

Consultation: UK trade negotiations with the United States

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Summary

Trade has brought many benefits for consumers, including greater choice and lower prices, within frameworks of regulation, rights and standards that are valued highly and are important for consumer confidence. The opportunity should be taken to deliver greater benefits for consumers, but without undermining these frameworks.

Standards and rights need to be decided by the UK, in line with people's expectations and priorities. People in the UK need to determine the safety and standards regimes that underpin the food they eat and products they buy, rather than the UK regime adapting, or becoming a bi-product, of trade negotiations.

The fear that a desire to facilitate trade would put core consumer protections at risk was at the heart of the backlash against the Transatlantic Trade Investment Partnership (TTIP). The UK must therefore ensure that it does not repeat this mistake as it approaches trade negotiations with the United States (US). Transparency and an open dialogue as negotiations progress are essential in order to ensure public acceptability and deliver tangible benefits for consumers.

Which? has set out four inter-related consumer tests for a successful Brexit and future UK trade policy. The government needs to ensure that **standards** are maintained and ideally strengthened, **choice** of quality products is enhanced, consumer **rights** are promoted and that opportunities are taken to lower **prices** where these other three tests are met.

There are many areas where UK and US standards diverge. This is particularly the case for food standards. It is essential that trade negotiations enhance consumer protection and do not undermine it in the pursuit of other trade objectives. Trade negotiations must not be used

as a way to enable currently banned or restricted US agri-food products onto the UK market. Nine in ten (90%) of people say that it is important that food standards are maintained after Brexit¹. These standards enable them to have confidence in the food that they eat and a high level of trust in the food industry. The BSE crisis, and more recently the horsemeat scare, show that this cannot be taken for granted.

Production processes and methods matter to consumers. Any acceptance of products as equivalent when they have been produced with more relaxed safety, quality or welfare standards, such as use of growth hormones or chlorine treatments to mask weaker standards, will not be acceptable to UK consumers. 80% of people would be uncomfortable eating hormone-treated beef.

The negotiations must be used to shape a positive trading relationship that will promote consumer confidence. This includes advancing mutual consumer rights and co-operation between public authorities to help ensure compliance and enable consumers to have access to redress when something goes wrong. The inclusion of a specific consumer chapter within any free trade agreement (FTA) would help to reinforce this and compliment consumer protections within other chapters that are relevant for consumers.

What would you want the UK government to achieve through a free trade agreement (or related trade talks) with the United States, and why?

Which? welcomes this opportunity to comment on UK trade negotiations with the United States (US). Consumer confidence will be critical to the success of future trade policy. Placing a strong emphasis on consumer interests from the beginning of these negotiations will be in line with the government's vision set out in the White Paper to "build a future trade policy that delivers benefits not only for the UK's economy, but for businesses, workers and consumers alike".

Which? has set out four consumer tests for a successful outcome from Brexit and these apply as the UK shapes its wider trade policy.

- **Standards:** Safety and quality standards must be maintained and ideally enhanced.
- **Choice:** People should have greater access to high quality products and services.
- **Rights:** Consumers need to be supported by consumer rights and effective redress.
- **Price:** Opportunities to lower prices should be taken, if the other three tests are met.

Through trade negotiations with the US, there are opportunities to bring consumer benefits in terms of access to a broader range of consumer products at lower prices, as well as to enhance reciprocal consumer rights. But it has to be ensured that standards of consumer and public health protection are not jeopardised.

In negotiating with the US, the mistakes of the Transatlantic Trade and Investment Partnership (TTIP) must not be repeated. Issues that led to public concern must be addressed from the outset. Consumers need to be engaged fully and effectively in shaping the negotiating priorities.

¹ Populus, on behalf of Which?, surveyed 2399 online between 17-18th October 2018. The data were weighted to be demographically representative of the population.

