



Department for  
International Trade

# **Public consultation on trade negotiations with the United States**

Summary of responses

18 July 2019

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## Foreword from the Secretary of State for International Trade and President of the Board of Trade



The United Kingdom is on the cusp of a new era in our great trading history. For the first time in nearly 50 years, we will have the freedom to pursue an independent trade policy to build a stronger, fairer and more prosperous country, more open and outward-looking than ever before.

The Government, led by my Department for International Trade, has been preparing for the United Kingdom to have an independent trade policy after we exit the European Union. We have made great strides forward. We have opened 14 informal trade dialogues with 21 countries from the United States to Australia to the United Arab Emirates. We have also been working closely with our existing trading partners to ensure the continuity of European Union trade deals. The United Kingdom's trade with countries with which we are seeking continuity<sup>1</sup> accounted for £139 billion or 11 per cent of the United Kingdom's trade in 2018.<sup>2</sup>

We have already signed a number of these continuity agreements which replicate the effects of the existing agreements, as far as possible. This includes Switzerland, which is one of our key trading partners and worth 2.3 per cent<sup>3</sup> of the United Kingdom's total trade. Other agreements have been signed with Israel, the Palestine Authority, Chile, the Faroe Islands, Eastern and Southern Africa, Caribbean countries, Iceland and Norway, Fiji, Papua New Guinea, Colombia, Peru and Ecuador.<sup>4</sup> We have also agreed in principle an agreement with Korea which will be signed shortly. In addition to this, we have also signed Mutual Recognition Agreements with Australia, New Zealand and the United States. We will continue to work tirelessly to deliver the maximum possible continuity and certainty for when we leave the European Union.

In addition, we have made significant headway on the United Kingdom's future independent membership of the World Trade Organization: we have submitted our proposed commitments on goods and services; established our own independent trade remedies system (the Trade Remedies Authority); and published the Export Strategy and launched 14 working groups and a number of trade reviews with key partners.

The Government is determined to build a new economic relationship with the European Union. One which sees the United Kingdom leave the Single Market and the Customs Union to seize new trading opportunities around the world, while protecting jobs, supporting growth and maintaining security co-operation. We recognise that our Future Economic Partnership with the European Union will have considerable and immediate implications for the way the United Kingdom can develop its future trade policy, in terms of its trading agreements with the rest of the world. We will continue to listen and respond to our stakeholders' views on this as we develop our own independent trade policy in parallel with the direction of the future relationship negotiations with the European Union.

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<sup>1</sup> This excludes Turkey (plus San Marino and Andorra) which is part of a customs union with the European Union, and excludes Japan, as the Economic Partnership Agreement only came into force on 1 February 2019.

<sup>2</sup> UK total trade: all countries, non-seasonally adjusted, October to December 2018.

<sup>3</sup> UK total trade: all countries, non-seasonally adjusted, October to December 2018.

<sup>4</sup> The trade continuity agreement with Iceland and Norway would only apply in a No Deal scenario. All others would apply after the proposed Implementation period as well.

An independent trade policy means we can negotiate trade agreements specifically tailored to the United Kingdom, building links with old friends and new allies, enabling the United Kingdom to take advantage of emerging sources of growth and to deepen ties with our established partners to create shared and sustainable growth.

In July last year, we launched consultations on new free trade agreements. The consultations demonstrated the United Kingdom's intention to seek free trade agreements with the United States, Australia and New Zealand, as well as the United Kingdom potentially seeking accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP, a plurilateral agreement with 11 existing members).

We have engaged fully with the devolved administrations, and consulted extensively with stakeholders across the business community, civil society, academia and the general public on priorities for trade negotiations to ensure we represent the interests of the whole of the United Kingdom in any future negotiation.

We have received 601,121 responses to the four consultations on future trade agreements. I would like to thank all those who took the time to contribute to this consultation. The Government is committed to an inclusive and transparent trade policy, so today, I am publishing a summary of the consultation responses we received across the four consultations.

A handwritten signature in blue ink, appearing to read 'Liam Fox', with a stylized flourish at the end.

**The Rt Hon Dr Liam Fox**  
**Secretary of State for International Trade and President of the Board of Trade**

# Introduction

## Background

1. As the United Kingdom (UK) leaves the European Union (EU), we will have an independent trade policy for the first time in nearly 50 years. This will give us the opportunity to forge new and ambitious trade relationships around the world, and to enter into new Free Trade Agreements (FTAs) with other countries or groups of countries.
2. The Government remains committed to building a deep and special trading partnership with the EU, but through our new independent trade policy, we can also take advantage of shifts in the global economy: According to the IMF, 90 per cent of the world economic growth over the next five years is forecast to come from outside the EU<sup>5</sup>; and 54 per cent of the UK's exports of goods and services are now traded outside the EU<sup>6</sup>, compared with only 46 per cent in 2006.
3. Through negotiating FTAs, we can work with our trading partners around the world to break down barriers to trade in goods and services, ensure that UK businesses are treated fairly, and protect our right to regulate and maintain high standards, creating the conditions for individuals and businesses to prosper. Our ambition is to:
  - Increase economic growth and productivity, through increased trade and investment, promoting greater competition and innovation.
  - Provide new employment opportunities, including higher-skilled jobs, from greater specialisation, increasing wages and opportunity across the UK.
  - Deliver a greater variety of products for consumers at a lower cost while maintaining quality.

## Why this Free Trade Agreement?

4. An early priority for the UK's independent trade policy will be to negotiate a comprehensive FTA with the United States (the US). UK-US trade was estimated to be worth £191 billion in 2018.<sup>7</sup> The US is our largest trading partner outside the EU, in recent years accounting for nearly a fifth of all UK exports.<sup>8</sup> The US is the top destination for UK Foreign Direct Investment (FDI), accounting for 20 per cent of the total UK outward FDI stock.<sup>9</sup> The US is also the top investor in the UK, accounting for 26 per cent of the total UK inward FDI stock in 2017.<sup>10</sup> A UK-US FTA would further cement our existing strong bilateral partnership. The US is also a country with which the UK has a strong and enduring bond. We have a shared heritage and values, and already cooperate extensively across security, prosperity and defence. Since the Second World War we have together led the work to build the international system on which global peace and prosperity depend, the UK works closely with the US in many multilateral forums

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<sup>5</sup> DIT calculations based on the IMF World Economic Outlook database, updated April 2019.

<sup>6</sup> Source: ONS Balance of Payments 2019Q1.

<https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/datasets/balanceofpayments>

<sup>7</sup> UK total trade: all countries, non-seasonally adjusted, October to December 2018.

<sup>8</sup> UK total trade: all countries, non-seasonally adjusted, October to December 2018.

<sup>9</sup> ONS Foreign Direct Investment involving UK companies, figure for 2017.

<sup>10</sup> ONS Foreign Direct Investment involving UK companies.

including the United Nations (UN), NATO, G20 and the World Trade Organization (WTO). Our economies have never been more deeply intertwined, making the US a vital trading and investment partner for the UK.

## **A transparent and inclusive trade policy**

5. As set out in the Trade White Paper *Preparing for our future UK trade policy* published in October 2017, the Government is committed to pursuing a trade policy which is inclusive and transparent. To ensure that any future FTA works for the whole of the UK, the Government is therefore committed to seeking views from a broad range of stakeholders from all parts of the UK. In July 2018, the Government published DIT's *approach to engagement for the pre-negotiation phase of trade negotiations* setting out its plan for pursuing new trade negotiations collaboratively by engaging with the widest range of stakeholder groups, as it takes forward its free trade agenda. For new FTAs, we have run broad open consultations. We will continue to engage as widely as possible as we look ahead to negotiations potentially starting soon.
6. On 20 July 2018, the Department for International Trade (DIT) launched four 14-week public consultations seeking views on potential FTAs with the US, Australia, and New Zealand, and potential accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). To support this, the Government ran a series of events around the UK to promote the consultations. All four consultations closed on 26 October 2018. This document sets out the findings from the responses received.
7. DIT welcomed feedback and comments from all interested parties to the consultations. Across the four consultations, the Government received over 600,000 responses including those submitted by campaigns. They have been analysed and are informing the Government's overall approach to the four potential future trade deals. The consultation feedback will also support the Government in meeting its commitment to delivering a UK trade policy which will benefit the UK economy, and businesses, workers, producers and consumers.
8. While many respondents welcomed the opportunities that an independent trade policy will bring as we leave EU, many respondents also mentioned the importance of the UK's future economic relationship with the EU. We recognise that the UK's future trade policy, including our ability to negotiate FTAs, will depend on the scope and substance of our future economic relationship with the EU. While comments on the UK Government's vision for the Future Economic Partnership (FEP) with the EU were outside the scope of the questions asked in this FTA consultation, they have, however, been included in our analysis.

## **What we asked**

9. Each consultation was based on a series of questions concerning the respondent's priorities and concerns regarding the relevant agreement. The questions were broad to ensure the consultation exercise was inclusive and would encourage participation from a wide range of stakeholders. We received responses from individuals, businesses, business associations, public sector bodies, trade unions and other non-governmental organisations (NGOs). The online survey covered a range of policy areas which are typically included in any comprehensive FTA.

These were:

Tariffs	Rules of Origin (RoO)	Customs Procedures	Services	Digital
Product Standards, Regulation and Certification	Sanitary and Phytosanitary (SPS) Measures	Competition	Government (Public) Procurement	Intellectual Property (IP)
Investment	Labour & Environment	Trade Remedies and Dispute Settlement	Small- and Medium-sized Enterprise (SMEs) Policy	Other

Respondents were also able to submit additional comments not related to the areas listed above. A full list of all the questions asked during this consultation is available in Annex A.

## This report

10. This document is a summary of what respondents said in the *consultation on trade negotiations with the US* (the consultation). The evidence provided from the responses to this consultation (as summarised in this document), will inform the Government's overall approach to our future trading relationship with the US, including our approach to negotiating any trade agreement. As we look ahead to finalising our negotiating objectives, we will continue to actively consider the consultation feedback to inform this work. Decisions made as a result of this consultation will therefore be published alongside our negotiating objectives before potential negotiations start. This report, therefore, does not set out Government policy with respect to future trade policy, but simply provides a summary of what consultation respondents have told us. The Government will take all responses to this consultation into account. A number of respondents raised points which fell outside the scope of this consultation. However, they have still been included in the statistical analysis.
11. We also received a large number of responses from outside the UK. The views provided in these responses will be analysed carefully and considered.
12. This document does not contain a list of the respondents or contain any personal or organisational details of the respondents. Their views are summarised in the following sections of this report but are not attributed to any individual respondent or business. The figures in this document refer to those who responded to the consultation, so should not be treated as statistically representative of the public at large.

13. The Government does not intend to publish any individual consultation responses it received. Many organisations have published their own responses independently.
14. DIT commissioned the research agency Ipsos MORI to analyse responses for all four consultations and produce statistical analysis with a summary of the overall findings. This analysis supplements the review of consultation feedback undertaken by the Government. Ipsos MORI developed a code frame to allow for systematic statistical analysis of the responses. The codes within the code frame represent a ‘theme’ based on an amalgamation of responses submitted and are intended to comprehensively represent all responses. The code frame and methodology, produced by Ipsos MORI, have been published alongside this report.

## Overview of the responses

15. On the closure of the consultation on a potential UK-US trade deal, the Government had received 158,720 responses, submitted via the online survey and by email or post.

*Table 1: A breakdown of the overall response numbers*

Total number of emails, letters and online survey responses received	<b>158,720</b>
Online survey responses	<b>6,299<sup>11</sup></b>
Post	<b>1</b>
Emails [non-campaign]	<b>105</b>
Emails [campaign]	<b>152,315</b>

16. Respondents were categorised into one of the following five groups:
- **An individual** – Responding with personal views, rather than as an official representative of a business, business association or another organisation.
  - **Business** – Responding in an official capacity representing the views of an individual business.
  - **Business association** – Responding in an official capacity representing the views of a business representative organisation or trade association.
  - **Non-governmental organisation (NGO)** – Responding in an official capacity as the representative of a non-governmental organisation, trade union, academic institution or another organisation.

