

Debate Pack

Number CDP-2021-0127
By Dominic Webb, Matthew
Ward
19 July 2021

Role of the Trade and Agriculture Commission in international trade deals

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Summary

There will be a Westminster Hall debate on the role of the Trade and Agriculture Commission in international trade deals on Wednesday 21 July 2021 at 2:30pm

The debate will be opened by Neil Parish MP.

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Summary

The Trade and Agriculture Commission (TAC) is a new body which will help with the scrutiny of agricultural aspects of free trade agreements. It will be an independent, expert group made up of trade and agriculture specialists.

The Commission's role will be to advise the Secretary of State on whether a trade agreement could mean a change in the UK's domestic statutory protections, or government's ability to set those protections, relating to animal and plant health standards, animal welfare standards and environmental standards as they relate to agricultural products.

Liz Truss explained the purpose of the TAC as follows:

The TAC's role is specific and focused: it will look at the text of an FTA to see if the measures relating to trade in agricultural products have any implications for maintaining our domestic statutory protections – specifically those relating to animal and plant health, animal welfare and the environment – across the UK.

The TAC will provide advice to me on this, which will be laid before Parliament. In this way, the TAC will be an important, independent source of advice ensuring that our intentions for the maintenance of our statutory protections are reflected in the agreed FTA text.

The Commission will also have a valuable role in explaining whether there are changes to our UK domestic statutory protections, and if so to what extent, to Parliamentarians and the public.¹

On 7 June 2021, the Government invited expressions of interest from people interested in serving on the TAC.²

The Chair of the Commons Environment, Food and Rural Affairs Committee, Neil Parish MP, wrote to the Secretary of State to express disappointment that the timetable for appointing members of the TAC was unclear and calling for them to be appointed before the summer recess given the TAC's important role in scrutinising trade agreements.³

The Government has confirmed that the TAC will be in place to scrutinise the Australia free trade agreement. At International Trade questions on 10 June 2021, Liz Truss said “the Trade and Agriculture Commission will be up and running to fully scrutinise the Australia trade deal.”⁴

¹ DIT, [TAC information pack](#), 7 June 2021

² DIT, [TAC information pack](#), 7 June 2021

³ [Letter from Neil Parish MP, Chair of the EFRA Committee to Liz Truss, Secretary of State for International Trade](#), 15 June 2021

⁴ [HC Deb 10 June 2021 c1101](#)

The Trade Act: establishment of the TAC

[Section 8 of the Trade Act](#) establishes the TAC on a statutory basis. Subsection (1) allows the Secretary of State to appoint members. Subsection (2) says that the TAC's function is to provide advice under section 42 of the Agriculture Act (reports relating to free trade agreements – see section 4.4 of this briefing). Subsection (3) sets out that the Secretary of State must take into account the desirability of appointing members to the TAC who collectively have expertise in:

- UK animal and plant health standards
- UK animal welfare standards
- UK environmental standards as they relate to agricultural products, and
- international trade law and policy.

At the time of writing this section of the Trade Act is not yet in force.

The Trade Act: TAC's role in advising Secretary of State

The Trade Act 2021 amends section 42 of the Agriculture Act to provide a role for the TAC. [Section 9 of the Trade Act](#) requires the Secretary of State, when preparing the report under section 42, to request advice from the TAC. This advice is to cover animal or plant life or health, animal welfare and the environment. Human life or health is excluded. This request for advice from the TAC, plus any terms of reference or guidance, must be published.

Any advice received from the TAC in response to this request must be laid before Parliament before the report under section 42 of the Agriculture Act is laid. This advice must also be copied to the devolved administrations and relevant Parliamentary Committees.

Section 42 is also amended to require the Secretary of State to review the arrangements relating to the TAC's advice and to decide whether they should continue. This review must take place by December 2023 and at least once every three years thereafter. The Secretary of State may repeal the provisions requiring them to ask for advice from the TAC. This can be done by regulations using the affirmative resolution procedure and may not be done before the end of 2023. [Section 11 of the Trade Act](#) contains provisions on repeal of the TAC.

At the time of writing, these amendments to section 42 are not yet in force.