There are some fundamental differences between the UK and US regulatory approaches on issues such as food standards, product safety regulation, data protection and competition policy. The US is also undergoing a process of substantial deregulation and streamlining of regulatory agencies. This must be explicitly acknowledged in order to avoid any erosion of consumer protection in the UK.

Consumer expectations

Our consumer research²³ has found that consumers are more likely to see the potential for new trade agreements as an opportunity than as a risk. Six in ten (57%) people viewed the possibility of creating new trade agreements with non-EU countries as an opportunity in September 2018, but most (46%) say there are some risks attached. Fewer respondents in July and September 2018 thought new trade deals with countries outside the EU would be a good opportunity with some risks (46%) than previously (52% in March 2018).

Half (51%) of respondents said that they did not think that the government would be open and honest about the consumer impact of new trade deals. Respondents also thought that consumers were the group least likely to be represented in future trade deal negotiations. One in five (19%) think that consumers would not be represented at all. Respondents are, on balance, relatively positive about the idea of the UK creating new trade agreements with non-EU countries. The most common view was to see it broadly as an opportunity, but with some chance of risks.

Our consumer research looking at food standards, which will be a key issue in the negotiations, found that consumers think it is very important to maintain food standards – and where possible, improve them – after the UK leaves the EU. Nine in 10 (90%) of people say that it is important that food standards are maintained after the UK leaves the EU⁴. 71% of people told us⁵ that they would not buy food items produced to lower quality standards if they were cheaper than they currently are – a finding that was consistent across socio-economic groups.

Choice of quality goods

Our consumer research shows that consumers would generally be positive about increased access to goods from the US, with some important caveats that are discussed below.

The DIT's assessment of current trade and trade barriers in relation to both goods and services, included as part of the consultation, indicates that there is scope for tariff reduction

² Populus, on behalf of Which?, surveyed 2078 UK adults online between 18th and 19th July. The data were weighted to be demographically representative of the UK population.

³ Populus, on behalf of Which?, surveyed 2100 UK adults online between 19th and 20th September 2018. Data were weighted to be demographically representative of the UK population.

⁴ Populus, on behalf of Which?, surveyed 2399 online between 17-18th October 2018. The data were weighted to be demographically representative of the population.

⁵ Populus, on behalf of Which?, surveyed 2073 UK adults online between 17th and 18th January 2018. The data were weighted to be demographically representative of the UK population. Hereafter, this survey is referred to as the January 2018 wave of the Which? Brexit tracker.

in relation to some goods which could be beneficial to consumers, where UK and US standards are already closely aligned and provide a similar level of consumer protection. This includes areas such as cars, textiles and footwear.

It also highlights that the US has a greater number of sanitary and phytosanitary and (SPS) measures and technical barriers to trade (TBT), as well as quantitative restrictions, than the EU does. The US also has a higher services trade restrictiveness index (based on the OECD's assessment of trade in services barriers across 22 sectors).

It is essential that the negotiations recognise each other's ability to maintain their respective approaches to consumer and public health protection in key areas, and work together to use trade negotiations as a means to enhance - rather than weaken - these. This is essential for consumer confidence and trust in the system. Great care is needed around any assessments of equivalence and development of mutual recognition agreements. The UK and US may have similar objectives in terms of consumer and public health protection, but the means by which they achieve it can be very different, leading to divergent consumer outcomes that deliver different levels of protection.

Discussions around future tariff policy, including greater scope for liberalisation, also need to carefully consider any wider implications on the UK's ability to maintain standards at national level, as well as for imports. This is likely to be a particular issue in relation to agriculture and food products, but applies to wider consumer goods. The importation of agri-food products produced with lower husbandry or production standards must not be used as the thin end of a wedge to force down domestic standards in the UK.

Access to services

Providing the UK retains established regimes for mutual recognition of qualifications, there are also likely to be opportunities for greater liberalisation of service provision that involves the transfer of staff. Access for services, a stated UK government priority, must not, however be at the expense of any undermining of standards for goods.

