

International Trade Committee: Inquiry on UK trade negotiations

Response from Wildlife and Countryside Link

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 67 organisations to use their joint voice for the protection of animals and the natural world.

Introduction

1. We welcome this inquiry from the International Trade Select Committee on UK trade negotiations, a subject that has a considerable bearing on animal welfare.
2. We have provided responses to the questions where the expertise of our members can add relevant evidence for the Select Committee to consider. Our responses to the inquiry questions include:
 - Evidence demonstrating how an incoherent approach to animal welfare in trade negotiations is undermining key Government commitments, opening the door to adverse impacts for farmers and weakening the UK's position in upcoming negotiations.
 - Strong support for addressing this incoherence through the adoption of animal welfare core standards, which all food must meet in order to be imported into the UK on a tariff free basis.
 - Concern at shortcomings in the Department for International Trade's engagement with civil society.
 - Concern at the failure to democratise the parliamentary scrutiny process for post-Brexit trade negotiations.

Response to inquiry questions

To what extent is a consistent or coherent approach across trade negotiations necessary – and how well is the Department for International Trade (DIT) achieving this?

3. A coherent approach is needed across trade negotiations. The lack of such an approach for animal welfare, and the harmful impact this omission is already having, demonstrates the case for consistency.
4. The Conservative Manifesto 2019 committed to a coherent approach to animal welfare in trade negotiations, stating: "*In all our trade negotiations, we will not compromise on our high environmental protection, animal welfare, and food standards*".¹ Despite this commitment, which was remade in the Action Plan for Animal Welfare (2021)², the Government has not set out how it will maintain UK animal welfare standards in trade negotiations.

¹ <https://www.conservatives.com/our-plan/conservative-party-manifesto-2019>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985332/Action_Plan_for_Animal_Welfare.pdf

5. A clear proposal on how the Government could deliver on its commitment to maintain animal welfare standards was set out by the interim independent Trade and Agriculture Commission (TAC). TAC's 2021 recommendations for Government trade policy observed that UK animal welfare standards were *"threatened by the potentially pernicious impact of signing agreements with countries whose food standards appear to be weaker than our own"*. To remedy this TAC proposed, as one of the key principles that should underpin future FTAs, that the UK should aim to *"match tariff-free market access to relevant climate, environment, animal welfare and ethical standards, remedying competition issues arising where permitted imports do not meet relevant UK and international standards"*.³
6. This recommendation was supported by both animal welfare groups⁴ and farming organisations.⁵ Despite this broad-based support, the Government did not accept the recommendation, pledging instead in its response to TAC only to *"undertake an ambitious approach to cooperation and collaboration in many of our new FTAs where we are seeking commitments to work with trading partners on animal welfare"*.⁶
7. The result of this failure to adopt a clear red line that no tariff free access should be permitted to products produced to lower welfare standards has been policy incoherence, and a weakened UK bargaining position.
8. The Australia FTA (2022) ruled out tariff free access for poultry, eggs and pigs, because in the words of the Secretary of State for International Trade: *"we did not believe that we could find a level of compatibility in standards"*.⁷ However, tariff free access (over a 15-year phase in period) was included in the FTA for beef and lamb. As observed in the RSPCA's response to the FTA: *"Animal welfare standards for both sheep and lamb production in Australia, are lower than the UK's. As there is no conditionality put on imports of beef or lamb from Australia it is assumed that products will be imported that are produced below UK standards."*⁸ Compassion in World Farming also highlighted their concerns, expressing *"puzzlement"* at tariff free access for beef and lamb, asking for further information *"on what compatibility study was undertaken that deemed beef and sheep acceptable for tariff-free import"*. Compassion in World Farming highlighted several cruel practices permitted in Australia on beef cows and sheep which were banned in the UK, including 'mulesing', a painful procedure that involves cutting skin from the rear of sheep, and the hot branding of cattle.⁹ The

³ <https://www.gov.uk/government/publications/trade-and-agriculture-commission-tac>

⁴ <https://www.rspca.org.uk/getinvolved/campaign/farmanimals>

⁵ <https://www.nfuonline.com/media-centre/releases/set-of-core-standards-needed-to-safeguard-uk-food-standards-in-trade-deals/>

