

Agriculture Bill

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

[The clause, page and line references are to HL Bill 112, the bill as first printed for the Lords.]

After Clause 42

LORDS AMENDMENT 16

16 Insert the following new Clause—

“Requirement for agricultural and food imports to meet domestic standards

- (1) Chapters of an international trade agreement that contain provisions relating to the importation of agricultural and food products into the United Kingdom may not be ratified unless the conditions in subsections (2) to (5) have been met.
- (2) The condition in this subsection is that a Minister of the Crown has laid before Parliament a statement confirming that—
 - (a) the agreement contains an affirmation of the United Kingdom’s rights and obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement, and
 - (b) any agricultural or food product imported into the United Kingdom under the agreement will have been produced or processed according to standards which, on the date of their importation, are equivalent to, or exceed, the relevant domestic standards and regulations in relation to—
 - (i) animal health and welfare,
 - (ii) protection of the environment,
 - (iii) food safety, hygiene and traceability, and
 - (iv) plant health.
- (3) The condition in this subsection is that the Secretary of State has by regulations specified—
 - (a) the process by which the Secretary of State will determine—
 - (i) that the standards to which any agricultural or food product imported into the United Kingdom under a trade agreement is produced or processed are equivalent to, or exceed, the relevant domestic standards and regulations in relation to animal health and welfare, protection of the environment, food safety, hygiene and traceability, and plant health, and

- (ii) that the enforcement of standards in relation to any product under subsection (3)(a)(i) is at least as effective as the enforcement of the equivalent domestic standards and regulations in the United Kingdom;
 - (b) the “relevant domestic standards and regulations” for the purposes of subsections (2)(b) and (3)(a)(i).
- (4) The condition in this subsection is that the chapters have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.
- (5) The condition in this subsection is that a motion for the House of Lords to take note of the chapters has been tabled in the House of Lords by a Minister of the Crown and—
- (a) the House of Lords has debated the motion, or
 - (b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in subsection (4).
- (6) A Minister of the Crown may, where the Minister considers appropriate, make regulations amending any regulations made under subsection (3).
- (7) Regulations made under subsection (3) or (6) are subject to affirmative resolution procedure.
- (8) In this section—
- “chapters” means any individual section or sections of an international trade agreement;
 - “international trade agreement” means—
 - (a) an agreement that is or was notifiable under—
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii);
 - “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “ratified” has the same meaning as in the Constitutional Reform and Governance Act 2010;
 - “World Trade Organisation Sanitary and Phytosanitary Agreement” means the agreement on the Application of Sanitary and Phytosanitary Measures, part of Annex 1A to the WTO Agreement (as modified from time to time);
 - “WTO Agreement” means the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994.”

COMMONS REASON

The Commons disagree to Lords Amendment 16 for the following Reason –

- 16A** *Because the Commons do not consider it appropriate to create new requirements for imports to meet particular standards.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 16, to which the Commons have disagreed for their Reason 16A, but do propose Amendment 16B in lieu –

- 16B** Insert the following new Clause –

“Duty to seek equivalence on agri-food standards in relation to future trade

- (1) When negotiating any international trade agreement containing provisions relating to the importation of agri-food products into the United Kingdom, it shall be a negotiating objective for Her Majesty’s Government to secure terms that provide for equivalence with standards applicable to domestic producers in the areas of –
 - (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (2) Before an international trade agreement can be laid before Parliament under section 20 of the Constitutional Reform and Governance Act 2010 (“the 2010 Act”), a Minister of the Crown must lay before both Houses of Parliament a statement confirming –
 - (a) that Her Majesty’s Government has, in the Minister’s opinion, fulfilled the requirement under subsection (1),
 - (b) whether equivalence with domestic standards has been achieved,
 - (c) any exemptions provided for individual products, and
 - (d) in relation to subparagraphs (b) and (c), the Minister’s reasons for this being the case.
- (3) Subsections (1) and (2) shall not apply if –
 - (a) the international trade agreement is a continuation or revision of an agreement to which the United Kingdom was a party prior to IP completion day, whether as a direct signatory or by virtue of membership of the European Union, or
 - (b) the international trade agreement is with one or more least developed countries and, in the Secretary of State’s opinion, seeking equivalence on standards would present an unfair impediment to trade for the country or countries.
- (4) In addition to the requirements under the 2010 Act, chapters of a relevant international trade agreement may not be ratified unless the conditions in subsections (5) and (6) have been met.
- (5) The condition in this subsection is that the chapters have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.

