

Trade Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 2

LORD CLEMENT-JONES
BARONESS NEVILLE-ROLFE

Page 2, line 23, at end insert –

“() Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the appropriate authority has published a report reviewing the impact of any changes brought about by that international trade agreement on the existing law of intellectual property.”

Member’s explanatory statement

This amendment seeks to explore issues that could be damaging to intellectual property law.

BARONESS NEVILLE-ROLFE
LORD CLEMENT-JONES

Page 2, line 23, at end insert –

“() Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the appropriate authority has published a report reviewing the impact of any changes brought about by that international trade agreement on dataflows to and from the United Kingdom.”

Member’s explanatory statement

This amendment seeks to explore issues that could be damaging to data law, and what the Government plans to do to manage the July 2020 judgement on the EU-US Privacy Shield.

After Clause 2

LORD PURVIS OF TWEED
BARONESS SUTTIE

Revision of an amendment published in HL Bill 128(a)

Insert the following new Clause—

“Free trade agreements: impact assessment

- (1) Before making regulations under section 2(1) an appropriate authority must produce an impact assessment of—
 - (a) any costs to businesses arising from any additional regulatory requirements in connection with exporting goods and services from the United Kingdom in the course of a trade, business or profession; and
 - (b) any additional costs to businesses arising from exporting or importing goods and services to or from Northern Ireland in the course of a trade, business or profession.
- (2) Prior to the ratification of any future international trade agreement not implemented under section 2, an appropriate authority must produce an impact assessment of—
 - (a) any costs to businesses arising from any additional regulatory requirements in connection with exporting goods and services from the United Kingdom in the course of a trade, business or profession; and
 - (b) any additional costs to businesses arising from exporting goods and services to Northern Ireland in the course of a trade, business or profession.”

Member’s explanatory statement

The new Clause requires an impact assessment is made of any additional costs to businesses arising from exporting goods and services from the United Kingdom, and within the UK’s internal market.

LORD STEVENSON OF BALMACARA

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 Select Committee for International Trade, or such other appropriately constituted Committee of the House of Commons, and it has been approved by—
 - (a) resolution of that Committee, and
 - (b) a resolution of the House of Commons.
- (2) Negotiations towards a free trade agreement may not commence until the Secretary of State has laid a draft negotiating mandate before the Committee for International Agreements, or such other appropriately constituted Committee of the House of Lords, and it has been approved by—
 - (a) resolution of that Committee, and
 - (b) a resolution of the House of Lords

After Clause 2 - continued

- (3) Prior to the draft negotiating mandate being laid, the Secretary of State must have consulted with such organisations and consumer and workers representatives as he or she considers will provide the blend of strategic and technical expertise required to ensure that the United Kingdom's trade negotiations are able to progress at pace.
- (4) Prior to the draft negotiating mandate being laid, the Secretary of State must have consulted, and obtained the consent of, each devolved administration on the content of the negotiating mandate.
- (5) A Minister of the Crown may not move a motion for a resolution in the House of Commons to approve a mandate relating to the negotiation of a free trade agreement until the Select Committee for International Trade has produced a sustainability impact assessment.
- (6) During the progress of negotiations the Secretary of State must provide the Select Committee for International Trade and the International Agreements Committee, or their successors, with such regular and comprehensive reports on each free trade agreement as they may require.
- (7) A Minister of the Crown may not move a motion for a resolution in the House of Commons to approve the text of a proposed free trade agreement until a Minister of the Crown has laid the text of the proposed agreement before the Select Committee for International Trade and the International Agreements Committee, or their successors, and each Committee has approved that text.
- (8) A Minister of the Crown may not move a motion for a resolution in the House of Commons to approve the text of a proposed free trade agreement unless a Minister of the Crown has consulted, and obtained the consent of, each devolved administration on the text of the proposed agreement.
- (9) A free trade agreement may not be ratified unless the agreement has been laid before, and approved by an amendable resolution of, the House of Commons.
- (10) The Constitutional Reform and Governance Act 2010 is amended as follows.
- (11) At the end of section 25(2) insert “, or a treaty containing a free trade agreement as defined in section (*Parliamentary approval of trade agreements*) of the Trade Act 2020.”
- (12) 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) as defined by section 4;
 - (b) Interim Association Agreements and 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);

After Clause 2 - continued

- (j) Association Agreements with strong trade component;
- (k) Transatlantic Trade and Investment Partnerships (TTIP);
- (l) Investment Protection Agreements.”

LORD HAIN
BARONESS SUTTIE
BARONESS ALTMANN

Insert the following new Clause –

“Trade agreement with the EU: compliance with the Protocol on Ireland/Northern Ireland

Any trade agreement between the United Kingdom and the European Union that is subject to sections 20 to 25 of the Constitutional Reform and Governance Act 2010 is not to be ratified unless it fully complies with the requirements of the Protocol on Ireland/Northern Ireland as part of 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, as signed and ratified by Her Majesty’s Government.”

Insert the following new Clause –

“Continuation of North-South trade and prevention of customs arrangements at borders

- (1) 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;
 - (b) is compliant with the requirements of the Protocol on Ireland/Northern Ireland as part of 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; and
 - (c) 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.
- (2) “Exit day” has the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

After Clause 2 - continued

Insert the following new Clause—

“Equal application of trade agreements across the United Kingdom

- (1) No international trade agreement may be authenticated by the United Kingdom if it does not apply equally to all regions and nations of the United Kingdom.
- (2) An “international trade agreement” means—
 - (a) a free trade agreement, or
 - (b) an international agreement that mainly relates to trade, other than a free trade agreement.
- (3) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.”

BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE
BARONESS ALTMANN

Insert the following new Clause—

“Free trade agreements: agreement with devolved authorities

- (1) No free trade agreement may be authenticated by the United Kingdom unless the devolved authorities have given their consent to the authentication of that free trade agreement in its final form.
- (2) “The devolved authorities” means—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) a Northern Ireland department.
- (3) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.”

LORD HAIN
BARONESS SUTTIE
BARONESS ALTMANN

Insert the following new Clause—

“Free trade agreements: scrutiny by the devolved legislatures

- (1) No free trade agreement may be authenticated by the United Kingdom unless the devolved legislatures, at least two months before the agreement is authenticated, have been provided with the text of that free trade agreement in its final form and invited to comment upon the agreement.
- (2) “The devolved legislatures” means—
 - (a) the Scottish Parliament,
 - (b) Senedd Cymru, and
 - (c) the Northern Ireland Assembly.

After Clause 2 - continued

- (3) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.”

Clause 6

LORD ROOKER

Page 4, line 32, at end insert –

- “(5) The TRA may publish in such a manner as it thinks fit –
- (a) any advice given under this section, and
 - (b) any other information in its possession, from any source.
- (6) Before deciding to publish any information under subsection (5), the TRA must consider whether the public interest is outweighed by any consideration of confidentiality.”

Member’s explanatory statement

The purpose of this amendment is to give the TRA the same powers as the Food Standards Agency to reinforce its operational independence.

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14 September 2020
