

Trade Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 5

LORD MCNICOL OF WEST KILBRIDE
LORD PURVIS OF TWEED

31 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

32 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

After Clause 5 - continued

- (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
 - (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 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;
 - (h) the principle of eliminating poverty;

After Clause 5 - continued

- (i) 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;
 - (j) offences under 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; and
 - (n) 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—
- (a) the Scottish Ministers, the First Minister or the Lord Advocate,
 - (b) the Welsh Ministers, and
 - (c) a Northern Ireland devolved authority.”

33 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.

After Clause 5 - continued

- (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.
- (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

34 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.”

LORD GRANTCHESTER

LORD TEVERSON

35 Insert the following new Clause—

“Internal energy market

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom to fully participate after exit day in the European Internal Energy Market.”

After Clause 5 - continued

LORD MCNICOL OF WEST KILBRIDE
LORD BRUCE OF BENNACHIE

36 Insert the following new Clause—

“Continuation of single electricity market: Northern Ireland and Republic of Ireland

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom to provide for the continuation of the single electricity market in Northern Ireland and the Republic of Ireland after exit day.”

LORD MCNICOL OF WEST KILBRIDE
LORD MARKS OF HENLEY-ON-THAMES

37 Insert the following new Clause—

“Bilateral system of civil judicial cooperation

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom, after exit day, to fully participate in a bilateral system of civil judicial co-operation for the purposes of facilitating trade between the United Kingdom and the European Union.
- (2) A bilateral system of civil judicial co-operation under subsection (1) shall include agreed conditions on—
 - (a) jurisdiction, including applicable law and choice of jurisdiction; and
 - (b) bilateral enforcement and recognition of judgments.”

LORD MCNICOL OF WEST KILBRIDE
BARONESS RANDESON

38 Insert the following new Clause—

“UK participation in Common Transit Convention

It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement to enable the United Kingdom to participate in the Common Transit Convention after exit day.”

LORD MCNICOL OF WEST KILBRIDE
LORD FOX

39 Insert the following new Clause—

“Mutual recognition of professional qualifications

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the provision of a system for mutual recognition of professional qualifications between the United Kingdom and the European Union after exit day.
- (2) A system of mutual recognition under subsection (1) must—
 - (a) include, but is not limited to, the same range of professions as covered by the Mutual Recognition of Qualifications directives;

After Clause 5 - continued

- (b) include those operating on a permanent basis or a temporary basis across borders;
- (c) enable professionals to demonstrate, in a timely way, that they meet any necessary requirements; or enable professionals to undertake legitimate compensatory measures, in a timely way, where there is divergence between qualifications or training; and
- (d) provide for co-operation between regulators to facilitate an exchange of information about breaches of professional standards and review any changes to professional qualifications over time.”

LORD MCNICOL OF WEST KILBRIDE

40 Insert the following new Clause—

“Continuation of rail services

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom to provide for—

- (a) a continued rail service after exit day on the Channel Tunnel line through bilateral agreements with appropriate EU member states; and
- (b) a continued service after exit day on the Belfast-Dublin Enterprise Line through a bilateral agreement with the Republic of Ireland.”

LORD MCNICOL OF WEST KILBRIDE
BARONESS RANDESON

41 Insert the following new Clause—

“Continuation of market access for road haulage and passenger transport services

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which maintains existing reciprocal access across the European Union and the United Kingdom for road haulage and passenger transport services after exit day.”

LORD STEVENSON OF BALMACARA
LORD PURVIS OF TWEED

42 Insert the following new Clause—

“Mutual recognition of Authorised Economic Operators

It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement to enable the mutual recognition of Authorised Economic Operators with the European Union after exit day.”

After Clause 5 - continued

LORD STEVENSON OF BALMACARA
LORD FOX

43 Insert the following new Clause—

“Provision relating to open and fair competition

It shall be the objective of an appropriate authority, when implementing an international trade agreement with the European Union, to take all necessary steps to ensure after exit day the United Kingdom remains bound to EU provisions related to open and fair competition.”

LORD GRANTCHESTER
LORD FOX

44 Insert the following new Clause—

“UK participation in REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) regime

It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement which, so far as necessary for the purposes of facilitating trade in chemicals, enables the United Kingdom to participate in the REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) regime after exit day.”

LORD STEVENSON OF BALMACARA
LORD PURVIS OF TWEED

45 Insert the following new Clause—

“Future partnership with the European Union: services

It shall be the objective of an appropriate authority to take all necessary steps to implement a future trade agreement with the European Union that—

- (a) ensures no additional barriers to trade in services between the European Union and the United Kingdom are erected after exit day;
- (b) protects—
 - (i) the right of UK nationals and businesses to provide or receive services in the European Union, and
 - (ii) reciprocal rights for EU nationals and businesses to provide or receive services in the United Kingdom;
- (c) protects—
 - (i) the right of UK businesses to establish a company in an EU member state, and
 - (ii) reciprocal rights for EU businesses to establish a company in the United Kingdom.”