Non-statutory Trade and Agriculture Commission

A previous, separate, [Trade and Agriculture Commission](#) had been set up by the Government to advise on the Government's trade policies. This body, whose remit came to an end in March 2021, published a [report setting out a](#)

[number of recommendations](#). In March, the Government said that it would respond to the report “in due course” but has not yet done so.⁵

The Chair of the EFRA Committee wrote to the Secretary of State to express disappointment that the Government was not able to say when it would respond to the TAC report. The letter pointed out that the formation of the TAC was important in addressing concerns about the impact of trade agreements on agricultural standards when this issue was debated during the passage of the Agriculture Act 2020.⁶ The Government has said the new TAC represents an evolution of this earlier body, but has a different function.⁷

⁵ [WMS 814, 2 March 2021](#)

⁶ [Letter from Neil Parish MP, Chair of the EFRA Committee to Liz Truss, Secretary of State for International Trade](#), 15 June 2021

⁷ DIT, [TAC information pack](#), 7 June 2021

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Press articles

[Chlorinated chicken 'alarmism' must end, says head of post-Brexit advisory body for trade deals: The Trade and Agriculture Commission has waded into the row about imported animal products that are farmed using methods banned in Britain](#)

Gordon Payne

Daily Telegraph, 10 July 2021

[Parliament must scrutinise the Australian trade deal to ensure British farmers are not undercut](#)

Neil Parish MP

Politics Home, 17 June 2021

[MPs demand power to scrutinise UK's post-Brexit trade deals: Cross-party group seeks right to debate agreements as pact with Australia set to be announced](#)

Peter Foster and Sebastian Payne

Financial Times, 15 June 2021

[Watchdog supposed to scrutinise Australia trade deal still will not exist when deal is signed: Liz Truss accused of 'subverting' commitment to parliament by blocking access to agreement until autumn](#)

Rob Merrick

The Independent, 5 June 2021

[Farmers' opposition to UK-Australia trade deal grows](#)

Claire Marshall

BBC, 2 June 2021

[Post-Brexit deals must not compromise UK food standards, says trade body: Agriculture commission urges UK government to maintain pledge on animal welfare and ethical trade](#)

Fiona Harvey

The Guardian, 2 March 2021

[UK trade body to push for tough standards on imported food: Head of Trade and Agriculture Commission says there should be no 'race to the bottom' to secure bilateral deals](#)

Judith Evans

Financial Times, 10 January 2021

[Farmers welcome Brexit pledge to safeguard food standards](#)

Ben Webster and Oliver Wright

The Times, 2 November 2020

[Campaigners hail victory on post-Brexit food standards: Food and farming sectors have been fretting over the impact of cheap foreign products](#)

Judith Evans

Financial Times, 1 November 2020

[Why food blocks a British-American trade deal](#)

The Economist, 8 August 2020

3 Parliamentary material

3.1 Written questions

[Trade Agreements: Australia: Question for Department for International Trade: UIN 28180](#)

Asked by Neil Parish

Asked on 6 July 2021

To ask the Secretary of State for International Trade, whether the Trade and Agriculture Commission will be involved in the final stages of negotiating the Australia-UK free trade agreement prior to signature.

Answered by Greg Hands

Answered on 12 July 2021

The Commission will scrutinise the signed Free Trade Agreement (FTA) with Australia to inform Parliamentary scrutiny. The role of the Trade and Agriculture Commission is not to advise on negotiations. Its role will be as debated and approved during the passage of the Trade Act 2021 and the Agriculture Act 2020.

The Department has increased engagement with key agricultural stakeholders during FTA negotiations through its dedicated agri-food Trade Advisory Group, which meets at least three times a year, or as required by developments in the free trade negotiation process.

[Trade and Agriculture Commission: Question for Department for International Trade: UIN 23346](#)

Asked by Daisy Cooper

Asked on 28 June 2021

To ask the Secretary of State for International Trade, when she plans for the new Trade and Agriculture Commission to be established.

Answered by Greg Hands

Answered on 1 July 2021

On 7 June, the Department launched a call for expressions of interest for expert advisors to join the new Trade and Agriculture Commission. The

Commission will be established in time to scrutinise the planned Free Trade Agreement (FTA) with Australia, to inform parliamentary scrutiny following signature. It will also scrutinise other planned FTAs.

[Trade and Agriculture Commission: Question for Department for International Trade: UIN 14082](#)

Asked by Dr Neil Hudson

Asked on 10 June 2021

To ask the Secretary of State for International Trade, when the Trade and Agriculture Commission will be constituted and will be able to scrutinise forthcoming trade agreements.

Answered by Greg Hands

Answered on 15 June 2021

On 7 June, the Department launched a call for expressions of interest for expert advisors to join the new Trade and Agriculture Commission. The Commission will be established in time to scrutinise the planned Free Trade Agreement (FTA) with Australia, to inform parliamentary scrutiny following signature. It will also scrutinise other planned FTAs.

[Trade Agreements: Australia: Question for Department for International Trade: UIN 7771](#)

Asked by Tim Farron

Asked on 26 May 2021

To ask the Secretary of State for International Trade, whether she plans to work with the Leader of the House to bring any proposed trade deal with Australia to the House to be scrutinised before it is signed.

