

Trade Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 5

LORD HAIN
LORD KERR OF KINLOCHARD
LORD BRUCE OF BENNACHIE
BARONESS ALTMANN

22

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 5 - continued

LORD PURVIS OF TWEED

23 Insert the following new Clause—

“Publication of trade agreement progress register

- (1) For the purposes of subsection (2)—
 - (a) the first reporting period begins with the passing of this Act and ends one week afterwards;
 - (b) each subsequent reporting period is—
 - (i) the week beginning with the end of the previous reporting period, or
 - (ii) if the condition in subsection (4) is met, the month beginning with the end of the previous reporting period.
 - (c) the last reporting period is—
 - (i) the reporting period in which exit day falls, or
 - (ii) if the condition in subsection (4) is met, the reporting period in which any transition period provided for in the negotiated withdrawal agreement expires.
- (2) Before the end of each reporting period, a Minister of the Crown must publish a report relating to the continuing application of EU trade agreements after exit day.
- (3) A report under subsection (2) must—
 - (a) specify the trade agreements the United Kingdom is party to as a member of the European Union (the “existing agreements”),
 - (b) for each of the existing agreements, specify whether the United Kingdom intends to sign an agreement that replicates the effects of the existing agreement (the “continuity agreements”),
 - (c) for each of the continuity agreements, specify—
 - (i) whether the agreement has been signed, and
 - (ii) if the agreement has not been signed, what progress has been made towards signing the agreement, and
 - (d) for each of the continuity agreements that has not been signed, specify—
 - (i) the likelihood, in the Minister’s opinion, that the agreement will be signed before exit day, or
 - (ii) if the condition in subsection (4) is met, the likelihood, in the Minister’s opinion, that the agreement will be signed before the end of any transition period provided for in the negotiated withdrawal agreement.
- (4) For the purposes of subsections (1)(b)(ii), (1)(c)(ii) and (3)(d)(ii) the condition is if the United Kingdom has signed a negotiated withdrawal agreement with the European Union.
- (5) In this section, “negotiated withdrawal agreement” has the same meaning as in section 13(16) of the European Union (Withdrawal) Act 2018.”

After Clause 5 - continued

LORD FOX
BARONESS BULL
THE EARL OF CLANCARTY

24 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 STEVENSON OF BALMACARA

24A★ Insert the following new Clause—

“UK participation in EU and EEA organisations

- (1) The Secretary of State must seek to negotiate an international trade agreement with the EU which will enable the United Kingdom to continue, after exit day, to co-operate closely with the bodies listed in subsection (2).
- (2) The bodies are—
 - (a) the European Medicines Agency;
 - (b) the European Chemicals Agency;
 - (c) the European Aviation Safety Agency;
 - (d) the European Maritime Safety Agency;
 - (e) the European Network of Transmission System Operators;
 - (f) the European Food Safety Authority;
 - (g) the European Union Intellectual Property Office.”

25 [*Withdrawn*]

Clause 6

LORD STEVENSON OF BALMACARA

25A★ Leave out Clause 6

After Clause 6

BARONESS FAIRHEAD

26 Insert the following new Clause—

“Statement on equalities legislation

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1).
- (2) Before a draft of the statutory instrument containing the regulations is laid before either House of Parliament, the Minister must make a statement—
 - (a) as to whether the statutory instrument would, if made, modify any provision of equalities legislation, and

After Clause 6 - continued

- (b) if it would, explaining what the effect of each such modification would be.
- (3) If the Minister fails to make a statement as required by subsection (2), the Minister must make a statement explaining why.
- (4) A statement under this section must be made in writing and published in such manner as the Minister making it considers appropriate.
- (5) In this section, “equalities legislation” means the Equality Act 2006, the Equality Act 2010 and any subordinate legislation made under either of those Acts.”

Clause 7

BARONESS FAIRHEAD

27 Page 5, line 15, leave out subsection (2)

After Clause 7LORD STEVENSON OF BALMACARA
LORD PURVIS OF TWEED

28 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

After Clause 7 - continued

- (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.”

Clause 8

BARONESS FAIRHEAD

- 29 Page 6, line 12, leave out from “has” to end of line 13 and insert “the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018;”

- 30 Page 6, line 33, at end insert –

“(6) In this section, “domestic law” means the law of England and Wales, Scotland or Northern Ireland.”

After Clause 10BARONESS BROWN OF CAMBRIDGE
THE EARL OF KINNOULL
BARONESS MCINTOSH OF PICKERING

- 31 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.”