After Clause 5 - continued

LORD HAIN
LORD STEVENSON OF BALMACARA

46 Insert the following new Clause –

“Continuation of North-South trade and the 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.”

LORD GRANTCHESTER
BARONESS NEVILLE-ROLFE

47 Insert the following new Clause –

“Time sensitive goods

It shall be the objective of an appropriate authority to take all the necessary steps to ensure that after exit day a trade agreement is in place to facilitate the transport of time-sensitive commercial goods by rail, road or a combination of the two between the United Kingdom and the European Union.”

48 Insert the following new Clause –

“Tripartite agreement on the movement of horses

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom, after exit day, to participate in the Tripartite Agreement on the movement of horses between the United Kingdom, France and the Republic of Ireland to the extent necessary to allow cross-border trade in horses.”

After Clause 5 - continued

49 Insert the following new clause—

“Pet Travel Scheme: cross-border trade

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom, after exit day, to participate in a reformed Pet Travel Scheme to the extent necessary to allow cross-border trade in small animals.”

LORD STEVENSON OF BALMACARA

50 Insert the following new Clause—

“Implementation of the United Nations Guiding Principles on Business and Human Rights

- (1) Any trade agreement implemented in accordance with the provisions of this Act must comply with the United Nations Guiding Principles on Business and Human Rights.
- (2) For the purposes of subsection (1), the Secretary of State must within the period of twelve months beginning with the day on which this Act is passed publish a draft Bill consisting of provisions to implement the United Nations Guiding Principles on Business and Human Rights in respect of the United Kingdom’s international trade agreements with third countries.”

LORD PURVIS OF TWEED

51 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.”

52 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.

After Clause 5 - continued

(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.”

53

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,
 - (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

After Clause 5 - continued

- (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.”

54 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.”

BARONESS KRAMER

55 Insert the following new Clause—

“Future partnership with the European Union: financial services

It shall be the objective of an appropriate authority to take all necessary steps to implement a future trade agreement with the European Union that—

- (a) ensures that no additional barriers to trade in financial services between the European Union and the United Kingdom are erected after exit day; and
- (b) protects—
 - (i) the right of UK nationals, businesses and banks to provide or receive financial services in the European Union after exit day, and
 - (ii) reciprocal rights for EU nationals, businesses and banks to provide or receive financial services in the United Kingdom after exit day.”

After Clause 5 - continued

56 Insert the following new Clause—

“Multilateral investment tribunal

A trade agreement is not eligible for signature or ratification by the United Kingdom unless the agreement includes a commitment by all parties to the agreement to pursue with other trading partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes.”

BARONESS RANDESON

57 Insert the following new Clause—

“Aviation arrangements

It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement that—

- (a) enables UK-owned and EU-owned airlines to operate to, from and within the territory of both the United Kingdom and the European Union on an equal basis, and
- (b) enables the United Kingdom to continue to participate in the Single European Sky initiative in order to prevent the erection of non-tariff barriers after exit day.”

58 Insert the following new Clause—

“Reciprocal access to rail services

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom and the European Union to maintain existing reciprocal access to rail services between and within the United Kingdom and the European Union.”

LORD PURVIS OF TWEED

59 Insert the following new Clause—

“Parliamentary approval of the future trading relationship between the United Kingdom and the European Union

- (1) Subsections (2) to (14) only apply if the negotiated withdrawal agreement has been ratified and the House of Commons has approved the framework for the future relationship in accordance with section 13 of the European Union (Withdrawal) Act 2018.
- (2) Subsections (3) to (14) only apply to an international trade agreement between the United Kingdom and the European Union that gives effect to any or all of the provisions set out in the framework for the future relationship so far as they relate to trade.
- (3) An international trade agreement that meets the condition in subsection (2) may be signed only if—
 - (a) a Minister of the Crown has laid before each House of Parliament—

