

Trade Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 1

LORD PURVIS OF TWEED

Insert the following new Clause—

“Report on ratification of the Revised GPA

- (1) A Minister of the Crown must publish a report specifying what progress has been made towards ensuring that the United Kingdom can accede to the Revised GPA in its own right.
- (2) A report under subsection (1) must include an assessment of any barriers envisaged that will prevent or delay the United Kingdom from acceding to the Revised GPA in its own right before 31 December 2020.
- (3) A report under subsection (1) must be laid before both Houses of Parliament within the period of one month beginning with the day on which this Act is passed.”

Clause 2

LORD PURVIS OF TWEED

Page 2, line 37, at end insert—

- “() Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if—
- (a) the provisions of that international trade agreement do not conflict with, and are consistent with—
 - (i) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015,
 - (ii) international human rights law and international humanitarian law,
 - (iii) the United Kingdom’s obligations on workers’ rights and labour standards as established by, but not limited to, the commitments under the International Labour Organisation’s Declaration on Fundamental Rights at Work and its Follow-up Conventions,

Clause 2 - continued

- (iv) the United Kingdom's environmental obligations in international law and as established by, but not limited to, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety,
 - (v) existing standards for food safety and quality as set and administered by the Department of Health, the Food Standards Agency and any other public authority specified in regulations made by the Secretary of State,
 - (vi) the United Kingdom's obligations as established by the Convention on the Elimination of All Forms of Discrimination Against Women and by the Convention on the Rights of the Child, and
 - (vii) the sovereignty of Parliament, the legal authority of UK courts, the rule of law and the principle of equality before the law,
- (b) the provisions of that international trade agreement do not in any way restrict the ability to determine whether public services at a national or local level are delivered by public sector employees, and
 - (c) the Secretary of State has laid before Parliament an assessment of the potential economic, social, human rights and environmental impacts of the international trade agreement on the contracting parties."

After Clause 2

LORD PURVIS OF TWEED

Insert the following new Clause –

“Status of the United Kingdom

Before exit day, a Minister of the Crown must lay before Parliament a report specifying which countries and organisations must amend their own domestic legislation in order to ensure that the United Kingdom is treated by that country or organisation as if it were a member of the European Union for the purpose of free trade agreements or other international trade agreements during the period between 30 March 2019 and 31 December 2020.”

After Clause 5

LORD PURVIS OF TWEED

Insert the following new Clause –

“Reciprocal rules of origin

It shall be the objective of an appropriate authority to secure a binding commitment from the European Union that international trade agreements it signs or revises with third countries will make provision for goods subject to those agreements which have originated in the United Kingdom to be treated as if they had originated in the European Union.”

After Clause 5 - continued

Insert the following new Clause—

“Review of the impact on the UK economy

- (1) Before the end of the initial three year period, the Secretary of State must publish and lay before both Houses of Parliament an assessment of the impact of all international trade agreements implemented under section 2 of this Act on—
 - (a) the economy of the United Kingdom,
 - (b) the economy of the different parts of the United Kingdom and different regions of England, and
 - (c) individual economic sectors.
- (2) The assessment under subsection (1) must so far as practicable analyse the expected difference in outcomes between the international trade agreements implemented under section 2 of this Act and those international trade agreements to which the United Kingdom would have been a signatory had it continued to participate in the EU Customs Union.
- (3) In this section—
 - “the initial three year period” has the same meaning as in section 2(7)(a);
 - “parts of the United Kingdom” means—
 - (a) England,
 - (b) Scotland,
 - (c) Wales, and
 - (d) Northern Ireland;
 - “regions of England” has the same meaning as that used by the Office for National Statistics.”

Insert the following new Clause—

“Conditions for future trade deals

Any future international trade agreement not implemented under section 2 shall only be eligible for signature or ratification by the United Kingdom if—

- (a) the provisions of that international trade agreement do not conflict with, and are consistent with—
 - (i) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015,
 - (ii) international human rights law and international humanitarian law,
 - (iii) the United Kingdom’s obligations on workers’ rights and labour standards as established by, but not limited to, the commitments under the International Labour Organisation’s Declaration on Fundamental Rights at Work and its Follow-up Conventions,

After Clause 5 - continued

- (iv) the United Kingdom's environmental obligations in international law and as established by, but not limited to, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety,
 - (v) existing standards for food safety and quality as set and administered by the Department of Health, the Food Standards Agency and any other public authority specified in regulations made by the Secretary of State,
 - (vi) the United Kingdom's obligations as established by the Convention on the Elimination of All Forms of Discrimination Against Women and by the Convention on the Rights of the Child, and
 - (vii) the sovereignty of Parliament, the legal authority of UK courts, the rule of law and the principle of equality before the law,
- (b) the provisions of that international trade agreement do not in any way restrict the ability to determine whether public services at a national or local level are delivered by public sector employees, and
 - (c) the Secretary of State has laid before Parliament an assessment of the potential economic, social, human rights and environmental impacts of the international trade agreement on the contracting parties."

