

European Scrutiny Committee

House of Commons, London, SW1A 0AA

Tel (020) 7219 3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

14 May 2020

Ranil Jayawardena MP
Minister for Trade
Department for International Trade
3 Whitehall Place
London SW1A 2AW

Enforcement of international trade rules (Council documents 15088/19 and 15090/19) (40999 and 40998)

We are grateful for your predecessor's prompt response to our [letter of 26 March 2020](#) concerning proposed changes to the EU's [2014 Trade Enforcement Regulation](#). We note that he accepted there was a case for the EU to enhance its ability to take unilateral action (trade countermeasures) without first securing a final, binding and enforceable ruling in its favour if a trading partner obstructs a dispute settlement procedure. He confirmed that similar (though not identical) powers were available to the UK under section 15 of the [Taxation \(Cross-border Trade\) Act 2018](#) but that the Government would not use these powers in such a way as to conflict with the UK's obligations under the EU/UK Withdrawal Agreement.

Given the Government's clear commitment to pursuing an independent trade policy for the whole of the UK, including Northern Ireland, after transition, we are disappointed that your predecessor was unable to clarify how Articles 4 and 5(4) of the Protocol on Ireland/Northern Ireland would affect the application of EU and UK trade countermeasures in Northern Ireland. He anticipated that this and other issues would be discussed in the EU/UK Joint Committee, Specialised Committee, and (we would add) the Joint Consultative Working Group on the implementation of the Protocol on Ireland/Northern Ireland. We ask you to update us on the progress of these discussions in clarifying the answers to the questions we have raised with you.

We welcome the Government's support for resolving the current impasse in the WTO Appellate Body and its intention to follow closely developments on the [multi-party interim appeal arbitration arrangement](#) agreed by the EU and other

WTO members. We ask you to inform us of any decision to participate (or not to participate) in the UK's own right.

We have no further questions to raise on the Commission report on the operation of the 2014 Trade Enforcement Regulation. We retain a keen interest in the amending Regulation proposing changes to the 2014 Trade Enforcement Regulation and ask you to provide a further update on the final text agreed once negotiations between the Council and the European Parliament have concluded. We also look forward to receiving the information we have requested on the Protocol on Ireland/Northern Ireland and on UK participation in the multi-party interim appeal arbitration arrangement at the earliest opportunity.

We are copying this letter to Simon Hoare MP and Nick Beech, Chair and Clerk of the Northern Ireland Affairs Committee; Angus MacNeil MP and Joanna Welham, Chair and Clerk of the International Trade Committee; the Earl of Kinnoull and Christopher Johnson, Chair and Clerk of the EU Select Committee in the House of Lords; Edwina Osborne and Stephen Booth, your Departmental Scrutiny Coordinators; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR