

Greener UK briefing for peers for Third Reading of the Trade Bill

20 March 2018

Amendment 2 (maintaining UK levels of statutory protection)

Greener UK welcomes amendment 2. The government has repeatedly committed to maintaining high standards of food production, animal welfare and environmental protections and it is encouraging that the government has now acknowledged the importance of this commitment by seeking to enshrine it in primary legislation.

However, on its face, this amendment does not appear to go far enough

- It is important to recognise that whilst this amendment goes some way to realising the government's promises not to lower standards, it does not replicate the full extent of the commitments the government has made.
- For instance, it is concerned only with the regulations made to roll-over existing EU-third country deals. It does not, for instance, deal with imports which may be produced using less stringent processes and to weaker standards than similar UK products. As such, this amendment does not appear to alleviate the very real and legitimate worries some have about cheaper imports creating downward pressure on standards required for UK-produced goods.

It would be helpful to have some clarity from the Minister on the scope of this amendment

- As drafted, the amendment appears to require only that provisions which are included in roll-over regulations and which relate to any of the areas listed in subsection 4B must be consistent with maintaining UK levels of statutory protection in the relevant area. However, a provision in a roll-over regulation could ostensibly relate to, for instance, customs rules but also have an indirect impact on one of the areas listed in subsection 4B.
 - As such, please can the Minister confirm that this amendment will in fact have the effect that any provision in roll-over regulations must be consistent with maintaining UK levels of statutory protection in the relevant area?
- The amendment requires consistency with maintaining UK levels of statutory protection. The purpose and effect of the inclusion of 'levels of' is not entirely apparent.
 - Please could the Minister confirm that the inclusion of 'levels of' means that the protections which must be maintained is not in fact limited to those on the statute book and instead extends to protections consistent with levels of protection set out in statute but in fact established elsewhere, for instance, policy guidance.

It is crucial that the Environment Bill includes a commitment to non-regression

- This amendment must be complemented by the incorporation in the forthcoming Environment Bill of a robust commitment to non-regression.
- A general principle of non-regression will have the effect of preventing a backwards slide of standards in the areas referred to in subsection 4B and beyond.
- This principle will set a benchmark for standards and require that they can only be strengthened and not weakened.
- Non-regression is essentially an expression of the government's commitment to safeguard UK standards. It will work with and enhance this amendment to help ensure that the promises the government has made are fully realised – both those promises made in relation to future trade and, in connection with the environment, the Prime Minister's important commitment to leave the environment in a better state than that in which we found it.

Amendment 7 (the UK's participation in EU organisations)

Greener UK welcomes amendment 7 which would require the government to seek to negotiate an international trade agreement with the EU which will enable the UK to continue, after exit day, to co-operate closely with a number of bodies, including the European Chemicals Agency.

There are seriously adverse consequences of the UK losing access to the European Chemicals Agency and the REACH chemicals regime, which have been highlighted by the EU Energy and Environment Sub-Committee in its letters to the Defra Minister on [16 January](#) and [6 March](#) 2019.

These include:

- the UK would lack a functioning chemicals regime
- the UK would not have access to chemicals safety data
- animal testing could increase
- UK businesses would face additional costs and bureaucracy.

Continued UK participation in the EU's regime would be the best result for chemicals regulation in the UK.

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