



Department for
International Trade



Department for
Business, Energy
& Industrial Strategy

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Dear Anne,

I would like to thank you for your continued engagement during the passage of the Trade Bill, particularly in relation to the Trade and Agriculture Commission (TAC). The work of yourself and other Peers has been instrumental in bringing forward this amendment to the Trade Bill.

During the first day of Report on 7 December, you raised a number of questions regarding the work of the TAC in scrutinising Free Trade Agreements. I wanted to take this opportunity to address some of the issues you raised.

Trade and Agriculture Commission

You raised concerns as to how resources will be allocated to the TAC, an issue you also raised at Committee stage. I would like to reassure you that the necessary resources to support the TAC to deliver its advice – such as accommodation, equipment and facilities – will be made available. This also includes a Secretariat. The Secretariat supporting the current TAC is providing project management services alongside strategic, administrative and logistical support to aid report / advice production and ensure the TAC operates effectively within its agreed scope. It is our expectation that this type of support will continue in a similar form. I can also confirm that the Secretary of State will provide for expenses to the TAC, incurred when they are preparing its advice.

The Secretary of State will appoint members and has a duty to have regard to the desirability of appointing members which, between them, have the expertise required for the TAC as listed in the Bill. The Government will work to ascertain the range of skills and knowledge required for the Commission, noting additional skills and expertise may be required and that this is not an exclusive list. Members of the TAC will have knowledge of standards across the UK.

The Secretary of State will make appointments in line with usual public law principles applicable to all ministerial decision making and within the confines of the new statutory provisions. Direct appointments will be made, following established protocols and demonstrating the Department's commitment to a robust process and eliminating conflicts

of interest. The steps required as part of this process will be reflected in the TAC's Terms of Reference.

As highlighted during Report Stage of the Trade Bill in the House of Lords, the continued operation of the TAC is to be reviewed every three years, but will remain in place unless the Government, after consultation, brings forward secondary legislation, via the affirmative resolution procedure, to repeal the TAC provisions. It is therefore Parliament that will have the ultimate say on the continuation of the Commission – not the Government.

Human health

Section 42 of the Agriculture Act places a duty on the Secretary of State to report on whether the measures in certain future FTAs, relating to trade in agricultural products, are consistent with maintaining UK domestic statutory protections for human, animal or plant life or health, animal welfare and the environment.

The section 42 report will be laid in Parliament before the relevant FTA text is laid under the Constitutional Reform and Governance Act (CRaG) process. In preparing this report, the Secretary of State has a further duty to seek the advice of the TAC.

As mentioned above, the Government will work to ensure technical expertise is central to the TAC's membership to ensure it is able to advise the Secretary of State appropriately on animal or plant life or health, animal welfare and the environment.

Regarding which groups will provide reports on human life and health to meet the section 42 duty, the Secretary of State may seek advice from any person considered to be independent and to have relevant expertise when preparing the report. My officials are working with others across government to ensure the Government fulfils its duty under section 42 of the Agriculture Act when the first report is laid. I look forward to updating you in due course.

Food standards

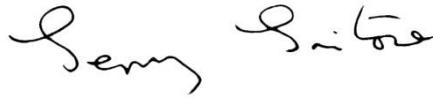
In relation to food standards, the Government has been consistent in its statements – and its deeds – that we want to maintain the highest standards. As you are aware, none of the continuity agreements signed or agreed in principle with 63 countries have undermined any domestic standard whether in the fields of food standards, animal welfare, climate change or the environment. Indeed, in over 130 hours of debate on both the 2017-19 and the current Trade Bills no MP or Peer has been able to identify one example of domestic standards being undermined by our continuity programme.

I would also outline that food standards are already enshrined in domestic legislation and the Government will be upholding them. Any changes to existing standards would require new legislation to be scrutinised by Parliament.

Equally, as the Government has stated during debates on the Trade Bill and the Agriculture Act, it is not appropriate that the UK should impose our standards on other countries and prohibit imports of goods that do not meet our standards where there is no basis to do so. Not only could doing so put us in breach of our WTO obligations but, as we spoke about during the Committee debate on a similar amendment, such action has the potential to harm the economies of developing countries, and some of the poorest people in society, while increasing protectionism.

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". The signature is written in a cursive style with a large initial 'G' and a long, sweeping tail.

Lord Grimstone of Boscobel, Kt
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