



Department for
International Trade



Department for
Business, Energy
& Industrial Strategy

Lord Grimstone of Boscobel, Kt
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By email: rookerj@parliament.uk

19th October 2020

Dear Jeffrey,

Thank you for your engagement in the Trade Bill debate throughout Committee. During the 6th Session of Committee, on 15 October, I committed to write to you to address your concerns around the independence and transparency of the Trade Remedies Authority (TRA). I hope that the following goes some way in assuaging your concerns.

The Government is committed to ensuring that the TRA will be an independent and objective body that business can have full confidence in. That is why we are setting up the TRA to allow it to reach informed and reasoned conclusions as a non-departmental public body. Your amendment sought to give the TRA the same powers as the Food Standards Agency to reinforce its operational independence. While the sentiment behind the amendment is admirable, I am afraid that I must continue to disagree with its effect.

The Food Standards Agency has a clear remit to provide advice and information to the general public, as well as advising entities which are not public authorities on food safety. By contrast, the TRA provides advice to Ministers, and there are already clear requirements in the Taxation (Cross-border Trade) Act 2018 which ensure that the TRA's recommendations and Ministers' decisions are transparent and accountable to businesses, Parliament and the public. The UK trade remedies system implements the requirements set out under WTO law. These include very specific requirements around the treatment of confidential information and publication of information to allow parties to represent their interests.

Giving the TRA the same power as the Food Standards Agency would potentially prevent the UK from complying with its WTO obligations and thereby open the UK system and individual decisions of the TRA to challenge. As Baroness Bowles of Berkhamsted pointed out during the debate, this power could undermine international co-operation or even leave the UK in breach of international rules.

The trade remedies process already has transparency built in. Throughout the investigation process the TRA will maintain a publicly accessible file of non-confidential information. For example, the public files for the transition reviews which the Trade Remedies Investigations Directorate has already initiated can be found on their gov.uk website. Before making a final decision on whether to recommend imposing measures or not, the TRA must publish a statement of essential facts setting out the facts it has considered as part of the investigation and explain the analysis underpinning its proposed decision to interested parties. The TRA's recommendation and the reasons for it will be published when the Secretary of State determines whether to accept or reject the recommendation. If Secretary of State rejects the recommendation, then she must then lay a statement before Parliament explaining the reasons for rejecting the recommendation.

I hope this information is useful. I have placed a copy of this letter in the library of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grimstone', written in a cursive style.

Lord Grimstone of Boscobel, Kt
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