

BVA response to EFRA Committee Call for Evidence: post-Brexit international trade deals

25 July 2023

Introduction

- 1) The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With nearly 19,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
- 2) We welcome the opportunity to provide evidence on post-Brexit international trade deals. Leaving the European Union has meant that the UK has been able to take control of its trade policy, providing the opportunity to be more assertive in spreading animal welfare norms via trade agreements. It is vitally important that existing animal health, animal welfare, public health, veterinary medicines, workforce, and environmental protection standards are at least maintained and opportunities to improve and enhance standards and outcomes should also be taken.

Question 4. How could FTA scrutiny and consultation (such as through impact assessment, Parliamentary scrutiny, stakeholder consultation, and the Trade and Agriculture Commission) be improved?

- 3) The UK has a strong reputation for animal health, animal welfare, and food safety. UK production meets the highest standards of animal health, animal welfare and food safety thanks to veterinary surgeons who deploy their expertise across domestic food production, from farm to fork. They also play a unique role in international trade providing assurance to trading partners. Veterinary advice and involvement at all stages of negotiations is essential to facilitate acceptable trade.
- 4) FTAs contain provisions relating to animal health, animal welfare and public health: areas which fall within the expertise of the veterinary profession. Therefore, it has been disappointing that consultation with the veterinary profession on FTAs has been so limited. The Department for International Trade held no meeting with the profession prior to the publication of the Australian Trade Deal. This is despite the BVA submitting an 8-page consultation response in 2018 highlighting serious concerns about animal welfare in Australian agriculture.
- 5) As the UK continues to strike new trade deals with partners around the world, which will have consequences for animal health, animal welfare and public health, as well as the ability to export easily to the EU Single Market, we would ask that the Department for Business and Trade, and Defra, which leads on sanitary and phytosanitary (SPS) aspects, reflect on how to engage more effectively with our uniquely relevant profession.
- 6) Greater clarity is needed on the role of the Trade and Agricultural Commission (TAC) which will scrutinise FTAs once published. We would ask that procedures are put in place to support the role of the TAC. The original TAC was established to advise the UK Government on how best to advance the interests of British farmers, food producers, and consumers in future trade agreements. Veterinary perspectives were included on the TAC. Former UK Chief Veterinary Officer Nigel Gibbens sat on the TAC, and former BVA President Simon Doherty joined the Commission's standards sub-group.
- 7) BVA has welcomed the announcement by Government that it would place the TAC on a statutory footing. To date, the TAC has been called upon to report on two FTAs with New Zealand and Australia. Both took place shortly after the inception of the TAC. As a result, the TAC was asked to undertake its role whilst there was still uncertainty on its remit. It is vital that Government learns from the processes to date, and clearly establishes how the TAC will operate and provide its analysis to Parliament in future. The Government should ensure that the TAC is given the time it needs to carefully scrutinise any free trade deal with South Korea, and to advise Parliament in a timely manner.

Question 9. What impact will the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) have (1) on the agri-food sector and (2) future FTAs?

- 8) We have written to the Secretary of State for Business and Trade following the announcement of the UK

accession to the CPTPP on 16 July 2023. We were alarmed to see the implications of this trade deal for animal welfare and the potential it has to undo years of progress towards higher welfare standards for animals in the UK, particularly regarding our production of eggs and egg products.

- 9) Under the terms of the deal, import tariffs on eggs and egg products will be phased out over a 10-year period. This means eggs could be imported from countries employing battery cage systems, a practice that has been illegal in the UK since 2012. The prospect of the UK public unknowingly consuming eggs from hens living in such conditions is troubling and poses a significant threat to the leading animal welfare standards that the UK has gained recognition for.
- 10) This deal and those negotiated with Australia and Japan especially indicate a worrying trend for how the UK will negotiate for animal welfare standards in its free trade agreements. Whilst trade deals are clearly vital to the UK economy, they can't come at the expense of the quality of food we serve on our plates or the higher quality of life provided by UK producers for those animals involved in food production.
- 11) It is not clear whether the cumulative impact of these FTAs and any subsequent deals is being factored into trade negotiations. We fear that offering tariff free access, for animal produce such as eggs and beef, to countries with lower animal welfare standards than the UK will erode so many of the hard fought animal welfare gains that the UK has achieved. Each standalone deal, although worrying, may be manageable to the UK market, however if the UK Government proceeds with its current negotiating style we could see deal after deal being signed that undermine our own high standards. A clear and consistent stance on maintaining the UK's animal welfare standards must be a key pillar in all trade agreements going forward.

Question 10. What approach should the Government take to food and agriculture sector priorities and concerns in its ongoing negotiations with the Gulf Cooperation Council, Canada and India?

