

Trade Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

LORD GRANTCHESTER
BARONESS HAYMAN
LORD DUNCAN OF SPRINGBANK
LORD OATES

12

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 provisions of that international trade agreement do not conflict with and are consistent with the United Kingdom’s environmental obligations in international law and as established by but not limited to—

- (a) the Paris Agreement adopted under the United Nations Framework Convention on Climate Change;
- (b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- (c) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement does not contravene the UK’s environmental obligations.

LORD BASSAM OF BRIGHTON
BARONESS BENNETT OF MANOR CASTLE

13 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 provisions of that international trade agreement do not in any way restrict the ability—
- (a) to make public services at a national or local level subject to public monopoly;
 - (b) to make public services at a national or local level subject to exclusive rights granted to private operators; and
 - (c) to bring public services at a national or local level back into the public sector for delivery by public sector employees.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement does not contravene the ability of a UK government to take public services back into public ownership.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

14 Page 2, line 23, at end insert—

- “() Regulations may not be made under subsection (1) unless the international trade agreement is replicated by, or substantially similar to, another trade agreement to which the United Kingdom was previously a party by virtue of its membership of the European Union.”

LORD CLEMENT-JONES
BARONESS NEVILLE-ROLFE
LORD STEVENSON OF BALMACARA

15 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
LORD STEVENSON OF BALMACARA

16 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.

LORD HENDY
LORD HAIN
BARONESS BLOWER
BARONESS CHAKRABARTI

17 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.
- () 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.”

Member's explanatory statement

This amendment would preclude the subjecting of acts and decisions of UK public bodies to claims for compensation by foreign investors under ISDS or other multilateral investment courts or tribunals. It would not preclude a foreign investor relying on UK domestic law or the UK's judicial system.

18 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

Clause 2 - continued

- (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

19 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.”

LORD GRANTCHESTER
BARONESS BENNETT OF MANOR CASTLE
LORD ROOKER

20 Page 2, line 23, at end insert –

- “() Regulations may only be made under subsection (1) if –
- (a) the provisions of the international trade agreement to which they relate are consistent with standards for food safety and quality as set and administered by –
 - (i) the Department of Health;
 - (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
 - (b) the Secretary of State is satisfied that mechanisms and bodies charged with enforcement of standards for food safety and quality have the capacity to absorb any extra requirement which may arise from the implementation of the agreement;
 - (c) the provisions of the international trade agreement to which they relate are consistent with policy to achieve reduction in the risk of disease or contamination as set and administered by –
 - (i) the Department of Health;

Clause 2 - continued

- (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
- (d) the provisions of the international trade agreement to which they relate are consistent with achieving improvements in public health through any food policy priorities set and administered by—
- (i) the Department of Health;
 - (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
- (e) the provisions of the international trade agreement to which they relate comply with policy to achieve targets for farm antibiotic reduction set by the Veterinary Medicines Directorate;
- (f) the provisions of the international trade agreement to which they relate comply with retained EU law relating to food standards and the impact of food production upon the environment; and
- (g) any food or food products to which the provisions of the international trade agreement apply meet standards of labelling, indication of provenance, and packaging specified by the Food Standards Agency or Food Standards Scotland.”

Member’s explanatory statement

This amendment would ensure that regulations made under Clause 2 can only be made if the trade agreement which the regulations would implement enshrines UK standards in legislation and adheres to UK standards of food production and food safety.

LORD OATES
LORD PURVIS OF TWEED
LORD FOX
BARONESS SHEEHAN

21 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 agreement is made with a country—
- (a) which is party to the Paris Agreement adopted under the United Nations Framework Convention on Climate Change at Paris on 12 December 2015; and
 - (b) which has not served notice of withdrawal from the Agreement.”

LORD STEVENSON OF BALMACARA

22 Page 2, line 27, leave out paragraph (a)

Member’s explanatory statement

This amendment would remove Henry VIII powers from the Bill.

LORD PURVIS OF TWEED
 BARONESS KRAMER
 LORD GRANTCHESTER
 LORD ROOKER

23 Page 2, line 33, at end insert –

“(6A) If regulations under subsection (1) include provision in any of the areas listed in subsection (6B), the provision must be consistent with maintaining UK levels of statutory protection in that area.

(6B) The areas referred to in subsection (6A) are –

- (a) the protection of human, animal or plant life or health;
- (b) animal welfare;
- (c) environmental protection;
- (d) employment and labour.

(6C) “UK levels of statutory protection” means levels of protection provided for by or under any –

- (a) primary legislation,
- (b) subordinate legislation, or
- (c) retained direct EU legislation,

which has effect in the United Kingdom, or the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid.”

Member’s explanatory statement

This new Clause reinserts a Government amendment made to the Trade Bill in 2019 and ensures that regulations made under Clause 2(1) of the bill must be consistent with maintaining UK levels of statutory protection of human, animal or plant life or health; animal welfare; environmental protection; or employment and labour.

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 BARONESS RITCHIE OF DOWNPATRICK
 LORD ROOKER

As an amendment to Amendment 23

24 In subsection (6B) at end insert –

“(e) food safety.”

BARONESS MCINTOSH OF PICKERING
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS JONES OF MOULSECOOMB

25 Page 2, line 33, at end insert –

“() Regulations under subsection (1) may not be used to make provision which will have the effect of lowering animal health, hygiene or welfare standards, protection of the environment, food safety, hygiene and traceability or human and workers' rights below EU or UK standards.”

Clause 2 - continued

LORD STEVENSON OF BALMACARA
BARONESS FINLAY OF LLANDAFF
LORD WIGLEY
BARONESS MCINTOSH OF PICKERING

26 Page 2, line 33, at end insert –

- “(6A) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 6 of Schedule 1), unless the Scottish Ministers consent.
- (6B) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 7 of Schedule 1), unless the Welsh Ministers consent.
- (6C) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in paragraph 8 of Schedule 1), unless a Northern Ireland devolved authority (within the meaning of paragraph 9 of Schedule 1) gives consent.
- (6D) No regulations may be made under subsection (1) by a Minister of the Crown, unless they have consulted with devolved administrations on the implementation of international trade agreements.
- (6E) No regulations may be made under subsection (1) by a Minister of the Crown unless the Minister has laid before Parliament a statement that, in the Minister’s view, the regulations do not undermine constitutional arrangements related to devolution.”

LORD BRUCE OF BENNACHIE
BARONESS HUMPHREYS
BARONESS SUTTIE
LORD WIGLEY

27 Page 2, line 33, at end insert –

- “(6A) No regulations may be made under subsection (1) by a Minister of the Crown unless he or she has sought the consent of –
- (a) the Scottish Parliament,
 - (b) Senedd Cymru, and
 - (c) the Northern Ireland Assembly.
- (6B) If more than one of the devolved legislatures listed in subsection (6A) do not consent to the proposed regulations, the regulations may not proceed.”

LORD PURVIS OF TWEED
BARONESS KRAMER
LORD BASSAM OF BRIGHTON

28 Page 2, line 35, leave out “five” and insert “three”

Member's explanatory statement

This amendment reinserts a Government amendment made to the Trade Bill in 2018. It proposes to reduce, from five years to three, the time period during which (a) EU FTAs can be rolled over and (b) previously rolled over FTAs can be reamended.

