

Trade Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 5

LORD MCNICOL OF WEST KILBRIDE

Insert the following new Clause—

“Rules of origin

It shall be the objective of an appropriate authority to negotiate as a term of all international trade agreements implemented under section 2 that goods subject to the agreement which have originated in the European Union shall be treated as if they had originated in the United Kingdom.”

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Trade Agreement Impact Assessments

(1) Before the end of the initial five year period after an international trade agreement has been implemented under section 2 of this Act, the Secretary of State shall lay before both Houses of Parliament—

- (a) an assessment of the qualitative and quantitative impact of the 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, and
 - (v) individuals with protected characteristics under section 4 of the Equalities Act 2010,

in the United Kingdom; and

- (b) 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, and

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- (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) Before the end of the initial five year period after an international trade agreement has been implemented under section 2 of this Act, the Secretary of State shall lay before both Houses of Parliament an assessment of the extent to which the provisions of the 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, including but not limited to—
 - (i) the International Convention on the Elimination of All Forms of Racial Discrimination,
 - (ii) the International Covenant on Civil and Political Rights,
 - (iii) the International Covenant on Economic, Social and Cultural Rights,
 - (iv) the Convention on the Elimination of All Forms of Discrimination against Women,
 - (v) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - (vi) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
 - (vii) the International Convention for the Protection of All Persons from Enforced Disappearance,
 - (viii) the Convention on the Rights of Persons with Disabilities, and
 - (ix) the Convention on the Rights of the Child;
 - (f) the United Kingdom’s obligations on workers’ rights and labour standards as established by the UK’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;
 - (h) the principle of eliminating poverty;
 - (j) the United Kingdom’s environmental obligations in international law and as established by, but not limited to—
 - (i) the Paris Agreement adopted under the United Nations Framework Convention on Climate Change,
 - (ii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and

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- (iii) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety;
 - (k) offences as set out under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour);
 - (l) the sovereignty of Parliament;
 - (m) the legal authority of UK courts;
 - (n) the rule of law; and
 - (p) the principle of equality before the law.
- (3) The Secretary of State must make arrangements for the assessment to be laid before the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.
- (4) In preparing the assessment under subsection (1), the Secretary of State shall consult with—
- (a) the Scottish Ministers, the First Minister or the Lord Advocate,
 - (b) the Welsh Ministers, and
 - (c) a Northern Ireland devolved authority.”

After Clause 7

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Convention about Ministers of the Crown legislating on devolved matters

- (1) Regulations made under section 1(1) by a Minister of the Crown may not normally make provision which would be within the devolved competence of a devolved authority unless—
- (a) so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 7 of Schedule 1), the Scottish Ministers consent, or
 - (b) so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 8 of Schedule 1), the Welsh Ministers consent, or
 - (c) so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning of paragraph 9 of Schedule 1), the Northern Ireland department has given consent.
- (2) Regulations made under section 2(1) by a Minister of the Crown may not normally make provision which would be within the devolved competence of a devolved authority unless—
- (a) so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 7 of Schedule 1), the Scottish Ministers consent, or
 - (b) so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 8 of Schedule 1), the Welsh Ministers consent, or

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- (c) so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in paragraph 9 of Schedule 1), the Northern Ireland department has given consent.”

After Clause 8

LORD MCNICOL OF WEST KILBRIDE

Insert the following new Clause—

“Agency for compliance monitoring

- (1) The Secretary of State shall nominate an agency to be responsible for the monitoring of compliance with free trade agreements to which the United Kingdom is a signatory.
- (2) In nominating an agency the Secretary of State must have regard to expertise and consult with—
 - (a) each devolved authority,
 - (b) public bodies, businesses, consumer groups, trade unions and non-governmental organisations which, in the opinion of the Secretary of State, have a relevant interest, and
 - (c) the public.
- (3) The Secretary of State must lay a report of the consultation under subsection (2) before both Houses of Parliament.
- (4) Where the agency has evidence that the terms and obligations of a free trade agreement to which the United Kingdom is a signatory are not being fulfilled, the agency must produce a report which the Secretary of State must lay before both Houses of Parliament.
- (5) The report must be prepared as soon as reasonably practicable after any relevant evidence has been identified.
- (6) The Chair of the agency shall have a right of access at all reasonable times to all such documents from the Department of International Trade and all related agencies and public bodies as they may reasonably require for the preparation of the report.”

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29 October 2018