- 12) The UK must safeguard its high reputation for animal health, animal welfare, and food safety. In all trade agreements it negotiates, the Government must only grant tariff free access to agricultural goods where there is equivalence with core standards of animal health, animal welfare, public health and food safety and responsible antibiotic use.
- 13) It is our view that FTAs should commit all parties to promote cooperation on welfare standards, be supportive of future research on animal welfare standards and promote and maintain food safety standards in the country with the strongest standards.
- 14) It is vital that the Government introduces improved welfare labelling on products to enable consumers to have a more active choice. Defra, in its own call for evidence in 2021, found there was public appetite for improved welfare labelling but did not consider the time right to consult on proposals to reform labelling for animal welfare. This will continue to be a pressing issue as the UK opens up its markets to international produce and the public want to be informed about the origins and welfare standards of the animal produce they purchase.
- 15) Opening export opportunities for the UK's produce is welcome but only if they capitalise on our reputation for high standards. With this in mind, it's essential that any future deals are only for products that are pre-stunned before slaughter. Effectively stunning before slaughter is essential as this renders animals unconscious and therefore insensible to pain, distress, fear and suffering.
- 16) While it is a statutory requirement for all animals to be effectively stunned before slaughter in the UK, there is a derogation in place to permit slaughter without stunning for slaughter in accordance with religious rites which provides for non-stun slaughter where food is intended for the consumption of Jews and Muslims.
- 17) A 'Demonstration of Life' (DoL) protocol has been launched that is designed to give Muslim consumers' confidence that animals subject to head-only electrical stunning meet the religious requirements for halal meat. The move is the result of partnership working between government, meat industry, farmers' unions, vets, Islamic scholars and Halal certification bodies. The protocol was launched by Lord Goldsmith and is supported by the Animal Welfare Committee, which advises Defra.
- 18) The framework will allow the UK to certify specific recoverable stunning methods for small ruminants to confirm that these methods do not result in death before the point of exsanguination. A similar framework has been successfully implemented in New Zealand and provides assurances that recoverable stunning does not result in death for small ruminants and supports that country's sheep meat exports to Muslim-majority countries. There is, therefore, a model for the UK to follow to successfully market our produce to this growing market whilst meeting the requirements for Halal production and upholding our standards and reputation for animal welfare.

Question 11. Is the Government's approach to agri-food trade aligned with its commitment to high standards for health (including plant and animal health), food safety, animal welfare and environmental protection, and the UK's right to regulate in these areas?

19) To answer this question, it is important to consider the Government's approach to, and the outcomes of, the FTAs negotiated since the UK left the European Union. The UK has struck individual agreements with Japan, Australia and New Zealand. These all provide a clear indication of how far UK Government will go to uphold the high standards for health, food safety, animal welfare and environmental protection and the UK's right to regulate in these areas.

Animal health and welfare

- 20) The UK-Japan Comprehensive Economic Partnership Agreement was one of the first free trade deals signed by the UK post-Brexit with most of the detail carried over from the EU-Japan trade agreement. This was a missed opportunity to strengthen the UK's stance on animal health and welfare rights, because they were not a core component of the trade agreement. UK legislation provides for higher animal welfare standards than Japan in almost every area that was negotiated, especially regarding farm animal welfare.
- 21) The trade deal that the UK signed with Australia was the first FTA struck by the UK from scratch since leaving the EU. The FTA contains a standalone chapter on animal welfare and antimicrobial resistance (AMR) including a non-regression commitment on animal welfare standards. This is the first time Australia has incorporated such a chapter into any trade deal and should be celebrated. However, a commitment to not regress from current standards would be more welcome if we were assured by Australia's current welfare standards. These standards diverge significantly between the UK and Australia. There are concerns that practices utilised in Australia, would fail to meet the standards expected in the UK or across the EU. The aspiration of the chapter is further limited because the UK has already given away any leverage in the form of tariff-free market access for produce like beef, which is a large industry in Australia. It is notable that tariffs were not liberalised on most pig and poultry products due to concerns over animal welfare standards from these sectors in Australia. It does demonstrate that market access can be contingent upon animal welfare but in this example, it has only been applied to sectors that are not of key interest for Australia, so the economic impact is limited.
- 22) The UK-New Zealand Free Trade Agreement was the second trade deal the UK negotiated from scratch since it left the EU. Similar to the Australia FTA this deal also included a chapter on animal welfare and AMR which is the first time New Zealand has written such a chapter into any trade deal. The UK and New Zealand are largely aligned on many aspects of animal health and welfare policy. Animals used in farming in New Zealand are protected by the Animal Welfare Act 1999, including the general anti-cruelty and duty of care provisions. Codes created under the Act provide detailed standards for transport, painful husbandry procedures, commercial slaughter and specific requirements for farm animals. Although there are differences between the animal production methods in the UK and New Zealand it is clear that animal welfare is an important factor for both countries and that is reflected in the trade agreement.
- 23) Although the inclusion of animal welfare and AMR chapters in the Australia and New Zealand FTAs is a positive first step, it is still not clear if the voluntary commitments contained in those chapters will prevent high standards in the UK from being undercut in practice. It is disappointing to see that no attempt has been made to link production standards to trade liberalisation at least to the degree where it makes a discernible difference, and the commitments made around animal welfare are not enforceable under the terms of the trade agreement dispute resolution mechanism.