29 Page 2, line 36, leave out “five” and insert “three”

30 Page 2, line 39, leave out “five” and insert “three”

Member's explanatory statement

This amendment reinserts a Government amendment made to the Trade Bill in 2018. If the Government decides to extend the period to make regulations under Clause 2, any such period should not be more than three years.

LORD STEVENSON OF BALMACARA
BARONESS FINLAY OF LLANDAFF
LORD BRUCE OF BENNACHIE
BARONESS BENNETT OF MANOR CASTLE

31 Page 2, line 40, after “subsection,” insert –
“(a) without the consultation of all devolved administrations, and”

LORD PURVIS OF TWEED
BARONESS KRAMER

32 Page 2, line 41, leave out “five” and insert “three”

LORD ALTON OF LIVERPOOL
LORD BLENCATHRA
LORD ADONIS
LORD ROOKER

33 Page 2, line 41, at end insert –

“() Regulations under subsection (1) must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament, if –

- (a) the regulations involve goods for critical infrastructure; and
- (b) the other signatory is non-democratic.

() In this section –

“critical infrastructure” means infrastructure for the following sectors –

- (a) communications,
- (b) energy,
- (c) healthcare and public health,
- (d) transportation systems,
- (e) water (including wastewater and storm water systems),
- (f) banking and financial services,
- (g) critical manufacturing,
- (h) emergency services,
- (i) food and agriculture,
- (j) government facilities, and
- (k) information technology;

“non-democratic” means a country which does not have –

Clause 2 - continued

- (a) a political system for choosing and replacing the government, through free and fair elections;
- (b) the active participation of the people, as citizens, in politics and civic life;
- (c) protection of the human rights of all citizens; and
- (d) a rule of law in which the laws and procedures apply equally to all citizens, and the judiciary is independent.”

Member’s explanatory statement

The purpose of this amendment is to require the Government to bring trade deals to Parliament for ratification where they involve critical infrastructure and are being made with countries which are undemocratic.

BARONESS KIDRON
 BARONESS KENNEDY OF THE SHAWES
 LORD CLEMENT-JONES
 LORD HOLMES OF RICHMOND

34 Page 2, line 41, at end insert –

- “() Regulations may not be made under this section that fail to comply or are inconsistent with –
- (a) other international treaties to which the United Kingdom is a party, and the domestic law of England and Wales, regarding the protection of children and other vulnerable user groups using the internet;
 - (b) the provisions on data protection for children, as set out in the age-appropriate design code under section 123 of the Data Protection Act 2018 and other provisions of that Act, which relate to children; or
 - (c) online protections provided for children in the United Kingdom that the Secretary of State considers necessary.
- () For the purposes of this subsection, a “child” means any person under the age of 18.”

After Clause 2

LORD PURVIS OF TWEED
 LORD FOX

35 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 draft negotiating objectives in respect of that agreement before both Houses of Parliament, and a motion endorsing draft negotiating objectives has been approved by a resolution of both Houses of Parliament.
- (2) Prior to the draft negotiating objectives being laid, the Secretary of State must have –
 - (a) consulted each devolved authority on the content of the draft negotiating objectives, and

After Clause 2 - continued

- (b) produced a sustainability impact assessment including, but not limited to, an assessment of the impact on food safety, health, the environment and animal welfare.
- (3) The United Kingdom may not become a signatory to a free trade agreement to which this section applies unless a draft of the agreement in the terms in which it was to be presented for signature by parties to the agreement has been laid before, and approved by, a resolution of both Houses of Parliament.
- (4) Before either House of Parliament may be asked to approve by resolution the text of a proposed free trade agreement, the Secretary of State must –
 - (a) consult each devolved authority on the text of the proposed agreement, and
 - (b) lay before both Houses a report assessing the compliance of the text of the proposed agreement with any standards laid down by primary or subordinate legislation in the United Kingdom including, but not limited to, legislation governing or prescribing standards on food safety, health, the environment and animal welfare.
- (5) In this section –
 - “devolved authority” has the meaning given in section 4(1) of this Act, and
 - “free trade agreement” means any agreement which is –
 - (a) within the definition given in section 4(1) of this Act, and
 - (b) an agreement between the United Kingdom and one or more partners that includes components that facilitate the trade of goods, services or intellectual property.”

Member’s explanatory statement

The new Clause ensures parliamentary approval is required of the Government’s negotiating objectives prior to negotiations commencing towards a free trade agreement; and requires parliamentary approval of free trade agreements before the UK becomes a signatory to any agreements.

36

Insert the following new Clause –

“Report on proposed free trade agreement

- (1) This section applies (subject to subsection (2)) where the United Kingdom has authenticated a free trade agreement (“the proposed agreement”), if –
 - (a) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day, or
 - (b) where the proposed agreement was authenticated by the United Kingdom before exit day, the other party (or each other party) and the European Union were signatories to a free trade agreement on the day the proposed agreement was authenticated by the United Kingdom.
- (2) This section applies only if the proposed agreement is not binding on the United Kingdom as a matter of international law unless it is ratified by the United Kingdom.

After Clause 2 - continued

- (3) Before the United Kingdom ratifies the proposed agreement, a Minister of the Crown must lay before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the proposed agreement, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (4) Subsection (3) does not apply if a report in relation to the proposed agreement has been laid before Parliament under section (*Report to be laid with regulations under section 2(1)*)(2).
- (5) The duty imposed by subsection (3) applies only at a time when regulations may be made under section 2(1) (see section 2(7)).
- (6) 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.
- (7) In this section—

“the existing free trade agreement” means the free trade agreement referred to in subsection (1)(a) or (b);

the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new Clause reinserts a Government amendment made to the Trade Bill in 2018 and requires a Minister to lay a report before Parliament before the UK ratifies a new free trade agreement with a country that (before exit day) had a free trade agreement with the EU. The report must explain any significant differences between the proposed new agreement and the existing agreement with the EU.

37

Insert the following new Clause—

“Reporting requirement not to apply in exceptional cases

- (1) Section (*Report on proposed free trade agreement*) does not apply to a free trade agreement if a Minister of the Crown is of the opinion that, exceptionally, the agreement needs to be ratified without laying before Parliament a report which meets the requirements of subsection (3) of that section.
- (2) If a Minister determines that a free trade agreement is to be ratified without laying before Parliament a report which meets the requirements of section (*Report on proposed free trade agreement*)(3), the Minister must, as soon as practicable after the agreement is ratified, lay before Parliament—
 - (a) a report which meets those requirements, and
 - (b) a statement indicating that the Minister is of the opinion mentioned in subsection (1) and explaining why.”

Member’s explanatory statement

*This new Clause provides that the reporting requirement under section (*Report on proposed free trade agreement*) would not apply if a Minister takes the view that, exceptionally, the agreement should be ratified without the reporting requirement being met.*

38 Insert the following new Clause—

“Report to be laid with regulations under section 2(1)

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1) for the purpose of implementing a free trade agreement to which the United Kingdom and another signatory (or other signatories) are signatories.
- (2) A draft of the statutory instrument containing the regulations may not be laid before Parliament unless, at least 10 Commons sitting days before the draft is laid, a Minister of the Crown has laid before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the free trade agreement to which the United Kingdom and the other signatory (or other signatories) are signatories, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (3) Subsection (2) does not apply if, at least 10 Commons sitting days before a draft of the statutory instrument containing the regulations is laid, a report in relation to the agreement has been laid before Parliament under section (*Report on proposed free trade agreement*)(3).
- (4) In this section—

“Commons sitting day” means a day on which the House of Commons begins to sit;

“the existing free trade agreement” means the free trade agreement to which the European Union and the other signatory (or other signatories) were signatories immediately before exit day;

the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new Clause reinserts a Government amendment made to the Trade Bill in 2018 and requires a Minister to lay a report before Parliament at least 10 Commons sitting days before regulations implementing a new free trade agreement are laid in draft under Clause 2(1). The report is required to explain any significant differences between the new agreement and the existing agreement with the EU.

