



International Trade Committee

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Rt Hon Elizabeth Truss MP
Secretary of State
Department for International Trade
King Charles Street
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18 June 2020

Dear Elizabeth,

I am writing regarding my Committee's role in the scrutiny of new Free Trade Agreements.

The Committee's position has been informed by a recent evidence session with Global Justice Now, the Hansard Society and the Institute for Government, and careful consideration of our predecessor's report into *Trade Policy Transparency and Scrutiny*.

My Committee is united in its view that effective parliamentary scrutiny of Free Trade Agreements will build trust in the negotiating process and improve negotiation outcomes.

Committee's role

As the relevant Departmental Select Committee, we consider that we are well-placed to undertake scrutiny of trade agreements with non-EU countries – indeed, we have already begun doing so. We welcome your commitment to working with us, which you stated in the Chamber on 2 March and reiterated in your letter to me regarding negotiations with the US, dated 5 May.

Of course, trade agreements cut across a variety of policy areas, and we anticipate working with other committees to scrutinise such agreements – including through the use of the provisions under Standing Order No. 137A (joint meetings and “guesting” provisions). We also expect that many committees may of course also wish to undertake their own inquiries into particular aspects of trade agreements that are specific to their remits.

We note that the House of Lords have taken a different approach in establishing an International Agreements Committee, to scrutinise all treaties. We are not of the view that a separate treaty scrutiny committee needs to be established in the House of

Commons. We will however follow the work of the Lords Committee with interest and seek to ensure that where possible, our scrutiny is complementary.

Access to information

To undertake proper scrutiny of trade agreements, we will need access to information while negotiations are ongoing. We welcome the commitments made in this regard by the then Government in its February 2019 Command Paper *Processes for making free trade agreements once the UK has left the EU*. These were that the committee undertaking scrutiny of trade agreements “could have access to sensitive information that is not suitable for wider publication and could receive private briefings from negotiating teams.” It is our view that such access is critical for proper scrutiny. I would be grateful if you could confirm whether you are content to provide us with such access. As you will be aware, I have already made a request for private briefings in respect of the negotiations with the US.

Assuming that you are willing to provide us with information that is not in the public domain, it would be helpful to reach a clear, public understanding of what will be shared with us and when. We would expect this to include, for example, timetables for negotiations (to allow us to plan our scrutiny), negotiating texts where requested, and documents summarising progress of negotiations.

Of course, we will treat sensitive information in confidence where necessary and ensure suitable arrangements for handling this information are in place.

Our scrutiny

In terms of how my Committee intends to approach scrutiny of trade agreements, this may vary depending on the agreement in question. But we would expect to undertake scrutiny at various points throughout the negotiation process, through both private discussions with negotiators, as well as public oral evidence sessions with Ministers and stakeholders.

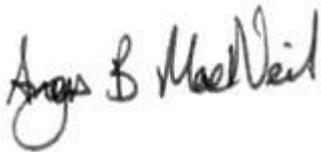
We agree with the previous Government’s summary in its Command Paper, which spoke of a “two-way dialogue” and stated that the appropriate committee would “follow negotiations closely, provide views throughout the process and take a comprehensive and informed position on the final agreement.”

To allow us to be able to take a position on the final agreement, which we hope will be helpful to stakeholders, the public and other parliamentarians, we ask that you commit to ensuring sufficient time is available for us to prepare a report on any agreement before it is laid before Parliament in accordance with the provisions of the Constitutional Reform and Governance Act 2010. Such a commitment was made in the aforementioned Command Paper. Indeed, in our view, it would be preferable to reach a formal arrangement whereby a trade agreement cannot be laid before my Committee has had an opportunity to prepare its report. To be absolutely clear, this would *not* constitute a power of veto – the requirement would simply be that my Committee have an opportunity to report on an agreement prior to ratification.

In addition, we anticipate that we may wish to recommend agreements for debate. A formal commitment that the Government will accept any debate recommendation made by the Committee in respect of a particular agreement would also be welcome.

Your Department is already proceeding with trade negotiations and my Committee stands ready to enter into a dialogue with you on the requests outlined above as soon as possible. I would be grateful for a response to this letter by Friday 26 June, which I hope can form the basis of such a dialogue.

I plan to publish this letter, as well as your response, on the Committee's website.

A handwritten signature in black ink that reads "Angus B MacNeil". The signature is written in a cursive style with a large initial 'A' and 'M'.

Angus Brendan MacNeil
Chair of the International Trade Committee