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<sup>11</sup> The total number of consultees who completed an online response was 6,325 but only 6,299 were deemed as valid responses.

- **Public sector body** – Responding in an official capacity as a representative of a local government organisation, public service provider, or another public sector body in the UK or elsewhere.

### Online consultation portal

17. The Consultation Portal was hosted by Citizen Space (an online software tool) and contained an online survey with a total of 67 questions. This was tailored to each of the five respondent groups with additional questions for certain groups. The survey for each group asked what areas of an FTA respondents viewed as being priorities and concerns and offered respondents the opportunity to select from across 14 trade policy areas relevant to an FTA. Respondents were also given the opportunity to submit supplementary comments and to raise any other issues. In addition, business respondents and business organisations were asked to select their top priority area and top concern. Respondents could simply answer the online survey questions selecting from the 15 options for priorities and concerns with textboxes available for additional comments. While many respondents chose not to submit additional comments after filling in the questionnaire, these responses are still subject to the same analysis and will be taken into account in developing our policy.
18. Of the 67 questions, there were five general questions for all respondents to answer, 11 specific questions for individuals to answer, ten specific questions for NGOs, 23 questions for businesses, 11 specific questions for business associations and nine specific questions for public sector bodies. See Annex A for the full list of questions asked.
19. Table 2 shows a breakdown of the number of Consultation Portal responses per respondent group.

*Table 2: Total Consultation Portal responses broken down by respondent group*

Respondent group	Number of responses
<b>Individual</b>	5,960
<b>Non-governmental organisation (NGO)</b>	47
<b>Business</b>	226
<b>Business association</b>	54
<b>Public sector body</b>	12
<b>TOTAL</b>	<b>6,299</b>

### Respondents' demographic profile

20. The online survey gave respondents the option to provide additional data about themselves or their organisation. This included questions such as their geographical location, age, gender, size of business and the number of businesses the business associations represent. Using this data, we have provided a detailed breakdown of respondents' profiles in Annex B.

## Responses via email and post

21. Some respondents opted to submit their responses to the consultation via email. On request, questions from the Consultation Portal survey were made available to respondents. In this case, the majority of respondents submitted a letter with specific comments tailored to the needs and circumstances of their organisation. The table below (see table 3) shows a breakdown of the number of responses by respondent group. Over two thirds of the responses sent via email were from business and industry.

*Table 3: Total number of email responses broken down by respondent group*

Respondent group	Number of responses
<b>Individual</b>	38
<b>Non-governmental organisation (NGO)</b>	13
<b>Business</b>	8
<b>Business association</b>	36
<b>Public sector body</b>	10
<b>TOTAL</b>	<b>105</b>

22. One response was submitted by post from an NGO.

## Campaign responses

23. A number of campaigning groups organised and encouraged responses to the consultation. In particular, 38 Degrees actively encouraged its members to respond. Nearly 150,000 responses were submitted to the US consultation from 38 Degrees.

*Table 4: Breakdown of the number of campaign responses*

Campaigning Organisation	Number of Responses	Title of Campaign
38 Degrees	145,905	<i>Submission to DIT's consultation on future trade deals</i>
Global Justice Now	4,458	<i>US-UK trade deal: Respond to the public consultation</i>
War on Want	1,545	<i>Tell Liam Fox What You Think About a US Deal</i>
Open Rights Group	407	<i>Preserving digital rights in UK-US trade negotiations</i>

24. We have not categorised responses in any way other than how they were received. In the summary of responses section of this document, which summarises the detailed comments received by respondents, responses have been considered in the relevant policy area where they would be in a typical FTA.

## Consultation feedback

### Consultation events

25. As part of DIT's work to promote all four consultations, we held 12 'Town Hall' and roundtable events across the UK, seeking views from a broad range of stakeholders. Additionally, the Minister of State for Trade Policy, George Hollingbery MP, chaired a webinar (openly advertised on Twitter) with over 100 people registering. The webinar was specifically designed to discuss FTAs with specific relevance to how Small- and Medium-sized enterprises (SMEs) operate.

*Table 5: Location, date and partner organisation of each event*

Location	Date	Partner Organisation
Edinburgh	5 September 2018	The Scottish Council for Development and Industry
Manchester	21 September 2018	British American Business
Exeter	28 September 2018	Confederation of British Industry
Birmingham	1 October 2018	British American Business
Norwich	3 October 2018	Confederation of British Industry
Belfast	4 October 2018	Invest Northern Ireland
London	5 October 2018	Confederation of British Industry
Nottingham	8 October 2018	Geldards
Durham	10 October 2018	British Chambers of Commerce
Leeds	12 October 2018	Trades Union Congress
Cardiff	15 October 2018	British Chambers of Commerce
Reading	17 October 2018	Federation of Small Businesses
Webinar	22 October 2018	Federation of Small Businesses

26. The events were intended to encourage individuals and businesses from all parts of the UK to participate in the consultations. We partnered with leading business associations and other representative organisations to host these events with each event adapting to meet the needs and interests of the registered attendees. In total, there were over 300 attendees with a broad spectrum of trade policy interests.

27. The events were chaired by either the Secretary of State, a minister or a senior official from DIT. Leading country and policy team experts from the department were also available to answer questions. These events allowed us to hear first-hand from a range of experts from across business, trade unions, NGOs, consumer groups and other civil society representatives. Events were held under the Chatham House Rule, with comments not attributed to stakeholders. This facilitated an open and honest discussion. Feedback from attendees was positive with the events being reported as informative and valuable.
28. From these events, we gathered the following feedback to all four consultations:
- Appetite for engagement was high. Stakeholders valued the opportunity for a genuine dialogue with ministers and senior officials, an opportunity to exchange views, gather information and to be involved in the policy-making process.
  - Stakeholders welcomed the Government's commitment to an inclusive and transparent trade policy and asked for this transparency to continue throughout the negotiation process. They requested more digital content on trade to be made available, and for the Department to signpost main issues to assist them accessing pertinent information.
  - Levels of general knowledge of FTAs were mixed.
  - Many businesses were engaged but were open about the fact that the FEP with the EU and EU-Exit contingency planning was their main focus. This was consistently seen as the more immediate priority for business.
29. Understanding of FTAs varied across different stakeholder groups, with there being mixed levels of awareness about the impact of trade deals and their wider benefits to the general public. DIT recognises the need to raise awareness of future FTAs and their impact at both local and national level. The insights gained from these events will inform DIT's stakeholder engagement plans for any future stakeholder consultation exercises and for any future engagement during potential trade negotiations. The Government will continue to build upon its commitment to deliver an informed, inclusive and transparent trade policy.

## **Engagement with Devolved Administrations, Crown Dependencies and Overseas Territories**

30. As set out in the Trade White Paper *Preparing for our future UK trade policy* the Government is committed to ensuring the devolved administrations (DAs) have a meaningful role in trade policy after we leave the EU. To develop and deliver a UK trade policy that benefits businesses, workers and consumers across the whole of the UK we will take into account the individual circumstances of England, Scotland, Wales and Northern Ireland. Working closely with the devolved administrations to deliver an approach that works for the whole of the UK continues to be a priority for DIT.
31. During the consultation, we took steps to engage widely in Scotland, Wales and Northern Ireland, including holding round tables in Edinburgh, Cardiff and Belfast.

32. The Scottish and Welsh Governments have provided views on the potential UK-US FTA via written responses and during discussion with DIT ministers and officials. We welcome and thank both Governments for these views.
33. The Northern Ireland Civil Service has published technical data in relation to the US and trade and discussed this data with DIT officials. We thank them for this information.
34. DIT will continue to actively engage with the devolved administrations regarding any new potential trade deal with the US through a new DIT/DA Ministerial Forum and our regular Senior Officials Group and Policy Roundtables.
35. We recognise the interest in potential UK FTAs from the Crown Dependencies and Overseas Territories, including Gibraltar, and remain fully committed to engaging them as we develop our independent trade policy for the UK. The Secretary of State for International Trade made this commitment clear in his letter to the Chief Ministers of the Crown Dependencies and Overseas Territories at the launch of the consultations in July 2018. Discussions between DIT and the Crown Dependencies continue on a range of Trade Policy topics.
36. We will continue to seek views from the Crown Dependencies and Overseas Territories, including Gibraltar, during any potential future FTA negotiations to ensure that their interests and priorities are properly taken into account.

## Engagement with Parliament

37. The Government is committed to providing Parliament with the ability to inform and scrutinise new trade agreements as we progress with developing our future trade policy. The Secretary of State for International Trade, Minister of State for Trade Policy and the Government's Chief Trade Negotiation Adviser held a briefing session on the FTA consultations, open to all Members of Parliament (MPs), on 12 September 2018. Twenty-four MPs attended, and the questions were wide ranging, covering all four consultations. Comments sent to DIT by MPs on behalf of their constituents were also considered as part of our analysis of the consultation feedback. The House of Commons International Trade Committee also published a report on UK-US Trade Relations, to which the Government responded on 10 July 2018. We will consider the Committee's conclusions from its inquiry on Trade and the Commonwealth: Australia and New Zealand.
38. On 21 February 2019 there was a debate in Government time in the House of Commons on the four potential new FTAs. The purpose of this was to help the Government to understand parliamentarians' priorities for the new FTAs before formulating our negotiating objectives.
39. On 28 February 2019 we published a paper, *Processes for making a free trade agreement after the United Kingdom has left the European Union*, which sets out proposals on public transparency for future FTAs and the role of Parliament and the devolved administrations. This included confirmation that at the start of negotiations, the Government will publish its Outline Approach, which will include our negotiating objectives, and an accompanying Scoping Assessment, setting out the potential economic impacts of any agreement. The Government stands by its commitment to ensure that Parliament has a role in scrutinising these documents

so that we can widen the range of voices heard and ensure that as many views as possible are taken into account before commencing negotiations.

40. The Government plans to draw on the expertise and experience of Parliamentarians throughout negotiations, working closely with a specific parliamentary committee, or alternatively one in each House. We envisage that the committee would have access to sensitive information that is not suitable for wider publication and could receive private briefings from negotiating teams. This would ensure that the committee(s) was able to follow negotiations closely, provide views throughout the process and take a comprehensive and informed position on the final agreement.

# Summary of responses

## General Themes

Respondents identified a wide range of priorities for a potential future UK-US Free Trade Agreement. The summary below sets out the key themes by volume of comments and highlighted priorities. More detailed analysis can be found in the 'Analysis of responses by policy area' section. We also received a large volume of campaign responses, not all of which included individual comments. These are summarised in the 'Summary of campaign responses' later in this document.

### **That the UK could benefit from lowering or removing tariffs with the US, while recognising that there may be some industries where this approach would need further consideration**

In general, respondents saw this as an area of opportunity. A key priority for individuals, business, and business associations was that the UK should aim for an FTA that increased market access into the US through low or zero tariffs. Some respondents made this conditional – for example on the continued enforcement of strict regulations on the quality of products imported and exported, as well as phase-out periods if and where needed to protect certain industries. Some respondents were also of the view that exceptions should be put in place for sensitive products, particularly in agriculture. Against these objectives, respondents also raised what they perceived as the 'protectionism' of current US use of tariffs – commenting that before starting trade negotiations, the UK should aim to discuss and eliminate current US tariffs imposed on UK exports (steel and aluminium). This was especially critical for labour unions, and the automotive and steel production industries.

### **The UK's current food and product standards should be maintained and not negatively impacted by an FTA with the US**

Respondents identified the importance of maintaining what they saw as the UK's current high food and product standards. For food standards, this included ensuring that any FTA with the US supported robust Sanitary and Phytosanitary (SPS) provisions and high levels of animal welfare protection. Concerns were raised around US food standards in a number of areas, including use of Genetically Modified Organisms (GMOs), "hormone-fed or injected beef", over-use of pesticides, "chlorine-washed chicken" and levels of preservatives or additives. For both food and product standards, respondents also noted potential opportunities to reduce UK-US trade barriers by harmonising standards/levels of protection or through mutual recognition, as long as UK standards are maintained and there is continued alignment with the EU.