- (6) The condition in this subsection is that a motion for the House of Lords to take note of the chapters has been tabled in the House of Lords by a Minister of the Crown and—
- (a) the House of Lords has debated the motion, or
 - (b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in subsection (5).
- (7) In this section—
- “chapters” means any individual section or sections of an international trade agreement;
- “international trade agreement” means—
- (a) an agreement that is or was notifiable under—
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii);
- “least developed countries” means any country on the United Nations Committee for Development’s List of Least Developed Countries, as amended from time to time;
- “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “ratified” has the same meaning as in the Constitutional Reform and Governance Act 2010.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

- 16C** *The Commons disagree to Lords Amendment 16B but propose Amendments 18C and 18D in lieu.*

LORDS AMENDMENT 18

- 18** Insert the following new Clause—

“Trade and Agriculture Commission

- (1) The Trade and Agriculture Commission (“the TAC”) is established.
- (2) Within three months of the day on which this Act is passed, the TAC must produce a report making recommendations to the Secretary of State to promote, maintain and safeguard current standards of food production through international trade policy, including standards related to food safety, the environment and animal welfare.

- (3) The Secretary of State must lay the report under subsection (2) before Parliament on the date of publication.
- (4) The report under subsection (2) must include—
 - (a) recommendations for the policies and legislation that the Government may adopt, including the necessary processes and institutions, in order to ensure that imported agri-food products placed on the market in the United Kingdom meet equivalent standards to those required of UK producers and that UK law and policy relating to food imports is effectively supportive of high standards, including in relation to food safety, the environment and animal welfare both domestically and internationally;
 - (b) where relevant production standards are not provided for in existing primary or secondary legislation in the United Kingdom, recommendations for the policies and legislation that the Government may adopt, including the necessary processes and institutions (such as testing regimes, assurance schemes and certification bodies), in order to ensure that imported agri-food products sold in the United Kingdom are produced to appropriately high standards in relation to food safety, the environment and animal welfare;
 - (c) the scope of agri-food standards and regulations for production methods and final and intermediate products that are relevant to agri-food products which the Government should aim to maintain in future trade negotiations relating to the trade of agri-food products;
 - (d) identification of existing powers exercisable by a Minister of the Crown for administering, enforcing and monitoring standards as set out in paragraph (c), including import restrictions based on those standards;
 - (e) recommendations about how to ensure effective and transparent comparison of agri-food production standards with international standards, including how different production systems and regulatory approaches might be considered equivalent to those that apply in the United Kingdom;
 - (f) recommendations for how to monitor imports of agri-food products in order to assess and compare the standards as defined under paragraph (c);
 - (g) consideration of exceptions to import restrictions of agricultural products, for instance where a requirement may have negative impacts on consumer interests or on developing countries, and recommendations of how best to manage such exceptions; and
 - (h) recommendations for public and Parliamentary scrutiny of any current or future trade negotiations relating to the trade of agri-food products with a view to agreeing an international trade agreement consistent with the TAC's other recommendations under subsection (2).
- (5) In addition to the report under subsection (2), the TAC must produce a report relating to each and any international trade agreement agreed, negotiated or concluded by the Government at any time after the commencement of this Act, prior to such an agreement being signed, considering its impact on the trade of agri-food products.

- (6) A report under subsection (5) must assess the terms of the international trade agreement under consideration and its impact on the Secretary of State's ability to promote, maintain and safeguard standards of agri-food production, including in relation to food safety, the environment and animal welfare.
- (7) The Secretary of State must lay any report under subsection (5) before Parliament on the date of publication, and a Minister of the Crown must move a motion to consider any recommendations in the report in each House of Parliament prior to the relevant agreement being signed.
- (8) The relevant international trade agreement may not be signed by the Secretary of State or another Minister of the Crown within 21 days of a motion being moved under subsection (7).
- (9) "International trade agreement" means –
 - (a) an agreement that is or was notifiable under –
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii).
- (10) The TAC may create such working groups and commission such research as it deems appropriate to meet its duties under subsections (2) and (5).
- (11) Within three months of a report being laid under subsection (3), the Secretary of State must –
 - (a) lay before Parliament a response to the TAC's report and all its recommendations, including how the Secretary of State intends to maintain the United Kingdom's standards for food production in importing agricultural products in relation to food safety, the environment and animal welfare, and
 - (b) make a statement to Parliament on the Government's response to the TAC's recommendations.
- (12) Ministers of the Crown must table motions for resolution regarding the response under subsection (11) in each House of Parliament.
- (13) It shall be an objective of the Secretary of State to achieve outcomes consistent with the relevant resolutions passed under subsection (12).
- (14) The Secretary of State may by regulations made by statutory instrument confer further functions on the TAC after the report under subsection (2) has been published.
- (15) The Secretary of State may by regulations made by statutory instrument amend the period of three months under subsection (2) provided that such an extension is agreed by the TAC in writing.
- (16) A statutory instrument containing regulations under subsection (14) is subject to affirmative resolution procedure.
- (17) A statutory instrument containing regulations under subsection (15) is subject to negative resolution procedure."