LORD PURVIS OF TWEED
BARONESS SHEEHAN
LORD MCCONNELL OF GLENSCORRODALE

39 Insert the following new Clause—

“Conditions for trade deals: Sustainable Development Goals

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not conflict with, and are consistent with, the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015.

After Clause 2 - continued

- (2) Any future international trade agreement not implemented under section 2 shall only be eligible for signature or ratification by the United Kingdom if the provisions of that international trade agreement do not conflict with, and are consistent with, the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015.
- (3) Within 12 months of making regulations under section 2(1) or ratifying a future trade agreement, a Minister of the Crown must lay before Parliament a report assessing how those regulations or trade agreement is making a positive impact towards the implementation of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015.”

Member’s explanatory statement

The new Clause ensures that trade agreements cannot be implemented, signed or ratified unless they are consistent with the provisions of the Sustainable Development Goals.

LORD OATES
BARONESS BOYCOTT
LORD DUNCAN OF SPRINGBANK
LORD BROWNE OF LADYTON

40

Insert the following new Clause—

“Conditions for trade deals: environmental obligations

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not conflict with, and are consistent with, the United Kingdom’s environmental obligations in international law.
- (2) Any future international trade agreement not implemented under section 2 shall only be eligible for signature or ratification by the United Kingdom if the provisions of that international trade agreement do not conflict with, and are consistent with, the United Kingdom’s environmental obligations in international law.
- (3) Within 12 months of making regulations under section 2(1) or ratifying a future trade agreement, a Minister of the Crown must lay before Parliament a report assessing the impact of regulations or trade agreement on the United Kingdom’s environmental obligations under international law.
- (4) Under subsections (1) and (2) the United Kingdom’s environmental obligations under international law include, but are not limited to—
 - (a) the United Nations Framework Convention on Climate Change done at New York on 9 May 1992 and Paris Agreement done at Paris on 12 December 2015;
 - (b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES);
 - (c) the United Nations Convention on Biological Diversity done at Rio de Janeiro on 5 June 1992, including the Cartagena Protocol on Biosafety and its other Protocols;
 - (d) the United Nations Convention on the Law of the Sea 1982;
 - (e) the Aarhus Convention 1998;

After Clause 2 - continued

- (f) the United Nations Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution 1979;
- (g) the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) 1992; and
- (h) the Basel Convention 1992.”

Member’s explanatory statement

The new Clause ensures that trade agreements cannot be implemented, signed or ratified unless they are consistent with the UK’s environmental obligations under international law.

LORD PURVIS OF TWEED

LORD FOX

41 Insert the following new Clause—

“Processes for making free trade agreements

- (1) Within three months of the passing of this Act, the Secretary of State must review the Command Paper Processes for Making Free Trade Agreements After the United Kingdom Has Left the European Union (CP 63) and lay a new Command Paper before Parliament.
- (2) The Command Paper in subsection (1) must include—
 - (a) the role of Parliament in free trade negotiations;
 - (b) the role of devolved administrations and legislatures;
 - (c) transparency and public consultation;
 - (d) the security and confidentiality of ministerial communications in trade negotiations;
 - (e) the operation and membership of the Board of Trade.
- (3) The Command Paper in subsection (1) must be reviewed and laid before Parliament following each General Election.”

Member’s explanatory statement

The new Clause requires the Government’s Command Paper “Processes for Making Free Trade Agreements After the United Kingdom Has Left the European Union” to be reviewed within 3 months of the Act passing, and thereafter in every Parliament.

LORD PURVIS OF TWEED

BARONESS SUTTIE

42 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.

After Clause 2 - continued

- (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 PURVIS OF TWEED
BARONESS KRAMER

43 Insert the following new Clause—

“Multilateral investment tribunal

- (1) The United Kingdom may only become a signatory to an international trade agreement if the condition in subsection (3) is satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the condition in subsection (3) is satisfied.
- (3) The condition under this subsection is that an international trade agreement must include a commitment by all parties to the agreement to pursue with other trading partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes.”

Member’s explanatory statement

This new Clause would ensure that a multilateral investment process would be used to adjudicate on investor disputes.

44 Insert the following new Clause—

“Involvement of judicial systems in trade disputes

- (1) The United Kingdom may only become a signatory to an international trade agreement if the condition in subsection (3) is satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the condition in subsection (3) is satisfied.
- (3) The condition in this subsection is that legal proceedings brought against the United Kingdom under investment protection provisions included in an international trade agreement must be heard by the courts and tribunals system of the United Kingdom.”

Member's explanatory statement

This new Clause would provide protection for UK firms, public bodies and the Government in the event of proceedings under investment protection provisions such as the Investor-State Dispute Scheme (ISDS).

45 Insert the following new Clause –

“Human rights and equalities impact assessments

- (1) Before laying a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010, the Secretary of State must lay before Parliament an impact assessment taking account of short- and long-term human rights and equalities impacts of that agreement on different sectors.
- (2) The Secretary of State must lay before Parliament reviews of each international trade agreement which has come into effect from January 2021.
- (3) A review under subsection (2) must include an assessment of short- and long-term human rights and equalities impacts on different sectors.
- (4) Reviews under subsection (2) must be laid within two years of the day on which the agreement to which they relate comes into effect, and at intervals of no more than two years thereafter.”

Member's explanatory statement

This new Clause would ensure that HMG has a duty to commit to undertaking human rights and equalities impact assessments of all trade deals before and after implementation, taking account of short- and long-term impacts across different sectors.

LORD FOX
LORD PURVIS OF TWEED
THE EARL OF CLANCARTY
BARONESS BULL

46 Insert the following new Clause –

“Trade agreement with the EU: mobility framework

For the purposes of facilitating the continuation of trade with the European Union, the Secretary of State must take all necessary steps to secure a mobility framework with the European Union 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.”

Member's explanatory statement

The new Clause places an obligation on the Secretary of State to take all necessary steps to secure a mobility framework with the European Union.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

47 Insert the following new Clause –

“Post-ratification report

- (1) This section applies where –
 - (a) the United Kingdom has ratified a free trade agreement, and

After Clause 2 - continued

- (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."

LORD BASSAM OF BRIGHTON
LORD ROOKER

48 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 for Electricity;
 - (f) the European Network of Transmission System Operators for Gas.”

LORD LENNIE
BARONESS BURT OF SOLIHULL
BARONESS BENNETT OF MANOR CASTLE

49 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.”