⁶ <https://www.gov.uk/government/publications/government-response-to-the-final-trade-and-agriculture-commission-report>

⁷ <https://hansard.parliament.uk/commons/2022-01-05/debates/0D922D6F-9A97-455D-90DE-275AA45D1AEB/UK-AustraliaFreeTradeAgreement>

⁸ <https://politicalanimal.rspca.org.uk/england/trade-animal-welfare>

⁹ <https://committees.parliament.uk/writtenevidence/42865/pdf>

Government dismissed these concerns on the grounds that very low numbers of products from Australian farms that employ these practices currently enter the UK.

9. This confused position on core welfare standards has opened the door to potential adverse outcomes from the Australia FTA. As observed in Respublica's July 2022 Trade Policy and Animal Welfare report: *"It is clear that the UK has not negotiated adequate safeguards should imports of food produced to lower standards increase under the terms of this deal."* The report also addressed the Government's counter argument on the number of Australian products produced using cruel practices likely to enter the UK: *"For instance, the UK currently imports little wool that has been derived from Australian flocks where mulesing is permitted. However, there is nothing in this deal that would prevent such imports increasing in future."*¹⁰
10. The animal welfare incoherence in the Australia FTA has also undermined the UK's position in trade negotiations with large agrifood exporting countries who have lower welfare standards, including the USA and Mexico. Whilst Australia did not seek tariff free access for poultry, eggs and pigs as it has negligible exports in these areas, it is likely that these countries, who export a lot more of these particular products, will. The USA, Mexico and others can now point to a direct precedent of the UK allowing tariff free access to products produced according to lower welfare standards, to bolster their arguments for tariff free access for their own poultry, egg and pig products. This significantly weakens the position of UK negotiators.
11. Any influx of lower standard poultry, egg and pig imports from future trade deals would have hugely detrimental impacts on UK farmers, forcing them to compete with imports produced to lower standards with associated lower costs. As the Republica report observes: *"Undermining domestic production of high-quality, high-welfare food in an era of threatened supply chains and new global shortages seems doubly unwise."*
12. The Government's delay in progressing plans for mandatory welfare food labelling (a call for evidence went out in in autumn 2021¹¹, since then the Government's only commitment has been to hold a further consultation in 2023¹²) means that, should cheaper imports from lower welfare countries flood supermarket shelves, the public may struggle to discern between these products and higher quality products from UK farmers. The unfortunate combination of trade policy incoherence and labelling policy delay could combine to a create a deeply adverse commercial landscape for UK farmers, where they are required to produce food to higher welfare standards than direct competitors and reap only limited consumer rewards from doing so, due to the absence of mandatory welfare labelling.
13. A lack of coherency for animal welfare in trade policy to-date has opened up these risks. The EFRA Select Committee Inquiry on the Australia FTA rightly concluded that: *"It is regrettable that the*

¹⁰ <https://www.respublica.org.uk/wp-content/uploads/2022/07/UK-Trade-Policy-Animal-Welfare.pdf>

¹¹ <https://consult.defra.gov.uk/animal-welfare-market-interventions-and-labelling/labelling-for-animal-welfare/>

¹² <https://www.gov.uk/government/consultations/labelling-for-animal-welfare-call-for-evidence>

*Government chose to engage in this negotiation without first articulating the core standards that the food imported into the UK must meet. Setting out core standards would have strengthened the hand of British negotiators.*¹³

14. The Department for International Trade must urgently provide coherency in trade policy, through the development of animal welfare core standards, as recommended by TAC, the EFRA Select Committee, animal welfare and farming groups.

How well is the Government taking account of the views and interests of stakeholders (including devolved nations, local government, businesses, consumers and civil society groups) in pursuing trade negotiations?