COMMONS REASON

The Commons disagree to Lords Amendment 18 for the following Reason –

- 18A** *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 18, to which the Commons have disagreed for their Reason 18A, but do propose Amendment 18B in lieu –

- 18B** Insert the following new Clause –

“Trade and standards

- (1) The Secretary of State must produce a report relating to each and any international trade agreement agreed, negotiated or concluded by the Government at any time after the commencement of this Act, prior to such an agreement being ratified, considering its impact on the trade of agri-food products.
- (2) A report under subsection (1) must –
 - (a) assess the terms of the international trade agreement under consideration and its impact on the Secretary of State’s ability to promote, maintain and safeguard standards of agri-food production, including in relation to food safety, the environment and animal welfare; and
 - (b) include a register of all agri-food products –
 - (i) that are provided with preferential access to the UK market, at any time, under the international trade agreement under consideration, and
 - (ii) that may be produced to lower standards of food safety, animal welfare or environmental protection than those that are in force in any part of the UK at the time the report is laid under subsection (3).
- (3) The Secretary of State must lay any report under subsection (1) before Parliament on the date of publication, and a Minister of the Crown must move a motion to consider the report in each House of Parliament prior to the relevant agreement being ratified.
- (4) The relevant international trade agreement may not be ratified within 21 sitting days of a motion being moved under subsection (3).
- (5) The Secretary of State must consult on the merits of the establishment of a Trade and Agriculture Commission to undertake the duties in subsections (1) and (2) on their behalf.
- (6) The Secretary of State must lay a report before Parliament containing the outcome of the consultation conducted under subsection (5) within two months of the day on which this Act is passed.
- (7) In producing reports under either subsection (1) or (6) the Secretary of State must consult with –
 - (a) the general public;
 - (b) the devolved administrations;

- (c) representatives from –
 - (i) the farming sector;
 - (ii) the food industry;
 - (iii) consumer and public health groups;
 - (iv) environmental organisations;
 - (v) animal welfare organisations;
 - (vi) farm assurance and certification bodies; and
 - (d) any other individuals or organisations the Secretary of State considers appropriate.
- (8) Reports under subsections (1) and (6) must include summaries of the submissions of the consultees listed in subsection (7).
- (9) “International trade agreement” means –
- (a) an agreement that is or was notifiable under –
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii).”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 18B but propose Amendments 18C and 18D in lieu –

After Clause 39

18C Page 36, line 24, at end insert the following new Clause –

“Reports relating to free trade agreements

- (1) A free trade agreement that includes measures applicable to trade in agricultural products may not be laid before Parliament under Part 2 of the Constitutional Reform and Governance Act 2010 unless the Secretary of State has first laid a report complying with subsection (2) before Parliament.
- (2) The report must explain whether, or to what extent, the measures referred to in subsection (1) are consistent with the maintenance of UK levels of statutory protection in relation to –
 - (a) human, animal or plant life or health,
 - (b) animal welfare, and
 - (c) the environment.
- (3) In subsection (2) “UK levels of statutory protection” means levels of protection which, at the time the report is made, are provided for by or under any legislation which has effect in, or in any part of, the United Kingdom.
- (4) In preparing the report, the Secretary of State may seek advice from any person the Secretary of State considers to be independent and to have relevant expertise.

- (5) When the Secretary of State lays the report before Parliament the Secretary of State must also provide a copy of it to—
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers,
 - (c) DAERA, and
 - (d) any Committee of the House of Commons or the House of Lords or any Joint Committee of both Houses that appears to the Secretary of State to have an interest in the subject matter of the report.
- (6) This section does not apply in relation to a free trade agreement if—
- (a) each party to the agreement (other than the United Kingdom) is a member State or the European Union, or
 - (b) the following conditions are met—
 - (i) the negotiations for the agreement were concluded before the second anniversary of IP completion day,
 - (ii) each party to the agreement (other than the United Kingdom) and the European Union were, immediately before exit day, parties to another free trade agreement which includes measures applicable to trade in agricultural products, and
 - (iii) the other free trade agreement was, immediately before exit day, in force for, or being provisionally applied by, each party to that agreement.
- (7) In this section—
- “agricultural products” means products of a kind which, at the time this section comes into force, is listed in—
- (a) Annex 1 to the Treaty on the Functioning of the European Union;
 - (b) Annex 1 to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2013 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009;
 - (c) the first two columns of Annex 2 to that Regulation;
- “free trade agreement” means an agreement that is or was notifiable under paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A of the WTO Agreement (as modified from time to time);
- “legislation” means primary legislation, subordinate legislation or retained direct EU legislation;
- “the WTO Agreement” means the Agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994.”

In the Title

- 18D** Title, line 11, after “carcasses;” insert “to make provision for reports relating to free trade agreements;”

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