



## IMPLEMENTATION OF THE TRADE AND AGRICULTURE RECOMMENDATIONS

### Introduction

The Department of International Trade established the Trade and Agriculture Commission (TAC) to recommend policies that would secure opportunities for UK farmers when the UK negotiated Free Trade Agreements (FTAs) whilst ensuring the sector remains competitive and animal welfare standards were not undermined. The TAC final report produced in March 2021 set out 22 recommendations and tests for the Government to enact. The Government has agreed to respond to these in the near future. It has also placed the TAC on a statutory footing, reviewed every three years, to advise on future trade policy and assess individual FTAs against the tests the report outlined. TAWC welcomes the TAC report and its timing. The Government is currently negotiating four FTAs (Australia, New Zealand, the Comprehensive and Progressive Agreement for Trans Pacific Partnership, USA) in addition to finalising at least four relevant roll over trade agreements inherited from membership of the EU (Canada, Ghana, Mexico, Ukraine).

We set out below how the TAC recommendations relating to animal health and welfare should be acted upon by the Government.

### Trade Strategy and international role

**TAC Recommendation 1:** *The UK government should develop a bold, ambitious agri-food trade strategy. This would enable a coherent approach to the sector across the UK government and the devolved administrations and provide a framework of priorities for future trade negotiations. It should be based on a liberalising approach to trade policy, focused on bringing new opportunities for UK business, tempered with safeguarding of important standards. It should be framed well in the context of a broader UK food strategy.*

TAWC agrees that there should be an ambitious agri-food trade strategy and the UK should put animal welfare at the heart of it. It should be established that our animal welfare standards are non negotiable before any trade discussions occur, and that UK trade agreements should not put pressure on UK animal welfare standards. The UK also should use its trade policy as a springboard to promote animal welfare in third countries. To develop science based global animal welfare standards which would help ensuring UK trade policy addresses animal welfare, the UK has the opportunity to work with other like-minded countries such as the EU and New Zealand in fora such as the WTO, the OIE and the UN.

**TAC Recommendation 2:** *There should be a minister with specific responsibility to lead on agri-food trade, who would ensure policy coherence across UK government*

A Minister working across all departments but particularly aligning Defra and DiT goals would assist in the aim of enabling a coherent approach across UK Government and TAWC would welcome such an



appointment to act as a lead voice on standards including animal welfare as well as being a conduit for industry and NGOs to discuss and progress standards.

**TAC Recommendation 4:** *The UK should draw on its strengths in animal welfare to show world leadership in embedding it into trade policy. The UK government should play a leadership role in international forums, to raise worldwide standards of animal welfare. It should do this by investing in expert facilities and experts who can provide independent advice to the government. It should then build international relationships and put forward proposals that are carefully crafted, convincing and evidence based.*

TAWC believes that the UK is well placed to show world leadership from already holding good standards in animal welfare and having the support of farming unions, businesses, civil society and consumer groups to safeguard these important standards. The UK has a number of experts and groups who are well placed to provide independent advice to the Government based on evidence and to work cohesively to build international relationships and a position of leadership. Alongside Government and industry, NGOs can also help building a robust trade strategy and with its implementation. TAWC would be keen to see how the Government intends to harness this wide expertise and knowledge.

### Safeguarding animal welfare standards in FTAs

**TAC Recommendation 8:** *The UK government should take an ambitious approach to the liberalisation of the UK's import tariff regime, for countries that can meet the high standards of food production expected from UK producers. It should work with trading partners within future FTA negotiations to lower tariffs and quotas to zero where equivalence is demonstrated for these standards. These standards must be aligned with core global standards, and the UK government should take an active role in strengthening standards via international forums.*

TAWC agrees that trade liberalisation could have a massive impact on animal welfare as agricultural products will almost always be included in FTA negotiations. The UK should only lower its MFN tariffs in FTAs where equivalence of animal welfare standards can be demonstrated. Conditional liberalisation - the principle following which trade preferences are only granted if the products meet standards of animal welfare equivalent to those applicable in the country - could be enacted through reduced tariffs or tariff-rate quotas such as the EU has agreed with imports of eggs from Mercosur countries. Assessment of equivalency in standards can be achieved through input and output measures such as space allocation or outcome assessments.

However, where UK law prohibits the use of a particular system such as barren battery cages or sow stalls - and perhaps at a future point, enriched cages and farrowing crates - the UK should prohibit the import of meat and eggs that have been produced in such systems. This would be a simple approach and could be justified under the WTO rules by:

- Challenging the notion that production methods cannot be taken into account in determining that products are not 'like' each other and so can be treated differently in marketing regulations.
- If that proposition is not accepted, arguing under the Article XX(a) public morals exception that certain close confinement systems are inherently detrimental to good welfare and so do not have the potential to provide satisfactory outcomes, and that accordingly a WTO member is entitled to require imports not to have been produced in such systems.

Another option would be for the UK to ensure its animal welfare standards are set for all imported goods. The UK already enacts through legislation that meat must be slaughtered to equivalent standards before it is imported, and this principle has not been challenged at the WTO in the nearly 30 years of its existence.



The UK should thus widen this approach to other relevant animal welfare standards. By doing so, they would also respond to public concerns expressed in public opinion polls, with 94% wanting imports to meet standards applied in the UK<sup>1</sup> and 84% in another wanting no food to be imported that does not meet UK standards<sup>2</sup>.

