



# HOUSE OF LORDS

European Union Committee –  
International Agreements Sub-Committee

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Lord Grimstone of Boscobel Kt  
Minister for Investment  
Department for International Trade  
King Charles Street  
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16 June 2020

## **Working Practices inquiry**

Dear Lord Grimstone,

Thank you for speaking to the International Agreements Committee on 10 June about our Working Practices inquiry, which provided a useful and constructive discussion. The Committee were pleased to note your statement that the Department was committed to transparency. They noted the example you gave of the publication of the detailed documents relating to the Government's approach and objectives for the US and Japan negotiations together with written statements and open briefings for parliamentarians. You told us that you expected this approach to continue with the Australian and NZ negotiations; likely to commence in the next few weeks. We also noted the Written Statement that had been made reporting on the first round of negotiations, and we were pleased to note that you expected that sort of reporting to continue.

We also discussed the provision of updates to scrutiny committees and parliamentarians more widely, including when concluded trade agreements were laid before Parliament under the Constitutional Reform and Governance Act 2010. We were grateful for your confirmation that the Department was committed to providing such updates regularly, as well as an Explanatory Memorandum and an impact assessment when agreements were concluded.

You also noted that Parliamentary Reports had been produced for all the continuity trade agreements, and that this would continue to be the case. There was not time to discuss this in more detail during the meeting, but we would be grateful to know whether the Department also intends to produce Parliamentary Reports for newly negotiated agreements, as well as continuity agreements.

You told the Committee that holding debates on the Government's objectives for trade negotiations was not part of the Department's plans as it was considered that debates on negotiating objectives could be counterproductive, as they would provide intelligence to the other negotiating party/parties. However, we were pleased to note your statement that the sorts of documents that DIT published prior to starting negotiations with the US were

indicative of the information that it intended to make available publicly to Parliament for other future negotiations.

The Committee were grateful for your acknowledgement of the challenge of carrying out detailed work within a 21-sitting-day period and you suggested that private briefings, from ministers or officials, might be a way forward to help inform committees and allow them to begin their work before an agreement was laid formally. You suggested that practice and experience over the coming months might be the best guide for how to achieve this balance of confidentiality and information provision, and we would be happy to take forward with you discussions on how best to do that. Would it be helpful if you and I had a discussion about that to seek to reach a more detailed proposal?

The Committee further noted the statement that the Command Paper setting out the Department's approach to trade agreements (*Processes for making free trade agreements*, published in February 2019) still applied, which had amongst other things committed the Department to making time to allow a select committee to report on an agreement after negotiations had ended but before the treaty text had been laid, although it was noted that this did not specify precisely how much time would be made available.

The Committee believes that this approach could be helpful to HMG, as experience from other countries showed that it could be useful for negotiators to be able to say that, through confidential discussions with their parliament, they knew that a certain concession a negotiating partner was suggesting would be impossible to get through the legislature.

Members also asked about how the Government would work with the devolved administrations, and how it would ensure that its economic cost-benefit analyses were robust, in particular where they might indicate impacts on particular regions or nations in the UK. They welcomed your statement that you were very conscious of duties to the whole of the UK and noted that Greg Hands, the Minister for Trade Policy, held constructive and collaborative meetings with counterparts in Wales, Scotland and Northern Ireland through the Ministerial Forum for Trade, and that opinions and advice from the devolved nations were acted upon.

The economic modelling done by DIT was discussed, and it was noted that the Department's approaches and methods were in line with those used in the wider literature, but that such modelling, particularly of dynamic effects, could be difficult. You noted that it was not always possible to conduct modelling at a granular level that would show, for example, the effects on all regions of the UK with good levels of certainty. However, the Department was trying hard to draw out the likely impact on different parts of the UK. What had currently been published were scoping assessments, and with any final agreement a more detailed impact assessment could be produced.

You did in this context note that particular suggestions or questions about the methodology used would be welcome, and that officials would be happy to provide more detail about how economic analyses were produced. We do not have any such questions at this time, but hope to receive evidence on this point and may wish to discuss this in more detail in the future.

Finally, members asked about what more could be done by both the Government and Parliament to ensure that the public were aware of what was being negotiated and agreed, and why.

You told us that the Government was seeking to strike deals because they were in the public interest, and we agreed with you that there was a need to help everyone understand and take advantage of them. In particular, we discussed the debate on the Agriculture Bill regarding standards, which indicated the very significant interest people had in the deals that the Government was seeking to strike, as well as the significant number of contributions to public consultations, with 160,000 responses to the public consultation on the US deal.

As you know, we are working towards concluding our inquiry and will be publishing a full report in the coming weeks. In that respect, it would be very useful if we could include in our report an annex recording some of the discussion that we have had with you, so that other members and the public are aware of the exchange we have had in person, as well as by correspondence.

With that in mind, I would be grateful for your, and your officials', views about whether this letter, along with any response from you, might be put into the public domain as part of our final report.

I would be grateful for a response to this letter by 30 June.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'The Lord Goldsmith', with a large, stylized flourish extending to the right.

Rt Hon. the Lord Goldsmith QC  
Chair of the House of Lords International Agreements Sub-Committee