in relation to which the relevant standards are lower than the relevant standards in the United Kingdom.
- (2) In subsection (1)—
- “international trade agreement” has the meaning given in section 2(2) of this Act;
 - “relevant standards” means standards relating to environmental protection, plant health and animal welfare applying in connection with the production of agricultural and food products;
 - “SPS Agreement” means the agreement on the Application of Sanitary and Phytosanitary Measures, part of Annex 1A to the WTO Agreement (as modified from time to time).”

Member’s explanatory statement

This new clause would ensure that HMG has a duty to protect the quality of the domestic food supply by ensuring that imported foodstuffs are held to the same standards as domestic foodstuffs are held to

Stewart Hosie
Drew Hendry

NC12

To move the following Clause—

“International trade agreements: public health services

- (1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 if any provision of the agreement—
 - (a) would have the effect of, or could reasonably be expected to have the effect of, altering the way in which a service is provided by a specified body,
 - (b) would open part or all of a specified body to market access but without any accompanying provision for the UK Government to reduce the level of market access in future,
 - (c) would have the effect of, or could reasonably be expected to have the effect of, opening any part of a specified body to foreign investment,
 - (d) does not specify sectors or subsectors of a specified body to which the agreement would enable market access,
 - (e) includes investor-state dispute settlement mechanisms in relation to a specified body, or
 - (f) includes changes to mechanisms for the pricing of medical or pharmaceutical products for purchase by a specified body.
- (2) The specified bodies, for the purpose of subsection (1), are—
 - (a) NHS England,
 - (b) NHS Wales,
 - (c) a health board in Scotland, a special health board in Scotland or the Common Services Agency established by section 10 of the National Health Service (Scotland) Act 1978, and
 - (d) HSCNI.

Trade Bill, continued

- (3) In subsection (1), “international trade agreement” has the meaning given in section 2 of this Act.”

Member’s explanatory statement

This new clause would ensure that HMG has a duty to restrict market access to healthcare services, including medicines and medical devices.

Stewart Hosie
Drew Hendry

NC13

To move the following Clause—

“International trade agreements: consent for provision of healthcare services

- (1) A Minister of the Crown may not, under section 20(1) of the Constitutional Reform and Governance Act 2010, lay before Parliament a copy of an international trade agreement which makes provision for the supply or provision of healthcare services (including medicines and medical devices) unless each of the devolved authorities has given their consent to that agreement.
- (2) “Devolved authority” shall have the meaning given in section 4 of this Act.”

Member’s explanatory statement

This new clause would ensure that HMG is not able to lay before Parliament a trade agreement which could have an impact on provision of healthcare services without the consent of the devolved administrations.

Bill Esterson
Gareth Thomas
Matt Western
Charlotte Nichols
Fleur Anderson

NC14

To move the following Clause—

“Regulations: review of impact on equalities

- (1) The Secretary of State must conduct reviews of the impact of any regulations under section 1(1) upon persons with a protected characteristic, as defined in Chapter 1 of Part 2 of the Equalities Act 2010.
- (2) A review under subsection (1) must be laid before both Houses of Parliament.
- (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
-

Trade Bill, *continued*

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

NC15

To move the following Clause—

“Review of free trade agreements

- (1) The Secretary of State shall lay before Parliament a review of the operation and impacts of each free trade agreement to which this Act applies.
- (2) Each such review shall be laid before Parliament no later than five years from the day on which the agreement comes into force.
- (3) A further review of the operation of each agreement shall be laid no later than five years after the day on which the previous such review was laid before Parliament.
- (4) Each review shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the impacts of the agreement, including as a minimum—
 - (a) the economic impacts on individual sectors of the economy, including, but not restricted to—
 - (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
 - (b) the social impacts, including but not restricted to—
 - (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the government’s duties under the Equality Act 2010;
 - (c) the impacts on human rights, including but not restricted to—
 - (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
 - (d) the impacts on the environment, including but not restricted to—
 - (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;
 - (e) the impact of any investor-state dispute settlement which forms part of the agreement;
 - (f) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
 - (g) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of clause 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.

Trade Bill, *continued*

- (5) The elements of the review to be undertaken under (4)(f) must be sufficiently disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.”
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Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC16

To move the following Clause—

“Role of Joint Ministerial Committee

- (1) The Joint Ministerial Committee is to be a forum—
- (a) for discussing—
 - (i) the terms upon which the United Kingdom is to commence negotiations with respect to any international trade agreement;
 - (ii) proposals to amend retained EU law for the purposes of regulations made under section 1 or section 2;
 - (b) for seeking a consensus on the matters set out in subsection (1)(a) between Her Majesty’s Government and the other members of the Joint Ministerial Committee.
- (2) Before Her Majesty’s Government concludes an international trade agreement, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—
- (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding an international trade agreement;
 - (b) the steps Her Majesty’s Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching an international trade agreement;
 - (c) the steps Her Majesty’s Government intends to take to consult each member of the Joint Ministerial Committee before entering into an international trade agreement and for taking the views of each member into account.
- (3) Before concluding an international trade agreement the Secretary of State must produce a document setting out the terms of the proposed agreement for consideration by the Joint Ministerial Committee.
- (4) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution, between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”
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Trade Bill, *continued*

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

NC17

To move the following Clause—

“Animal welfare and sentience

Regulations may only be made under section 2(1) if the provisions of the international trade agreement to which they relate are compatible with—

- (a) any provision in UK law (including retained EU law) relating to animal welfare standards and the welfare of animals in the production of food; and
- (b) any obligations relating to animal sentience by which the UK is bound, or any principles relating to animal sentience to which the UK adheres.”