After Clause 2 - continued

LORD STEVENSON OF BALMACARA
BARONESS FINLAY OF LLANDAFF

50 Insert the following new Clause –

“Role of Joint Ministerial Committee

- (1) The Joint Ministerial Committee is to be a forum –
 - (a) for discussing –
 - (i) the terms upon which the United Kingdom is to commence negotiations with respect to any international trade agreement;
 - (ii) proposals to amend retained EU law for the purposes of regulations made under section 1 or section 2;
 - (b) for seeking a consensus on the matters set out in subsection (1)(a) between Her Majesty’s Government and the other members of the Joint Ministerial Committee.
- (2) Before Her Majesty’s Government concludes an international trade agreement, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out –
 - (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding an international trade agreement;
 - (b) the steps Her Majesty’s Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching an international trade agreement;
 - (c) the steps Her Majesty’s Government intends to take to consult each member of the Joint Ministerial Committee before entering into an international trade agreement and for taking the views of each member into account.
- (3) Before concluding an international trade agreement the Secretary of State must produce a document setting out the terms of the proposed agreement for consideration by the Joint Ministerial Committee.
- (4) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution, between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

Member’s explanatory statement

This new Clause would put on the face of the Bill a joint ministerial committee, and give it powers to discuss international trade issues with the devolved Administrations.

BARONESS THORNTON
LORD PATEL
LORD FOX
BARONESS BENNETT OF MANOR CASTLE

51 Insert the following new Clause—

“International trade agreements: health or care services

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsections (2) and (3) are met in relation to the application of that agreement in any part of the United Kingdom.
- (2) The condition in this subsection is that no provision of that international trade agreement in any way undermines or restricts the ability of an appropriate authority—
 - (a) to provide a comprehensive publicly funded health service free at the point of delivery,
 - (b) to protect the employment rights or terms and conditions of employment for public sector employees and those working in publicly funded health or care sectors,
 - (c) to regulate and maintain the quality and safety of health or care services,
 - (d) to regulate and maintain the quality and safety of medicines and medical devices,
 - (e) to regulate and control the pricing and reimbursement systems for the purchase of medicines or medical devices, or
 - (f) to regulate and maintain the level of protection afforded in relation to patient data, public health data and publicly provided social care data relating to UK citizens.
- (3) The condition in this subsection is that the agreement—
 - (a) explicitly excludes application of any provision within that agreement to publicly funded health or care services,
 - (b) explicitly excludes provision for any Investor-State Dispute Settlement (ISDS) clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (c) explicitly excludes the use of any negative listing, standstill or ratchet clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (d) contains explicit recognition that an appropriate authority (within the meaning of section 4) has the right to enact policies, legislation and regulation which protect and promote health, public health, social care and public safety in health or care services, and
 - (e) prohibits the sale of patient data, public health data and publicly provided social care data.
- (4) For the purposes of this section—

“negative listing” means a listing only of exceptions, exclusions or limits to commitments made by parties to the agreement;

After Clause 2 - continued

“ratchet” in relation to any provision in an agreement means any provision whereby a party, if (after the agreement has been ratified) it has unilaterally removed a barrier in an area where it had made a commitment before the agreement was ratified, may not reintroduce that barrier; and

“standstill” in relation to any provision in an agreement means any provision by which parties list barriers which are in force at the time that they sign the agreement and undertake not to introduce any new barriers.”

Member’s explanatory statement

This new Clause would aim to protect the NHS and publicly funded health and care services in other parts of the UK from any form of control from outside the UK.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

52 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) The provision in this subsection is that, subject to subsection (3), 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.
- (3) If in the view of the Secretary of State there is a substantive case for including an investor state dispute settlement chapter in a future free trade agreement, regulations to that effect must be laid before both Houses of Parliament in advance of the approval of the mandate for that free trade agreement; and such regulations must be approved by a resolution of each House of Parliament before the mandate may be approved.”

LORD STEVENSON OF BALMACARA

53 Insert the following new Clause –

“Review of free trade agreements

- (1) The Secretary of State must lay before Parliament a review of the operation and impacts of each free trade agreement to which this Act applies.
- (2) Each such review shall be laid before Parliament no later than five years from the day on which the agreement comes into force.
- (3) A further review of the operation of each agreement shall be laid no later than five years after the day on which the previous such review was laid before Parliament.
- (4) Each review shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the impacts of the agreement, including as a minimum –
 - (a) the economic impacts on individual sectors of the economy, including but not restricted to –

After Clause 2 - continued

- (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
- (b) the social impacts, including but not restricted to –
- (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the Government’s duties under the Equality Act 2010;
- (c) the impacts on human rights, including but not restricted to –
- (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
- (d) the impacts on the environment, including but not restricted to –
- (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;
- (e) the impact of any investor-state dispute settlement which forms part of the agreement;
- (f) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
- (g) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of section 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.
- (5) The elements of the review to be undertaken under subsection (4)(g) must be disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.”

Member’s explanatory statement

This new Clause would introduce a review of the functioning of each FTA to which the United Kingdom is a signatory to be brought forward after five years and again after a further five.

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS JONES OF MOULSECOOMB

54 Insert the following new Clause –

“International Trade Commission

- (1) The Secretary of State must by regulations made by statutory instrument establish a body corporate called the International Trade Commission (“ITC”) within one month of the passing of this Act.
- (2) The ITC must establish criteria for maintaining standards as high as, or higher than, standards applied within the United Kingdom at the time of import for goods imported under a trade agreement between the United Kingdom and any other state.
- (3) “Standards” under subsection (2) includes, but is not limited to, standards relating to –
 - (a) animal welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability,
 - (d) plant health, and
 - (e) employment and human rights.
- (4) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 that contains provisions relating to the importation of goods into the United Kingdom unless satisfied that the criteria established by the ITC under subsection (2) have been met.
- (5) The Secretary of State must allocate such sums to the ITC as the Secretary of State considers appropriate as required in order to perform its functions.
- (6) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 BARONESS RITCHIE OF DOWNPATRICK

55 Insert the following new Clause –

“International Trade Commission: advice and reports

- (1) The ITC must provide the Secretary of State with such advice, assistance and support as the Secretary of State requests in connection with –
 - (a) negotiating an international trade agreement, and
 - (b) the functions of the Secretary of State relating to trade.
- (2) The ITC must prepare a report annually on the performance of its functions.
- (3) The ITC must provide a report to the Secretary of State containing its advice on any international trade agreement.
- (4) The Secretary of State must lay before Parliament each report under subsections (2) and (3), and the Secretary of State’s response to each report.”

After Clause 2 - continued

LORD GRANTCHESTER
 BARONESS JONES OF MOULSECOOMB
 LORD ROOKER

56 Insert the following new Clause—

“Import of agricultural goods after IP completion day

- (1) After IP completion day, agricultural goods imported under a free trade agreement may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—
 - (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (2) The Secretary of State must prepare a register of standards under UK law relating to—
 - (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health,
 which must be met in the course of production of any imported agricultural goods.
- (3) A register under subsection (2) must be updated within seven days of any amendment to any standard listed in the register.
- (4) “Agricultural goods”, for the purposes of this section, means anything produced by a producer operating in one or more agricultural sectors listed in Schedule 1 to the Agriculture Act 2020.
- (5) “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new Clause would set a requirement for imported agricultural goods to meet animal health and welfare, environmental, plant health, food safety and other standards which are at least as high as those which apply to UK produced agricultural goods.