Insert the following new Clause—

“Report on tariff rate quota policy

- (1) A Minister of the Crown must, within the period of one month beginning with the day on which this Act is passed, lay a report before both Houses of Parliament detailing the United Kingdom's proposed treatment of tariff rate quotas after exit day.
- (2) A report under subsection (1) must include—
 - (a) a statement on whether, during negotiations on free trade agreements meeting the requirements of section 2(2)—
 - (i) the United Kingdom and the European Union intend to apportion between them the existing tariff rate quotas in the equivalent free trade agreements to which the European Union is a signatory, or
 - (ii) the United Kingdom intends to offer additional quotas,
 - (b) a statement on the progress of the United Kingdom's negotiations under Article XXVIII of the General Agreement on Tariffs and Trade, and
 - (c) an assessment of if, and how, the objections raised by other countries that gave rise to the negotiations in paragraph (b) will affect the ability of the United Kingdom to trade on the schedule of goods it has submitted to the World Trade Organisation after exit day.”

Clause 6

LORD PURVIS OF TWEED

Page 5, line 4, after “in” insert “(a)”

Page 5, line 6, at end insert –

“(b) the European Medicines Agency”

After Clause 6

LORD PURVIS OF TWEED

Insert the following new Clause –

“Sustainability impact assessment

- (1) The Secretary of State shall not commence negotiations relating to a free trade agreement unless a Minister of the Crown has laid before Parliament a sustainability impact assessment that has been conducted by a credible body independent of government following consultation with –
 - (a) each devolved authority,
 - (b) public bodies, businesses, trade unions and non-governmental organisations which, in the opinion of the Minister, have a relevant interest, and
 - (c) the public.
- (2) An impact assessment under subsection (1) must –
 - (a) include both qualitative and quantitative assessments of the proposed trade agreement, and
 - (b) take account of social, economic, environmental, gender, human rights, labour, development and regional impacts.”

Insert the following new Clause –

“Mandate

The Secretary of State shall not commence negotiations relating to a free trade agreement unless –

- (a) a Minister of the Crown has laid before Parliament a draft of a negotiating mandate relating to the proposed trade agreement, setting out –
 - (i) all sectors to be included in the proposed negotiations,
 - (ii) the principles to underpin the proposed negotiations,
 - (iii) any limits on the proposed negotiations, and
 - (iv) the desired outcomes from the proposed negotiations, and
- (b) the House of Commons has approved by resolution a motion, drafted in terms which permit amendment, setting out a proposed negotiating mandate and authorising the Secretary of State to enter negotiations on the proposed trade agreement on the basis of that mandate, and
- (c) the House of Lords has approved a resolution in the same terms as that approved by the House of Commons.”

After Clause 6 - continued

Insert the following new Clause—

“Transparency

The United Kingdom may not become a signatory to a free trade agreement unless—

- (a) during the course of the negotiations, the text of the trade agreement as so far agreed or consolidated with the other parties to the negotiations has been made publicly available within 10 working days of the close of each negotiating round; and
- (b) between each round of negotiations, all documents relating to the negotiations have been made available for scrutiny by select committees in both Houses of Parliament.”

Insert the following new Clause—

“Parliamentary scrutiny before signature

The United Kingdom may not become a signatory to a free trade agreement unless, upon conclusion of the negotiations, an Act of Parliament has been passed that sets out the text of the trade agreement as negotiated and authorises the Secretary of State to sign the proposed agreement.”

Clause 10

LORD PURVIS OF TWEED

Page 7, line 4, at end insert—

- “() the conduct of trade within a customs union within the meaning of section 31 of the Taxation (Cross-border Trade) Act 2018,”

After Clause 10

LORD FOX

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.”

Schedule 2

LORD PURVIS OF TWEED

Page 16, line 8, at end insert –

“Scrutiny of corresponding agreements: super-affirmative procedure

- 2A(1) Before a free trade agreement which meets the criteria under section 2(3) and to which the United Kingdom is a signatory may be ratified, the Secretary of State must lay before Parliament –
- (a) a draft order that the agreement be ratified, and
 - (b) a document which explains why the Secretary of State believes that the agreement should be ratified.
- (2) The Secretary of State may make an order in the terms of the draft order laid under sub-paragraph (1) if –
- (a) within 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, the draft order is approved by a resolution of each House of Parliament.
- (3) If a committee of either House of Parliament recommends that an order should not be made under sub-paragraph (2), a Minister of the Crown may, after the expiry of a period of 60 sitting days after the draft order is laid, move a resolution in each House of Parliament to approve the draft order.
- (4) If the draft order is approved by a resolution of each House of Parliament under sub-paragraph (2)(b) or (3), the Secretary of State may make an order in the terms of the draft order.
- (5) 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.
- (6) In section 25 of the Constitutional Reform and Governance Act 2010, after subsection (1)(b), at end insert –
- “but does not include a free trade agreement to which paragraph 2A of Schedule 2 to the Trade Act 2018 applies.”*

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11 December 2018