### **The UK's existing labour standards and environmental protections should not be reduced or negatively impacted by an FTA with the US**

Across all stakeholder groups, respondents called for the UK to maintain its high labour and environmental standards in any FTA with the US. Many of the individuals responding were worried about the additional effect that transporting goods across the Atlantic would have on the UK's carbon footprint. Respondents were also concerned about what they perceived as the US's lower environmental standards, and the current US Administration's policy on climate change – and that these would affect the UK's own commitments to the environment. Some respondents noted that an FTA provided an opportunity to encourage the US to commit to additional environmental

protections. Respondents also highlighted that workers' rights and pay should not be undermined or adversely affected through a UK-US FTA trade deal, either due to unfair competition or the lowering of employment standards.

**That the UK could benefit from an agreement with the US that reinforces high Intellectual Property (IP) standards, including maintaining our geographical brand names for food and drink products**

Respondents noted the strength of the UK's IP protections and highlighted the potential opportunity that an FTA could bring for elements of the UK's 'gold standard' IP regime to be adopted in the US. Some specific examples given by business associations, of where they viewed the UK regime as stronger were in relation to the fair use and safe harbour provisions within the US copyright regime. Respondents argued this alignment with the UK regime could result in better IP protection and enforcement mechanisms in both countries, the two most innovative economies in the world.<sup>12</sup> Respondents highlighted the linked opportunity for the UK and US to become joint driving forces for setting and strengthening global IP standards. Many respondents called for the effective protection of UK Geographical Indications (GIs) with several asking for mutual recognition of legitimate GIs with the US. This was viewed as being particularly important for regional brands within the UK (and in Scotland in particular).

**That the UK should maintain control over how we operate our public services and, in particular, the National Health Service (NHS)**

Respondents (including 145,905 responses received through the 38 Degrees-organised campaign) highlighted the importance that they placed on the protection of the NHS. They noted that the NHS should remain free at the point of need. Individuals and NGOs, in particular, stressed therefore that any FTA with the US should contain sufficient protections for the NHS, and other UK public services, including in areas such as Government procurement.

**That the UK's approach to Dispute Settlement under a UK-US FTA (in particular, in relation to any Investor State Dispute Settlement (ISDS) mechanism) should be carefully considered**

Overall, respondents agreed that UK-US investment is essential for future prosperity, with a range of perspectives on investor protections, in particular regarding ISDS. Many respondents (including in the 'Global Justice Now' and 'War on Want' campaigns) expressed concerns around the ISDS mechanism. Concerns included the view that this could involve what were perceived as 'secret courts' and giving legal powers away outside the UK legal framework. Their strong opposition was also based on their perception that ISDS offers preferential treatment to investors and corporate organisations. In general, respondents wanted to see fair, robust and transparent state-to-state dispute settlement mechanisms. Many business respondents called for faster, easier and cheaper dispute settlement processes in order to allow access for SMEs. Other comments sought clarity over which criteria would determine which jurisdiction would apply in dispute cases. The Global Justice Now and War on Want campaign respondents called for an accessible grievance mechanism which would enable individuals, groups or communities to raise grievances against corporate investors.

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<sup>12</sup> Global Innovation Policy Centre (2019) <https://www.theglobalipcenter.com/ipindex2019-chart/>

## Other main themes

In addition to the above, a number of themes were reiterated through the responses to the consultation. For example, respondents identified opportunities within the services sectors for greater trade liberalisation and further visa liberalisation to support the movement of labour and students. Respondents noted the potential opportunity to support the free movement of workers and mutual recognition of professional qualifications between the UK and the US. This included a broad range of opportunities regarding professional qualifications and the importance of financial services to the bilateral trade relationship. Respondents identified Digital Trade as a key priority for a UK-US FTA, where many respondents were supportive of maintaining a high level of data protection and privacy standards in the UK. Respondents also recognised the opportunity to drive technological advances and expand consumer choice in the media industry and outlined opportunities for UK and US co-operation on cyber security issues.

Respondents identified a number of opportunities to facilitate trade in goods, through fair and balanced Rules of Origin (RoO) that are clear, less complex and bureaucratic, and take account of the existing international supply chains and logistics. Respondents also identified the modernisation of Customs Procedures as a way to increase efficiency via equivalence, technological solutions or mutual recognition of customs-related procedures/documents in order to reduce costs and production delays. These measures were identified as particularly important for SMEs. While the most common concern was that UK SMEs might not be able to compete with large US corporations following a UK-US trade agreement, many respondents were also of the view that a UK-US trade agreement could provide SMEs with numerous opportunities to expand their markets and grow.

## Overview of Priorities

Respondents who completed their consultation response via the online survey, were classified into different respondent groups (Individual, NGO, Business, Business Association and Public Sector Body) and asked a series of questions (set out in Annex A).

All respondent groups were asked what they wanted the UK Government to achieve through a UK-US trade agreement and which of the 15 policy areas provided (as set out below) best described the priorities outlined in their previous answer. Business and business association respondents were also asked what they wanted the UK Government to achieve by reference to the 14 policy areas, and were provided with a supplementary question, asking which of these policy areas is their top priority.

The table below shows the top three policy areas selected as a priority for each of the different respondent groups.

*Table 6: Top priorities selected by different respondent groups*

Type of respondent (Total number)	First most selected priority (Total selected by)	Second most selected priority (Total selected by)	Third most selected priority (Total selected by)
<b>Individuals</b> (5,838)	Product Standards, Regulation and Certification <b>4,946</b>	Sanitary and Phytosanitary Measures <b>3,838</b>	Labour and Environment <b>3,285</b>
<b>Businesses</b> (213)	Product Standards, Regulation and Certification <b>33</b>	Tariffs <b>30</b>	Services <b>28</b>
<b>Business Associations</b> (47)	Tariffs <b>12</b>	Product Standards, Regulation and Certification <b>11</b>	Services <b>6</b>
<b>NGOs</b> (44)	Product Standards, Regulation and Certification <b>27</b>	Labour and Environment <b>21</b>	Public Procurement <b>20</b>
<b>Public Sector Bodies</b> (12)	Tariffs <b>6</b>	Investment/Sanitary and Phytosanitary Measures <b>5</b>	Rules of Origin/Product Standards, Regulation and Certification <b>5</b>

## Overview of Concerns

All respondent groups were asked what concerns they had about a UK-US trade agreement and which of the 14 policy areas provided (as set out below) best described the concerns outlined in their previous answer.

Business and business association respondents were also asked about their concerns by reference to the 14 policy areas, and were provided with a supplementary question, asking which of these policy areas was their top concern.

The table below shows the top three policy areas selected as a concern for each of the different respondent groups.

*Table 7: Top concerns selected by different respondent groups*

Type of respondent (Total number)	First most selected concern (Total selected by)	Second most selected concern (Total selected by)	Third most selected concern (Total selected by)
<b>Individuals</b> (5,770)	Product Standards, Regulation and Certification <b>4,928</b>	Sanitary and Phytosanitary Measures <b>3,834</b>	Labour and Environment <b>3,192</b>
<b>Businesses</b> (186)	Product Standards, Regulation and Certification <b>31</b>	Tariffs <b>27</b>	Services <b>25</b>
<b>Business Associations</b> (43)	Tariffs <b>9</b>	Product Standards, Regulation and Certification <b>8</b>	Intellectual Property <b>8</b>
<b>NGOs</b> (45)	Product Standards, Regulation and Certification <b>23</b>	Labour and Environment <b>19</b>	Sanitary and Phytosanitary Measures <b>17</b>
<b>Public Sector Bodies</b> (11)	Product Standards, Regulation and Certification <b>6</b>	Sanitary and Phytosanitary Measures <b>5</b>	Tariffs <b>5</b>

## Analysis of responses by policy area

This section contains a detailed analysis of the free text comments submitted. The feedback has been summarised with reference to the 14 policy areas and other comments provided and grouped by respondent type: (1) Individuals (2) Businesses (3) Business Associations (4) NGOs (5) Public Sector Bodies. Please note that where respondent feedback from across these different groups reflected similar views, comments or issues highlighted might overlap. Technical terms can be found in the glossary located in Annex C.

### Tariffs

Overall, respondents saw tariffs as an area of opportunity in any potential UK-US FTA. Many respondents stated that the Government should seek to eliminate or lower tariffs on all goods, with exceptions potentially required for sensitive products, such as in the agri-food sector, while some respondents called for the UK Government to maintain current tariff rates. Respondents, in general, were open to the benefits that greater tariff liberalisation could achieve, while maintaining the UK's high levels of protection and standards, and ensuring that cheaper, less regulated products are not able to flood the UK market.

#### *Individuals*

Six hundred and fifty-nine individuals submitted comments referencing tariffs as a priority in any potential UK-US FTA, with 268 individuals calling for an FTA that eliminates tariffs on US goods. Several comments referred to the potential consumer benefits for both countries that might result from a reduction or removal of tariffs with reduced prices for imported goods. However, 202 individuals raised concerns about tariffs, which included comments around lowering tariffs due to potential negative effects on UK production and manufacturing in areas such as agri-food and steel. Several individuals raised concerns over the high tariffs that the US has recently placed on steel and aluminium from China and the EU. Seventy-six individual respondents raised concerns about the potential for trade wars on tariffs.

#### *Businesses*

One hundred and sixty-four businesses prioritised tariffs in their comments, with most respondents favouring low tariffs or their complete removal. Thirty-seven stated that a deal should prioritise fewer barriers as well as lower tariffs. Fifty-nine businesses saw tariffs as a concern, with 11 businesses highlighting that UK exports to the US could potentially be subject to higher tariffs than the US ones to the UK in a potential UK-US FTA. Some businesses were of the view that there should be no reduction in tariffs on agricultural products, such as meat or dairy. A few businesses called for UK tariffs to be increased to protect UK businesses.

#### *Business Associations*

Sixty-two business association respondents asked for the UK Government to prioritise the reduction of tariffs in a UK-US FTA to enable trade without barriers. Some of these respondents remarked that any future trade agreement should be balanced, to benefit both trading parties, while 30 business associations raised concerns, which included remarks about the UK being subject to potentially higher tariffs in a UK-US FTA. A need to respect the WTO Pharmaceutical Tariff

Elimination Agreement was also raised as being important. Some business association respondents noted that the UK should aim to eliminate its existing high tariffs, with phase out periods, if needed. Respondents also suggested that tariff-free trade could lead to an increase in competition or the undermining of preferential market access for developing countries. Respondents were of the view that preferential access granted unilaterally by the UK for products from developing countries might partly lose its value if those products needed to compete in the UK market with similar products from the US, which are also subject to preferential treatment.

### *NGOs*

Twenty-two NGO respondents called on the UK Government to prioritise tariffs in any potential UK-US FTA, with the elimination of tariff barriers being a recurring theme in the feedback for both imports and exports. One NGO respondent requested that current tariff levels be maintained, and not reduced, to protect UK agriculture. Thirteen NGOs raised concerns about tariffs, with the issue of US tariffs being imposed on UK steel and aluminium exports frequently raised. Five NGOs raised concerns about the potential for a trade war on tariffs.

### *Public Sector Bodies*

Thirteen public sector bodies in their comments viewed tariffs as a priority, with five calling for them to be lowered and two commenting that tariffs should be removed. Three public sector respondents called for the prioritisation of export trade. Three respondents raised concerns on tariffs, relating to high tariffs, particularly in the meat industry. In general, the public sector body feedback was positive with respondents of the view that tariff-free trade could be beneficial.

### **Rules of Origin (RoO)**

Responses across all respondent groups highlighted the need for the UK Government to prioritise RoO in any potential UK-US FTA, with a need for them to be fair and beneficial to both sides. Respondents also made comments on GIs. However, in a typical FTA, GIs are contained within the IP chapter and, therefore, we have considered the relevant comments in that section.

### *Individuals*

One hundred and forty individual respondents referenced RoO in their comments as a priority in any potential UK-US FTA. Individual respondents also commented specifically on labelling as a priority, although this is not an issue that is covered by RoO provisions in FTAs. A point repeatedly made was the need to achieve an agreement that continues the UK's adherence to EU RoO. One hundred and twenty-one individuals raised RoO as a concern, with 80 individuals making specific comments about the problem of low-quality imported products.