The scope for the US to negotiate is, in practice likely to be limited to particular areas and sectors, given that a good deal of the regulation of government procurement and services, particularly professional services, is regulated at the state level.

Air services is an area where it is essential that there is a comprehensive "open skies" agreement put in place to enhance access, affordability and flight rights to and from the US, in place of the current arrangements that exist through the UK's EU membership.

There is also scope to replicate the removal of roaming charges levied against consumers when they access telecommunications and data services in the UK and US. Targeting these often excessive fees will help to show that UK trade policy really is on the side of consumers.

There is an opportunity to address copyright restrictions in broadcast and print media as well. Given the enormous strength of UK creative industries, allowing consumers access to broadcast and digital media available in the US, and vice versa, could provide clear benefits to consumers and signal again that trade agreements can benefit consumers, not just industries.

Consumer rights and protection

The government should also take the opportunity to build an effective reciprocal consumer protection and rights framework between the UK and US, setting the 'gold standard' for how trade deals should work for consumers, and leading the global approach to trade deals.

Consumer rights could be integrated in to trade negotiations in several ways:

- The opportunity should be taken to incorporate consumer protection and rights within the over-arching Objectives of any FTA.
- There should also be a specific Consumer Chapter which more explicitly highlights the importance of consumer rights and protection, as part of trade. Recent trade deals established through the UK's membership of the EU have included specific chapters on labour, environmental and competition policy. The UK-US FTA could go further and also address consumer protection including public health protection.
- The inclusion of such a Chapter should complement and enhance more specific reference to relevant consumer protections within individual chapters (including chapters on Sanitary and Phytosanitary (SPS) measures, technical barriers to trade (TBT) and digital and data protection rights for example.
- The agreement should include a standstill provision on existing consumer rights and protections to create a floor that the UK and US will not fall below. Provisions should be included to require enhancement of those established rights and protections over time.
- Reciprocal market surveillance and enforcement co-operation mechanisms should be incorporated into any FTA or future trading relationship. This could include:
 - More formalised cross-border consumer enforcement co-operation between enforcement and public protection bodies – from sharing of information to the potential for joint actions, building on more informal relationships that already exist (eg. between the Competition and Markets Authority and the US Federal Trade Commission).
 - Early warning, intelligence-sharing and alert systems between public authorities (eg. on product safety).
 - Co-operation through alternative dispute resolution (ADR) platforms that enable private enforcement of consumers' rights.
 - Judicial co-operation that will enable consumers to enforce their rights and pursue private legal action when necessary from their country of residence.

Examples of specific reciprocal cross-border rights that should be included within the future trading relationship with the US are:

- **Flight compensation:** establishing mechanisms that would provide meaningful compensation for consumers in the event of a flight being cancelled, delayed or them otherwise being denied boarding.
- **Access to healthcare:** reaching an agreement on reciprocal healthcare arrangement for emergency treatment while travelling on a short-term basis in each other's countries.
- **Access to local mediation:** agreeing to enhanced and speedy mechanisms to allow easy access to local consumer mediation/protection agencies for citizens of the countries

On-line platforms

On-line platforms are one area where there is an opportunity for UK and US regulatory co-operation. Wish.com, a platform that is based in San Francisco, illustrates the challenges currently facing consumer protection bodies. This web-site sells a range of consumer products that are available to consumers globally, including in the UK and other European countries. But testing by our sister organisations has shown that some of these products do not conform to EU safety standards. The site also uses a range of potentially misleading pricing practices. Clarification around the roles and responsibilities of websites such as this is key – and there is a need for strong cross-border co-operation.

What concerns, if any, does your organisation have about a free trade agreement (or related trade talks) with the United States, and why?

Which?'s main concern is the risk of trade negotiations with the US leading to a lowering of standards and consumer protection because of some key areas where the US takes a different and weaker approach, particularly in relation to food standards.

