



HOUSE OF LORDS

International Agreements Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 4840
Fax: 020 7219 6715
hlintl@parliament.uk
www.parliament.uk/lords

Lord Grimstone of Boscobel Kt
Minister for Investment
Department for International Trade
Old Admiralty Building
Admiralty Place
London SW1A 2DY

19 May 2022

Dear Gerry,

Many thanks for your letter, dated 19 May, in response to my Committee's recommendation for an exchange of letters to consolidate the Government's scrutiny commitments for free trade agreements.

While we believe that there is more to be done to aid transparency and involve Parliament in trade deals, your letter marks a significant step forward. The Committee and I would like to extend our thanks to you and your officials for your constructive engagement on this. We also welcome the support of the House of Commons' International Trade Committee, which will help ensure that commitments are applied consistently across both Houses of Parliament.

I am pleased to confirm that the text reproduced below reflects our shared understanding of undertakings made to date by the Government on the parliamentary scrutiny of trade agreements:

Pre-Negotiations:

1. For new FTA negotiations the Government will undertake a public consultation or call for input. This further includes a commitment to publish its response to the consultation/call for input. Similarly, the Government will publish its negotiation objectives as well as a scoping assessment before the start of negotiations.
2. Should the IAC, or the ITC publish a report on those objectives, the Government will gladly consider that report and, should it be requested, facilitate a debate on the objectives, subject to the parliamentary time available.

During Negotiations:

1. During new FTA negotiations the Government will publish regular updates – usually after each substantive negotiating round. Where there are no standard negotiating rounds, it will publish updates at regular intervals.

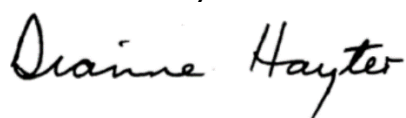
2. The Government is committed to undertaking close engagement with the relevant Select Committees, including providing oral and written evidence in public and private. The Chief Negotiator will usually provide private and public evidence, and the Government will make relevant Senior level Civil Service experts available to brief the committees on the technical detail of negotiations, where necessary, in private.

Post Signature:

1. In the case of new FTAs the Government will publish the FTA, alongside explanatory material and an independently scrutinised Impact Assessment which will cover the economic and environmental impacts of the agreement as soon as reasonably practicable following signature.
2. The Government will also endeavour to share the signed FTA, explanatory material and an independently scrutinised Impact Assessment with the IAC and ITC, in confidence, prior to publication, where time allows.
3. Should the IAC or ITC produce a report on a new FTA and as part of this request a debate, the Government will seek to facilitate this subject to available Parliamentary time.
4. The Government will ensure that the relevant select committees have a reasonable amount of time to scrutinise new FTAs and produce any reports on them that they may wish to prior to the start of the CRaG period.
5. In the case of the Australia, New Zealand and CPTPP agreements the Government expects there to be a period of at least 3 months between the publication of the signed FTA and the agreement being laid under Part 2 of the CRaG Act 2010.
6. Where applicable, the Government will seek independent advice from the Trade and Agriculture Commission (TAC) in line with the requirements of the Agriculture Act 2020 (as amended by the Trade Act 2021). The Government's request for TAC advice, the TAC advice received, and the Government's own report will be laid before Parliament in line with Section 42 of the Agriculture Act 2020 (the TAC process).
7. The Government does not envisage a new FTA proceeding to ratification without a debate first having taken place on it, should one have been requested in a timely fashion by the ITC or IAC, subject to available Parliamentary time.

I am copying this letter to the Chair of the International Trade Committee and to the Rt Hon Amanda Milling MP, Minister of State at the Foreign, Commonwealth and Development Office.

Yours sincerely



Dianne Hayter

Chair, House of Lords International Agreements Committee



Department for
International Trade



Department for
Business, Energy
& Industrial Strategy

Lord Grimstone of Boscobel, Kt
Minister for Investment

Department for International Trade
Old Admiralty Building
Admiralty Place
London
SW1A 2DY

Baroness Hayter of Kentish Town
Chair, International Agreements Committee
House of Lords
London
SW1A 0PW

T +44 (0) 20 7215 5000
E grimstone.correspondence@trade.gov.uk
W www.gov.uk/dit

19 May 2022

Dear Dianne,

Further to the letter to the Committee from the Rt Hon Amanda Milling MP on 8th March I am writing to consolidate, in one letter, the Government's current transparency and scrutiny commitments for free trade agreements (FTAs). I would like to put on the record my and my department's appreciation for the input of the clerks of both the International Agreements Committee (IAC) and the International Trade Committee (ITC) in drafting this document.

As the Government has previously acknowledged, the length, breadth of scope and complexity, as well as the impact, of FTAs warrants the specific regime of engagement and information provision that the Government has developed. Our transparency and scrutiny commitments for FTAs has developed over time with the feedback of your Committee and the International Trade Committee being vital in refining and continuously improving our practices. I am hopeful this constructive relationship will continue as we review our scrutiny and transparency arrangements in light of experience.

I have set out below the Government's commitments in respect of FTAs at each stage of negotiations, Pre-Negotiations, During Negotiations and Post Signature. These are additional to the statutory commitments required by the Constitutional Reform and Governance (CRaG) Act 2010.

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7. The Government does not envisage a new FTA proceeding to ratification without a debate first having taken place on it, should one have been requested in a timely fashion by the ITC or IAC, subject to available Parliamentary time.

I am copying this letter to the Chair of the International Trade Committee and to the Rt Hon Amanda Milling MP, Minister of State at the Foreign, Commonwealth and Development Office. I am also placing a copy of this letter in the libraries of both Houses.

Yours ever,

A handwritten signature in black ink, appearing to read 'Grimstone'.

Lord Grimstone of Boscobel, Kt
Minister for Investment
Department for International Trade
Department for Business, Energy and Industrial Strategy