After Clause 5 - continued

- (i) a statement that, in the Minister's opinion, political agreement has been reached on the terms of a future international trade agreement, and
 - (ii) a copy of the draft international trade agreement as negotiated,
 - (b) the draft international trade agreement has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
 - (c) a motion for the House of Lords to take note of the draft international trade agreement has been tabled in the House of Lords by a Minister of the Crown and –
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b), and
 - (d) an Act of Parliament has been passed that sets out the text of the international trade agreement as negotiated, contains provision (if necessary) for the implementation of the agreement and authorises the Secretary of State to sign the proposed agreement.
- (4) Subsection (5) applies if the House of Commons decides not to pass the resolution mentioned in subsection (3)(b).
- (5) A Minister of the Crown must, within the period of three Commons sitting days beginning with the day on which the House of Commons decides not to pass the resolution, make a statement setting out how Her Majesty's Government proposes to proceed in relation to negotiations on the future trade relationship between the United Kingdom and the European Union.
- (6) A statement under subsection (5) must –
 - (a) be made in writing,
 - (b) be published in such manner as the Minister making it considers appropriate, and
 - (c) specify whether the United Kingdom intends to –
 - (i) extend any transition period provided for in the negotiated withdrawal agreement,
 - (ii) comply with any provisions in the negotiated withdrawal agreement designed to address the unique circumstances on the island of Ireland,
 - (iii) reopen negotiations on the international trade agreement, or
 - (iv) make other arrangements.
- (7) A Minister of the Crown must make arrangements for –
 - (a) a motion drafted in terms which permit amendment, to the effect that the House of Commons approves the strategy set out in the statement mentioned in subsection (5), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and

After Clause 5 - continued

- (b) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.
- (8) Subsection (9) applies if the Prime Minister makes a statement before the end of 21 October 2020 that no agreement in principle can be reached in negotiations on an international trade agreement that gives effect to the provisions, so far as they relate to trade, set out in the framework for the future relationship.
- (9) A Minister of the Crown must, within the period of three Commons sitting days beginning with the day on which the statement mentioned in subsection (8) is made—
 - (a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
 - (b) make arrangements for—
 - (i) a motion drafted in terms which permit amendment, to the effect that the House of Commons approves the strategy set out in the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and
 - (ii) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.
- (10) A statement under subsection (8) or (9)(a) must—
 - (a) be made in writing, and
 - (b) be published in such manner as the Minister making it considers appropriate.
- (11) A statement under subsection (9)(a) must specify whether the United Kingdom intends to—
 - (a) extend the transition period provided for in the negotiated withdrawal agreement,
 - (b) comply with the provisions of the negotiated withdrawal agreement designed to address the unique circumstances on the island of Ireland,
 - (c) continue negotiations on the international trade agreement, or
 - (d) make other arrangements.
- (12) Subsection (13) applies if, at the end of 21 October 2020, there is no agreement in principle in negotiations on an international trade agreement that gives effect to the provisions, so far as they relate to trade, set out in the framework for the future relationship.
- (13) A Minister of the Crown must, within the period of three Commons sitting days beginning with the end of 21 October 2020—
 - (a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
 - (b) make arrangements for—

After Clause 5 - continued

- (i) a motion drafted in terms which permit amendment, to the effect that the House of Commons approves the strategy set out in the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and
 - (ii) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.
- (14) A statement under subsection (13)(a) must –
 - (a) be made in writing,
 - (b) be published in such manner as the Minister making it considers appropriate, and
 - (c) specify whether the United Kingdom intends to –
 - (i) extend any transition period provided for in the negotiated withdrawal agreement,
 - (ii) comply with any provisions in the negotiated withdrawal agreement designed to address the unique circumstances on the island of Ireland,
 - (iii) reopen negotiations on the international trade agreement, or
 - (iv) make other arrangements.
- (15) For the purposes of this section –
 - (a) a statement made under subsection (5), (9)(a) or (13)(a) may be combined with a statement made under another of those provisions,
 - (b) a motion falling within subsection (7)(a), (9)(b)(i) or (13)(b)(i) may be combined into a single motion with another motion falling within another of those provisions, and
 - (c) a motion falling within subsection (7)(b), (9)(b)(ii) or (13)(b)(ii) may be combined into a single motion with another motion falling within another of those provisions.
- (16) Subsections (17) and (18) only apply if –
 - (a) the United Kingdom is not a member of the European Union, and
 - (b) no negotiated withdrawal agreement has been ratified in accordance with section 13 of the European Union (Withdrawal) Act 2018.
- (17) An international trade agreement between the United Kingdom and the European Union may be signed only if, on or before 29 March 2019, 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 a future relationship.”
- (18) An international trade agreement between the United Kingdom and the European Union may be signed only if –
 - (a) a Minister of the Crown has laid before each House of Parliament a copy of the draft international trade agreement as negotiated,

After Clause 5 - continued

- (b) the draft international trade agreement has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
 - (c) a motion for the House of Lords to take note of the draft international trade agreement has been tabled in the House of Lords by a Minister of the Crown and –
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b), and
 - (d) an Act of Parliament has been passed that sets out the text of the international trade agreement as negotiated, contains provision (if necessary) for the implementation of the agreement and authorises the Secretary of State to sign the proposed agreement.
- (19) This section does not affect the operation of Part 2 of the Constitutional Reform and Governance Act 2010 (ratification of treaties) in relation to the international trade agreement.
- (20) In this section –
- “framework for the future relationship” has the same meaning as in section 13(15) of the European Union (Withdrawal) Act 2018;
 - “negotiated withdrawal agreement” has the same meaning as in section 13(16) of the European Union (Withdrawal) Act 2018;
 - “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
 - “Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).”