This is a concern in relation to standards that would apply to imports, as well as any wider consequences for domestic products and services. We recognise that it is possible for the UK to maintain high domestic standards, but allow in imports from the US that would fail these standards if they were produced domestically. Aligning the UK with the US approach to assessing 'like products' or 'process and production methods' would allow this unacceptable situation to occur. Allowing imports of 'equivalent' products in, that are anything but in the eyes of consumers, would place domestic producers under unfair cost and quality pressure. This would likely lead to demands from industry for lower domestic standards to allow domestic producers to compete with US producers operating lower quality, safety and welfare standards. Domestic producers would lose out and standards would be forced lower, leaving consumers exposed to less safe food products in the food chain and on shop shelves. This would have a devastating impact on consumer confidence.

The United States Trade Representative (USTR) sets out in 'The President's 2018 Trade Policy Agenda'⁶ that "*while US-UK trade is already substantial, and our economies are highly integrated, there is a range of areas where one could expect an ambitious FTA to be mutually beneficial. These include trade in industrial and agricultural goods, where tariff and other barriers still impede trade; differences in regulatory systems, which impose extra burdens on exporters, especially small- and medium-sized enterprises, without improving health and safety outcomes; and commitments in services, investment, and intellectual property that can foster deeper trade and innovation*".

Examples of areas where this offensive approach could undermine consumer protection, without a strong defence of consumer interests by the UK government, are set out below.

Food safety and standards

Experience from previous trade negotiations with the US (eg. TTIP and the Transatlantic Economic Partnership negotiations prior to it), the US's approach to other FTAs and the stated

⁶ <https://ustr.gov/sites/default/files/files/Press/Reports/2018/AR/2018%20Annual%20Report%20I.pdf>

USTR Trade Policy, is that the US will see securing greater market access for its food and agricultural products as a priority.

Our concern is that the US is likely to challenge and seek to relax the current requirements for food standards in order to reach an agreement that enables greater access for its agri-food products to the UK market. This may lead to lower prices in some areas, but the damage to consumer confidence in food standards and the potential entry into the food chain of otherwise domestically banned foodstuffs would be to the overall detriment of consumers.

The US food safety and standards system is weaker than the UK system and provides a lower level of consumer protection. This is demonstrably the case as there are more cases of foodborne illness in the US. The US Centre for Disease Control (CDC) estimates that around 1 in 6 Americans suffer from foodborne disease every year. The US has a population of around 600 million. The Food Standards Agency (FSA) has estimated that, in contrast, there are approximately a million cases of foodborne illness every year in the UK among a population of around 60 million – a 1 in 60 ratio in contrast for the UK. The way that the data that underpins these estimates is collected differs, but this still gives a sense of the magnitude of food safety cases in the US, relative to the UK.

The US Food Safety Modernisation Act (FSMA) of 2011 sought to strengthen food safety in several areas, including through the setting of performance standards and increased inspection, but many aspects of this legislation have yet to be enacted. The main agencies responsible for delivering on this have had their budgets dramatically reduced. This includes the US Food and Drug Administration and the US Department of Agriculture (USDA).

Examples of areas where the US system is weaker include:

- **Approach to food safety controls** – rather than the UK system which is based on a 'plough to plate' approach where controls are applied across the food supply chain in order to minimise contamination, in response to the BSE crisis, the US has a much greater focus on end process controls. The use of chlorine treatments to 'clean up' contaminated poultry, a process not permitted in the UK/EU is one example of this.
- **Traceability of foods and ingredients** – the US does not have the same requirements for traceability that the UK has (based on requiring businesses to have a 'one-up; one down' approach so that they know where their product or ingredients came from and are going to). It has a more limited trace-back system.
- **Regulation and approval of food additives** - the UK system is based on independent scientific assessment and oversight, but the US operates a 'generally recognised as safe' (GRAS) system, with more limited independent oversight.
- **Regulation and approval of GM foods and ingredients** – these have to be independently assessed for safety and approved under UK law. They are also subject to labelling requirements. There is no independent system of prior approval or requirements for labelling in the US as there is in the UK.
- **Use of growth promoting hormones** – the UK does not permit the use of growth hormones for beef production, but this is permitted in the US. The US also allows the use of recombinant Bovine growth hormone (rBGH, also known as Bovine Somatotrophin or BST) in order to increase milk yields in dairy cattle, but this is not allowed in the UK. US pork producers can also use ractopamine, another type of growth hormone, but this is not permitted in the UK.

