

# Trade Bill

---

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

**After Clause 5**

LORD STEVENSON OF BALMACARA

*Re-tabled version of the amendment printed on HL Bill 127 – R(g)*

Insert the following new Clause –

**“Parliamentary approval of international trade agreements**

- (1) An international trade agreement may not be ratified unless the agreement has been laid before, and approved by a resolution of, both Houses of Parliament.
- (2) The Constitutional Reform and Governance Act 2010 is amended as follows.
- (3) At the end of section 25(2) insert “, or a treaty containing an international trade agreement as defined in section 8 of the Trade Act 2019.””

Insert the following new Clause –

**“Parliamentary approval of trade agreements**

- (1) Negotiations towards a free trade agreement may not commence until the Secretary of State has laid a draft negotiating mandate before the appropriately constituted Committee and it has been approved by a resolution of that Committee.
- (2) 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.
- (3) Before either House of Parliament may approve by resolution the text of a proposed trade agreement, 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.
- (4) Prior to considering a resolution approving the text of a free trade agreement under subsection (3), the Committee must produce a report setting out a recommendation in relation to the ratification of the agreement.
- (5) The Secretary of State must lay the report produced under subsection (4) before both Houses of Parliament.

**After Clause 5 - continued**

- (6) Schedule (*Committee on Trade Agreements*) contains further provision about the reports under subsection (4).
- (7) 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 HAIN

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Continuation of North-South trade and 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.”

**After Clause 7**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Convention about Ministers of the Crown legislating on devolved matters**

- (1) Regulations made under section 1(1) by a Minister of the Crown may not normally make provision which would be within the devolved competence of a devolved authority unless—
  - (a) so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 7 of Schedule 1), the Scottish Ministers consent, or
  - (b) so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 8 of Schedule 1), the Welsh Ministers consent, or
  - (c) so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in 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 15**

LORD STEVENSON OF BALMACARA

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

Insert the following new Schedule—

### “COMMITTEE ON TRADE AGREEMENTS

*Recommendation in relation to ratification*

- 1 The report under section (*Parliamentary approval of trade agreements*)(4) 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;
  - (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 (4) of section (*Parliamentary approval of 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;

**Before Schedule 1 - continued**

- (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;
- (h) the principle of eliminating poverty;
- (i) the United Kingdom's environmental obligations in international law;
- (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."

# Trade Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*1 March 2019*

---