Sanitary and Phytosanitary (SPS) measures

- 24) SPS measures form a vital part of the UK's biosecurity framework and should not be seen solely as a barrier to trade that needs to be overcome. SPS measures serve a vital purpose: protecting national freedom from animal health diseases. The consequences of failing to do this can be catastrophic to multiple sectors of the UK's economy.
- 25) The great majority of new FTAs now contain provisions seeking to simplify SPS trade requirements. SPS issues have often taken centre stage in the most recent and wide-ranging trade agreements. The UK-Japan deal looked to simplify these measures when it was rolled over from the EU-Japan agreement. SPS was a key issue included in the UK-Australia deal whereby the UK retains the ability to ban goods based on animal or public health grounds. However, this would not apply to barriers that are based on animal welfare grounds or environmental concerns. A more positive demonstration of this is from the UK-New Zealand trade deal which also included a guarantee on maintaining the standards of both nations when it

comes to food safety and biosecurity standards.

- 26) If we use recently negotiated trade deals as an indication of UK trading policy when it comes to animal health and welfare rights then the picture is not positive. The inclusion of chapters on animal welfare in the Australia and New Zealand deals is a big step signalling the UK's intent to open conversations around high standards on animal rights going forward. However in all three deals outlined above, the trade agreements do not go beyond words framed around future discussions rather than taking action. The impression these deals give so far is that the UK's standard of animal welfare and rights will be pushed for and written into the agreements when it is convenient to do so. New Zealand has a similar outlook on the treatment of farm animals as the UK so the agreement reflects that level of shared ground. However in the Australia deal, where sheep and cattle farming standards are lower than in the UK, any mention of alignment is not framed in positive terms of raising standards to UK levels.
- 27) It is important to note that these deals have been signed with countries of generally similar ideals when it comes to animal rights, or where the size of the UK market can be used as a tool to negotiate a more favourable deal. Agreements are yet to be signed with countries like China, India and the USA who have significantly different views on animal health and welfare standards. If we cannot negotiate strongly and achieve recognition of the high UK animal welfare standards in these recent deals, then unless more is done, we may see similar or worse deals struck with larger countries that have significantly lower expectations of high animal health and welfare.
- 28) The original Trade and Agriculture Commission (TAC) published its report in March 2020. Key amongst their recommendations was recommendation 8 which stated that:

"The UK government should take an ambitious approach to the liberalisation of the UK's import tariff regime, for countries that can meet the high standards of food production expected from UK producers. It should work with trading partners within future FTA negotiations to lower tariffs and quotas to zero where equivalence is demonstrated for these standards."

- 29) The report submits that the UK should adopt a three-pillar approach to liberalising international trade. The most pertinent, for the purposes of an FTA, is pillar two, which establishes how "core standards" should be developed:

"Zero tariff, zero quota access to UK markets in FTAs would be matched to a core set of standards and technical norms in a number of areas. If trading partners could not demonstrate equivalence with core standards, then they would not be considered for zero tariff, zero quota access for those products to which the core standards applied."

These standards and technical norms would:

- *reflect the shared ambitions of the UK and its trading partners;*
- *be derived from international standards and norms; and*
- *already be applied in the UK.*

The UK government should negotiate on the basis of this core set of standards, including climate change, environmental, ethical and animal welfare measures. When determining these priority standards, the UK government should take account of domestic production standards and the extent to which they reflect international standards' agreements. Implementation of this pillar would require further analysis and consultation, particularly with the Devolved Administrations. Determining which standards and norms should be considered as part of this pillar would need to involve consultation with all stakeholders. Agreement of a broad and comprehensive core set of standards would maximise the trade liberalisation that this approach could deliver."

- 30) As a matter of urgency, and before initiating further FTA negotiations, the UK Government should adopt this recommendation of the TAC. Core standards should be developed before the UK offers tariff-free access to its market. Consideration needs to be given to how the UK would determine a standard as being equivalent to these core standards. It will be vital to have engagement with the veterinary profession in developing these standards. This will require a system requiring checks and continuous monitoring to ensure standards are maintained over time.