### *Businesses*

Overall, businesses were of the view that a UK-US FTA could have a positive impact by simplifying imports and certification of origin requirements, driving efficiencies within the supply chain and thereby lowering costs for consumers. One hundred and twenty-one business respondents viewed RoO as a priority. A request repeatedly made in the feedback by 51 businesses, was for the UK to retain current standards and regulations applied in the EU on RoO. A further 35 respondents

raised concerns about RoO, with the most common concern being the complexity and bureaucracy of RoO provisions in any potential UK-US FTA. Other points raised included a request for any UK-US FTA to recognise the EU and the UK as a single entity with regard to RoO, so that products that are exported from the UK with EU content could be identified as originating in the UK. Respondents from the manufacturing sector pointed out that this might help them to simplify RoO. Ensuring that the transshipment of goods from areas operating to lower standards with minimum value added is not permitted, was also requested by several business respondents.

### *Business Associations*

Forty-three business associations asked the UK Government to prioritise RoO in any potential UK-US FTA. Sixteen business associations supported maintaining current standards and regulations applied in the EU on RoO. Respondents also called for the rules to be clear and to take account of the existing international supply chains and logistics. Twenty-four business associations raised concerns around RoO. Comments included the need to reduce the complexity and bureaucracy of RoO. Other concerns focused on potential negative knock-on consequences from a UK-US FTA for some supply chains.

### *NGOs*

Four NGOs in their comments referenced RoO as a priority in any potential UK-US FTA. Two NGOs asked for the current UK RoO standards and regulations to be maintained. Four NGOs raised concerns around RoO, including concerns on regional content thresholds (with the US requiring 75 per cent for some goods in some of its FTAs, while the UK generally only requires 45 per cent where regional content forms part of the product origin requirements).

### *Public Sector Bodies*

Four public sector bodies in their comments prioritised RoO in any potential UK-US FTA. Respondents called for retaining standards and regulations applied in the EU on RoO, as well as a call for the UK to harmonise international standards on RoO. Three public sector bodies respondents raised concerns with respect to RoO, commenting on the potential negative impact that removing current EU regulations on RoO could have on the Welsh meat industry.

## **Customs Procedures**

Overall, respondents were of the view that maintaining existing customs arrangements with the EU was a key priority. A general theme highlighted in the feedback from across all respondent groups was for customs procedures to be modernised to increase efficiency via equivalence, technological solutions or mutual recognition in order to reduce costs and production delays.

### *Individuals*

One hundred and thirty individuals referenced customs procedures in their comments as a priority. Twenty-nine individual respondents asked for the complexity of regulations and administrative burdens to be minimised. Many respondents raised remaining in the EU Customs Union and maintaining frictionless trade with the EU as their main priority when commenting on customs procedures. However, the focus of most of the comments was on the potential benefits of replicating frictionless EU arrangements with the US. Sixty-eight individuals had concerns about

customs procedures, with most unease expressed around the potential to lose control over products entering the UK market if custom procedures become too simplified. Eighteen individual respondents asked for product controls to be reduced on imports coming into the UK.

### *Businesses*

One hundred and nineteen businesses in their comments viewed customs procedures as a priority in any potential UK-US FTA, with 65 respondents calling for minimising existing complex and bureaucratic customs paperwork. Thirty-two respondents emphasised the importance of maintaining the current EU customs arrangements. Some business respondents suggested that any FTA should implement the WTO Trade Facilitation Agreement and that technology-based measures should be used to make customs procedures more efficient. Sixty-eight businesses expressed concerns around customs procedures, with 46 respondents raising concerns about administrative burdens and requesting customs provisions to be included in future FTAs with the aim of minimising these.

### *Business Associations*

Forty-five business associations viewed customs procedures as a priority in their comments. Twenty-nine of these respondents considered minimising the complexity and bureaucracy of customs paperwork to be of paramount importance. A common theme in the feedback was the request for existing customs fees to be removed. Twenty-one business associations raised concerns on customs procedures relating to the existing border enforcement rules which might cause additional costs. Many respondents asked for the UK and the US to have standardised customs procedures introduced as part of any potential FTA, with authorities using coordinated customs clearance and security methods, and technology to increase efficiency.

### *NGOs*

Six NGOs in their comments referenced customs procedures as a priority. Comments included calls for greater controls over trade in goods to prevent low-quality imports from entering the UK market. Views were mixed as to what the process for customs procedures should be, with one NGO calling for streamlined border checks to reduce complexity, while another NGO respondent asked for stricter customs procedures, particularly in the agri-food industry. Three NGOs raised customs procedures as a concern, with comments focused on regulations leading to custom delays. Some NGO respondents called for the UK to maintain current customs arrangements with the EU, while other respondents asked for better guidance on customs procedures for SMEs exporting to the US.

### *Public Sector Bodies*

One public sector body viewed customs procedures as a priority in their comments and asked for the administrative burden to be reduced with the threshold on import duties increased. There was a call for UK and US standards to be harmonised and for fewer barriers at the border to facilitate more trade between the UK and the US. Two public sector bodies raised customs procedures as a concern, with one expressing unease about future changes potentially adding to the complexity and regulatory burden of customs procedures.

## Services

Overall, respondents identified opportunities within the services sectors including opportunities for greater trade liberalisation and further visa liberalisation to support the movement of labour and students. Many respondents also raised Mutual Recognition of Professional Qualifications (MRPQs) as one way to support this liberalisation. Several respondents expressed concern about the potential impact a UK-US FTA might have on public services, including the NHS, in the UK. Relevant comments on public services, including the NHS, were also raised in the consultation sections on Investment and Government procurement but have been considered in this section. Some respondents highlighted other mechanisms, such as Mutual Recognition Agreements (MRAs) as an alternative vehicle to liberalise free trade. For financial services, respondents covered a broad range of sectors which included asset management, banking, insurance, capital markets and financial technology (FinTech), and highlighted the importance of financial services to the bilateral trade relationship and a future FTA. Relevant comments on MRPQs, mobility and the visa system that were raised in the consultation with regard to labour and environment have been considered in this section.

## Individuals

Six hundred and eighty-seven individuals asked for the UK Government to prioritise elements of trade in services in any potential UK-US FTA. The most frequent point made by individual respondents was the importance of protecting UK public services, with 410 comments. The majority of these focused on the NHS, while also highlighting concerns related to education, social services. Several respondents called for the NHS to be out of scope of potential FTA negotiations, with some highlighting their concerns that a trade agreement with the US might result in the UK moving towards a US-style health insurance system. Individual respondents also proposed visa liberalisation as a potential benefit. Fifty-three respondents asked for the UK to maintain current standards applied in the EU on services. Four hundred and ninety-four individuals raised concerns about trade in services, with the main concern (highlighted by 295 respondents) being the potential impact on public services, as described above. Individuals also expressed concerns around the potential consequences of US companies having the ability to invest in UK public services or infrastructure, again with particular reference to the NHS. One hundred and sixty-seven respondents supported a UK-US FTA which would liberalise the temporary entry of workers, making it easier for skilled workers to temporarily move to the US to supply services.

## Businesses

Eighty-three businesses prioritised services as part of a UK-US FTA in their comments. Twenty-six of these business respondents emphasised the need to maintain standards and regulations applied in the EU on services. Many businesses were positive, highlighting the removal of barriers to US service markets as a potential benefit, and nine businesses called for trade in services to be specifically included in a potential UK-US FTA. Several businesses encouraged strengthened ties between the New York and London financial centres and identified that there might be scope to expand the list of cross-border commitments for financial services in an ambitious UK-US FTA. Respondents also called for closer co-operation on regulatory and supervisory matters to support the depth of the UK-US relationship in financial services. Respondents also encouraged closer co-operation on insurance, both through commitments and scheduling, in an FTA and by building on precedents, such as the covered agreement.

Several respondents supported a US-UK FTA which would liberalise the temporary entry of workers. Responses highlighted the uncertainty, expense and complexity of the US visa system as reasons for this and wanted any FTA to reduce administrative barriers for workers applying for temporary US and UK visas. Fifty-five business respondents expressed concerns in relation to trade in services. Thirteen businesses were concerned that the US could benefit more from trade in services than the UK in an FTA between the two countries. Six businesses were also concerned about the impact of regulation at a state level on UK services trade with the US. Frequent comments were made on the need to protect the NHS as part of a potential FTA (raised by 26 businesses).

### *Business Associations*

Thirty-three business associations were of the view that trade in services should be treated as a priority in any potential UK-US FTA, with 13 business associations raising the facilitation of access to the US market as a key priority. Eight respondents commented on the need for mutual recognition of services standards. Some business associations identified that an FTA should support the strengthening of ties and co-operation between UK and US financial centres. Business associations were particularly supportive of greater regulatory dialogue and co-operation between financial regulatory authorities in the UK and US. Some business associations also put forward specific suggestions for deeper co-operation, which included calls for increased co-operation on emerging technologies such as FinTech and crypto-assets. More widely, business associations highlighted the importance of cross-cutting trade issues relevant to financial services, particularly IP, source codes, data localisation and ISDS. The importance of further liberalisation of cross-border business travel and MRPQs was also raised as priorities.

Sixteen business associations raised concerns, in particular about the potential for barriers to UK exports in services at both the state and federal level. At the state level, differences in regional and local practices can be an impediment to UK SMEs who cannot always invest in local talent. Meanwhile, several business associations felt that regulation at a state level could act as a significant impediment to UK services export. Some business association respondents provided support for the WTO's national treatment principle and called for the liberalisation of services which operate in support of trade in goods.

### *NGOs*

Twenty-five NGOs referenced trade in services as a priority in their comments, with nine NGOs specifically calling for public services to be protected, particularly the NHS. Respondents also called for the Government to protect their authority in defence, education, public services and local authorities. Seventeen NGO respondents expressed concerns in relation to trade in services. Eleven NGOs expressed concern that a future UK-US FTA may potentially lead to the privatisation of all or parts of the NHS. Several comments were also made on the education sector and public broadcasting. Some NGO respondents called on the UK Government to include professional qualifications (eg veterinarian qualifications) in a future FTA with the US with provisions on mutual recognition. NGO respondents identified the UK as a leader in financial services and, as a result, suggested that the UK's high regulatory standards should be protected. One respondent in particular, called for financial services to be treated on an equal home market footing.

## *Public Sector Bodies*

Six public sector bodies asked for the UK Government to prioritise trade in services, with two respondents specifically mentioning protecting public services. Additional points made by public sector bodies included the need for any FTA to cover financial services to boost trade in this sector. Respondents identified that cross-border trade in financial services supports competition across financial markets and offers a wide range of choice to consumers. Public sector bodies also identified the benefits of free movement of financial service employees and welcomed strong financial services elements in any future FTAs.

Two public sector bodies raised concerns related to trade in services. One respondent highlighted the restrictions on visa and work permits (particularly on the movement of labour in the arts and creative sector) and noted that visa barriers could be removed by a potential UK-US FTA, while another respondent commented that the full benefits of any trade agreement could not be realised until visa restrictions were lowered. Comments from public sector bodies were also focused on protecting public services, including the NHS, and maintaining regulations in line with current EU rules.

## **Digital**

The most commonly raised theme in the feedback was data protection and privacy standards in the UK, with many respondents supportive of maintaining a high level of data protection, including compliance with the EU General Data Protection Regulation (GDPR). Some respondents suggested that the US has lower privacy and data protections than the UK. Maintenance of data flows was also viewed as important, with the need to prevent data localisation and for the UK Government to reach an agreement equivalent to the EU-US privacy shield, with some calling for consideration of exemptions. Respondents were both for and against greater platform liability and for greater protection of source codes (which is generally seen as an IP issue), including algorithms. There were also calls for greater transparency in public procurement and for better cyber security capacity to be built. There was general support for global rather than national responses to the tax challenges of digitisation and for rules on digital goods not being a barrier to trade.

Respondents also recognised potential opportunities, including technological advances which could be achieved through a UK-US FTA. However, some respondents focused their comments on the need for an FTA with the US to not jeopardise the UK's relationship with the EU. Telecommunication respondents covered a range of issues – an advanced and comprehensive telecoms chapter; greater liberalisation and better access to infrastructure; reduction of data localisation requirements and foreign ownership restrictions; protection of net neutrality; and the need for transparent cost-oriented pricing models.

