

Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 21st November 2023, as follows –

Clauses 1 to 3
Schedule

Clauses 4 to 8
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 3

LORD LANSLEY

1 Clause 3, page 2, line 7 leave out “wholly or mainly”

The Schedule

LORD LANSLEY

2 The Schedule, page 8, line 31, leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

LORD LANSLEY

3 The Schedule, page 9, line 31, leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

LORD LANSLEY

- 4 The Schedule, page 10, line 25, leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

LORD LANSLEY

- 5 The Schedule, page 11, line 25, leave out leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

LORD LANSLEY

- 6 The Schedule, page 12, line 23, leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

LORD LANSLEY

- 7 The Schedule, page 13, line 20, leave out “fully financed, or co-financed for the most part,” and insert “funded”.

Member's explanatory statement

This amendment is intended to probe the question of why the CPTPP chapter reference to “funded” is rendered as “fully financed or co-financed for the most part” and any consequences of this distinction.

Clause 4

LORD LANSLEY

- 8 Clause 4, page 3, line 13, leave out “established by use” and insert “in use prior to that date”

Member's explanatory statement

This amendment is to probe whether the concept of “established by use” has meaning under the Trade Marks Act 1994.

Clause 5

LORD LANSLEY

- 9 Clause 5, page 6, line 6, at end insert –
- “(3A) In section 206, after subsection (4) insert –
- “(4A) Prior to His Majesty making an order in Council under subsection (4)(b) the Secretary of State must consult those whom they consider appropriate including representatives of United Kingdom rightsholders.”
- (3B) In section 208 (countries enjoying reciprocal protection), after subsection (1) insert –
- “(1A) Prior to His Majesty making an Order in Council under this section, the Secretary of State must consult those whom they consider appropriate including representatives of United Kingdom rightsholders.””

Member's explanatory statement

This amendment would require consultation to take place regarding reciprocal protection for United Kingdom performers in a qualifying country before is it designated as such.

LORD MCNICOL OF WEST KILBRIDE

- 10★ Clause 5, page 6, line 8, remove “before,”

Member's explanatory statement

This amendment probes the impact of the section on performers' rights on performances made before the Bill comes into effect.

After Clause 5

LORD FOSTER OF BATH

- 11 After Clause 5, insert the following new Clause –
- “Qualifying countries**
- (1) Section 206 of the Copyright, Designs and Patents Act 1988 (qualifying countries, individuals and persons) is amended as follows.

- (2) In subsection (1)(bb) for “Rome Convention” substitute “Comprehensive and Progressive Agreement for Trans-Pacific Partnership”.”

THE EARL OF CLANCARTY
LORD FOSTER OF BATH

- 12 After Clause 5, insert the following new Clause –

“Artist’s resale right

Within 12 months of the passing of this Act, the Secretary of State must lay before Parliament an impact assessment of the possible benefits of seeking to extend the Intellectual Property Chapter of the CPTPP to include provisions on the artist’s resale right.”

LORD HOLMES OF RICHMOND

- 13 After Clause 5, insert the following new Clause –

“Review: inward investment into the United Kingdom

- (1) A Minister of the Crown must publish a review of the impact of the implementation of the CPTPP Chapter on investment on inward investment into the United Kingdom.
- (2) The review under subsection (1) should include a consultation of such persons the Minister of the Crown considers appropriate.
- (3) The review under subsection (1) must be published within 12 months of the passing of this Act and every 12 months thereafter.”

LORD HOLMES OF RICHMOND

- 14 After Clause 5, insert the following new Clause –

“Impact assessment: financial services

- (1) A Minister of the Crown must publish an assessment of the impact of the implementation of CPTPP Chapters on –
- (a) the cross-border trade in services; and
- (b) financial services
- on the financial services sector in the United Kingdom.
- (2) The impact assessment under subsection (1) must include –
- (a) an analysis of the domestic regulatory barriers between CPTPP members to cross-border financial services trade;
- (b) consideration of the role of UK financial regulators in developing consistent regulatory approaches between CPTPP member countries;

- (c) an assessment of the scope for mutual recognition of professional qualifications in the financial services sector between CPTPP member countries;
 - (d) a consultation of such persons the Minister of the Crown considers appropriate.
- (3) The impact assessment under subsection (1) must be published within 12 months of the passing of this Act and every 12 months thereafter.”

BARONESS BOYCOTT
LORD RANDALL OF UXBRIDGE
BARONESS WILLIS OF SUMMERTOWN
LORD GOLDSMITH OF RICHMOND PARK

15 After Clause 5, insert the following new Clause—

“Review: interaction with powers on deforestation

Within six months of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a review of how the Secretary of State’s powers under Schedule 17 of the Environment Act 2021 interact with the implementation of Chapter 20 of the CPTPP.”

Member's explanatory statement

This new clause would require the Government to lay out the interactions between the requirement in the CPTPP to co-operate to tackle deforestation and the as-yet-uncommenced powers in Schedule 17 of the Environment Act 2021 to lay regulations on the import of goods which are considered to be forest risk commodities.