60

Insert the following new Clause –

“Additional review of the impact of the proposed future trading relationship with the EU on the United Kingdom economy

- (1) Within three months of the passing of this Act, the Chancellor of the Exchequer must publish and lay before both Houses of Parliament an additional assessment of the economic impact of the United Kingdom’s future trading relationship with the EU.
- (2) The assessment under subsection (1) must include –
 - (a) an assessment of the short-term economic impact of each of the four scenarios for the United Kingdom’s future trading relationship with the EU that are modelled in the Command Paper of November 2018 “EU Exit: Long-term economic analysis” (Cm 9742),

After Clause 5 - continued

- (b) an assessment of the short-term and long-term economic impact should the future trading relationship between the United Kingdom and the EU be based for the long-term on the provisions of the Protocol on Ireland/Northern Ireland to the initial draft withdrawal agreement, and
 - (c) an assessment of the short-term and long-term economic impact of a scenario which, in the Chancellor of the Exchequer's opinion, represents the most likely outcome of the negotiations on the United Kingdom's future trading relationship with the EU that is consistent with the initial draft political declaration.
- (3) The assessment under subsection (1) must consider the impact of each of the scenarios specified in subsection (2) on –
- (a) the economy of the United Kingdom,
 - (b) the different parts of the United Kingdom and different regions of England, and
 - (c) individual economic sectors.
- (4) The assessment under subsection (1) must so far as practicable analyse the expected difference in outcomes between each of the scenarios specified in subsection (2) and continued membership of the EU.
- (5) In this section –
- “long-term” means around 15 years after the United Kingdom's future trading relationship with the EU comes into effect;
 - “initial draft withdrawal agreement” means the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community which was laid before the House of Commons on 26 November 2018;
 - “initial draft political declaration” means the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom which was laid before the House of Commons on 26 November 2018;
 - “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.”

LORD LANSLEY

61 Insert the following new Clause –

“Free Zones

- (1) Within three months of the passing of this Act the Treasury must launch a consultation on proposals for the establishment in the United Kingdom of Free Zones, as defined by the Customs and Excise Management Act 1979.

After Clause 5 - continued

- (2) The Treasury must lay a report of the consultation under subsection (1) before both Houses of Parliament within six months of its launch.
- (3) The report under subsection (2) must include –
 - (a) proposals for the Free Zones to be established, and
 - (b) an account of the extent to which each proposed Free Zone would allow UK manufacturers to secure an integrated supply and value-added production.
- (4) Within six months of the report under subsection (2) being laid, a Minister of the Crown must by regulations made by statutory instrument make provision for the establishment of Free Zones as set out in the report under subsection (2).
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.”

62 Insert the following new Clause –

“Medicines and medical devices: good manufacturing practice

- (1) It is an objective of an appropriate authority to insert into any international trade agreement which the United Kingdom is to ratify provision requiring the mutual recognition of good manufacturing practice as set out in European Commission Directive 91/412/EEC, European Commission Delegated Regulation No. 1253/2014 and European Commission Directive 2003/94/EC.
- (2) An appropriate authority must by regulations made by statutory instrument update the references to EU legislation in this section in accordance with changes to EU legislation.
- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, both Houses of Parliament.”

BARONESS MCINTOSH OF PICKERING
LORD DYKES
LORD BROWNE OF LADYTON

63 Insert the following new Clause –

“Trade in legal services in the EU

It shall be an objective of the Government to ensure that any future trade agreement between the United Kingdom and the European Union contains reciprocal rights for UK qualified lawyers to practise law in the European Union after exit day.”

After Clause 5 - continued

BARONESS NEVILLE-ROLFE

64 Insert the following new Clause—

“Trade agreement impact assessments

- (1) Before the end of the initial five year period the Secretary of State must report on the impact and effectiveness of each international trade agreement implemented under section 2 of this Act.
- (2) The Secretary of State must make arrangements for the report to be laid before the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.”

LORD LANSLEY

65 Insert the following new Clause—

“Generalised Scheme of Preferences

- (1) Section 10 of the Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) After subsection (4), insert—
 - “(4A) The first set of regulations made under subsection (1) must, insofar as it relates to any period before 31 December 2023, be structured to conform with EU Regulation 978/2012 (the “GSP Regulation”).
 - (4B) A statutory instrument containing regulations under subsection (1) which makes provision about the suspension or withdrawal of the application of the nil rate in accordance with subsection (3)(b)—
 - (a) must be accompanied by a report laid before both Houses of Parliament; and
 - (b) is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4C) The Secretary of State must before the end of 2022 lay before both Houses of Parliament a report—
 - (a) evaluating the effectiveness of the measures under this section; and
 - (b) setting out proposals for a trade preference scheme for the United Kingdom to be implemented from January 2024 onwards.
 - (4D) In drafting the report under subsection (4C), the Secretary of State must consult any persons or organisations the Secretary of State considers appropriate.
 - (4E) Regulations made under subsection (1) which have effect on or after 1 January 2024 must have regard to the conclusions and proposals contained in the report under subsection (4C).”