Many respondents were of the view that US businesses can already access the Audio Visual (AV) market. A number of comments focused on how an FTA might adversely affect the UK's AV ecosystem, with one respondent making particular reference to the positive impact of the UK's Public Service Broadcasting (PSB) system to the success of UK businesses abroad. In terms of the newspaper industry, there were calls for there be no unjustified restrictions on the cross-border publication dissemination of UK newspapers, in print and online, or news brand subscriptions and advertising services. For gaming sector respondents, there was an emphasis on maintaining frictionless trade with countries like the US and breaking down barriers

where these existed with partners. Some respondents also raised the issue of provisions on disclosure of source codes (trade secrets), safe harbours and algorithms. However, in a typical FTA, these are contained within the IP chapter and, therefore, we have considered these comments in that section of the document.

### *Individuals*

One hundred and eighty-three individual respondents referenced digital trade as a priority in any potential UK-US FTA. One hundred and twenty-seven individuals called for harmonisation of GDPR requirements between the UK and the US, with some respondents calling for the US to adopt GDPR. Eleven comments were raised that included a preference to retain current EU data regulations. In addition, 140 individuals raised concerns in relation to digital trade, with the most frequent comment (made by 89 individual respondents) being around the importance of data protection and privacy. Many respondents pointed out that the different digital framework between the EU and US was potentially an issue for electronic commerce (e-commerce) with equal access viewed to be a critical factor in an FTA. The opportunity to drive technological advantages and expand consumer choice in the media industry were also highlighted as potential benefits.

### *Businesses*

One hundred and twenty-four businesses in their comments viewed digital trade as a priority. The most frequently-made point was the need to maintain current digital standards set by the European Telecommunications Standards Institute (ETSI). Forty business respondents called for the UK to have better harmonisation with its trading partners and 34 businesses expressed their preference to retain European standards. Other key priorities flagged in the responses were for the US to adopt a higher level of data protection and for the US to implement GDPR. Sixty-four business respondents expressed concerns on digital trade, with 14 raising concerns specifically on cyber security. Other key concerns raised included maintaining the US-EU privacy shield and the need to have transparent regulations.

### *Business Associations*

Twenty-eight business associations referenced digital trade as a priority in their comments, with a wide range of views expressed. Eleven business associations called for the UK Government to prioritise data exchange protections in line with GDPR. Twenty business associations raised concerns on digital trade, with the potential impact and interaction between trade provisions on data and data privacy and protection raised by six business associations as their main concern. Three comments focused on the potential impact of an FTA with the US on existing and future commercial digital business models and contracts in the UK. The importance of data privacy was a general theme raised, as well as the need to ensure global approaches to taxation practices for the digital economy and the prevention of data localisation. One business association commented on the importance of the free flow of financial data and specifically suggested that anti-data localisation provisions in FTAs should be incorporated for the financial services sector. There was also a call for the UK Government to consult at a detailed sectoral level throughout the negotiation process.

## *NGOs*

Eight NGO respondents prioritised digital trade, with two comments focusing on the need to reach a mutually beneficial agreement on issues such as cyber security. One NGO commented that a UK-US FTA could potentially benefit consumers by providing greater access to US digital media. An NGO respondent also highlighted the opportunities available for greater co-operation between online platforms on regulatory issues. Four NGOs expressed concerns around digital trade, with three commenting on the lack of harmonisation between the UK and the US. The main feedback from NGOs was that data privacy is essential.

## *Public Sector Bodies*

One public sector body prioritised digital in their comments. Their comment included a request for no compulsory data localisation and for international co-operation between the UK and the US on cyber security. One public sector body raised concerns over the current lack of access to data.

## **Product Standards, Regulation and Certification**

This policy area covers technical regulations, voluntary product standards and the procedures to ensure that these are met. Standards and measures to protect humans, animals and plants as well as to regulate food, animal and plant safety are discussed under the SPS section of this report.

The terms 'standards' and 'technical regulations' are used frequently in trade agreements when addressing 'technical barriers to trade'. While the word 'standard' is used informally to mean a level of quality or attainment, in the context of trade agreements, 'standards' have a formal technical meaning. 'Standards', in this sense, are voluntary documents developed through consultation and consensus which describe a way of, for example, making a product, managing a process, or delivering a service. While standards are voluntary, when cited in a regulation, their use can become compulsory. Standards are not set or controlled by the Government. 'Technical regulations' are mandatory requirements set out in legislation and are controlled by governments and legislators (UK Parliament). For regulated products and services, standards can be used to support compliance.

Overall, respondents across all respondent groups focused on the need to maintain the UK's standards and levels of protection, continuing alignment with those applied in the EU. Respondents also raised the importance of greater harmonisation or mutual recognition of UK and US practices to enhance trade between the UK and the US in a trade agreement. A clear labelling system as part of the trade facilitation provisions within an FTA was also seen as being essential. Relevant comments regarding standards and levels of protection that were raised in the consultation section on labour and environment have been considered here.

## *Individuals*

Two thousand and eighty-nine individuals referenced product standards, regulation and certification as a priority in their comments. One thousand two hundred and thirty-eight individuals highlighted the need to maintain all UK current standards along with EU regulations and certification, and for the US to adopt UK standards if and where US standards are lower. Some individual respondents asked for consumer rights to be protected in any trade agreement with the

US. One thousand four hundred and sixty-two individual respondents had concerns, with 739 individuals focusing on the impact of different standards of pharmaceutical products, production methods and environmental standards amongst other things. However, many individual respondents viewed a potential UK-US FTA as an opportunity to harmonise standards and regulations.

### *Businesses*

One hundred and fifty-two businesses asked the UK Government to prioritise product standards, regulation and certification, with maintaining current standards seen as a key priority (raised by 81 businesses). Eighty business respondents raised concerns, with some highlighting the potential impact of trade with the US on UK standards. Some business respondents stated that most EU and US standards are compatible, and that any potential UK-US FTA should seek to harmonise standards. Maintaining, among other things, sector-specific marks of conformity and international standards was seen to be important by many business respondents. To enhance trade, businesses were of the view that the UK should seek to attain mutual recognition of testing, certification and accreditation to allow businesses to export products and services without the need for the testing and certification to be repeated in the US. Some business respondents highlighted that mutual recognition of testing, certification and accreditation should not detrimentally affect the UK's regulatory alignment with the EU.

### *Business Associations*

Forty-seven business associations viewed product standards, regulations and certification as a priority in their comments, with several respondents asking the UK Government to strive to maintain current standards and regulations in any potential UK-US FTA. Continued alignment with standards and regulations used in the EU including future co-operation with the European Medicines Agency (EMA) was flagged as a top priority for the pharmaceutical industry associations who responded. Some business associations called for greater harmonisation or mutual recognition of standards. Reducing the complexity and bureaucracy of complying with standards was also viewed as being important in a UK-US trade agreement. Twenty-seven business associations expressed concerns related to product standards, regulation and certification. These included the negative impact of trade with the US on standards, current lack of mutual recognition and lack of harmonisation.

### *NGOs*

Twenty-two NGOs referenced product standards, regulation and certification as a priority in their comments. NGOs asked for the UK Government to ensure similar levels of safety and standards for products and production methods, especially in chemical and pesticides usage, cosmetics and pharmaceuticals. Eight NGO respondents emphasised the importance of protecting UK consumer rights. Three respondents focused on improving standards to ensure ethical production of food and other goods. Twenty NGOs raised concerns on product standards, regulation and certification, with eight respondents concerned that the UK-US trade agreement might have a negative impact on UK standards, specifically on household and medical products. Other comments included the need to ensure clear labelling to show country of origin request for controls on food colourings.

### *Public Sector Bodies*

Five public sector bodies asked for the UK Government to prioritise product standards, regulation and certification in their comments. Three respondents focused on ensuring UK standards and regulations are maintained and requested greater harmonisation between the two countries. Two public sector bodies viewed product standards, regulation and certification as a concern, as they highlighted the potential for a UK-US trade agreement to make trade more problematic with the EU if the UK aligns its standards and regulations more closely with the US.

### **Sanitary and Phytosanitary (SPS) Measures**

This policy area covers standards and measures to protect humans, animals and plants as well as to regulate food, animal and plant safety. Voluntary product standards and the procedures to ensure that these are met are discussed under the product standards, regulation and certification section of this document.

Overall, respondents asked for the UK Government to focus on securing robust standards particularly in agri-food, animal welfare, product safety, environment and chemicals that were either maintaining or going beyond current EU standards. Animal welfare was frequently viewed as a concern across the different respondent groups, with respondents noting the UK's high standards in this area. Some respondents were concerned that a UK-US FTA might lead to new SPS measures. Other respondents were of the view that this provided the UK with an opportunity to go beyond current WTO SPS agreements and to share best practice.

### *Individuals*

Three thousand four hundred and fifty-three individuals viewed SPS as a priority in their comments, with 2,563 respondents focusing on the need to improve or maintain existing food standards. Two hundred and sixty individuals focused on the need to implement controls or bans on the trade in Genetically Modified (GM) food. Specific issues raised repeatedly included the potential risks associated with "chlorine-washed chicken", "hormone beef" and high levels of pesticides. Three thousand two hundred and eighty-one individuals raised concerns in their comments on SPS issues, with the potential impact of lowering UK standards on food safety and hygiene being a recurring theme in the feedback. There were also concerns around maintaining UK public health standards and on the potential impact that a UK-US FTA would have on UK farming.

### *Businesses*

One hundred and ten business respondents prioritised SPS in their comments. Forty-seven respondents emphasised the need for the UK to maintain EU standards, particularly on food. The feedback focused also on the importance of maintaining or improving health and safety standards. Many businesses stated that there might be potential opportunities through the adoption of an agreed international level of standards by both the UK and US, which should be explored. Businesses noted that this could provide a level playing field for UK and US producers, with most respondents calling for the UK to achieve robust standards. Businesses also raised greater access to market opportunities for a number of specific sectors (including fisheries) as important. Fifty-eight businesses raised concerns on SPS, with potential impacts suggested in comments by 21

respondents. Specific concerns included the impact on standards and regulations in the food industry and the potential use of GMO ingredients.

### *Business Associations*

Thirty-five business associations asked for the UK Government to prioritise SPS. Comments included the need to maintain or improve food standards, maintaining the UK's health and safety standards and improving animal welfare standards. Many business association respondents also highlighted that a UK-US FTA might be used as an opportunity to enforce higher welfare and environmental standards globally. Twenty-four business associations had concerns about SPS, notably regarding impacts of certain practices and potential imports from the US, such as GM food, on food quality and safety.

### *NGOs*

Twenty-three NGOs raised SPS as a priority in their comments. Fifteen respondents emphasised the need to maintain UK food standards while 11 NGOs raised animal welfare and husbandry safety standards as their main priority. Some NGO respondents stated it would be unacceptable to have a loose equivalence programme. Twenty-six NGOs raised SPS as a concern, with 17 making comments on the potential impact of the perceived lower US standards on food safety. Concerns were also raised around the use of "chlorine-washed chicken", egg production standards and ensuring the WTO's SPS agreement principles are upheld.

### *Public Sector Bodies*

Five public sector bodies asked for SPS to be prioritised, with two respondents focusing on the need for the UK to maintain standards on animal welfare and husbandry. Some respondents were of the view that any lowering of standards, especially environmental, animal welfare or food safety might have a negative impact on public health and industry. Some pointed out the potential benefits if UK-US regulations were to be harmonised following an FTA. Six public sector bodies had concerns around SPS including the potential negative impact of lowering UK standards, particularly related to food quality and safety.

### **Competition**

Although the terms 'competition' and 'competitiveness' are sometimes used interchangeably, they have distinct technical meanings. Competition policy covers the rules and regulations concerning the way businesses operate within a market and the enforcement of such rules. Competition laws, for example, typically cover anti-competitive agreements between firms, abuse of a dominant position and merger control. Competitiveness refers to the general ability of a firm to operate in a market compared to other firms that operate in the same market, or the strength of a whole industry or economy relative to another.