BARONESS WILLIS OF SUMMERTOWN
LORD RANDALL OF UXBRIDGE

16★ After Clause 5, insert the following new Clause—

“Review: import checks for pesticides

- (1) The Secretary of State must publish a review of the impact of the implementation of import checks in the CPTPP Chapter on sanitary and phytosanitary measures on the risk of contamination by residue levels of pesticides on food and feed of plant and animal origin.
- (2) The review under subsection (1) must include—
 - (a) an assessment of whether current import checks are sufficient to reduce the risk of contamination by pesticides;
 - (b) where it is identified that there is a risk of contamination by residue levels of pesticides, an assessment of whether listing the products in Annex 1 or Annex 2 of Commission Implementing Regulation (EU) 2019/1793 would address the risk.
- (3) The review under subsection (1) must be published within 12 months of the passing of this Act and every 12 months thereafter.”

Member's explanatory statement

This amendment requires a review of the impact of the implementation of import check provisions in the CPTPP on the risk of contamination by residue levels of pesticides on imports from CPTPP countries, and seeks to ensure that high risk commodities from CPTPP countries will be picked up through border testing regimes.

LORD ALTON OF LIVERPOOL

17★ After Clause 5, insert the following new Clause –

“Report: accession of the People's Republic of China to the CPTPP

- (1) Before any decision is made by the Government of the United Kingdom on the accession of the People’s Republic of China to the CPTPP under Chapter 30 of the CPTPP, the Secretary of State must publish a report assessing the impact of China’s accession on the United Kingdom.
- (2) Both Houses of Parliament must be presented with a motion for resolution on the report under subsection (1).”

LORD MCNICOL OF WEST KILBRIDE

18★ After Clause 5, insert the following new Clause –

“Impact assessment: climate change

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on tackling climate change, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires a climate change impact assessment of the procurement Chapter.

LORD MCNICOL OF WEST KILBRIDE

19★ After Clause 5, insert the following new Clause –

“Impact assessment: local business

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on the level of procurement by local authorities from businesses in the respective local authority area, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires an assessment of the impact of the procurement Chapter on local businesses.

LORD MCNICOL OF WEST KILBRIDE

20★ After Clause 5, insert the following new Clause –

“Impact assessment: manufacturing

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on manufacturing in the United Kingdom, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires an assessment of the impact of the procurement Chapter on UK manufacturing.

LORD MCNICOL OF WEST KILBRIDE

21★ After Clause 5, insert the following new Clause –

“Impact assessment: job market

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on the United Kingdom’s job market, including but not limited to gender inequality therein, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires an assessment of the impact of the procurement Chapter on the UK market, including gender inequality.

LORD MCNICOL OF WEST KILBRIDE

22★ After Clause 5, insert the following new Clause –

“Impact assessment: public services

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on delivery of public services in the United Kingdom, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires an assessment of the impact of the procurement Chapter on UK public services.

LORD MCNICOL OF WEST KILBRIDE

23★ After Clause 5, insert the following new Clause –

“Review of negotiation of Government Procurement Chapter

Within one year of the day on which this Act is passed, the Secretary of State must publish –

- (a) a review of the lessons learned from the negotiation of the CPTPP Chapter on government procurement, and
- (b) an assessment of how this experience might inform negotiations of future free trade agreements.”

Member's explanatory statement

This amendment requires a review of the negotiation of the Government Procurement Chapter.

LORD MCNICOL OF WEST KILBRIDE

24★ After Clause 5, insert the following new Clause –

“Review of negotiation of Intellectual Property Chapter

Within one year of the day on which this Act is passed, the Secretary of State must publish –

- (a) a review of the lessons learned from the negotiation of the CPTPP Chapter on intellectual property, and
- (b) an assessment of how this experience might inform negotiations of future free trade agreements.”

Member's explanatory statement

This amendment requires a review of the negotiation of the IP Chapter.

LORD MCNICOL OF WEST KILBRIDE

25★ After Clause 5, insert the following new Clause –

“Impact assessment: labour standards

The Secretary of State must lay before Parliament an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on the Government's commitments to the conventions of the International Labour Organisation, not less than two years, but not more than three years, after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires an impact assessment of the procurement chapter of the CPTPP on labour standards.

LORD MCNICOL OF WEST KILBRIDE

26★ After Clause 5, insert the following new Clause –

“Review: Investor-State Dispute Settlement

The Secretary of State must lay before Parliament a review of the financial risk of the implementation of the Investor-State Dispute Settlement aspect of the Investment Chapter of the CPTPP, not more than 18 months after the day on which this Act is passed.”

Member's explanatory statement

This amendment requires a review of the risk to the UK from implementing the Investment Chapter.

BARONESS MCINTOSH OF PICKERING

27★ After Clause 5, insert the following new Clause –

“Impact assessment: procurement chapter

A Minister of the Crown must, within 12 months of the passing of this Act and every 12 months thereafter, publish an assessment of the impact of the implementation of the CPTPP Chapter on government procurement on environmental protection and animal welfare, health and hygiene.”

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5 December 2023

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