After Clause 5 - continued

LORD FOX

66 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.”

LORD LEA OF CRONDALL

66A Insert the following new Clause—

“UK membership of EFTA and the European Economic Area

It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement to enable the United Kingdom to become a member of the European Free Trade Association and continue as a signatory to the EEA Agreement.”

Clause 6

LORD PURVIS OF TWEED

67 Page 5, line 4, after “in” insert—

“(a)”

68 Page 5, line 6, at end insert—

“(b) the European Medicines Agency”

After Clause 6

LORD GRANTCHESTER

BARONESS JOLLY

BARONESS THORNTON

69 Insert the following new Clause—

“UK participation in European Observatory on the Supply of Medical Radioisotopes

It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the United Kingdom, after exit day, to fully participate in the European Observatory on the Supply of Medical Radioisotopes.”

After Clause 6 - continued

LORD STEVENSON OF BALMACARA

70 Insert the following new Clause—

“United Kingdom participation in EU organisations

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement with the EU which enables the United Kingdom, after exit day, to participate in—
 - (a) for the purpose of preventing additional non-tariff barriers to trade in goods and services—
 - (i) the Agency for the Cooperation of Energy Regulators,
 - (ii) the European Data Protection Board,
 - (iii) the European Aviation Safety Agency,
 - (iv) the European Chemicals Agency,
 - (v) the European Committee for Standardization,
 - (vi) the European Committee for Electrotechnical Standardization,
 - (vii) the European Food Safety Authority,
 - (viii) the European Network of Transmission System Operators,
 - (ix) the European Payments Council;
 - (b) for the purpose of implementing and ensuring regulatory compliance with the trade agreement—
 - (i) the Body of European Regulators for Electronic Communication,
 - (ii) the European Environment Agency,
 - (iii) the European Maritime Safety Agency,
 - (iv) the European Regulators Group for Audio-visual Media Services,
 - (v) the European Union Intellectual Property Office.”

LORD PURVIS OF TWEED

71 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.”

After Clause 6 - continued

72 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.”

73 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.”

74 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.”

After Clause 6 - continued

BARONESS JONES OF MOULSECOOMB

75 Insert the following new Clause—

“Objective to reform WTO procedures

- (1) It shall be an objective of an appropriate authority representing the United Kingdom in meetings of the World Trade Organisation to ensure that the World Trade Organisation modifies its procedures in a way which secures the supremacy of international treaties arrived at under the auspices of the United Nations over trade agreements not arrived at under the auspices of the United Nations.
- (2) The Secretary of State must lay before each House of Parliament at least once in each calendar year following the commencement of this section a report on any progress made in achieving the objective under subsection (1).”

After Clause 7

LORD STEVENSON OF BALMACARA
LORD PURVIS OF TWEED

76 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
 - (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 STEVENSON OF BALMACARA
LORD HANNAY OF CHISWICK
LORD PURVIS OF TWEED
LORD BOWNESS

77 Insert the following new Clause—

“Territories forming part of a customs union with UK: amendment to the Taxation (Cross-border Trade) Act 2018

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) Omit section 31(5) (customs union with UK: import duty).”

78 Insert the following new Clause—

“Prohibition on collection of taxes or duties on behalf of country or territory without reciprocity: amendment to the Taxation (Cross-border Trade) Act 2018

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) Omit section 54 (prohibition on collection of certain taxes or duties on behalf of country or territory without reciprocity).”

79 Insert the following new Clause—

“Single UK customs territory: amendment to the Taxation (Cross-border Trade) Act 2018

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) Omit section 55 (single United Kingdom customs territory).”

LORD STEVENSON OF BALMACARA
LORD HANNAY OF CHISWICK
LORD NEWBY
LORD BOWNESS

80 Insert the following new Clause—

“Territories forming part of a customs union with UK

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) In Schedule 8, after paragraph 13 insert—
 - “(13A) After section 16 insert—
 - “16ZA Territories forming part of a customs union with UK**
 - (1) This section applies if there are arrangements that have effect for the purposes of import duty as a result of section 31 of the Taxation (Cross-border Trade) Act 2018 (territories forming part of a customs union with UK).
 - (2) The Commissioners may make regulations charging VAT on customs union acquisitions.
 - (3) A “customs union acquisition” is an acquisition from a country or territory in the customs union—
 - (a) of goods which enter the United Kingdom, and
 - (b) which is not exempted by the regulations.