LORD STEVENSON OF BALMACARA
 BARONESS FINLAY OF LLANDAFF

57 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

After Clause 2 - continued

- (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.
- (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);

After Clause 2 - continued

- (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
 BARONESS SUTTIE
 BARONESS ALTMANN
 BARONESS RITCHIE OF DOWNPATRICK

58 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.”

59 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,

After Clause 2 - continued

- (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."

60 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
 LORD HAIN

61 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."

After Clause 2 - continued

LORD HAIN
 BARONESS SUTTIE
 BARONESS ALTMANN
 BARONESS RITCHIE OF DOWNPATRICK

62 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.
- (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 LANSLEY
 BARONESS JONES OF MOULSECOOMB

63 Insert the following new Clause—

“Ratification of treaties

In section 21 of the Constitutional Reform and Governance Act 2010, after subsection (2) insert—

“(2A) Where a relevant Committee of either House of Parliament has recommended that a treaty constituting an international trade agreement as defined by the Trade Act 2020 should be debated in that House, the Minister of the Crown must ensure that the period does not expire before that debate has taken place.””

Member’s explanatory statement

This new clause would amend the CRAG Act to give statutory force to the convention that Ministers would extend the period for scrutiny of a Treaty so as to facilitate Parliamentary debate of its terms.

LORD LANSLEY
 VISCOUNT WAVERLEY
 LORD PURVIS OF TWEED

64 Insert the following new Clause—

“Trade promotion

The Secretary of State must lay a report before Parliament in relation to each year from 1 January 2021, prepared as soon as practicable after the end of that year, including—

After Clause 2 - continued

- (a) the measures adopted by the Secretary of State to secure the benefits of the international trade agreements entered into by the United Kingdom, and which are in force during the course of that year; and
- (b) the trade and export promotion strategies which the Secretary of State proposes in order to realise the economic benefits of those international trade agreements to enterprises in the United Kingdom.”

Member’s explanatory statement

This new Clause would require Ministers to report to Parliament on how the benefits of new Free Trade Agreements are to be realised, including the trade and export promotion strategies they intend to adopt.

LORD HAIN
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS SUTTIE
 BARONESS ALTMANN

65 Insert the following new Clause—

“International trade agreements: no discrimination against goods from Northern Ireland

Regulations under section 2(1) may not impose any tariffs or any requirement of customs procedures for goods originating in Northern Ireland which are entering Great Britain, or discriminate, either directly or in effect, in relation to such goods entering Great Britain as compared to other goods being traded within the United Kingdom.”

Member’s explanatory statement

Because Northern Ireland goods will be produced in accordance with EU rules under the Ireland/Northern Ireland Protocol, this amendment will ensure that NI goods in particular will not be discriminated against as a consequence of any new UK FTAs.

LORD STEVENSON OF BALMACARA

66 Insert the following new Clause—

“Mutual recognition agreements

The Government may not make any mutual recognition agreement which replicates or is substantially similar to another mutual recognition agreement to which the United Kingdom was previously a party by virtue of its membership of the European Union.”

LORD GRANTCHESTER

67 Insert the following new Clause—

“Animal welfare and sentience

Regulations may only be made under section 2(1) if the provisions of the international trade agreement to which they relate are compatible with—

- (a) any provision of the law of the United Kingdom (including retained EU law) relating to animal welfare standards and the welfare of animals in the production of food; and

After Clause 2 - continued

- (b) any obligations relating to animal sentience by which the United Kingdom is bound under international or domestic law, or any principles relating to animal sentience to which the United Kingdom adheres.”

Member’s explanatory statement

This new Clause would ensure that any animal welfare or sentience regulations arising from trade agreements are aligned with existing commitments in UK and retained EU law.

LORD ALTON OF LIVERPOOL
LORD FORSYTH OF DRUMLEAN
LORD ADONIS

BARONESS FALKNER OF MARGRAVINE

68 Insert the following new Clause—

“Agreements with states accused of committing genocide

Regulations made under section 1(1) or section 2(1) are revoked if the High Court of England and Wales makes a preliminary determination that they should be revoked on the ground that another signatory to the relevant agreement has committed genocide under Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, following an application to revoke the regulations on this ground from a person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, which has been the subject of that genocide.”

Member’s explanatory statement

The purpose of this amendment is to nullify trade arrangements made under this Bill if the High Court of England makes a preliminary determination that they should be revoked on the ground that the proposed trade partner has perpetrated Genocide.

BARONESS MCINTOSH OF PICKERING
BARONESS BROWN OF CAMBRIDGE

69 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 each House of Parliament has approved a motion that—
 - (a) the relevant trade agreement is consistent with the standards established 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 are produced to standards that are equivalent to those of the United Kingdom in the areas listed under paragraph (a)(i) to (iii).

After Clause 2 - continued

- (3) Condition B is that each House of Parliament has 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 on which 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) In section 8 (the customs tariff) of the Taxation (Cross-border Trade) Act 2018, after subsection (5)(e) insert—
 - “(f) the desirability of maintaining United Kingdom standards of animal welfare, food safety and environmental protection.””

BARONESS MCINTOSH OF PICKERING

70 Insert the following new Clause—

“Trade negotiations with the EU: adjustment period

It shall be an objective of Her Majesty's Government in negotiating a trade agreement with European Union to secure a implementation period after IP completion day, allowing industries with just-in-time supply chains, including the farming sector, to make business-critical changes.”

LORD FREYBERG
LORD CLEMENT-JONES

71 Insert the following new Clause—

“Trade agreements involving health and care technology

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the condition in subsection (2) is met in relation to the agreement.
- (2) The condition in this subsection is that any agreement which relates to trade in medical algorithms, technology or devices must explicitly allow, in the case of any traded algorithm or data-driven technology which could be deployed as a medical device, for the methodology for processing sensitive data to be independently audited or scrutinised for potential harm by an appropriate regulatory body in the United Kingdom.”

Member's explanatory statement

This new Clause would ensure that traded data-driven medical devices which recommend or inform treatment and care would not be beyond scrutiny by an appropriate body.

72 Insert the following new Clause—

“International trade agreements: health data processing services and IT systems

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsections (2) and (3) are met in relation to the agreement.

After Clause 2 - continued

- (2) The condition in this subsection is that no provision of that international trade agreement in any way undermines or restricts the ability of an appropriate authority to provide health data processing services and IT systems for commissioners, analysts and clinicians in relation to patient data, public health data and publicly provided social care data relating to UK citizens.
- (3) The condition in this subsection is that the agreement explicitly excludes provision for any Investor-State Dispute Settlement (ISDS) clause regarding data access and processing in relation to patient and public health data for the purposes of research, planning and innovation.”

Member’s explanatory statement

This new Clause would protect publicly funded health data processing services for which NHS England/NHS Improvement and NHS Digital has policy-making responsibility from any form of control from outside the UK. It would also ensure HM Government retains control of access to health data for the purposes of research, planning and innovation according to its own policy framework and associated regulations.

