

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

REVISED 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 2

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

A1★ Clause 2, page 1, line 16, at end insert –

“(1A) The Secretary of State must, within 12 months of the passing of this Act, by regulations made by statutory instrument require conformity assessment bodies to publish reports on the impact of the provisions on the treatment of conformity assessment bodies in Article 8.6 of the CPTPP on the accreditation of goods from CPTPP parties.”

Member's explanatory statement

This amendment would require that UK conformity assessment bodies conduct and publish a report on the impact of the provisions on the treatment of conformity assessment bodies in this Act on the accreditation of goods from CPTPP parties.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

The above-named Lords give notice of their intention to oppose the Question that Clause 2 stand part of the Bill.

Member's explanatory statement

This amendment is intended to probe the parliamentary scrutiny of the CPTPP agreement and the Government's power to amend domestic law using secondary legislation in order to implement trade agreements.

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.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

- 8A★ Clause 4, page 5, line 4, at end insert —

“(13) The Secretary of State must, within 12 months of the passing of this Act, lay a report before Parliament on —

- (a) protections for UK geographical indicators in territories of each CPTPP party, and
- (b) accountability of the self-certification on rules of origin.”

Member's explanatory statement

This probing amendment would require the Secretary of State to lay a report before parliament on protections for UK geographical indicators and accountability surrounding the self-certification of the rules of origin in each CPTPP country.

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
BARONESS BOYCOTT

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.”

LORD FOSTER OF BATH

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

“Impact assessment: UK performers' rights

- (1) The Secretary of State must publish an assessment of the impact of the implementation of performers' rights provisions in the CPTPP.
- (2) The impact assessment under subsection (1) must include –
 - (a) consideration of the impact of performers' rights provisions on qualifying individuals in the UK;
 - (b) an assessment of the reciprocity of rights across qualifying countries;
 - (c) consultation with such persons as the Secretary of State thinks appropriate.
- (3) The impact assessment under subsection (1) must be published within three years of the passing of this Act.”

Member's explanatory statement

This amendment would mean the Government must publish an assessment of the impact the performer's rights provisions in the CPTPP will have on qualifying individuals in the UK.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

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

“Impact assessment of implementation of the CPTPP Chapter on Government Procurement on developing country trading partners

- (1) The Secretary of State must, within 12 months of the passing of this Act and every 12 months thereafter, publish a report on the impact of the Government Procurement chapter of the CPTPP on developing country trading partners of the United Kingdom.
- (2) The impact assessment under subsection (1) must include an assessment of –
 - (a) the social, environmental, and economic impact on countries with high levels of dependence on the UK market;
 - (b) the steps that have been taken to consult with affected trading partners;
 - (c) proposed remediation measures for potential economic damage;
 - (d) how this experience might inform negotiations of future trade agreements.”

Member's explanatory statement

This amendment would require the Secretary of State to report on the impact of Chapter 15 (Government Procurement) on developing country trading partners.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

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

“Parliamentary debate on CPTPP impact assessment

The Secretary of State must allow time for a parliamentary debate on the impact assessment of the accession of the United Kingdom to the CPTPP published by the Department for Business and Trade on 17 July 2023 in both Houses of Parliament within six months of the passing of this Act.”

Member's explanatory statement

This amendment is intended to provide time for Parliament to debate the impact assessment of the accession of the United Kingdom to the CPTPP.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

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

“Impact assessment: procurement

The Secretary of State must, within two years of the passing of this Act, publish an assessment of the impact of the implementation of procurement provisions in the CPTPP on businesses in the United Kingdom.”

Member's explanatory statement

The Government must publish an assessment of the impact procurement provisions will have on businesses in the United Kingdom.

LORD PURVIS OF TWEED
LORD FOSTER OF BATH

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

“Impact assessment on new parties acceding to the CPTPP

- (1) The Secretary of State must lay before Parliament an impact assessment of the impact on the United Kingdom of the accession of countries that have submitted a request to the Depository of the CPTPP to accede to the CPTPP within the last five years.
- (2) The Secretary of State must lay the impact assessment under subsection (1) within one month of the Depository receiving an accession request or within three months of the passing of this Act, if the request was made before this Act comes into force.”

Member's explanatory statement

This amendment would require the Secretary of State to provide an impact assessment on the accession of countries that have made formal notice to accede to the CPTPP.

LORD DAVIES OF BRIXTON

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

“Review: investor-state dispute settlement

- (1) The Secretary of State must, within 18 months of the day on which this Act is passed, lay before Parliament a review of the impact of the implementation of the investor-state dispute settlement aspect of the Investment Chapter of the CPTPP on the United Kingdom.
- (2) The review under subsection (1) must include—
 - (a) an assessment of the possible benefits of removing the right for an investor in the United Kingdom to have recourse under the investor state dispute settlement procedure in Chapter 9 of the CPTPP;
 - (b) an assessment of possible alternatives to the investor state dispute settlement procedures in the CPTPP.”

Member's explanatory statement

This amendment requires a review of the use of Investor-State Dispute Settlement procedures in the CPTPP.

LORD DAVIES OF BRIXTON

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

“Direction on the Secretary of State to have regard to certain provisions

- (1) In any actions under this Act to implement the provisions of the CPTPP, the Secretary of State should have regard to the following—
 - (a) the United Nations Convention on Biological Diversity;
 - (b) the precautionary principle, as set out in the Environmental Principles Policy statement provided for by the Environment Act 2021;
 - (c) the provisions of the Food Safety Act 1990.
- (2) The Secretary of State must lay a report before the House of Commons, at least annually, regarding the carrying out of the direction in subsection (1).”

Member's explanatory statement

This amendment seeks to bring into decision-making about UK implementation of the CPTPP a set of already existing legal requirements about food safety and the environment.

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

REVISED MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

6 December 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS