

Trade Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 5

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Establishment of Committee on Trade Agreements

- (1) A body corporate called the Committee on Trade Agreements is to be established consisting of nine members who are to be drawn both from the members of the House of Commons and from the members of the House of Lords in accordance with the provisions in Schedule (*Committee on Trade Agreements*).
- (2) Negotiations towards a free trade agreement may not commence until the Secretary of State has laid a draft negotiating mandate before the Committee and it has been approved by a resolution of that Committee.
- (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 in accordance with the provisions in Schedule (*Committee on Trade Agreements*).
- (4) Before either House of Parliament may approve by resolution the text of a proposed trade agreement in accordance with the Constitutional Reform and Governance Act 2010, 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 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.
- (6) The Secretary of State must lay the report produced under subsection (5) before both Houses of Parliament.
- (7) Schedule (*Committee on Trade Agreements*) contains further provision about the Committee.

After Clause 5 - continued

- (8) 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);
 - (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.”

LORD GRANTCHESTER

Insert the following new Clause –

“Division of agricultural tariff rate quotas

It shall be the objective of an appropriate authority to take all the necessary steps to ensure that after exit day the division of agricultural tariff rate quotas with the European Union remains at the same level as prior to exit day.”

After Clause 10**LORD STEVENSON OF BALMACARA**

Insert the following new clause –

“Involvement of devolved authorities in TRA investigations: amendment to the Taxation (Cross-border Trade) Act 2018

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) In Schedule 4 (dumping of goods or foreign subsidies causing injury to UK industry) –
 - (a) after paragraph 31 insert –

“Information provided by a devolved authority

31A Before an interested party who is a devolved authority provides information to the TRA, the devolved authority must have regard to the need to protect the TRA’s –

 - (a) operational independence, and
 - (b) ability to make impartial assessments when performing its functions.”;
 - (b) in paragraph 32 –
 - (i) in sub-paragraph (3) after “means” insert “ –
 - (a) the devolved authorities, and

After Clause 10 - continued

- (b) ”;
- (ii) after sub-paragraph (3) insert—
- “(4) In this Schedule, the “devolved authorities” are—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Department for the Economy in Northern Ireland.”
- (3) In Schedule 5 (increase in imports causing serious injury to UK producers)—
 - (a) after paragraph 30 insert—
 - “Information provided by a devolved authority
 - 30A Before an interested party who is a devolved authority provides information to the TRA, the devolved authority must have regard to the need to protect the TRA’s—
 - (a) operational independence, and
 - (b) ability to make impartial assessments when performing its functions.”;
 - (b) in paragraph 31—
 - (i) in sub-paragraph (3), after “means” insert “—
 - (a) the devolved authorities, and
 - (b) ”;
 - (ii) after sub-paragraph (3) insert—
 - “(4) In this Schedule, the “devolved authorities” are—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Department for the Economy in Northern Ireland.””

Before Schedule 1

LORD STEVENSON OF BALMACARA

Insert the following new Schedule—

“COMMITTEE ON TRADE AGREEMENTS*Sustainability impact assessment*

- 1 The sustainability impact assessment under section (*Establishment of Committee on Trade Agreements*) 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,

Before Schedule 1 - continued

- (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 (5) of section (*Establishment of Committee on 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, 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,
 - (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 United Kingdom’s commitments under the International Labour Organisation’s fundamental conventions including but not limited to the Declaration on Fundamental Rights at Work;

Before Schedule 1 - continued

- (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;
 - (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
 - (iii) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety;
 - (k) the offences in 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;
 - (p) the principle of equality before the law.
- 3 The Committee may establish sectoral and geographical Sub-Committees whose members must include—
- (a) representatives of the devolved authorities and each region of England;
 - (b) persons with appropriate and relevant expertise in the impact of trade policy across the United Kingdom; and
 - (c) representatives of business, communities, trade unions, consumer groups and non-governmental organisations.