BARONESS JONES OF MOULSECOOMB

73

Insert the following new Clause—

“International trade agreements: climate and environmental goals

- (1) An appropriate authority may only take action in relation to an international trade agreement where—
 - (a) nothing in the international trade agreement restricts the ability of that or any other appropriate authority to take action in pursuit of the UK’s climate and environmental goals; and
 - (b) the international trade agreement has been demonstrated to be compatible with the achievement of the UK’s climate and environmental goals.
- (2) In subsection (1) “action in relation to an international trade agreement” means—
 - (a) laying the agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification); and
 - (b) making regulations for the purposes of implementing or facilitating the implementation of the agreement.
- (3) A Minister of the Crown may only conduct trade negotiations with nations that are fully implementing relevant multilateral environmental agreements, unless the following conditions are met—
 - (a) there are exceptional circumstances that merit the negotiation of an international trade agreement with that nation;
 - (b) the details of those exceptional circumstances, along with all relevant supporting evidence, have been published and laid before each House of Parliament for debate;

After Clause 2 - continued

- (c) a Minister of the Crown has made an assessment of the potential impact that an international trade agreement with that state would have on the likelihood of the United Kingdom being restricted in taking action in pursuit of its climate and environmental goals and in achieving those goals; and
 - (d) all reasonable steps have been taken to prevent and mitigate any negative effects on the achievement of the UK's climate and environmental goals.
- (4) In conducting trade negotiations and in other related activity a Minister of the Crown must fully inform negotiating partners of the United Kingdom's climate and environmental goals and ensure that measures that are necessary to achieve the goals (including domestic law and policy and international affairs) will take precedence over any international trade agreement resulting from the negotiations.
- (5) In subsections (3) and (4) "trade negotiations" means –
 - (a) negotiations with a view to entering into an international trade agreement; and
 - (b) negotiations in connection with the implementation or amendment of an international trade agreement, or otherwise connected with international trade.
- (6) In subsections (3) and (4) multilateral environmental agreements includes, so far as geographically applicable –
 - (a) the United Nations Framework Convention on Climate Change 1992;
 - (b) the Paris Agreement 2015;
 - (c) the Convention on Biological Diversity 1992 (including its protocols);
 - (d) the Rio Declaration 1992;
 - (e) the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973;
 - (f) the United Nations Convention for the Law of the Sea 1982;
 - (g) The Aarhus Convention 1998;
 - (h) The Convention on Long-Range Transboundary Air Pollution 1979;
 - (i) The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) 1992; and
 - (j) The Basel Convention 1992.
- (7) The Secretary of State must lay before Parliament in each financial year a report concerning compliance with subsections (3) and (4).
- (8) In this section "the UK's climate and environmental goals" means –
 - (a) the target of achieving net zero carbon emissions by 2050;
 - (b) any other target set under or for purposes connected with any enactment (including Scottish, Welsh or Northern Irish legislation, and retained EU law) relating to the environment or climate change;
 - (c) any goals and targets contained in an Environmental Improvement Plan, including the 25 Year Environment Plan;
 - (d) any target to which the UK is committed by virtue of being party to a relevant multilateral environmental agreement; and

After Clause 2 - continued

- (e) the United Nation’s Sustainable Development Goals.”

74 Insert the following new Clause—

“Ratification of international trade agreements

An international trade agreement shall not be ratified unless it enables the United Kingdom to require imports to—

- (a) comply with the standards laid down by primary and subordinate legislation in the United Kingdom regarding food safety, the environment and animal welfare, or
- (b) have been produced to standards that are comparable in effectiveness to those of the United Kingdom in protecting food safety, the environment and animal welfare.”

Member’s explanatory statement

This amendment ensures that UK standards regarding food safety, the environment and animal welfare cannot be undermined by imports produced to lower standards.

BARONESS SHEEHAN

75 Insert the following new Clause—

“International trade agreements: access to medicines

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsections (2) and (3) are met in relation to the application of that agreement in any part of the United Kingdom.
- (2) The condition in this subsection is that no provision of that international trade agreement in any way undermines or restricts the ability of any government to uphold their citizens’ right to access medicines as part of the right to the highest attainable standard of health as stated in the International Covenant on Economic, Social and Cultural Rights of 1966.
- (3) In particular, that international trade agreement may not include—
 - (a) any provision that limits or curtails the Government’s right to make full use of the safeguard provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”), reaffirmed in the Doha Declaration on the TRIPS Agreement and Public Health, including but not limited to—
 - (i) the right to grant compulsory licenses (known as Crown Use License in the UK under the Patents Act 1977), and the freedom to determine the grounds upon which licences are granted;
 - (ii) the right to determine what constitutes a national emergency and circumstances of extreme urgency;
 - (iii) the freedom to establish the regime of exhaustion of intellectual property rights; and
 - (iv) strengthening patentability criteria;
 - (b) any provision that goes beyond what is required in the TRIPS Agreement and serves to delay the market entry of lower-priced generic health technologies, including but not limited to—

After Clause 2 - continued

- (i) data exclusivity,
- (ii) patent linkage, and
- (iii) patent remit extensions;
- (c) any provision that lowers the bar for patentability;
- (d) any Investor-State Dispute Settlement provision which would allow private companies –
 - (i) to challenge health-related legislation, such as pharmaceutical price control measures,
 - (ii) to challenge the procurement and tendering processes of the National Health Service or another country's health system, or
 - (iii) to challenge any government's right to make full use of the safeguard provisions of the TRIPS Agreement.”

Member's explanatory statement

The aim of this Clause is to reaffirm a government's right to use internationally agreed safeguards to protect public health including securing access to more affordable generic medicines.

LORD BRUCE OF BENNACHIE

76 Insert the following new Clause –

“Joint Ministerial Committee

Prior to concluding a free trade agreement the Joint Ministerial Committee must meet and secure the consent of the devolved administrations.”

Clause 6

BARONESS HAYMAN
BARONESS JONES OF MOULSECOOMB
BARONESS KRAMER

77 Page 4, line 22, at end insert –

“() analysis of how proposed measures align with the United Kingdom's environmental obligations in international law.”

Member's explanatory statement

The amendment provides that, when the Trade Remedies Authority provides the Secretary of State with advice, that advice includes analysis of how any trade remedy measures being proposed would align (or not) with the United Kingdom's environmental obligations in international law.

BARONESS KRAMER

78 Page 4, line 25, leave out from “TRA” to end of line 28 and insert –

“(c) protect the TRA's operational independence and its ability to make impartial assessments when performing its functions.”

79 Page 4, line 28, at end insert –

“(iii) capacity and funding.”

Clause 6 - continued

LORD ROOKER

80 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.

After Clause 6

LORD BASSAM OF BRIGHTON
 BARONESS BENNETT OF MANOR CASTLE
 LORD ROOKER

81 Insert the following new Clause—

“Board of Trade Appointments

Appointments to the Board of Trade may only be made—

- (a) following the recruitment process set out in the Governance Code for Public Appointments,
- (b) under the supervision of the Commissioner for Public Appointments, and
- (c) after appointees have appeared in front of the Select Committee for International Trade of the House of Commons.”

LORD HAIN
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS ALTMANN
 BARONESS SUTTIE

82 Insert the following new Clause—

“Trader Support Service

Persons and businesses seeking to bring trade goods into Northern Ireland from outside the United Kingdom, including goods that transit through the rest of the United Kingdom, may access the Trader Support Service at no cost.”

Member’s explanatory statement

The Trader Support Service established to facilitate the trade of GB and Rest of World goods into NI is currently only for a two year period. This amendment extends that support indefinitely in respect of goods from outside the UK, including goods that transit through the rest of the UK.