Question 13. Is the Government providing sufficient support and guidance for

agricultural and food exporters and importers, and how could that support be improved?

- 31) High UK animal health and welfare standards have been recognised within the Agriculture Bill as public goods, and as such will be able to receive financial support. We strongly support this approach, having called on the Government to use public money to incentivise and support animal health and welfare outcomes as public goods in our Veterinary Vision for Post Brexit Agriculture Policy. Future trade deals have the potential to undermine this investment by allowing goods produced to lower standards of animal health and welfare which would inevitably hold a competitive advantage over UK farmers, undercutting UK producers on price. This could potentially be happening already with the tariff free agreements laid out in the UK-Australia FTA especially for cattle exports.
- 32) However, it is important to recognise that the UK's ability to design a new domestic agriculture policy offers an opportunity to bolster trade strategy. Already, the new Animal Health and Welfare Pathway is designing interventions under the Agriculture Bill in England. The Pathway is seeking to ensure vets and farmers work together to improve animal health and welfare outcomes on farm. This will improve the UK's reputation for producing food to a high standard, which is the key to the marketability of our produce. A key objective of the Pathway is to capture better data to provide evidence to underscore the UK's high reputation for animal health and welfare and open further export markets. At the same time the new ELM scheme will provide farmers with an opportunity to secure financial reward in return for delivering environmental benefits, which will further underscore the reputation of UK produce.
- 33) The UK Government should seek to apply a minimum animal health and welfare standard to the production of animal products imported directly for consumption by UK consumers or as material destined for re-export, potentially onto the EU market. A minimum standard that requires veterinary controls and certifications will avoid the confusion and the opportunity for fraud that is associated with multiple parallel standards, avoid compromised animal health and welfare, and ensure consumer confidence at home and abroad.

Question 14. How effectively is the Government engaging with industry stakeholders and to what extent is it tackling non-tariff and technical barriers to trade for UK businesses?

- 34) We have presented our thoughts on the low level of Government engagement with the veterinary profession on trade deals so far in question 4. In regard to this question, veterinary surgeons both certify and supervise the import and export of animals and animal products meaning to ensure the UK can meet the increased demands placed upon it by signing new trade deals there needs to be a well-staffed and supported veterinary workforce to help with tackling non-tariff and technical barriers to trade.
- 35) The UK will require a veterinary workforce with the capability and capacity necessary to facilitate international trade both with the EU and other trade partners. To continue to trade, the UK must have enough appropriately trained Official Veterinarians (OV) to meet the additional demands for exports and imports. If that requirement is not fulfilled, it will present a significant barrier to trade and limit any opportunities for the farming and food sectors. There will be a need for enough OVs to perform sanitary controls as these are phased in for imports into Great Britain from other countries. As yet, we have not seen a government workforce analysis that estimates the total number of OVs, or full-time equivalents, that will be needed to undertake this work.
- 36) In recent years our profession has faced Brexit, Covid, and the boom in pet ownership, which have put unprecedented pressure on veterinary services across the country. This has been exacerbated by longstanding recruitment and retention challenges in the profession.
- 37) The UK is highly reliant on EU vets. Yet, as the demands on veterinary capacity have increased, there has been a constraint on new veterinary surgeons entering the UK from the EU coupled with a decrease in vets moving to the UK from the EU to work. A report on the veterinary workforce by RCVS highlighted that in 2018, 1,159 new UK-Practising registrants qualified in the EU, but in 2021 there were only 329. How the UK will find the required veterinary capacity to meet increasing demands is unknown. It is positive to see in the latest RCVS update that the number of EU vets registering in the UK has increased for the first time post-Brexit to 480, however this rate of change is not happening fast enough to address the ongoing workforce challenges the vet industry is facing.
- 38) We can learn from the recent experience of the EU. The Irish Government was preparing "in the region of 200 extra full-time staff to carry out Sanitary and Phytosanitary Controls (SPS) checks and controls at

ports and airports.” A sizeable number of this cadre will be OV’s, but there will be phytosanitary staff and support staff included in this number. In the Netherlands, there were plans, reported in 2018, for an additional 145 veterinarians for the Port of Rotterdam ahead of a previous potential no deal. Despite these plans, in August 2021 there was a four-day delay for British meat shipments to the port of Rotterdam due to a lack of OV’s.

- 39) In January 2021, Defra provided £14 million in England to support recruitment and training of over 500 new staff, including OV’s. These OV’s will be employed by public health authorities (PHAs), either directly or indirectly, or by the Animal and Plant Health Agency (APHA). This signals positive intent, however once again these recruitment numbers are nowhere near the levels needed to meet the increasing demand.