Access to information

- 4 In order to allow it to undertake its functions, the Secretary of State must provide the Committee as required with—
- (a) the text of any proposed agreement as so far agreed or consolidated within the period of 10 working days beginning with the day on which each negotiating round ends;
 - (b) all other documents relating to the negotiations.

Procedure

- 5 The Committee may determine its own procedure but this is subject to paragraphs 7 to 11.
- 6 The Secretary of State may confer further powers on the Committee commensurate to those of a Select Committee of Parliament if requested by the Chair.
- 7 If on any matter there is an equality of voting among the members of the Committee, the Chair of the Committee has a second or casting vote.
- 8 The Chair of the Committee may appoint another member of the Committee to act, in the Chair's absence, as the Chair of the Committee at any meeting of it.

Before Schedule 1 - continued

- 9 A person so appointed does not enjoy the right conferred on the Chair of the Committee.
- 10 The quorum of the Committee is three.
- 11 The Committee may take evidence on oath, and for that purpose may administer oaths.

Membership

- 12 Each member of the Committee is to be appointed by the House of Parliament from which the member is to be drawn and is not eligible to become a member of the Committee unless the person—
- (a) is nominated for membership by the Prime Minister, and
 - (b) is not a Minister of the Crown.
- 13 Before deciding whether to nominate a person for membership of the Committee, the Prime Minister must consult the Leader of the Opposition.
- 14 A member of the Committee chosen by its members is to be the Chair of the Committee.
- 15 Subject to paragraphs 16 and 17, a person appointed as a member of the Committee during a Parliament holds office for the duration of that Parliament.
- 16 A member of the Committee vacates office if—
- (a) the person ceases to be a member of the House of Parliament which appointed the person a member of the Committee;
 - (b) the person becomes a Minister of the Crown; or
 - (c) a resolution for the person's removal is passed in the House of Parliament which appointed the person a member of the Committee.
- 17 A member of the Committee may resign at any time by notice given to—
- (a) the Chair of the Committee, or
 - (b) in the case of the member who is the Chair of the Committee, the Speaker of the House of Parliament which appointed the person a member of the Committee.
- 18 A person who ceases to be a member of the Committee is eligible for reappointment.
- 19 Section (*Establishment of Committee on Trade Agreements*)(1) does not affect the validity of anything done between the occurrence of a vacancy and the vacancy being filled.
- 20 Anything which, immediately before the end of a Parliament, is in the process of being done or omitted to be done by or in relation to the Committee may be continued by or in relation to the Committee in the new Parliament.
- 21 Anything done or omitted to be done by or in relation to the Committee in a Parliament (or treated as so done or omitted) is, if in force or effective immediately before the end of that Parliament, to have effect as if done or omitted by or in relation to the Committee in the new Parliament so far as that is required for continuing its effect in that Parliament.

Before Schedule 1 - continued*Resources*

- 22 In relation to funding and resources, a Minister of the Crown—
- (a) may make payments to either House of Parliament in respect of any expenditure incurred, or to be incurred, by either House in relation to the Committee,
 - (b) may provide staff, accommodation or other resources to either House of Parliament for the purposes of the Committee,
 - (c) may make payments, or provide staff, accommodation or other resources, to the Committee, or
 - (d) may otherwise make payments, or provide staff, accommodation or other resources, to any person for the purposes of the Committee.”

Schedule 4

LORD STEVENSON OF BALMACARA

Page 23, line 36, at end insert—

- “() The TRA must also send the report to—
- (a) the Scottish Ministers;
 - (b) the Welsh Ministers;
 - (c) the Department for the Economy in Northern Ireland.
- () The Scottish Ministers must lay the report before the Scottish Parliament.
- () The Welsh Ministers must lay the report before the National Assembly for Wales.
- () The Department for the Economy in Northern Ireland must lay the report before the Northern Ireland Assembly.”

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31 October 2018