15. The Trade and Animal Welfare Coalition (TAWC)¹⁴, formed of 13 NGOs with expertise across trade, animal welfare and health and sustainability, report very limited engagement with the Department for International Trade, despite their members being key stakeholders. TAWC further report that most of the information on negotiations their members receive comes from stakeholder groups in the countries that the UK are negotiating with, rather than from the UK Government.
16. Farming groups report similar concerns.¹⁵ The Australia FTA Impact Assessment dedicated just a few sentences to considering the economic impact of the FTA on UK beef and sheep farmers, suggesting a lack of consideration for these key stakeholders.¹⁶
17. The concern expressed by the devolved governments on a lack of engagement from the UK Government is well documented. The 2022 complaint from the Scottish Government that *“the UK Government has offered little meaningful involvement in the development of trade agreements, a position which is increasingly untenable”* is illustrative of the concerns felt across the devolved administrations.¹⁷

What lessons can be learnt from the Government’s approach to FTA negotiations to date – and how can these best be applied in future negotiations?

18. As set out above, there is an urgent need for the Department for International Trade to set out animal welfare core standards, which rule out any tariff free access for products that fall beneath UK standards. This was a key recommendation from the EFRA Select Committee Inquiry on the Australia FTA: *“To help protect standards in future trade deals the UK should commit to core standards that food products must meet before they can enter the UK. These would cover animal welfare, health*

¹³ <https://publications.parliament.uk/pa/cm5803/cmselect/cmenvfru/23/report.html>

¹⁴ <https://tawcuk.org/>

¹⁵ <https://committees.parliament.uk/writtenevidence/106220/pdf/>

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073969/impact-assessment-of-the-free-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-australia.pdf p32

¹⁷ <https://www.gov.scot/publications/scotlands-vision-trade-annual-report-march-2022/pages/5/>

and the environment. Committing to such standards would reassure the sector about the Government's commitments to high standards and strengthen the hand of UK negotiators when raising these issues with other countries."

19. An unambiguous commitment to animal welfare core standards would bolster the position of UK negotiators in trade discussions, providing them with clarity from the start. Such core standards would be defensible at WTO level. They are permissible under Article XX of the GATT, which allows countries to protect 'public morals' where it represents a legitimate public policy consideration. The prevention of animal cruelty is a legitimate public policy consideration.¹⁸
20. The development of welfare core standards would also help address the concerns set out above regarding a lack of civil society engagement on trade policy. Welfare core standards could be developed by the UK government in close consultation with farmers and animal welfare groups, allowing these voices to directly shape trade policy.

How adequate and appropriate are the current arrangements for the scrutiny of trade negotiations – and how could they be improved?

21. The arrangements for the parliamentary scrutiny of trade negotiations are inadequate, as has been previously highlighted by this committee.¹⁹
22. Arrangements are still largely set by the Constitutional Reform and Governance Act 2010 (CRaG)²⁰, which dates back to when trade was a reserved policy to the European Commission. The detailed engagement processes and protocols that went with the Act vanished with Brexit, leaving rump legislation which is no longer fit for purpose in a changed context. The Trade Act 2021²¹ failed to significantly democratize these arrangements and as a result the House of Commons only has the power to delay the ratification of an FTA by 21 days. This contrasts with the full control over ratification enjoyed by other legislatures, such as the US Congress.
23. Scrutiny arrangements should be urgently enhanced. It is essential that there is Parliamentary debate at each key stage of a FTA, from the initial mandate for negotiations, to first publication of a FTA, all the way through to a final ratification vote. July 2022 polling suggests strong public support for this democratisation of trade policy scrutiny, with 79% of UK consumers agreeing that it should be possible for Parliament to amend parts of trade agreements if it thinks there could be negative impacts on the UK.²²

¹⁸ <https://www.ciwf.org.uk/media/7446154/compassion-sustain-uk-australia-trade-and-animal-welfare-briefing-june-2021.pdf>

¹⁹ House of Commons International Trade Committee report, [UK Trade Policy Transparency and Scrutiny](#) (2018)

²⁰ [Constitutional Reform and Governance Act 2010](#)

²¹ [Trade Act 2021](#)

²² <https://www.tjm.org.uk/blog/2022/controversial-australia-trade-deal-set-to-pass-through-parliament-with-no-debate>

This response is supported by the following Link members:

FOUR PAWS UK

League Against Cruel Sports

Whale and Dolphin Conservation

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14 September 2022