Overall, most respondent groups commented on the impact of FTAs on competitiveness, not on competition policy or legal regimes. Most respondent groups were positive, highlighting potential gains from increased competition for UK industry in any potential UK-US FTA. Some respondents also focused on the advantages US businesses might have over UK business due to their size or the application of different labour rights. There was strong support for robust state aid and

competition provisions that are in line with current EU regulations. Concerns were also raised about anti-competitive practices, which can act as a barrier to trade.

### *Individuals*

Eight hundred and two individual respondents viewed competition as a priority for any potential UK-US FTA, with the most frequently made point (raised by 203 individuals) being around the need to protect UK industries and markets from increased competition from the US, including agriculture and manufacturing. Seven hundred and sixteen individual respondents expressed concerns about competition, with 209 commenting on the potential for the dumping of cheap imports into the UK market given the perception by some consumers of the US operating to lower standards than the UK. One hundred and fifty-nine individuals raised concerns in their comments on the impact of higher competition in UK markets. Other general concerns flagged in the feedback included the potential for UK wages to be reduced and the perception of current US protectionism in some areas of trade having an impact on UK producers.

### *Businesses*

One hundred and five businesses viewed competition as a priority, with the most frequently made point (raised by 40 business respondents) being the importance of both the UK and the US benefiting fairly from the potential increase in competition. Seventy-two business respondents expressed concerns in their comments, with the biggest concern (raised by 24 businesses) being that a potential UK-US FTA could lead to unfair competition and the perceived potential negative impacts on UK business that might result. There was general unease expressed by some respondents about the perceived current US protectionist stance on trade issues. There were also calls for more support for SMEs and a request for a UK-US FTA to adhere to EU state aid rules.

### *Business Associations*

Forty-seven business associations referenced competition as a priority in their comments, with 17 business associations asking the UK Government to ensure fair treatment in relation to competition in any potential UK-US FTA. Eight business associations called for greater harmonisation in competition rules. Thirty-three business associations raised concerns. These included a request to push the US to adopt equal rules on state aid and for provisions to tackle anti-competitive practices to be included in any potential UK-US FTA. Other general themes from the feedback received included a recognition of the potential to boost economic growth in the UK via increased effective competition and for the UK Government to secure robust competition provisions in any potential future UK-US FTA.

### *NGOs*

Fourteen NGOs were of the view that competition should be prioritised in a UK-US FTA. There were calls for protections for UK industry, particularly agriculture (five NGOs) and creative sectors. One NGO highlighted the potential significant benefits of gaining access to the US market with greater consumer choice and more jobs. Twenty-seven NGOs raised concerns, with ten respondents concerned that a potential UK-US FTA could have a negative impact on UK prices. Several NGOs asked for regulatory co-operation on financial services and the potential of anti-competitive provisions to act as a barrier.

### *Public Sector Bodies*

Eight public sector bodies referenced competition as a priority in their comments. The potential gains from having greater access to the US market were recognised with consumers having more choice and the potential for lower prices. Six public sector bodies had concerns about competition and highlighted the impact of higher competition on the UK agriculture sector. Other points made included the need to maintain UK competition rules and preserving the competitiveness of the UK's financial sector.

### **Government (Public) Procurement**

A recurring theme of the feedback on government procurement was the need to protect UK public services, particularly the NHS, from any impact of liberalising procurement provisions in a potential UK-US FTA. Comments relating to public services focused on the NHS (which emerged as a very high priority for all respondents) and have been addressed in more detail in the services section of this document. Many respondents were receptive to opportunities in liberalised US procurement markets, particularly at a sub-federal level, and called for ambitious objectives to be pursued by the UK Government to bring the US provisions in line with those applicable in the UK. Respondents also frequently highlighted the US 'Buy American' policy as a barrier to accessing US procurement markets.

### *Individuals*

One thousand nine hundred and forty-eight individual respondents regarded government procurement as a priority in any potential UK-US FTA. One thousand nine hundred and eight individuals expressed concerns, with 1,880 individual respondents focusing on public services. Other concerns were raised around the perceived protectionism of US procurement policies and some called for greater procurement market access for UK SMEs.

### *Businesses*

Eighty-three business respondents raised government procurement as a priority issue. Fourteen businesses called for the UK to prioritise retaining EU requirements on government procurement. Other points made included greater transparency in government procurement and expanding US Government procurement market access. Thirty-eight businesses expressed concerns on government procurement, with the perceived privatisation of public services by 11 respondents highlighted as a concern. Some respondents were concerned about an FTA having a negative impact on UK producers and called for procurement provisions to favour domestic suppliers in the UK. Many businesses also saw a FEP with the EU as being of paramount importance. Some businesses called for a level playing field between the UK and the US procurement systems.

### *Business Associations*

Twenty-one business associations viewed government procurement as a priority in a UK-US FTA, with nine respondents calling for better access to the US market for UK businesses. Nine respondents focused on the need to ensure an FTA is of mutual benefit. Ten business associations expressed concerns about government procurement, with three commenting on potential impacts on public services. Other comments included requests for a level playing field, conformity with EU regulations, concerns around the level of UK access to the US sub-federal markets and calls for

the removal of anti-competitive procurement practices. Opportunities for defence procurement were also outlined in comments from respondents from this sector.

### *NGOs*

Nineteen NGOs were of the view that government procurement should be prioritised. Eighteen NGOs raised government procurement as a concern. Key themes included limiting the liberalisation of government procurement, and the potential implications for UK businesses of “Buy American” procurement policies.

### *Public Sector Bodies*

Four public sector bodies noted government procurement as a priority in their comments. One respondent raised concerns on government procurement, calling for the UK Government to protect public services during negotiations, and to exclude public healthcare and social services from procurement requirements, as well as adhering to WTO rules.

## **Intellectual Property (IP)**

Responses from across the different respondent groups called for the UK to maintain its strong regime in a future UK-US FTA, particularly in relation to copyright. Many respondents highlighted potential opportunities for the UK and the US to learn from each other’s best practice around the protection and enforcement of IP rights and to become driving forces for setting and strengthening global IP standards. Other respondents expressed reservations about potentially extending IP protections in some areas, such as pharmaceuticals and patents generally. GIs were also an area that respondents highlighted as a priority. Relevant comments on GIs, copyright, source codes (relating to trade secrets), safe harbours and algorithms were also raised in the consultation section on RoO and digital respectively but have been considered in this section.

### *Individuals*

Two hundred and forty-one individual respondents raised IP as a priority in any UK-US potential FTA. Of these, 95 supported maintaining our existing high standards for IP protection. One hundred and twelve individuals had concerns about IP in future trade agreements (or related talks) with the US. IP protection in the US was generally perceived to be weaker than in the UK. Some individuals highlighted areas of concerns as being weak copyright protections and possible loss of GI protections for UK protected food names.

### *Businesses*

One hundred and twenty-nine businesses asked for the Government to prioritise IP, with 49 businesses calling for the Government to retain EU standards on IP. Twenty-five business respondents wanted the UK to prioritise the protection of regulations on GIs in any future trade agreement. Fifty-one businesses raised concerns about IP in any future trade agreement with the US highlighting the need to protect the UK’s existing framework and current high standards for IP protection. Nine respondents expressed concerns about the potential reduction or removal of EU regulations. Some business respondents stated that they would like to see measures that reduce the cost and make it easier to register and enforce their IP rights in the US. Many respondents were concerned that SMEs could be litigated into administration despite IP protection. Business

respondents also raised concerns about enforcement action by the US. One respondent suggested that FTAs should commit to putting robust enforcement mechanisms in place in cases where IP rights are breached. The FEP with the EU was also seen as an important factor when considering IP in new trading relationships.

### *Business Associations*

Forty-six business associations raised IP as a priority in a UK-US FTA. Fourteen of these respondents stated that current regulations around GIs should be protected. Some respondents called for the effective protection of GIs asking for recognition of legitimate GIs with the US. Several respondents called for the UK Government to ensure that a future UK-US FTA would not put the UK's membership of the Unified Patent Court (UPC) and European Patent Convention (EPC) at risk. Some business associations highlighted the need to protect innovation in the pharmaceutical sector and called for alignment of the highest IP standards (recognising that UK-EU alignment is the priority). Thirty-one business associations raised concerns about the need to prioritise existing protections. Comments also highlighted US fair use exceptions to copyright as an area of concern. Rules on safe harbours for Internet Services Providers (ISP) were highlighted as a concern for some respondents, while other respondents supported their inclusion to strengthen incentives for online innovation. Business associations also highlighted the importance of using trade secrets for protection of source code and algorithms. Some respondents would like to see the Artists' Resale Rights adopted in the US. A few business associations viewed public performance rights for music performers as being an issue in the US.

### *NGOs*

A total of 14 NGOs viewed IP as a priority in a future FTA, with three responses calling for greater harmonisation of IP, copyright, trade mark and patent regimes as well as the maintenance of existing high IP standards. Fourteen NGOs highlighted concerns, including comments on the potential for US IP to restrict UK market access. Extensive patent protections in the US were identified as a concern. NGO respondents argued that wider medical patent protections, beyond the WTO Agreement on Trade-Related Aspects of IP Rights (TRIPS) provisions, affect access to generic or affordable medicines in the UK. Some NGOs raised concern around the prevention of forced transfer of source code and algorithms.

### *Public Sector Bodies*

Five public sector bodies prioritised IP, with their comments showing a strong preference for the US to harmonise its IP rules with the UK. Two respondents viewed IP as a concern, with comments focusing on protecting IP standards to ensure they are not undermined in future FTAs. Respondents also commented on the need to protect UK local brands.

### **Investment**

Overall, there was agreement across the different respondent groups that UK-US investment is essential for future prosperity. Some respondents viewed increased investment from the US in UK regions like the North of England as being a major potential benefit from a trade agreement with the US. A recurring point, particularly from the campaign responses, was the importance of investment between the countries being facilitated, albeit not at the expense of labour and

environmental protections, nor public services. Comments on public services, including the NHS are normally contained within the services chapter of a typical FTA and, therefore, we have considered relevant comments in the services section of this document. Some respondents also suggested that countries that do not pose a risk to national security should not be subject to a review by the Committee on Foreign Direct Investment in the United States (CFIUS).

There were a wide range of respondent views regarding the potential inclusion of investment protection and an associated ISDS mechanism. Businesses, including multinational companies headquartered in the UK, and business associations were generally in favour of including robust investor protection provisions in a future UK-US FTA and viewed ISDS as the most effective mechanism for resolving disputes. NGO respondents, however, were strongly opposed to ISDS and other provisions which they perceive as offering preferential treatment to investors and corporate organisations. Individuals generally tended to agree with NGOs on this issue, with 61 individuals opposed to an ISDS mechanism. Relevant comments regarding an ISDS mechanism were also raised in the consultation section on trade remedies and dispute settlement but have been considered in this section.

### *Individuals*

Eighty-seven individuals viewed investment as a priority in a UK-US FTA with 24 respondents raising the importance of promoting and encouraging US businesses and Government to invest into the UK. Eight respondents specifically recognised the potential benefits that could come from job creation. Manufacturing and engineering, renewable energy, science and technology, and pharmaceutical sectors were singled out in the feedback as particularly likely to benefit. A common priority raised was for the UK to ensure disputes would not go through corporate or so-called 'kangaroo courts'. Maintaining control of critical UK services, with foreign investment limited to 40 percent and hostile takeovers from US companies prevented, was also raised as being important. Nineteen individual respondents raised concerns about investment. Their biggest concern was around the view that ISDS could potentially enable large corporations to sue the UK Government. Several individuals thought national courts should have the ultimate power to influence UK policies.

### *Businesses*

Sixty-eight business respondents considered investment to be a priority, with 11 respondents raising the need for investment mechanisms to be streamlined and mutual investment to be fair and equally beneficial for both nations. Greater consideration for SMEs was raised as being important with several UK firms commenting that they had wanted to establish subsidiaries in the US, but local requirements and transfer pricing considerations made establishing operations there complex and expensive, which was prohibitive for SMEs. Twenty-three businesses raised investment as a concern, with the biggest concern being the impact of barriers on investment.