- **Use of antibiotics in food production** – the UK has a ban on the use of antibiotics as growth promoters in animal production systems because of concern about antimicrobial resistance and the need to preserve the ability to use antibiotics for human treatment. Controls are in the process of being strengthened further. The US in contrast has more limited voluntary restrictions. Given the strain that antibiotic resistance is already placing on the National Health Service, maintaining a restrictive approach is vital.
- **Controls over health claims** – Under the UK system, health claims made on food have to be independently assessed (by the European Food Safety Authority at the moment) to make sure they are supported by scientific evidence and can therefore appear on an 'approved' list and be used legally on foods. The US system allows certain qualified health claims, which cannot be fully substantiated by scientific evidence, but can still be used along with a disclaimer.
- **Enforcement and inspection systems** – the UK system maintains independent checks in slaughterhouses, whereas in the US the system of meat controls has been deregulated so that much greater responsibility lies with businesses, with more limited checks by public authorities. Given the history of BSE contamination in the UK this is a particular concern.
- **Ability to recognise considerations besides science** – the UK system recognises that some aspects of how food is regulated and controlled need to be based on considerations that go beyond science. People may object to particular production methods or processes for cultural or ethical reasons for example. This requires regulations that take this into account – whether that is restricting certain practices or requiring them to be labelled. The US does not recognise these “other legitimate factors” in this way.

Which?'s consumer research has shown that consumers expect high standards to be maintained and that people would be uncomfortable with some of the practices that are permitted in the US, but not the UK at the moment. Eight in ten (79%) of people, for example, said that they would be uncomfortable eating beef produced using growth hormones; 79% would be uncomfortable eating dairy products produced using growth hormones, 68% would be uncomfortable eating chicken treated with chlorine carcass treatments and 72% would be uncomfortable eating meat from cloned animals.

Most people do not think that food produced using these production methods should be available in UK supermarkets. Fewer than a quarter were willing to accept them being on sale if they were labelled. 83% would also be concerned if foods produced using these methods were sold in other outlets where food is not usually labelled, such as restaurants, cafes and take-aways.

Most people would also not want to compromise on standards for lower prices. 71% of people told us in a survey conducted in January⁷ that they would not buy food produced to lower standards, even if it was cheaper. This was consistent across socio-economic groups⁸. When asked about specific production methods in a Which? survey in October, two-thirds (66%) said that hormone treated beef should not be allowed to be sold in the UK, regardless of whether it would be cheaper. 65% said this for milk from dairy cattle treated with hormones,

⁷ January 2018 wave of the Which? Brexit tracker, <https://consumerinsight.which.co.uk/articles/brexitandfood>

⁸ Ibid <https://consumerinsight.which.co.uk/articles/brexitandfood>

62% for meat from cloned animals and 61% for chlorine-treated chicken.⁹ This was also consistent across all socio-economic groups.

Protected Geographic Indications

The US and UK have developed very different approaches to the protection of certain food products either linked to a specific place or production process developed in a single place. The UK has a large number of existing products that are covered under the EU Geographical Indications (GI) regulations and is currently consulting on a similar UK scheme that will apply after exit.

Any bilateral agreement with the US must protect the system by which producers and consumers can recognise established names and production processes. Mass produced 'Cornish' Pasties or 'Melton Mowbray' Pies from the US would undermine consumer confidence in the UK food industry and food regulation, particularly if they are produced to lower safety and production standards.