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

NC18

To move the following 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 as to whether the statutory instrument would, if made, modify any provision of equalities legislation.
 - (3) If a Minister expresses a view in a statement under subsection (2) that the draft statutory instrument would, if made, modify any provision of equalities legislation, the Minister must explain in the statement what the effect of each such modification would be.
 - (4) If the Minister fails to make a statement as required by subsection (2), the Minister must make a statement explaining why.
 - (5) A statement under this section must be made in writing and published in such manner as the Minister making it considers appropriate.
 - (6) In this section, “equalities legislation” means the Equality Act 2006, the Equality Act 2010 and any subordinate legislation made under either of those Acts.”
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Trade Bill, *continued*

Gareth Thomas
Bill Esterson
Charlotte Nichols
Matt Western
Fleur Anderson

NC19

To move the following Clause—

“Report on proposed free trade agreement

- (1) This section applies (subject to subsection (2)) where the United Kingdom has authenticated a free trade agreement (“the proposed agreement”), if—
 - (a) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day, or
 - (b) where the proposed agreement was authenticated by the United Kingdom before exit day, the other party (or each other party) and the European Union were signatories to a free trade agreement on the day the proposed agreement was authenticated by the United Kingdom.
 - (2) This section applies only if the proposed agreement is not binding on the United Kingdom as a matter of international law unless it is ratified by the United Kingdom.
 - (3) Before the United Kingdom ratifies the proposed agreement, a Minister of the Crown must lay before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the proposed agreement, and
 - (b) the trade-related provisions of the existing free trade agreement.
 - (4) Subsection (3) does not apply if a report in relation to the proposed agreement has been laid before Parliament under section (Report to be laid with regulations under section 2(1))(2).
 - (5) The duty imposed by subsection (3) applies only at a time when regulations may be made under section 2(1) (see section 2(8)).
 - (6) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.
 - (7) In this section—

“the existing free trade agreement” means the free trade agreement referred to in subsection (1)(a) or (b);

the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”
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Trade Bill, continued

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC20

To move the following Clause—

“Report to be laid with regulations under section 2(1)

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1) for the purpose of implementing a free trade agreement to which the United Kingdom and another signatory (or other signatories) are signatories.
- (2) A draft of the statutory instrument containing the regulations may not be laid before Parliament unless, at least 10 Commons sitting days before the draft is laid, a Minister of the Crown has laid before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the free trade agreement to which the United Kingdom and the other signatory (or other signatories) are signatories, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (3) Subsection (2) does not apply if, at least 10 Commons sitting days before a draft of the statutory instrument containing the regulations is laid, a report in relation to the agreement has been laid before Parliament under section (Report on proposed free trade agreement)(3).
- (4) In this section—

“Commons sitting day” means a day on which the House of Commons begins to sit;

“the existing free trade agreement” means the free trade agreement to which the European Union and the other signatory (or other signatories) were signatories immediately before exit day;

the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Gareth Thomas
 Bill Esterson
 Charlotte Nichols
 Matt Western
 Fleur Anderson

NC21

To move the following 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 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;

Trade Bill, *continued*

- (c) the European Aviation Safety Agency;
 - (d) the European Maritime Safety Agency.”
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Hywel Williams
Liz Saville Roberts
Ben Lake

NC22

To move the following Clause—

“Trade agreements: approval

A Minister of the Crown must not make regulations to implement an international trade agreement unless—

- (a) a statement on the terms of the agreement has been approved by the House of Commons on a motion moved by a Minister of the Crown,
- (b) a motion for the House of Lords to take note of that statement has been moved in that House by a Minister of the Crown,
- (c) a motion relating to that statement has been approved by a resolution of the Senedd Cymru,
- (d) a motion relating to that statement has been approved by a resolution of the Scottish Parliament, and
- (e) a motion relating to that statement has been approved by a resolution of the Northern Ireland Assembly.”

Member’s explanatory statement

This new clause would require the UK Government to secure the approval of both Houses of Parliament and the devolved Parliaments of Scotland and Wales, and the Northern Ireland Assembly before implementing any international trade agreement agreed after the passing of the Bill.

ORDER OF THE HOUSE [20 MAY 2020]

That the following provisions shall apply to the Trade Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 June 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

Trade Bill, continued

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

ORDER OF THE COMMITTEE [16 JUNE, AS AMENDED ON 18 JUNE 2020]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 16 June) meet—
 - (a) at 2.00pm on Tuesday 16 June;
 - (b) at 11.30am and 2.00pm on Thursday 18 June;
 - (c) at 9.25am and 2.00pm on Tuesday 23 June;
 - (d) at 11.30am and 2.00pm on Thursday 25 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 16 June	Until no later than 10.30am	The Institute of Directors The Confederation of British Industry
Tuesday 16 June	Until no later than 11.00am	Advertising Association
Tuesday 16 June	Until no later than 11.25am	Perpetuum Ltd
Tuesday 16 June	Until no later than 2.40pm	Ernst & Young UK Trade Policy Observatory
Tuesday 16 June	Until no later than 3.10pm	The National Farmers' Union
Tuesday 16 June	Until no later than 3.45pm	The Chemical Industries Association Make UK
Tuesday 16 June	Until no later than 4.10pm	The Trades Union Congress
Tuesday 16 June	Until no later than 4.30pm	Monckton Chambers
Tuesday 16 June	Until no later than 4.50pm	Trade Remedies Authority
Thursday 18 June	Until no later than 12.10pm	Client Earth The Trade Justice Movement

Trade Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 18 June	Until no later than 12.35pm	Sam Lowe, Senior Research Fellow, Centre for European Reform and member of the Strategic Trade Advisory Group
Thursday 18 June	Until no later than 1.00pm	Nick Ashton-Hart, Geneva Representative, Digital Trade Network

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedules 1 to 3; Clauses 4 and 5; Schedules 4 and 5; Clauses 6 to 12; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 25 June.
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