

Trade Bill

AMENDMENT
TO BE MOVED
ON REPORT

After Clause 2

LORD COLLINS OF HIGHBURY

Insert the following new Clause—

“Free trade agreements: determination on compliance with international obligations and state actions

- (1) Before publishing the objectives and any initial impact assessments of a proposed trade agreement to be implemented under the Constitutional Reform and Governance Act 2010, the Government must conduct a risk assessment which considers whether the agreement would comply with the United Kingdom’s international treaties and other obligations.
- (2) The assessment under subsection (1) must include—
 - (a) particular reference to human rights, and
 - (b) an examination of serious violations committed, or which are alleged to have been committed, by the state or states who will be signatory to the proposed trade agreement.
- (3) The risk assessment under subsection (1) must be presented to the relevant Committees in both Houses of Parliament.
- (4) Before a trade agreement may be laid before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament for ratification), Ministers of the Crown must determine whether the trade agreement, if ratified, would be compliant with the United Kingdom’s international obligations, with particular reference to—
 - (a) human rights, and
 - (b) whether serious violations have been committed by the state or states party to the signed trade agreement.
- (5) Such a determination must be published and made available to the relevant Committees at the same time as they are requested to consider a signed trade agreement.
- (6) The Government must present an annual report to the relevant Committees in both Houses of Parliament on the continuing compliance of trade agreements with the United Kingdom’s international obligations, which includes—

After Clause 2 - continued

- (a) particular reference to human rights, and
 - (b) an examination of serious violations committed, or which are alleged to have been committed, by the state or states who are signatory to the trade agreement since it was signed.
- (7) If breaches of the United Kingdom's international obligations or serious violations have taken place, Ministers of the Crown must make a determination on the continuation of a trade agreement.
- (8) In this section, "serious violations" include an activity by a state which would violate an individual's—
- (a) right to life, including but not limited to genocide;
 - (b) right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment;
 - (c) right to be free from slavery and not to be held in servitude or required to perform forced or compulsory labour; or
 - (d) any other right or freedom deemed fundamental by a Minister of the Crown.
- (9) In this section, "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 as defined under section 4;
 - (b) Interim Association Agreements and Association Agreements;
 - (c) Economic Partnership Agreements;
 - (d) Interim Partnership Agreements;
 - (e) Stabilisation and Association Agreements;
 - (f) Global Agreements;
 - (g) Economic Area Agreements;
 - (h) Cooperation Agreements;
 - (i) Comprehensive Economic and Trade Agreements;
 - (j) Association Agreements with strong trade component;
 - (k) Transatlantic Trade and Investment Partnerships; and
 - (l) Investment Protection Agreements."

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24 November 2020