LORD STEVENSON OF BALMACARA

83 Insert the following new Clause—

“Trade advisory groups

- (1) The Secretary of State must ensure that each trade advisory group includes at least one representative of a trade union.
- (2) A Minister of the Crown may not require a member of a trade advisory group, as a condition of membership, to agree not to disclose any information about the operations of the group or its discussions.
- (3) The Secretary of State must provide every relevant trade advisory group with any information which members of that group request regarding—
 - (a) the negotiating objectives of Her Majesty’s Government in relation to any proposed international trade agreement, and
 - (b) the progress of such negotiations and any salient developments, including matters that have been agreed or changes in the negotiating positions of any of the parties.
- (4) In this section, “trade advisory group” means a group of experts established by the Department for International Trade to advise the department about international trade negotiations and called a “trade advisory group”.

Clause 7

BARONESS NOAKES

84 Page 5, line 8, at end insert—

- “() Regulations under subsection (3) may not have the effect of making the provision of information compulsory.”

Member’s explanatory statement

This amendment is designed to ensure that compliance with a request for information under subsection (1) is voluntary.

LORD BASSAM OF BRIGHTON

85 Page 5, line 9, leave out subsection (4)

BARONESS MCINTOSH OF PICKERING

85A Page 5, line 17, at end insert—

- “(7) 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 8

LORD GRIMSTONE OF BOSCOBEL

86 Page 5, line 22, after “trade,” insert—

- “(aa) facilitating the exercise by a devolved authority of the authority’s functions relating to trade,”

Member's explanatory statement

This amendment would ensure that HMRC is able to disclose information to a devolved authority.

BARONESS NOAKES

- 87 Page 5, line 25, leave out “include, among other things, functions relating to” and insert “are”

Member's explanatory statement

This amendment and the other in Baroness Noakes' name to this clause are designed to ensure that the disclosure powers are strictly confined.

- 88 Page 5, leave out lines 37 and 38

Member's explanatory statement

This amendment and the other in Baroness Noakes' name to this clause are designed to ensure that the disclosure powers are strictly confined.

LORD STEVENSON OF BALMACARA

- 89 Page 5, line 46, at end insert “, subject to the modifications in subsection (4A).
 (4A) For the purposes of subsection (4), section 19 of the Commissioners for Revenue and Customs Act 2005 has effect as if it were subject to the following modifications—
 (a) for subsection (4)(a) there were substituted—
 “(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or”; and
 (b) after subsection (4) there were inserted—
 “(4A) Where a person is a corporation, a fine under subsection (4)(a) may not exceed 4% of the corporation's annual turnover.””

BARONESS MCINTOSH OF PICKERING

- 89A Page 6, line 9, at end insert—
 “() Nothing in this section authorises the disclosure of information or the production of documents which are subject to legal professional privilege.”

Clause 10

LORD GRIMSTONE OF BOSCOBEL

- 90 Page 7, line 46, at end insert—
 “(5) In relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in subsection (4)(b)(i) to 12 months is to be read as a reference to 6 months.”

Member's explanatory statement

This amendment would take account of the fact that magistrates do not have powers to confer a 12 month sentence (because paragraph 24(2) of Schedule 22 to what will become the Sentencing Act 2020 is yet to come into force).

After Clause 10

LORD LANSLEY
LORD PURVIS OF TWEED

91 Insert the following new Clause –

“International disputes

In section 32 of the Taxation (Cross-border Trade) Act 2018, subsection (3), at end insert –

“(d) regulations under section 15 (international disputes etc).”

Member’s explanatory statement

This new Clause would amend the Taxation (Cross-border Trade) Act 2018 to require that, where the Secretary of State proposes tariff increases in pursuance of an international dispute (not as a trade remedy), such a regulation must be made subject to an affirmative procedure.

LORD LANSLEY
LORD CHIDGEY
LORD JUDD

92 Insert the following new Clause –

“Preferential rates given unilaterally

(1) In section 32 of the Taxation (Cross-border Trade) Act 2018, subsection (3), at end insert –

“(d) the first regulations under section 10 (preferential rates given unilaterally).”

(2) In Schedule 3 to the Taxation (Cross-border Trade) Act 2018, Part 4, paragraph 2(1), at end insert –

“(c) in the case of the list in Part 2 or 3, the government of that country has committed abuses of human rights of such a character and scale that, in the view of the Secretary of State, unilateral trade preferences should be withdrawn.”

Member’s explanatory statement

This new Clause relates to the Scheme of Preferences as provided for in Section 10 and Schedule 3 of the Taxation (Cross-border Trade) Act 2018. The first sub-clause requires that the first regulations made to establish the scheme (to apply from IP Completion day) must be made by an affirmative process. The second sub-clause confers a specific power to remove a country from the list of those benefiting from unilateral trade preferences where the government of that country has committed human rights abuses.

LORD LANSLEY

93 Insert the following new Clause –

“Parliamentary scrutiny of power to designate free zones

(1) Orders made under section 100A(1) of the Customs and Excise Management Act 1979 are subject to annulment in pursuance of a resolution of either House of Parliament.

After Clause 10 - continued

- (2) Before making an order under section 100A(1) of the Customs and Excise Management Act 1979, the Treasury must consult persons whom they consider representative of those people and enterprises situated in the area to be designated.”

Member’s explanatory statement

This new Clause amends the legislation relating to Free Zones, so that there is consultation locally before an area is designated; and that the power to designate a Free Zone is by a Statutory Instrument subject to a negative procedure.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

94 Insert the following new Clause –

“Arbitration and alternative dispute resolution: duty to report

- (1) This section applies where –
- (a) any international trade agreement specifies an arbitration or alternative dispute resolution procedure to resolve disagreements between signatories about the interpretation, implementation or enforcement of the agreement;
 - (b) the United Kingdom is a party to such an arbitration or alternative dispute resolution procedure; and
 - (c) the final outcome of the arbitration or alternative dispute resolution procedure is a decision or settlement that requires the law of the United Kingdom to be amended.
- (2) Where this section applies, the Secretary of State must make and lay before Parliament a report setting out –
- (a) the facts of the disagreement and the issues raised,
 - (b) the decision or settlement, and changes needed to the law of the United Kingdom to give effect to, or comply with, the decision or settlement, and
 - (c) the response of Her Majesty’s Government.”

BARONESS MCINTOSH OF PICKERING

95 Insert the following new Clause –

“Supporting business viability for sectors with just-in-time supply chains

The appropriate authority may by regulations make provision to reduce the costs for the farming sector of complying with legislation related to the export and import of goods, including the minimisation of veterinary checks and physical inspections on large volumes of food products.”

Clause 11

LORD GRIMSTONE OF BOSCOBEL

96 Page 8, line 4, at end insert –

““devolved authority” has the meaning given in section 4(1);”

Member's explanatory statement

This amendment is consequential on the Government's amendment to Clause 8, page 5, line 22.

After Clause 13

LORD PURVIS OF TWEED
BARONESS SHEEHAN
BARONESS BENNETT OF MANOR CASTLE

97 Insert the following new Clause—

“Report on impact on developing countries

- (1) Regulations under section 13(2) may not be made until a Minister of the Crown has laid before Parliament a report—
 - (a) assessing the economic and development impact of each free trade agreement to which the United Kingdom is party with a Least Developed Country or a Lower Middle Income Country and Territory; and
 - (b) containing proposals on how Her Majesty's Government will assist the Least Developed Country or Lower Middle Income Country and Territory to implement any free trade agreements to which the United Kingdom and those countries are party.
- (2) A Minister of the Crown must lay further reports before Parliament every twelve months in the terms under subsection (1).
- (3) Subsequent reports under subsection (2) must give an assessment of the impact of any regulations made under section 10 of the Taxation (Cross-border Trade) Act 2018 on those countries to which EU Regulation 978/2012 applies (the “GPS Regulation”).”