### *Business Associations*

Nineteen business associations prioritised investment in their comments, with points made around reducing barriers to foreign investment, greater transparency and reduced administrative requirements. The most common theme from business associations, particularly from associations representing the financial services and technology industries, was support for robust investment protection provisions for investors and business interests. Fifteen business associations raised concerns, including a small number of respondents who flagged that the UK should carefully

review an ISDS mechanism before its inclusion in a trade agreement with the US. The need to remove investment barriers to entering the US market such as equity caps and performance requirements was also raised, for example, in the railway industry.

### *NGOs*

Eight NGOs viewed investment as a priority in a future trade agreement with the US, with comments focusing on the importance of reducing any barriers for foreign investment and encouraging US businesses and Government to invest into the UK. Six NGOs were concerned about investment, with points raised around the US's protective approach and the lack of benefit for SMEs. Twenty-one NGOs had concerns about the potential inclusion of an ISDS mechanism. A specific objection made by NGOs was that US corporations should not be able to overrule or influence UK Government, and that the UK Government should have mechanisms in place to hold corporations to account.

### *Public Sector Bodies*

Five public sector bodies asked for investment to be prioritised and were generally in favour of encouraging more investment between the UK and the US. They saw US investment as an opportunity to boost the UK economy and create jobs. One public sector respondent expressed concerns mirroring those of NGOs around Government interference and the perceived US protectionist approach.

### **Labour and Environment**

The impact of a trade agreement with the US on the environment was a recurring theme in the consultation feedback with some respondents setting out their concerns around the impact on the UK's carbon footprint as a result of the transportation of goods across the Atlantic. Respondents also expressed reservations about the US position on climate change. Some respondents were also concerned that a trade deal would be used as an opportunity for US fracking firms to begin exploration in the UK. Some respondents viewed a trade agreement as an opportunity to push the US to commit to higher environmental protections. Respondents also noted the opportunity to establish secure and sustainable supply chains. Other points included recognising that a trade agreement could promote a greener economy and support the renewable technology sector. Some respondents argued that perceived lower employment standards for workers in the US might drive down employment standards in the UK.

Many comments were raised by respondents in this section on MRPQs, mobility and the visa system. However, in a typical FTA, these are contained within the services chapter so relevant comments have been addressed in that section. Some respondents also made comments on human rights, public health, quality of life and impact assessments in this section. These comments have been addressed in the other issues section. Respondents also commented on standards beyond labour and environment. These comments have been addressed in the standards section of this document.

### *Individuals*

Two thousand and twenty-three individuals asked for the UK Government to prioritise labour and environment policies in a trade agreement with the US, with 1,842 raising these issues as a concern. One thousand and fifty-one respondents called for environmental standards to be maintained and potentially improved. Respondents expressed concerns about climate change with the geographical distance to the US, and increased travel as a result of an FTA, highlighted as a particular issue. Eighty-one respondents requested a future UK-US trade agreement include initiatives aimed at combating climate change and 98 individuals called for a trade agreement to promote the reduction of carbon emissions. Eighty-five respondents were concerned about the US position on climate change and its position on the Paris Agreement. They called for the US Government to commit to environmental legislation to prevent climate change as well as the UK ensuring that a UK-US FTA does not negatively affect the environment. Nine hundred and sixteen individuals raised labour protections for workers and employees as a key priority with 114 comments referencing pay and wages and 50 maintaining safety regulations in line with current EU rules.

### *Businesses*

One hundred and twenty-three businesses asked for the UK Government to prioritise labour and environment policies, with 30 respondents highlighting a need to maintain existing levels of protection, particularly for labour and workers' rights. Eighty businesses had concerns, which included comments on the effect of an UK-US FTA on environmental protection. Some business respondents' made references to climate change, calling for the US to both recognise the importance of climate change as well as adhering to key commitments on the environment, such as the Paris Agreement on climate change that the EU has adopted.

### *Business Associations*

Forty-one business associations viewed labour and environmental policies as a priority under a UK-US trade agreement, while 22 raised these as a concern. The biggest priority raised by eight business associations was for the UK Government to ensure current environmental standards are maintained. Respondents also called for the Government to seek greater harmonisation with international standards on the environment and climate change. The potential loss of worker's rights was also mentioned as a concern by respondents.

### *NGOs*

Thirty-two NGOs viewed labour and environmental policies as a priority in a future UK-US trade agreement, and 28 NGOs considered these as a concern. Eleven NGO respondents commented on improving climate change initiatives and 11 provided comments on labour rights. Some NGOs also called for a UK-US trade agreement to not mirror the Transatlantic Trade and Investment Partnership (TTIP) or the North American Free Trade Agreement (NAFTA), as they were perceived to have a negative impact on jobs and workers' rights. NGOs also stated that the agreement should promote the International Labour Organisation (ILO) core labour standards and voiced concerns that the US has not ratified all eight ILO fundamental conventions. Some NGO respondents also called for the UK Government to make labour provisions enforceable and stated that violations should be subject to penalties. One NGO recommended that all future FTAs must be enforceable through citizen and civil society organisations.

## *Public Sector Bodies*

Nine public sector bodies raised labour and environment as a priority and six as a concern. Several public sector bodies prioritised maintaining or improving standards. One public sector body made a comment in relation to climate change, stating that from an environmental and climate change perspective, it makes sense for the UK to trade with its most immediate neighbours.

## **Trade Remedies and Dispute Settlement**

Overall, businesses and business associations wanted to see fair and transparent state-to-state dispute settlement mechanisms. They also called for SMEs to have access to dispute settlement. There were concerns across the respondent groups around the recent actions taken by the US under Section 232 of the Trade Expansion Act, through which the US decided to impose a 25 per cent tariff on steel and 10 per cent on aluminium imports from all countries on the basis of national security. The majority of business associations delivered a strong and consistent message in favour of the inclusion of trade remedies provisions in an FTA. Many comments were also raised by respondents in this section on Investor State Dispute Settlement (ISDS) mechanisms. However, in a typical FTA, ISDS is contained within the Investment chapter and, therefore, we have considered the relevant comments there. During the consultation, trade remedies and dispute settlement were considered within the same section. However, these are different policy areas contained within different chapters of an FTA. Given we have received distinct comments relating to these issues, the analysis has been separated below.

Two hundred and two individuals raised comments on trade remedies and dispute settlement as a priority, while 242 raised these areas as a concern. One hundred and four businesses raised comments on trade remedies and dispute settlement as a priority, while 51 businesses raised concerns in these areas. Thirty-four business associations raised trade remedies and dispute settlement as a priority, while 18 business associations raised these areas as a concern. Overall, 11 NGOs called for the UK Government to prioritise trade remedies and dispute settlement in any future UK-US FTA, while 24 NGOs raised concerns in these areas. Two public sector bodies asked for the UK Government to prioritise trade remedies and dispute settlement in any UK-US FTA, with one public sector body raising these areas as a concern.

The numbers above reflect those who have highlighted trade remedies and dispute settlement as a priority or concern. The detailed analysis below focuses on the specific comments received relating to either trade remedies or dispute settlement.

## **Trade Remedies**

### *Individuals*

There were 25 individual respondents who referred specifically to trade remedies. Those respondents voiced concerns about unfair competition from the US and the need to protect UK businesses by reaffirming protections provided by current trade rules.

### *Businesses*

Two businesses made comments related to trade remedies, with one calling for a trade remedies chapter which reaffirms the parties' commitment to WTO trade remedies law, and the other raising concerns over the US's recent use of Section 232 of the Trade Expansion Act.

### *Business Associations*

There were 12 business associations which called for the inclusion of a trade remedies chapter in a UK-US FTA, 11 associations called for the parties to reaffirm their obligations under WTO law and six business associations wanted the inclusion of provisions on bilateral safeguards. Five business associations called for provisions committing the parties to applying the lesser duty rule and an economic interest test in calculating anti-dumping and counter-vailing duties. Eight business associations stressed the importance of transparency provisions in a UK-US trade remedies chapter, such as notification requirements and information-sharing. Five business associations called for the exclusion of trade remedies covered by WTO Agreements from the FTA dispute settlement mechanism, while two associations asked for trade remedies to be included. Four business associations were concerned over the recent use of Section 232 measures by the US.

### *NGOs*

Five NGOs referred to trade remedies in their responses, of which three expressed concerns about recent actions taken by the US under Section 232 and the US Department of Commerce's decision in favour of Boeing's application for anti-dumping and counter-vailing measures.

### *Public Sector Bodies*

One public sector body requested protection for UK industry through the use of tariff rate quotas.

## **Dispute Settlement**

### *Individuals*

There were 56 individuals who made specific comments relating to state-to-state dispute settlement. There were 12 individuals who called for greater transparency over dispute settlement, with some individuals warning against the resolution of disputes taking place in private. Many individuals said there was a danger that any dispute settlement process may unfairly favour the US.

### *Businesses*

There were 21 businesses who made comments relating to state-to-state dispute settlement. Their main concern was about having a fair dispute settlement mechanism under a UK-US FTA. Two businesses also requested that any dispute settlement mechanism be kept similar to those found at the WTO or under existing EU trade agreements. Three businesses warned against costly dispute settlement, while another three were concerned about the inclusion of time-consuming mechanisms. Furthermore, four businesses called for the inclusion of a transparent dispute settlement mechanism.

### *Business Associations*

There were 27 business associations which made specific comments relating to dispute settlement. The inclusion of clear, robust and strong dispute settlement mechanisms was an ask of five business associations. They also raised a number of questions relating to the involvement of businesses in any dispute resolution process, particularly SMEs. Three business associations also stated that dispute settlement mechanisms under a UK-US FTA should be based on those used at the WTO.

### *NGOs*

No NGO respondents made specific comments on either their priorities or concerns for dispute settlements within an FTA with the US.

### *Public Sector Bodies*

One public sector body stated that effective dispute settlement mechanisms are very important in any potential UK-US FTA.

### **Small- and Medium-sized Enterprise (SME) Policy**

The most common concern across all respondent groups was that UK SMEs might not be able to compete with large US corporations following a UK-US trade agreement, and that any UK-US FTA may not be able to replace SME trade with the EU. The limited organisational capacity of many SMEs was also identified as a concern. However, many respondents were also of the view that a UK-US trade agreement could provide SMEs with numerous opportunities to expand their markets and grow. Respondents noted that reducing tariffs and streamlining customs procedures were a priority to ensure SME growth.

### *Individuals*

Eighty-three individual respondents viewed SME policy as a priority in future trade agreements with the US. Protecting UK SMEs from competition from US companies was the greatest priority raised by individuals. They also called for the UK Government to provide support for SMEs wishing to enter the US market, in order to ensure a trade agreement benefits SMEs and not just large companies. A few individual respondents went further and recommended reducing the administrative burden to make it easier for SMEs to enter the US market. Sixty-six individuals had concerns about SME policy, the greatest being SMEs' ability to survive given the prospect of them being highly vulnerable to aggressive take-overs or asset stripping by large US businesses. Concerns were also raised by individuals about the lack of capability of SMEs and the administrative burden of exporting internationally. Respondents were concerned this would increase if procedures were not simplified and streamlined.

### *Businesses*

One hundred and six businesses viewed SME policy as a priority in their comments, raising the importance of greater support for SMEs and entrepreneurs. Businesses also asked for support for SMEs with regard to trade promotion, as well as in reducing the administrative burden on SMEs. Respondents noted the importance of SMEs having access to the US markets without the threat of larger corporations pushing them out. Forty-two businesses had concerns about SME policy, the

greatest being administrative burdens and the potential for increased complexity, which they thought could have a negative impact on those seeking to enter the US market. Respondents also called for transparency in regulations, as well as harmonisation of standards. The lack of familiarity with the US market and legislation was mentioned and was often linked to concerns about their business' ability to thrive in the US market.

### *Business Associations*

Thirty-two business associations considered SME policy to be a priority in a UK-US FTA. They called for the UK Government to support SMEs and emphasised the need to reduce the bureaucracy that SMEs face. Several business associations called for an SME chapter to be included in any future FTA. Some respondents requested access to a dedicated website for SMEs to address the current perceived lack of information. Respondents also called for an engagement programme to encourage SME investment and to provide correct market intelligence to help SMEs. Eleven business associations had concerns on SME policy including the issue of US companies holding monopolies which could have a negative impact for UK SMEs. There was also a concern expressed around the direct barrier that SMEs face in taking advantage of preferential tariffs due to the complexities around RoO.