Consumer product safety

The US operates a very different regime to the UK (and EU) in relation to product safety (other than food), as well as wider technical standards, with some strengths, but also weaknesses. Rather than a national standards body, such as the British Standards Institution (BSI) in the UK, there are around 275 standards development organisations that are accredited by the American National Standards Institute. Different standards can operate across US states. The US does not adopt International Standards Organisation (ISO) standards in the same way that the UK (and EU do). A range of private certification bodies underpin the system in the US in a way that does not apply in the UK/EU, where there is a greater (and increasing) emphasis on market surveillance by public authorities. Regulations exist for some products, rather than voluntary standards, in the US as in the EU (eg. toys). The US, unlike the UK also has a national dedicated, arms' length consumer product safety body, the Consumer Product Safety Commission (CPSC). As with the UK, problems still exist however, with issues such as effective product recalls.

It will therefore be essential to fully understand the potential risks and opportunities to ensure that any move towards regulatory alignment strengthens, rather than weakens consumer protection. Verifying the impacts of differences between standards in this complex landscape will be a difficult process that cannot easily be addressed through mutual recognition agreements. It should also be recognised that UK enforcement of product safety standards still largely falls to local authority Trading Standards Services despite the Office for Product Safety and Standards (OPSS) being created. Enforcement capacity and the need for fundamental reform of consumer enforcement also need to be reflected in the UK's negotiating position, so that it is based on on-the-ground realities.

Chemicals regulation is one area where the US's regulatory approach through its Toxic Substances Control Act (TSCA) is weaker than the UK's approach based on the EU's

⁹ Populus, on behalf of Which?, surveyed 2399 online between 17-18th October 2018. The data were weighted to be demographically representative of the population.

Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). This underpins the safety of many consumer products, including cosmetics safety. Core to REACH is the principle of “no data; no market”. This establishes that it is the responsibility of businesses to ensure and to demonstrate the safety of their products. This differs to TSCA where there is a greater burden on public authorities to demonstrate lack of safety. REACH also has specific provisions for chemicals known to be more dangerous (substances of very high concern), requiring plans for replacement with safer alternatives to be included as part of the authorisation procedure.

The precautionary principle

The wider UK safety culture is closely aligned with European approaches and standards, including the use of the precautionary principle that underpins risk management decisions where there is scientific uncertainty, including in relation to regulation of chemicals for example. Despite this being legitimate under the WTO’s SPS agreement (Article 5.7), the US has long been critical of this approach and would be keen to weaken and provisions that use the approach in future. The UK must ensure that the principle is upheld and that the UK prioritises consumer health protection.

The principle’s significance became clear in the aftermath of the UK’s BSE crisis, where it was clear that if the principle had been applied, measures to protect public health would have been introduced (and enforced) at an early stage as there was indication of a risk, but scientific uncertainty about the nature of the risk. Article 5.7 of the WTO’s SPS agreement recognises the need for such an approach: *“In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time”*.

The recent agreement between the US, Canada and Mexico¹⁰ includes the provision that *“each Party shall select a sanitary or phytosanitary measure that is not more trade restrictive than required to achieve the level of protection that the Party has determined to be appropriate. For greater certainty, a sanitary or phytosanitary measure is not more trade restrictive than required unless there is another option that is reasonably available, taking into account technical and economic feasibility, that achieves the appropriate level of sanitary or phytosanitary protection and is significantly less restrictive to trade”*. The UK must ensure that public health protection is its priority over trade facilitation.

The role of international standards

Caution is also needed in relation to the emphasis that is placed on alignment with international standards as part of any trade negotiations with the US. The level of consumer protection provided by EU regulation exceeds international standards in many important areas, including food. This is not therefore an appropriate mechanism for regulatory

¹⁰ <https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/09%20Sanitary%20and%20Phytosanitary%20Measures.pdf>

alignment. It depends very much on the specific issue. As set out above, the aim should be to ensure that any alignment is upwards, rather than seeking to weaken existing UK standards and protections.