Answered by Greg Hands

Answered on 11 June 2021

The Government has put a suite of enhanced scrutiny arrangements in place to allow for appropriate scrutiny by Parliament. This includes:

- publishing negotiating objectives and economic scoping assessments before starting negotiations;
- regular statements to Parliament;

At the conclusion of negotiations, there will be opportunity for scrutiny of the final deal, including time for the relevant Select Committees and the Trade and Agriculture Commission to produce their reports on the deal. Parliament can resolve against ratification of a treaty under the scrutiny processes set out under the Constitutional Reform and Governance Act 2010. Any legislative changes required to give effect to the free trade agreement will need to be scrutinised and passed by Parliament in the usual way before ratification of the agreement can take place.

[Trade and Agriculture Commission: Question for Department for International Trade: UIN 179267](#)

Asked by Andrea Jenkyns

Asked on 12 April 2021

To ask the Secretary of State for International Trade, what steps her Department is taking to ensure that the members nominated for the Trade and Agriculture Commission have (a) science-led animal welfare expertise and (b) practical commercial experience in farming to high welfare standards.

Answered by Greg Hands

Answered on 19 April 2021

The Trade and Agriculture Commission will be composed of independent experts in their field, whose expertise will be driven by the scope of the provisions of the amendment to the Trade Bill. This includes UK animal welfare standards, as well as UK animal and plant health standards, UK environmental standards relating to agricultural products, and international trade law and policy.

[Trade Agreements: Climate Change: Question for Department for International Trade: UIN 147016](#)

Asked by Mr Tanmanjeet Singh Dhesi

Asked on 1 February 2021

To ask the Secretary of State for International Trade, what steps her Department is taking to ensure that (a) trade deals which include trade on food and drink and (b) other trade deals support the UK's domestic and international climate commitments.

Answered by Greg Hands

Answered on 9 February 2021

Our manifesto is clear that in all our trade negotiations we will maintain our high environmental protection standards, which includes clean growth and climate change objectives, animal welfare and food standards.

To inform trade deals and feed into all our negotiations, the Government has run a series of public consultations with the food and drink industry and has established key fora for industry stakeholders such as the Trade and Agriculture Commission and Trade Advisory Groups. As negotiations progress, we will bring together the best evidence from across Government, insight from external stakeholders and a range of data and analytical tools.

Our outline approaches to free trade agreements (FTAs) with the US, Japan, New Zealand, and Australia, have committed to securing provisions that will help trade in low carbon goods and services, support research and development, innovation in green sectors, and maintain our right to regulate in pursuit of decarbonisation. We will continue to pursue a range of mechanisms in the design of future trade policy, both bilateral and multilateral, working with partner nations to tackle climate change.

[Trade and Agriculture Commission: Public Appointments: Question for Department for International Trade: UIN 909303](#)

Asked by Martyn Day

Asked on 20 November 2020

To ask the Secretary of State for International Trade, what discussions she has had with (a) Cabinet colleagues and (b) the devolved Administrations on the future composition of the Trade and Agriculture Commission.

Answered by Greg Hands

Answered on 26 November 2020

My Rt hon. Friend the Secretary of State for International Trade is in contact with relevant Cabinet colleagues with regard to the Trade and Agriculture Commission (TAC). The Government also works closely with the devolved administrations on all aspects of our trade policy and I have written to my counterparts seeking their views on the Commission.

The TAC will ensure that public and industry interests are protected in Britain's agriculture trade policy.

3.2 Oral questions

[Trade Deal with Australia: British Food Standards](#)

HC Deb 17 June 2021, c 436

[Free Trade Agreements](#)

HC Deb 10 June 2021, c 1101

[Trade Policies: Farmers](#)

HC Deb 15 Apr 2021, c 467

[Free Trade Agreement: Australia](#)

HC Deb 25 Feb 2021, c 1085

[Trade Agreements: Food and Farming Standards](#)

HC Deb 19 Nov 2020, c 442-45

[Trade and Agriculture Commission and Trade Remedies Authority](#)

HL Deb 15 Oct 2020, c 1196-99

3.3 Select Committee evidence

[International Trade Committee](#)

Oral evidence: UK trade negotiations, HC 127, Wednesday 7 July 2021

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Further reading

[National Food Strategy - the Plan](#)

July 2021

[UK-Australia free trade agreement](#)

House of Commons Library, June 2021

[A good deal? Agriculture and the UK-Australia Free Trade Agreement](#)

Scottish Parliament Information Centre, June 2021

[Final Report](#)

Trade and Agriculture Commission, March 2021

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