- 32 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

BARONESS MCINTOSH OF PICKERING

32A 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

BARONESS MCINTOSH OF PICKERING

32B Page 8, line 33, at end insert –

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

After Clause 12

LORD BILIMORIA
LORD HANNAY OF CHISWICK
BARONESS O'NEILL OF BENGARVE
THE EARL OF KINNOULL

33 Insert the following new Clause –**“Collection of export information on international education**

- (1) The Office for National Statistics (or anyone acting on their behalf) must collect and publish detailed information on the export earnings from non-UK-domiciled students which should include –
 - (a) fee income,
 - (b) living cost expenditure,
 - (c) research and other similar contracts,
 - (d) education products and services for non-UK-domiciled students,
 - (e) education related travel and tourism services,
 - (f) tourism expenditure by visitors linked to non-UK-domiciled students.
- (2) For the purposes of subsection (1) non-UK-domiciled students includes all non-UK domiciled students studying in the United Kingdom, including but not limited to –
 - (a) all non-UK-domiciled students studying at education providers on the Tier 4 sponsor list including schools, English language providers, further education colleges, embedded colleges, private providers and universities,
 - (b) all non-UK domiciled students studying on a short-term study visa at a provider with approved accreditation including those on student mobility programmes.
- (3) Information published for the purposes of subsection (1) must be broken down with regard to –
 - (a) the regions and nations of the United Kingdom,
 - (b) levels of study including school, further education, higher education, and English language provision,

After Clause 12 - continued

- (c) subjects which facilitate entry into jobs on the shortage occupation list.
- (4) Within one month of publication of information under subsection (1), the Secretary of State must publish a target for future export earnings from non-UK-domiciled students which, as a percentage of the global market, must equal or exceed the level reported by the Office for National Statistics.”

After Clause 15

LORD STEVENSON OF BALMACARA
LORD KERR OF KINLOCHARD

34 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

35 Insert the following new Schedule—

“COMMITTEE ON TRADE AGREEMENTS*Recommendation in relation to ratification*

- 1 The report under section (*Parliamentary approval of trade agreements*)(6) 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 (6) 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;
 - (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.”

Schedule 1

BARONESS FAIRHEAD

Schedule 1 - continued

- 37 Page 12, line 3, after “Ministers” insert “acting alone”
- 38 Page 12, line 7, after “department” insert “acting alone”
- 39 Page 12, line 17, after “authority” insert “acting alone”
- 40 Page 13, line 29, after “Ministers” insert “acting alone”
- 41 Page 13, line 34, after “Ministers” insert “acting alone”
- 42 Page 13, line 41, after “Ministers” insert “acting alone”
- 43 Page 13, line 47, after “department” insert “acting alone”
- 44 Page 14, line 1, leave out “department” and insert “devolved authority”

Schedule 2

BARONESS FAIRHEAD

- 45 Page 15, line 18, after “Crown” insert “acting alone”
- 46 Page 15, line 21, leave out “or by the Welsh Ministers acting jointly with a Minister of the Crown” and insert “acting alone”
- 47 Page 15, line 24, leave out “(other than when acting jointly with a Minister of the Crown)” and insert “acting alone”
- 48 Page 15, line 29, after “Ministers” insert “acting alone”
- 49 Page 15, line 35, after “Crown” insert “acting alone”
- 50 Page 15, line 38, after “Ministers” insert “acting alone”
- 51 Page 16, line 1, after “Ministers” insert “acting alone”
- 52 Page 16, line 4, after “department” insert “acting alone”
- 53 Page 16, line 8, leave out sub-paragraph (5)
- 54 Page 17, line 20, after “Crown” insert “acting alone”
- 55 Page 17, line 23, after “Ministers” insert “acting alone”

Schedule 2 - continued

56 Page 17, line 26, after “Ministers” insert “acting alone”

57 Page 17, line 29, after “department” insert “acting alone”

58 Page 17, line 32, leave out sub-paragraph (5)

Schedule 4

LORD LANSLEY

LORD STEVENSON OF BALMACARA

59 Page 19, line 27, at end insert “following a report from the International Trade Committee of the House of Commons”

BARONESS BROWN OF CAMBRIDGE

THE EARL OF KINNOULL

BARONESS MCINTOSH OF PICKERING

60 Page 19, line 35, at end insert –

- “() The Secretary of State must, in appointing the chair and non-executive members, have regard to the desirability of the TRA’s members (between them) having experience of –
- (a) representing or promoting the interests of UK producers;
 - (b) representing or promoting the interests of employees of UK producers;
 - (c) promoting choice and value on behalf of consumers;
 - (d) responsibility for economic growth in the regions and nations of the United Kingdom;
 - (e) managing or auditing the financial affairs of an organisation;
 - (f) creating, reviewing, implementing or managing a regulatory system in industry or another sector of society;
 - (g) international trade disputes.”

Trade Bill

SECOND
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11 March 2019
