

# Trade Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 2**

LORD BERKELEY  
BARONESS NEVILLE-ROLFE  
LORD BRADSHAW

Page 2, line 14, at end insert –

“( ) an international treaty or private international law convention (including any amendment or protocol thereto) which facilitates trade or the financing of trade.”

***Member’s explanatory statement***

*This amendment, along with another amendment in the name of Lord Berkeley, is intended to enable the Government to ratify the Luxembourg Rail Protocol to the Cape Town Convention to make it easier for the private sector to finance trade in railway rolling stock, from locomotives to passenger and freight wagons to metro trains and trams.*

LORD HENDY  
LORD HAIN  
BARONESS BLOWER  
BARONESS CHAKRABARTI

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 international trade agreement does not contain any form of investor-state dispute settlement mechanism applicable to any part of the United Kingdom in relation to a claim brought by a foreign investor against a United Kingdom public authority except to the extent that –
- (a) the laws of the United Kingdom administered in the courts and tribunals of the United Kingdom so provide, and
  - (b) a person (whether or not an investor) domiciled in the United Kingdom has equal protection under those laws and equal access to redress for any such claim in those courts and tribunals.

**Clause 2 - continued**

- ( ) In this section “public authority” includes the Crown, Parliament, an appropriate authority as defined in section 4(1), a local authority, and any person who has functions which include functions of a public nature.”

Page 2, line 23, at end insert –

“(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsection (4B) are met.

(4B) The conditions in this subsection are that –

- (a) the provisions of the international trade agreement do not conflict with, and are consistent with, the provisions of international treaties ratified by the United Kingdom and, in particular, ratified Conventions of the International Labour Organization and ratified articles of the European Social Charter 1961, as construed by their supervisory bodies;
- (b) the parties to the international trade agreement have ratified and customarily observe –
  - (i) the fundamental Conventions and Principles of the International Labour Organization, including the International Labour Organization’s Declaration on Fundamental Rights at Work and its follow-up Conventions; and
  - (ii) the provisions of those international treaties ratified by the United Kingdom and, in particular, ratified Conventions of the International Labour Organization and ratified articles of the European Social Charter 1961, as construed by their supervisory bodies, whether or not the other party or parties to the international trade agreement are members of the International Labour Organization or the Council of Europe; and
- (c) the sovereignty of Parliament, the legal authority of United Kingdom courts, the rule of law and the principle of equality before the law are maintained by the trade agreement.”

***Member’s explanatory statement***

*This amendment precludes regulations to implement an international trade agreement if the agreement contravenes the UK’s international labour law commitments; other State Parties to the agreement do not ratify and abide by the international labour law standards ratified by the UK; or the agreement does not respect the sovereignty of parliament and the rule of law.*

LORD BERKELEY  
BARONESS NEVILLE-ROLFE  
LORD BRADSHAW

Page 2, line 23, at end insert –

- “( ) Regulations under subsection (1) may make provision for the purpose of implementing an international treaty or private international law convention only if the other signatory (or each other signatory) and the European Union were signatories to an international treaty or private international law convention immediately before exit day.”

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*18 September 2020*

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