After Clause 8 - continued

- (4) VAT chargeable under the regulations is a liability of the person who acquires the goods and (subject to provisions about accounting and payment) becomes due at the time of acquisition.
- (5) Among other provision that may be made, the regulations –
 - (a) may require persons who acquire goods from a country or territory in the customs union to register under the regulations for the purpose of accounting for VAT charged on customs union acquisitions,
 - (b) may determine the cases in which goods are regarded as acquired from any country or territory, and
 - (c) may determine the time at which an acquisition is regarded as taking place.
- (6) Regulations under this section may –
 - (a) make different provision for different purposes, and
 - (b) modify the application of this Act in relation to cases dealt with by the regulations.
- (7) For the purposes of this section “country or territory in the customs union” means any country or territory with which the United Kingdom has a customs union within the meaning of section 31 of the Taxation (Cross-border Trade) Act 2018.””

LORD MCNICOL OF WEST KILBRIDE

81 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 –
 - (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.”

Clause 9

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 9 stand part of the Bill.

Clause 10

LORD PURVIS OF TWEED

82 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 (territories forming part of a customs union with UK),”

LORD STEVENSON OF BALMACARA

83 Page 7, line 12, at end insert “, and

() analysis of the impact of such measures on consumers in the United Kingdom”

LORD MCNICOL OF WEST KILBRIDE

84 Page 7, line 22, at end insert –

“() The TRA must prepare an annual report detailing advice, support and assistance given to the Secretary of State, and must –

- (a) prepare the report as soon as reasonably practicable after the end of the financial year to which it relates, and
- (b) send the report to the Secretary of State who must lay the report before both Houses of Parliament.”

After Clause 10

LORD MCNICOL OF WEST KILBRIDE

85 Insert the following new Clause –

“Appeals against decisions by the TRA and Secretary of State

- (1) This section applies to the following decisions –
 - (a) a decision by the TRA under provision made by or under Schedule 4 to the Taxation (Cross-border Trade) Act 2018,
 - (b) a decision by the Secretary of State under provision made by or under Schedule 4 to the Taxation (Cross-border Trade) Act 2018.
- (2) A person affected by a decision to which this section applies may appeal against it to the Upper Tribunal.
- (3) The means of making an appeal is by sending the Tribunal a notice of appeal in accordance with Tribunal rules.
- (4) The notice of appeal must be sent within the period specified, in relation to the decision appealed against, in those rules.
- (5) The notice of appeal must set out –
 - (a) the provision under which the decision appealed against was taken; and

After Clause 10 - continued

- (b) the grounds of appeal.
- (6) The grounds of appeal must be set out in sufficient detail to indicate—
 - (a) to what extent (if any) the appellant contends that the decision appealed against was based on an error of fact or was wrong in law or both; and
 - (b) to what extent (if any) the appellant is appealing against the exercise of a discretion by the TRA, by the Secretary of State or by another person.
- (7) In this section references to a decision under Schedule 4 to the Taxation (Cross-border Trade) Act 2018 includes a decision not to use an action available under the powers in that Schedule.
- (8) For the purposes of this section a decision to which effect is given by the exercise or performance of a power or duty conferred or imposed by or under an enactment shall be treated, except where provision is made for the making of that decision at a different time, as made at the time when the power is exercised or the duty performed.”

86 Insert the following new Clause—

“Disposal of appeals against decisions by the TRA and Secretary of State

- (1) This section applies to an appeal against a decision referred to in section (Appeals against decisions by the TRA and Secretary of State)(1).
- (2) The Tribunal must decide the appeal on the merits and by reference to the grounds of appeal set out in the notice of appeal.
- (3) The Tribunal's decision must include a decision as to what (if any) is the appropriate action for the TRA or the Secretary of State to take in relation to the subject matter of the decision under appeal.
- (4) The Tribunal must then remit the decision under appeal to the TRA and the Secretary of State with such directions (if any) as the Tribunal considers appropriate for giving effect to its decision.
- (5) The Tribunal must not direct the TRA or the Secretary of State to take any action which they would not otherwise have power to take in relation to the decision under appeal.
- (6) It is the duty of the TRA and the Secretary of State to comply with every direction given under subsection (4).”

LORD STEVENSON OF BALMACARA

87 Insert the following new Clause—

“Public interest test

- (1) In order to inform any consideration by the Secretary of State on whether a TRA recommendation is or is not in the public interest under Schedule 4 or 5 to the Taxation (Cross-border Trade) Act 2018 the Secretary of State must, within one month of the passing of this Act, launch a consultation on what may constitute the public interest of the United Kingdom in relation to such a recommendation (the “public interest test”).
- (2) The Secretary of State must repeat the consultation held under subsection (1) at the end of each subsequent five year period.