Member's explanatory statement

The new Clause requires a Minister of the Crown to report annually on the impact of trade agreements to which the UK is party on the world's least developed countries.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

98 Insert the following new Clause—

“Conditions of commencement

The provisions in Parts 1 to 3 may only come into force if—

- (a) a trade agreement with the European Union has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown, or
- (b) the House of Commons has passed a motion “That this House approves the implementation period ending without a trade agreement between the United Kingdom and the European Union”.”

Member's explanatory statement

This amendment ensures powers in this Bill do not commence without a parliamentary vote on either an EU-UK Free Trade Agreement or ending the transition period with no deal.

Schedule 1

LORD WIGLEY
BARONESS MCINTOSH OF PICKERING

- 99 Page 13, line 4, at end insert –
“10 No regulations may be made by a Minister of the Crown under section 2(1) so far as they contain provision which would be within the devolved competence of Welsh Ministers, unless the Welsh Ministers consent.”

Schedule 2

LORD LENNIE

- 100 Page 13, line 26, leave out from “section 1(1)” to end of line 27 and insert “may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment would specify an affirmative resolution procedure for regulations under Clause 1(1) (Regulations relating to the UK’s membership of the GPA).

- 101 Page 13, line 27, at end insert –
“() A statutory instrument containing regulations under section 1(1)(b)(ii), may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- 102 Page 13, line 27, at end insert –
“() A statutory instrument containing regulations under section 1(1) which make changes to coverage schedules in the Agreement on Government Procurement may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

- 103 Page 15, line 25, at end insert –
“4A(1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 2(1) in respect of an international trade agreement which does not meet the criteria under section 2(3) or section 2(4) may not be made except in accordance with the steps in sub-paragraphs (2) to (5).
(2) The Minister must lay before Parliament –
(a) a draft of the regulations, and
(b) a document which explains why the Secretary of State believes that regulations should be made in the terms of the draft regulations.
(3) The Minister may make regulations in the terms of the draft regulations laid under sub-paragraph (2) if –

Schedule 2 - continued

- (a) after the expiry of a period of 21 sitting days after the draft regulations are laid, no committee of either House of Parliament has recommended that the regulations should not be made, and
 - (b) after the expiry of a period of 60 sitting days after the draft regulations are laid, the draft regulations are approved by a resolution of each House of Parliament.
- (4) If a committee of either House of Parliament recommends that the regulations should not be made, the Secretary of State may –
- (a) lay before Parliament revised draft regulations, and
 - (b) after the expiry of a period of 40 sitting days after the revised draft regulations are laid, make a motion for a resolution in each House of Parliament for approval of the revised draft regulations.
- (5) If a motion under sub-paragraph (4)(b) is approved by a resolution of each House of Parliament, the Secretary of State may make the regulations.”

Member’s explanatory statement

This amendment would establish a form of super-affirmative procedure for scrutiny of regulations implementing all trade agreements covered by the bill. The procedure would apply to agreements other than EU rollover trade agreements if amendments extending the application of the bill were agreed to.

Schedule 4

BARONESS KRAMER

104 Page 17, line 11, at end insert –

- “(3) The TRA is to be operationally independent of the Secretary of State.
- (4) In exercising any powers related to dumping, subsidisation, guarantees, anti-dumping amount and countervailing amount as laid out in Schedules 4 and 5 to the Taxation (Cross-border Trade) Act 2018, the Secretary of State may not exercise powers in the absence of a recommendation of the TRA and may not depart from a recommendation of the TRA except to reject it.
- (5) The Secretary of State may not instruct the opening or reopening of an investigation which the TRA has closed and on which the TRA made no recommendation unless there are changes in circumstances.”

LORD LANSLEY

104A Page 17, line 17, leave out from “Secretary of State” to “, and” in line 18

105 Page 17, line 19, at end insert –

- “() Before appointing a Chair, the Secretary of State must make a nomination of that person to the International Trade Select Committee of the House of Commons or its successor, and must have regard to the views of that Committee, whether following a pre-appointment hearing or otherwise, in making the appointment.”

Member's explanatory statement

This amendment requires the Secretary of State to have regard to the views of the International Trade Select Committee or its successor, following a pre-appointment hearing if the Committee so wishes, before appointing the Chair of the Trade Remedies Authority. It does not make the appointment subject to the approval of the Committee.

LORD STEVENSON OF BALMACARA
BARONESS MCINTOSH OF PICKERING

106 Page 17, line 25, at end insert –

- “() The Secretary of State must ensure that the non-executive members include a representative of –
- (a) producers,
 - (b) trade unions,
 - (c) consumers, and
 - (d) each of the United Kingdom devolved administrations.”

Member's explanatory statement

This amendment would ensure that the Trade Remedies Authority includes, among its non-executive members, representatives of stakeholder bodies potentially affected by its recommendations.

107 Page 17, line 27, leave out paragraph 3 and insert –

- “3 No person may be appointed as a non-executive member of the TRA under paragraph 2(1)(b) unless –
- (a) the Secretary of State has first consulted the Chair of the TRA on the proposed appointment, and
 - (b) the International Trade Committee of the House of Commons has consented to the appointment.”

Member's explanatory statement

This amendment would establish a procedure for appointing non-executive members of the Trade Remedies Authority other than the Chair.

LORD BASSAM OF BRIGHTON
BARONESS MCINTOSH OF PICKERING

108 Page 17, line 27, leave out paragraph 3 and insert –

- “3 A person holds office as a member of the TRA for a fixed period of five years from the date of appointment; and a person is eligible for renewal of appointment for a further fixed period of five years upon the expiry of the first period.”

LORD LANSLEY

108A Page 18, line 35, leave out paragraphs 17 to 23

BARONESS KRAMER

109 Page 20, line 2, at end insert –

- “() The TRA may establish an advisory committee or committees comprising stakeholders including representatives of –
- (a) the devolved nations,
 - (b) the Trades Union Congress, and

Schedule 4 - continued

(c) business, including small business, and consumers.”

110 Page 20, line 35, at end insert “and undertake transferred liabilities under Schedule 5”

111 Page 21, line 22, after “functions” insert “and activities”

112 Page 21, line 23, at end insert “including—
(a) its recommendations accepted and rejected by the Secretary of State,
(b) an assessment of the impact on consumers and jobs, and
(c) the weighting given to various elements of the economic interest assessment.”

LORD LANSLEY

113 Page 21, line 24, at end insert—
“(2A) The report must include an account of when, and for what purposes, the Secretary of State made a request under section 6(1) of this Act in the course of that year.”

Member’s explanatory statement

This amendment would require that the annual report of the TRA includes an account of when, and for what purposes, the Secretary of State has requested the TRA’s advice in relation to an international trade dispute.

BARONESS KRAMER

114 Page 22, line 15, leave out from “and” to end of line 18 and insert—
“(c) protect the TRA’s operational independence and its ability to make impartial assessments when performing its functions.”

Trade Bill

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

29 September 2020