Data protection

The US has a different level of data protection compared to the EU's General Data Protection Regulations (GDPR) which the UK has stated it intends to stay aligned with after EU exit¹¹. There is likely to be pressure to allow a more relaxed approach so that US companies can access UK consumers' data much more easily and without the range of protections and rights that the GDPR gives consumers over their data. Any changes to the UK's approach to accommodate this would jeopardise UK consumer protection – as well as the UK's access to the EU online services market.

Competition policy

Trade negotiations with the US must not have any impact on the UK's approach to its competition regime.

Investor State Dispute Settlement

A key issue that TTIP negotiations became mired in was the concept of Investor State Dispute Settlement (ISDS), a concept that the US has promoted within other bilateral trade agreements. This is a system through which investors can sue countries for alleged discriminatory practices. ISDS clauses were originally developed to address situations where foreign businesses invested in countries with poor court systems, and needed a mechanism to potentially recover their investment if a facility was, for example, nationalised. The UK and US have functioning court systems and therefore ISDS has no place in UK-US trade negotiations.

UK defence against trade disputes

More immediately, we are concerned that the UK, on leaving the EU, could be at risk of challenge from the US against some of its regulatory approaches. If this challenge were to happen and be successful, there would be negative consequences for consumers. The US has been very clear that it finds a number of the policies advanced by the EU to be unacceptable. It has taken the EU, and a number of other WTO Members, to the WTO Panel system a number of times on issues such as the EU ban on use of beef hormones.

We are concerned that the US may launch a WTO Panel case against the UK and will make a change to UK import policy a key demand of any negotiation. The USTR Trade Policy document makes clear '...we also have an aggressive trade enforcement agenda designed to prevent countries from benefiting from unfair trading practices. We will use all tools available – including unilateral action where necessary – to support this effort.'

We are concerned that the current debate on food standards focuses only on domestic UK standards, rather than the regulatory approach the UK plans to adopt in relation to imports

¹¹ The exchange and protection of personal data – a future partnership paper, HM Government, August 2017.

and whether a US FTA would contain provisions that would effectively allow products made with unsafe or unsavoury processes to be sold on the UK market post a US FTA.

It is essential that the UK aggressively defends itself against this agenda. Failure to do so would have an immediate impact on consumer confidence and the UK's approach to trade negotiations immediately after EU exit.

Access to UK regulatory processes

Based on recent US trade demands as part of other negotiations, there is the potential that US negotiators may seek to provide a means to give US companies guaranteed access, through 'consultation' fora, to UK government processes and consultation processes. Rights of standing and access are an important part of the UK regulatory system and there are not restrictions from US companies intervening in these existing processes. The UK must not therefore allow what could be seen as preferential access for US companies and their lobbying resources by the creation of detached fora that are outside the usual requirements for transparency, openness and accountability.

Is there anything else that you would want to say about the UK's future trade relationship with the United States?

Transparency and scrutiny

It is essential that UK-US trade negotiations are held openly and transparently. We welcomed the Department's commitment to developing mechanisms to ensure effective stakeholder and parliamentary scrutiny. It is essential that consumers, and their representatives, are consulted as negotiations progress.

Engaging consumers

Negotiations with the US will involve certain sensitivities and potentially trade-offs between different interests. It is essential that the government conducts effective public engagement in order to ensure that its negotiating strategy and 'red lines' are in line with UK consumer expectations, and are kept to.

Exploring a range of mechanisms

There are a range of possibilities for the mechanisms by which the UK and US can enhance trade. These may or may not result in an FTA. All options should be considered, in line with meeting the key tests that we have set out for a successful outcome for consumers.

Pursuing a pro-active consumer agenda

The success of trade negotiations will ultimately be judged by what they can deliver for consumers and how it impacts on their day to day lives. There is a real opportunity for the UK government to shape a positive trade agenda focused on promoting consumer interests.

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