## Transparency tests

**TAC Recommendation 9:** *The UK government should strengthen impact assessment of trade policies and agreements by improving qualitative assessment on health, welfare, biosecurity and environment.*

TAWC welcomes the Government agreement in the Trade Bill that it will publish a sustainability assessment before commencing any trade negotiations. The EU's Sustainable Impact Assessments (SIAs) are a useful model to use but they should be published before the negotiations start and use an appropriate methodology to properly assess the impacts on the environment, biodiversity and climate.

**TAC Recommendation 10:** *The UK government should ensure consultation and engagement on FTAs, from the early stages of inception of a prospective agreement and throughout negotiations, is transparent, thorough, and more detailed than it is currently, whilst recognising the need for confidentiality.*

We welcome the move to make the TAC permanent and to publish its independent opinion on any negotiated FTA. TAWC looks forward to the establishment of the permanent TAC with the right level of expertise and independence. We welcome the Government acceptance in the Lords (the Grimstone rule) that any FTA will be discussed by Parliament before coming into force. We envisage a formal vote on any negotiated FTA.

## Devolved country tests

**TAC Recommendation 13:** *The UK government should support and participate in a new Food and Drink Export Council, which would bring together industry and government export leads for England, Northern Ireland, Scotland and Wales, with a rotating chair.*

TAWC agrees that although trade is a reserved issue, animal welfare standards are devolved and is therefore concerned that under the Internal Markets Act 2020 it would be almost impossible for a one British country to stop a product being marketed or sold if it has been imported into another part of Great Britain, even if its standards were below that of the other devolved country. Setting up a Council would be a step towards ensuring this could not occur and all standards in the four nations in Great Britain would be safeguarded

## Procurement standards

**TAC Recommendation 18:** *The UK government should review the current public procurement plan for food. In addition to achieving value for money and meeting nutritional requirements, it should maximise the opportunity to source from the UK, source sustainably and improve the transparency of the sourcing process.*

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<sup>1</sup> Eurobarometer 442. 2015.

<sup>2</sup> Savanta ComRes July 2020



WorldHorseWelfare



TAWC welcomes the Government commitment to review and audit its procurement standards in the autumn<sup>3</sup>. TAWC believes the present animal welfare Government Buying Standards are too low (e.g allowing caged eggs), are not enforced and have never been audited. Corrections to all three stages would be welcome as the UK spends around £2.4 billion annually on procuring food for hospitals, schools and prisons. The Government should legislate provisions similar to Scotland which requires the procurement strategy of public bodies to “promote the highest standards of animal welfare”.<sup>4</sup>

## Labelling

**TAC Recommendation 19:** *The UK government and the food industry must work together to improve country of origin information in the loose food, food service and out of home supply chains.*

TAWC believes that labelling should be improved to show how a product was produced and welcomes the Government announcement that it will consult on widening mandatory method of production labelling from eggs and fish to other sectors<sup>5</sup>. TAWC believes mandatory labelling has helped drive up sales of eggs from higher welfare standards since introduced in 2004 and would assist in other areas, particularly the pig and chicken sectors. TAWC does not believe COOL labelling to be a surrogate for welfare standards as some countries exporting agri food to the UK, such as Thai chicken, produce at above UK minimum standards and such imports should be encouraged. TAWC believes that a mandatory method of production label should also be applied to imported food and that this would be compatible with WTO rules.

## Developing countries

**TAC Recommendation 20:** *The UK government should conduct structured engagement with governments, agri-food businesses and charities in developing countries and agri-food businesses in the UK with developing country interests.*

TAWC agrees that the Government’s aid, agri food trade and foreign policy needs to be better coordinated to encourage improvements in welfare standards in developing countries and encourage trade in higher welfare products. Existing examples such as beef exports from Namibia and chicken from Thailand show this potential. In this context, the UK should also promote the benefits improving animal welfare can have on other dimensions of sustainability.

## WTO reform

**TAC Recommendation 22:** *The UK government should adopt a bolder, more confident and less understated approach to working with like-minded countries or in pluri- or multilateral discussions. It should apply this to influencing necessary reforms to the international rules for trade and standards. These objectives should be embedded in a common strategy so that they can be pursued in all relevant multilateral negotiations and forums.*

TAWC agrees the Government should take a leading role in pursuing reforms at the WTO and progressing a policy of recognising animal welfare standards under the trade regime, a policy first started by the EU in

<sup>3</sup> Minister Prentice. 12.1.21 Evidence to Efra Select Committee <https://committees.parliament.uk/oralevidence/1504/pdf/>

<sup>4</sup> <https://www.legislation.gov.uk/asp/2014/12/contents> Section 15(5)(c)(ii) the Procurement Reform (Scotland) Act 2014

<sup>5</sup> Minister Prentice.25.3.21 Evidence to Trade Select Committee <https://committees.parliament.uk/oralevidence/1984/pdf/>



2000. TAWC members have active programmes in many other countries the UK is developing trade and aid programmes with and can assist the UK in achieving its strategic goals. TAWC has a position paper outlining reforms which the UK Government could take forward.

### Conclusion

TAWC is encouraged by the Commission's recommendations that animal welfare standards should be protected and enhanced as the UK sets trade policy and negotiates Free Trade Deals with other countries. We agree with the report's assessment that the Government has a huge opportunity to demonstrate global leadership on animal welfare standards by setting trade policy that makes it unviable to import products from animals that have been reared to lower standards than our own. We look forward to the Government's response.

