

Trade Bill

RUNNING LIST OF ALL
AMENDMENTS ON REPORT

Tabled up to and including

1 March 2019

[Sheets HL Bill 127 – R(a) to (h)]

Clause 1

BARONESS FAIRHEAD

Page 2, line 13, after “direct” insert “principal”

Clause 2

BARONESS FAIRHEAD

Page 2, line 41, after “direct” insert “principal”

BARONESS JONES OF MOULSECOOMB
LORD STEVENSON OF BALMACARA
BARONESS HENIG

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

Page 2, line 47, at end insert –

- “(5A) Regulations under subsection (1) may not be used to make provision which will have the effect of reducing standards in comparison to those applying immediately before exit day.
- (5B) Standards in subsection (5A) include, but are not limited to, those relating to –
- (a) marketing of agricultural products,
 - (b) animal health, hygiene or welfare,
 - (c) environmental protection,
 - (d) food safety,
 - (e) public health,
 - (f) employment and labour,
 - (g) human rights.”

After Clause 2

BARONESS MCINTOSH OF PICKERING
 BARONESS BROWN OF CAMBRIDGE
 BARONESS HENIG
 BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

“Environmental standards and trade

- (1) Regulations may only be made under section 2(1) if conditions A and B are met.
- (2) Condition A is that both Houses of Parliament have approved a motion that—
 - (a) the relevant trade agreement is consistent with the standards laid down by primary and subordinate legislation in the United Kingdom regarding—
 - (i) environmental protections;
 - (ii) food safety; and
 - (iii) animal welfare; or
 - (b) the goods which would be imported through the relevant trade agreement will have been produced to standards that are comparable in effectiveness to those of the United Kingdom in the areas listed under sub-paragraphs (i) to (iii).
- (3) Condition B is that both Houses of Parliament have approved a motion that the relevant trade agreement does not have the effect of lowering marketing standards for agricultural products below the standards used by the European Union on the day the motion is passed.
- (4) For the purposes of subsection (2)(a)(iii), reference to “animal welfare” includes reference to animal health and hygiene.
- (5) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (6) In section 8 (the customs tariff), after subsection (5)(e) insert—
 - “(f) the desirability of maintaining United Kingdom standards of animal welfare, food safety and environmental protection.””

After Clause 5

BARONESS FAIRHEAD

Insert the following new Clause—

“Post-ratification report

- (1) This section applies where—
 - (a) the United Kingdom has ratified a free trade agreement, and
 - (b) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day.
- (2) Before the end of the period of five years beginning with the date of ratification, a Minister of the Crown must publish a report giving the Minister’s assessment of the impact of the agreement on trade between the United Kingdom and the other party (or each other party) to the agreement.”

After Clause 5 - continued

BARONESS MCINTOSH OF PICKERING

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.”

LORD LANSLEY

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Preferential trade schemes: parliamentary approval

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) In section 32 (regulations etc) –
 - (a) after subsection (3)(a) insert –

“(aa) the first regulations under section 10 (preferential rates given unilaterally),”
 - (b) in subsection (3)(b) omit “that section” and insert “section 8”.”

Insert the following new Clause –

“The customs tariff: parliamentary approval

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) In section 32(3)(b) (regulations etc) –
 - (a) leave out “an increase in” and insert “to vary”, and
 - (b) after “section)” insert “from that which is in the United Kingdom’s Schedule notified to the WTO”

LORD LEA OF CRONDALL

Insert the following new Clause –

“UK membership of the European Free Trade Association 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.”

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.

After Clause 5 - continued

- (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.
- (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.”

After Clause 5 - continued

Insert the following new Clause—

“Customs union

It shall be the objective of Her Majesty’s Government to take all necessary steps to implement an international trade agreement which enables the United Kingdom to participate after exit day in a customs union with the European Union.”

Insert the following new Clause—

“Parliamentary approval of regulations under section 8 of the Taxation (Cross-border Trade) Act 2018 (the customs tariff)

- (1) The Taxation (Cross-border Trade) Act 2018 is amended as follows.
- (2) In section 32(3)(a), leave out “the first”.
- (3) Omit section 32(3)(b).”

Insert the following new Clause—

“Involvement of judicial systems in trade disputes

- (1) A trade agreement is not eligible for signature or ratification by the United Kingdom unless the agreement includes the provision in subsection (2).
- (2) Legal proceedings brought against the United Kingdom under investment protection provisions included in a trade agreement will be heard by the courts and tribunals system of the United Kingdom.”

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 GRANTCHESTER

Insert the following new Clause—

“Division of agricultural tariff rate quotas

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

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Geographical Indications

It shall be an objective of an appropriate authority to take all necessary steps to implement an international trade agreement which ensures mutual recognition of Geographical Indications in the United Kingdom and the European Union.”

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.”

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.”

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.”

After Clause 5 - continued

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 6

BARONESS FAIRHEAD

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
 - (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

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

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.”

Clause 8

BARONESS FAIRHEAD

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;”

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 10

BARONESS BROWN OF CAMBRIDGE
THE EARL OF KINNOULL
BARONESS MCINTOSH OF PICKERING

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.”

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.”

After Clause 12

LORD BILIMORIA
LORD HANNAY OF CHISWICK

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,

After Clause 12 - continued

- (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,
 - (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

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—

Before Schedule 1 - continued

- (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;
 - (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;

Before Schedule 1 - continued

(n) the principle of equality before the law.”

Schedule 1

BARONESS FAIRHEAD

Page 11, line 28, leave out sub-paragraph (7)

Page 12, line 3, after “Ministers” insert “acting alone”

Page 12, line 7, after “department” insert “acting alone”

Page 12, line 17, after “authority” insert “acting alone”

Page 13, line 29, after “Ministers” insert “acting alone”

Page 13, line 34, after “Ministers” insert “acting alone”

Page 13, line 41, after “Ministers” insert “acting alone”

Page 13, line 47, after “department” insert “acting alone”

Page 14, line 1, leave out “department” and insert “devolved authority”

Schedule 2

BARONESS FAIRHEAD

Page 15, line 18, after “Crown” insert “acting alone”

Page 15, line 21, leave out “or by the Welsh Ministers acting jointly with a Minister of the Crown” and insert “acting alone”

Page 15, line 24, leave out “(other than when acting jointly with a Minister of the Crown)” and insert “acting alone”

Page 15, line 29, after “Ministers” insert “acting alone”

Page 15, line 35, after “Crown” insert “acting alone”

Page 15, line 38, after “Ministers” insert “acting alone”

Page 16, line 1, after “Ministers” insert “acting alone”

Page 16, line 4, after “department” insert “acting alone”

Schedule 2 - continued

Page 16, line 8, leave out sub-paragraph (5)

Page 17, line 20, after “Crown” insert “acting alone”

Page 17, line 23, after “Ministers” insert “acting alone”

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

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

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

Schedule 4

LORD LANSLEY
LORD STEVENSON OF BALMACARA

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

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.”