After Clause 10 - continued

- (3) Following a consultation under subsection (1) or (2) the Secretary of State must by statutory instrument make regulations specifying the terms of the public interest test.
- (4) Regulations under subsection (3) must either be consistent with or amend paragraphs 15 and 20 of Schedule 4 and paragraphs 14, 15, 19 and 20 of Schedule 5 to the Taxation (Cross-border Trade) Act 2018.
- (5) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument containing regulations under subsection (3) ceases to have effect after the period of five years beginning with the day on which it comes into force.
- (7) A consultation under subsection (1) must include, but is not limited to, consultation with—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers,
 - (c) a Northern Ireland devolved authority,
 - (d) local enterprise partnerships in England, and equivalent bodies as appropriate in Scotland, Wales and Northern Ireland, and
 - (e) such other bodies as the Secretary of State considers appropriate which must include representatives of business, trade unions, consumer groups and non-governmental organisations.”

88

Insert the following new Clause—

“Economic interest test

- (1) In order to inform any consideration by the Secretary of State or the TRA on whether the application of a safeguarding remedy meets or does not meet the economic interest test under Schedule 4 or 5 to the Taxation (Cross-border Trade) Act 2018 the Secretary of State must, within one month of the passing of this Act, launch a consultation on what constitutes the economic interest of the United Kingdom.
- (2) The consultation must have regard to, but is not limited to—
 - (a) employment,
 - (b) economic health and prosperity, and
 - (c) productivity,
 in the United Kingdom on a regional basis.
- (3) The Secretary of State must repeat the consultation held under subsection (1) at the end of each subsequent five year period.
- (4) Following a consultation under subsection (1) or (3) the Secretary of State must by statutory instrument make regulations specifying the terms of the economic interest test.
- (5) Regulations under subsection (4) either must be consistent with or may amend paragraph 25(2) to (4) of Schedule 4 and paragraph 23(3) of Schedule 5 to the Taxation (Cross-border Trade) Act 2018.

After Clause 10 - continued

- (6) A statutory instrument containing regulations under subsection (4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing regulations under subsection (4) ceases to have effect after the period of five years beginning with the day on which it comes into force.
- (8) A consultation under subsection (1) or (3) must include, but is not limited to, consultation with—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers,
 - (c) a Northern Ireland devolved authority,
 - (d) local enterprise partnerships in England, and equivalent bodies as appropriate in Scotland, Wales and Northern Ireland, and
 - (e) such other bodies as the Secretary of State considers appropriate which must include representatives of business, trade unions, consumer groups and non-governmental organisations.”

89 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
 - (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

After Clause 10 - continued

- 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.””

90 Insert the following new Clause—

“Agency for trade barrier complaints

- (1) The Secretary of State must nominate an agency to be responsible for the receiving and reviewing of trade barrier complaints.
- (2) In nominating an agency the Secretary of State may nominate either—
 - (a) the Trade Remedies Authority, or
 - (b) the Competition and Markets Authority.
- (3) Where the agency has evidence that a trade barrier is in place, the agency must produce a report which the Secretary of State must lay before both Houses of Parliament.
- (4) 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 for International Trade and all related agencies and public bodies as they may reasonably require for the performance of their duties.
- (7) For the purposes of this section, a “trade barrier complaint” is a complaint made by a UK person or persons to the agency in relation to a barrier they have identified which impedes trade between themselves and another person or persons based in a third country.”

After Clause 10 - continued

BARONESS BROWN OF CAMBRIDGE

90A Insert the following new Clause—

“Assessment of anti-dumping or anti-subsidy measures

In determining whether the application of an anti-dumping or anti-subsidy measure meets or does not meet the economic interest test under Schedule 4 to the Taxation (Cross-border Trade) Act 2018, the Secretary of State or TRA must give special consideration to the injury caused by the dumping of the goods, or the importation of the subsidised goods, to a UK industry and the benefits to the UK industry in removing that injury.”

90B Insert the following new Clause—

“Parliamentary approval of the TRA’s activities

- (1) Statutory instruments containing regulations under Schedule 4 to the Taxation (Cross-border Trade) Act 2018, on dumping and subsidised imports, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Statutory instruments containing regulations under Schedule 5 to the Taxation (Cross-border Trade) Act 2018, on increase in imports causing serious injury to UK producers, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 11

LORD MCNICOL OF WEST KILBRIDE

91 Page 7, line 26, leave out “request” and insert “require”

92 Page 7, line 33, leave out subsections (3) and (4)

LORD STEVENSON OF BALMACARA

93 Page 7, line 33, after “may” insert “following consultation with relevant stakeholders”

94 Page 8, line 3, at end insert—

“() Nothing in regulations made under subsection (3) may require the disclosure of information or the production of documents which are subject to legal professional privilege.”

