

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

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 11th January 2024, 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 8, leave out “and (b)” and insert “or
(b) funded by an international organisation of which the United Kingdom is a member to a lesser extent, and”

LORD LANSLEY

- 2 Clause 3, page 2, line 9, at beginning insert “required to be”

Clause 4

LORD LANSLEY

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

LORD JOHNSON OF LAINSTON

4 Clause 4, page 3, line 24, at end insert –

“1B. In a case where the protected designation of origin or protected geographical indication has been the subject of an application for approval of an amendment to the product specification under Article 53 which resulted in a change to the protected name, the reference in paragraph 1A to the application for registration under Article 49 is to be read as a reference to the application for approval of the amendment to the name under Article 49 as applied by Article 53(2) (or, in a case where there has been more than one such application, the latest of those).”

Member's explanatory statement

This amendment clarifies the test for cancelling a protected designation of origin or geographical indication where the registered name has been the subject of a name change application; a cancellation will be possible only if the grounds for cancellation existed at the date of the name change application (rather than the date of the original application for registration).

After Clause 5

LORD ALTON OF LIVERPOOL
LORD PURVIS OF TWEED
LORD BLENCATHRA
BARONESS KENNEDY OF THE SHAWES

5 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).”

Member's explanatory statement

This amendment seeks to allow for parliamentary scrutiny of the prospective accession of the People's Republic of China to the CPTPP - the Government of which has already applied to join, and whose application is to be considered. Scrutiny of future accessions is not provided for in the bill or through the CRaG process.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS WILLIS OF SUMMERTOWN

6 After Clause 5, insert the following new Clause –

“Human rights impact assessment: indigenous and forest peoples

The Secretary of State must lay before Parliament, within 24 months of the passing of this Act, a human rights impact assessment on the impact of UK CPTPP accession on indigenous and forest peoples in the respective CPTPP parties.”

Member's explanatory statement

This amendment would require the Secretary of State to perform a human rights impact assessment on the effect of UK CPTPP accession on indigenous and forest peoples.

LORD FOSTER OF BATH

7 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”.

Member's explanatory statement

This amendment would remove the Rome convention (and therefore its parties) from the definition of a ‘qualifying country’ and substitute it with the CPTPP (and therefore its parties).

LORD FOSTER OF BATH

8 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 United Kingdom;
 - (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 DAVIES OF BRIXTON

9 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 on the United Kingdom of the implementation of the investor-state dispute settlement aspect of the CPTPP Chapter on investment.
- (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.

BARONESS MCINTOSH OF PICKERING

10 After Clause 5, insert the following new Clause –

“Impact assessment: procurement chapter

A Minister of the Crown must, within 12 months of the day on which this Act is passed 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 GOLDSMITH OF RICHMOND PARK
LORD DAVIES OF BRIXTON
BARONESS BOYCOTT
LORD MCNICOL OF WEST KILBRIDE

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

“Review: forest risk commodities

- (1) The Secretary of State must publish and lay before Parliament a review of the impact of the implementation of CPTPP Chapters on customs administration and trade facilitation and environment on –
 - (a) the sustainable production of forest risk commodities, including palm oil, within UK supply chains,
 - (b) deforestation, and
 - (c) provisions set out in Schedule 17 of the Environment Act 2021.

- (2) In carrying out the review under subsection (1) the Secretary of State must consider the impact the implementation of the CPTPP has, if any, on existing agreements with member countries, including but not limited to the UK and Malaysian Joint Statement on Sustainable Agricultural Commodity Trade and Cooperation to Conserve Forests.
- (3) The review under subsection (1) must be published not less than two years, but not more than three years, after the day on which this Act is passed, and every two years thereafter.”

Member's explanatory statement

This new clause would require the Secretary of State to report on the impact of the implementation of CPTPP Chapters on customs administration and trade facilitation and environment on the sustainable production of forest risk commodities, including palm oil, within UK supply chains, deforestation, and provisions set out in Schedule 17 of the Environment Act 2021.

BARONESS WILLIS OF SUMMERTOWN
BARONESS BOYCOTT
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

12★ 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 day on which this Act is passed 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 MCNICOL OF WEST KILBRIDE

13★ 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 Organization, 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

14★ 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.

BARONESS LAWLOR
LORD JACKSON OF PETERBOROUGH

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

“Review: application in Northern Ireland

Within three years of the day on which this Act is passed and every three years thereafter the Secretary of State must lay before Parliament a review of the application of section 4 (designations of origin and geographical indications) to Northern Ireland, including –

- (a) a consultation of such persons as the Secretary of State considers appropriate;
- (b) an assessment of the impact of European Union legislation relating to geographical indications and conformity assessment of goods listed in Annex 2 of the Windsor Framework on Northern Ireland;
- (c) an assessment of the impact of Northern Ireland being subject to different geographical indication and technical barriers to trade provisions to England and Wales and Scotland.”

Member's explanatory statement

This is related to the amendment in the name of Baroness Lawlor to Clause 6, page 6, line 42.

Clause 6

BARONESS LAWLOR
LORD JACKSON OF PETERBOROUGH

16★ Clause 6, page 6, line 42, at end insert –

“(4) Section 4 extends to but does not apply in Northern Ireland.”

Member's explanatory statement

This amendment is intended to probe the claim in the explanatory notes that GI and Technical Barriers to Trade (TBT) provisions in this Bill will extend to but will not apply in Northern Ireland.

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