Clause 12

LORD STEVENSON OF BALMACARA

95 Page 8, line 8, leave out from “trade” to end of line 10

96 Page 8, line 31, at end insert—

“() Nothing in this section authorises the disclosure of information or the production of documents which are subject to legal professional privilege.”

Clause 15

LORD PURVIS OF TWEED

- 97 Page 9, line 8, at beginning insert “Subject to section (*Publication of trade agreement progress register*),”

After Clause 15

LORD STEVENSON OF BALMACARA
LORD HANNAY OF CHISWICK
LORD PURVIS OF TWEED
BARONESS ALTMANN

- 98 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

LORD STEVENSON OF BALMACARA

- 99 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,
 - (v) individuals with protected characteristics under section 4 of the Equalities Act 2010,
 in the United Kingdom;

Before Schedule 1 - continued

- (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;
 - (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;

Before Schedule 1 - continued

- (h) the principle of eliminating poverty;
 - (i) 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;
 - (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.
- 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.
- 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

Before Schedule 1 - continued

- 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.

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,

Before Schedule 1 - continued

- (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 2

LORD MCNICOL OF WEST KILBRIDE
LORD PURVIS OF TWEED

- 100 Page 15, line 36, leave out from “1(1)” to end of line 37 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.”

LORD PURVIS OF TWEED

- 101 Page 17, line 18, 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 2019 applies.””

Schedule 4

BARONESS BROWN OF CAMBRIDGE
BARONESS MCINTOSH OF PICKERING

- 101A** Page 19, line 26, leave out sub-paragraphs (1) to (3) and insert –
- “(1) The TRA is to consist of –
- (a) a Chair appointed by the Secretary of State,
 - (b) other non-executive members appointed by the Secretary of State, including representatives of –
 - (i) UK producers,
 - (ii) trade unions,
 - (iii) each of the devolved administrations,
 - (c) a chief executive appointed by the Chair with the approval of the Secretary of State or, if the first Chair has not been appointed, by the Secretary of State, and
 - (d) other executive members appointed by the Chair.”

LORD MCNICOL OF WEST KILBRIDE

- 102** Page 19, line 27, at end insert “, with the consent of the International Trade Committee of the House of Commons,”

BARONESS JONES OF MOULSECOOMB

- 103** Page 19, line 27, at end insert –
- “(aa) one non-executive member appointed by the Chair of the Office for Environmental Protection,
- (ab) one non-executive member appointed by the Chair of the Food Standards Agency,”

LORD LANSLEY

- 103A** Page 19, line 30, leave out from “State” to end of line 31 and insert “following a report from the International Trade Committee of the House of Commons, and”

BARONESS BROWN OF CAMBRIDGE

- 103B** Page 19, line 34, leave out sub-paragraph (3) and insert –
- “(3) The Secretary of State must consult the Chair, organisations representing UK manufacturing sectors and trade unions before appointing the other non-executive members.”

LORD MCNICOL OF WEST KILBRIDE

- 104** Page 20, line 6, at end insert –
- “ Appointment as a non-executive member of the TRA is to be for a non-renewable term of not more than five years.”

- 105** Page 20, line 10, at end insert –
- “ In appointing executive members, the Secretary of State must have regard to the desirability of appointing executive members who have knowledge or experience of trade policy and matters relating to international trade generally.”

Schedule 4 - continued

- 106** Page 20, line 10, at end insert –
- “ In appointing executive members, the Secretary of State must have regard to the desirability of appointing executive members who have knowledge or experience of the interests of –
- (a) consumers,
 - (b) producers, or
 - (c) workers.”

- 107** Page 20, line 25, at end insert –
- “ A person shall be considered unable or unfit if the Chair is satisfied as regards any of the following matters –
- (a) that the member becomes insolvent;
 - (b) that the member has been convicted of a criminal offence;
 - (c) that the member is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.”

LORD LANSLEY

- 107A** Page 21, line 5, leave out paragraphs 17 to 23

LORD MCNICOL OF WEST KILBRIDE

- 108** Page 23, line 32, at end insert –
- “() The report must include a record of gifts accepted in accordance with paragraph 33(2)(c) of this Schedule.
- () The record must include –
- (a) the date of receipt of the gift;
 - (b) the name of the responsible person or organisation who gave the gift.”

LORD STEVENSON OF BALMACARA

- 109** 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.”

LORD MCNICOL OF WEST KILBRIDE

- 110** Page 24, line 16, leave out paragraph 34

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Schedule 4 be the fourth Schedule to the Bill.

Trade Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

28 January 2019