### *NGOs*

Two NGOs viewed SME policy as a priority in an FTA with the US. Comments included the need for mutual recognition of qualifications. They highlighted that a successful system could unlock new business opportunities in the US for UK SMEs and provide them with the potential to expand. Responses also included a preference for protecting SMEs in trade negotiations and called on the UK Government to recognise the potential negative impacts that a poorly negotiated trade agreement could have on SMEs. NGOs noted that, although there are opportunities for market expansion, the opening of the market for US food exports could have a negative impact on SMEs. Two NGOs had concerns about SME policy relating to increased bureaucracy as a result of trading with the US.

### *Public Sector Bodies*

One public sector body referenced SME policy as either a priority or a concern in an UK-US FTA in their comments. They specifically made mention to the impact of increased complexity in international trade on SMEs

### **Other policy issues raised by respondents**

Respondents made other points and highlighted issues that were outside the scope of the trade policy areas provided. The most frequently made points were related to EU-Exit and an emphasis on the importance of the FEP with the EU. Concerns were also expressed about the potential impact of a future UK-US FTA on the protection of human rights and civil liberties. Other comments related to the need to maintain the UK's and the Government's ability to strike a successful FTA with the US that could benefit the UK. Respondents were also concerned that the US will be tough negotiators, and that the UK might rush into negotiations with the US and may make concessions in order to secure a trade deal.

Respondents were also concerned that the UK might be compelled to align with US geopolitical goals (eg containment of China) through a 'non-market economy' clause like the one in the United States-Mexico-Canada Agreement (USMCA) (NAFTA's successor). Further points made focused on the need for greater transparency in the negotiation process and parliamentary scrutiny, provisions related to anti-corruption, FTA impact on public health, as well as gender equality policy in the context of impacts of a trade agreement on gender and mainstreaming gender equality into an FTA. Relevant comments on human rights, public health, quality of life and impact assessments that were raised in the consultation section on labour and environment have been considered in this section.

### *Individuals*

Two thousand seven hundred and fifteen individuals provided comments on other priorities. Two hundred and thirty-four respondents focused on the importance of protecting human rights and raised concerns that a UK-US FTA might have a potentially negative impact on the respect for human rights. Maintaining or improving quality of life, health and wellbeing standards featured in feedback from 291 individual respondents. The minimal access that US workers have to universal healthcare was also raised by respondents as a specific concern. Some respondents asked for the UK Government to focus on ensuring a level playing field where the protection of rights and freedoms, including workers' rights, were provided for. Some individual respondents raised gender equality issues, and the perceived reduction of rights that transgender people have in the US as compared to the UK. Several respondents also called for gender and racial equality provisions to be included in any FTA.

Some respondents had reservations about the policies of the current US administration, which were outside the scope of this consultation. Points were made about the perceived impacts for UK business of an 'America First' policy pursued by the current US administration in the context of negotiations of a potential UK-US FTA. One hundred and ninety-nine individuals also emphasised that a trade agreement with the US should not compromise existing trade agreements with the EU, with several raising concerns that a UK-US FTA would not be as beneficial as existing arrangements with the EU. The UK being too small to negotiate on its own with the US was also mentioned as a concern by 816 respondents.

### *Businesses*

One hundred and forty-four businesses provided comments on other priorities, including that any FTA with the US should be balanced, and should not compromise existing trade agreements with the EU (13 comments). Many business respondents called for the UK Government to ensure transparency across all the different policy areas. Some businesses were concerned that US policies that are perceived as being protectionist might limit the opportunity to negotiate a fair trade agreement that would equally benefit both the US and the UK. Moreover, 21 businesses were of the view that the UK is too small to negotiate an FTA on its own.

### *Business Associations*

Sixty-nine business associations provided comments on other priorities. Several respondents mentioned anti-corruption, stating that the UK has led the way in tackling corruption through the UK Bribery Act and that a UK-US trade agreement should create a level playing field by expanding access in public procurement while setting new requirements for transparency and anti-corruption.

One business association referred to human rights and noted that they are strong supporters of the Universal Declaration of Human Rights and the European Convention on Human Rights. Concerns over animal welfare were also raised by business associations. Ensuring that negotiations involve business and industry experts was also highlighted as a priority for 13 respondents.

### *NGOs*

Forty-two NGOs responded on other issues. Nine respondents focused on human rights protections. There was also a mention of the FEP with the EU, and the need to place services as one of the most significant areas within the scope for a UK-US FTA. Several NGOs raised concerns over the high rates of obesity in the US and any potential related impacts on UK public health policies, such as the childhood obesity strategy. Respondents stated that UK domestic policy must not be adversely affected by a trade agreement with the US. Several NGO respondents also expressed concern about the eroding of preferential access for developing countries into the UK market, due to tariff liberalisation between the UK and the US.

There was also recognition that provisions across FTAs (including, for example, on labour, intellectual property, and procurement and regulation of public services) could have social impacts that are likely to be gendered. Four respondents noted that women suffer a financial disadvantage in the labour market and raised concerns about trade liberalisation increasing the gender wage gap. Respondents called also for UK FTAs to protect and promote strong labour rights, as well as to uphold international commitments on gender equality and other human rights. Several NGOs also called for the monitoring of gender impacts over time, and for impact assessments to be conducted which cover issues including gender equality, human rights, labour rights, environment and the economic impacts of trade agreements in the UK and third countries. Some NGOs also called for these impact assessments to have the option to conduct further reviews every five years.

### *Public Sector Bodies*

Eighteen public sector bodies commented on other priorities in their responses. Several respondents called for commitments on human rights, wellbeing, and quality of life to be maintained or improved. The need for parliamentary scrutiny was also mentioned by one public sector body. Concerns over a trade deal compromising relations with the EU and other trading partners was raised by two respondents, as well as concerns that the UK would make concessions in order to achieve a trade deal with the US (two comments). Three public sector bodies also called for economic growth to be a priority within a UK-US FTA.

## Summary of campaign responses

Four campaigning groups encouraged their members to submit a response to the US consultation.

### 38 Degrees

#### *Submission to DIT's consultation on future trade deals*

145,905 supporters submitted a response to the consultation on a US trade deal. Of these, 52,396 respondents included specific individual comments in addition to the campaign's proposed template response.

The template response called for the protection of the NHS in future trade agreements, expressing concerns about allowing companies from other countries to deliver NHS (healthcare) services, and under-mining the principles of the NHS, removing caps on how much money companies could charge to deliver NHS services and on the potential increase in the price of medicines. The template response asked for laws to be introduced to protect the NHS in future UK trade agreements.

### 38 Degrees

#### *Additional comments*

- Most additional comments made by 40,565 individuals commented on the need to protect the NHS. Respondents commented that the NHS should remain free at the point of need. Comments would sometimes highlight that a US-style system of healthcare could be perceived as negative and profit-based.
- 183 comments were made on the impact of the availability and supply of medicines in a UK-US FTA, and 184 comments were raised on healthcare training calling for money to be spent on increasing the skills of medical professionals in the UK.
- While most comments focused on healthcare, some comments were raised on prioritising food standards and food safety in future trade agreements due to the perceived lower standards in the US.
- 683 comments were raised with regards to EU-Exit, with some stating their desire to stay in the EU and 90 comments raised regarding a second referendum.
- 1,049 individuals commented on the perceived difficulty of dealing with the current US administration. It was also commented more generally that other countries should not be allowed to dictate or influence UK policy or culture.

### Global Justice Now

#### *US-UK trade deal: Respond to the public consultation*

4,474 members submitted a response to the consultation on a US trade deal. Of these, 1,080 respondents included specific individual comments in addition to the campaign's proposed template response.

The template response asked for *UK public services (including the NHS) to be protected*, for any UK-US trade deal to recognise and take lower precedence to other areas of

*international law* (such as human rights, labour rights and the environment, including climate change) and for any UK-US trade deal to include a *grievance process* to enable individuals, groups or communities to raise grievances against corporations.

The template response outlined concerns about the potential inclusion of *ISDS in any UK-US trade deal*, on food standards, on wages and working conditions and on transparency of negotiations.

The template response also asked for democratic scrutiny of negotiations (including Parliament being consulted on the mandate, referred to in this Government response as the Outline Approach), for impact assessments to be published, and for Parliament to be able to review any UK-US trade deal agreed every five years. Furthermore, the template response asked for the devolved administrations to play a strong role in negotiations, and that if standards or regulations are harmonised for them to be raised rather than lowered.

### **Global Justice Now** *Additional comments*

- Additional comments raised by individuals included 63 comments on the issue of dealing with the current US president and administration (this included comments on the US president's perceived stance on climate change as a major factor to consider in trade talks with the US).
- 136 comments were raised by individuals on the importance of protecting UK public services, including but not limited to the NHS, from procurement.
- 49 comments mentioned animal welfare, with concerns that a trade deal with the US could lead to the UK adopting the perceived lower welfare and husbandry standards of the US. Related to this was a concern around the impact of a UK-US trade deal on what is seen as the currently good general food standards in the UK.
- 35 comments were raised on ISDS, with individuals concerned that including ISDS in a UK-US FTA would impact the UK's ability to retain control of current UK standards and on British sovereignty. The importance of transparency of negotiations, democratic parliamentary processes and the upholding of human rights were also reiterated in the bespoke comments.

### **War on Want**

#### *Tell Liam Fox What You Think About a US Deal*

1,795 members submitted a response to the consultation on a US trade deal. Of these, 319 respondents included specific individual comments in addition to the campaign's proposed template response.

The template response asked for any UK-US trade deal to support human and labour rights, international environmental law and climate commitments, for tariffs to take social and environmental factors into account, for trade deals to be subordinate to international law, and for a grievance mechanism to be included. The template response also called

for protection of public services and domestic regulations as well as for assurances that certain areas of policymaking would not be overridden by a UK-US trade deal.

The template response also asked for negotiations to be transparent and for Parliament to get a vote on the final agreement.

The template response outlined concerns on the inclusion of ISDS in any trade deal and on food, environment and animal welfare standards.

The template response also outlines concerns on the regulation and protection of personal data.

### **War on Want** *Additional comments*

- 31 comments were raised on considerations about the protection of the NHS from public procurement.
- 24 comments included opposition to an FTA with the US. There were a further 11 comments made about not wanting any trade agreement with the US to prioritise profit or benefit corporations more generally.
- Ten comments raised considerations about the impact of an FTA on environmental standards, particularly in relation to damaging business practices and the need to adhere to international environmental law.
- Five comments emphasised that current UK environmental standards should be maintained or improved, with five comments explicitly considering the potential impact of a trade agreement on climate change and global warming.
- Seven comments expressed the potential impact on people, their quality of life, health, wellbeing and welfare. This included comments on homelessness, putting people before profit and a decline in health from perceived lowering standards such as food standards.
- Other considerations raised were 16 comments on dealing with the current US president and administration, and 11 comments relating to concerns on the UK Government and politicians.

### **Open Rights Group** *Preserving digital rights in UK/US trade negotiations*

408 members submitted a response to the consultation on a US trade deal. Of these, 323 respondents included specific individual comments in addition to the campaign's proposed template response.

The campaign called for the protection of digital rights, and encouraged members to request that Parliament should have a central role (eg the final say over agreements), for negotiations to be transparent, for civil society to be able to participate, for digital privacy to not be undermined (protecting the 'free flow of data') and for censorship to not be promoted through voluntary online intellectual property enforcement commitments.

## Open Rights Group *Additional comments*

- 169 comments were raised on prioritising the transparency of negotiations through democratic, parliamentary and public scrutiny. 67 individuals raised comments on prioritising transparent negotiations and 111 individuals commented on prioritising the protection sovereignty and democratic parliamentary processes.
- 113 comments called for parliament to have the final say on any trade agreement.
- 147 comments were raised on censorship practices. Of these, 55 comments were in relation to intellectual property enforcement measures and 45 comments were on prioritising freedom of expression and speech. 28 comments were on maintaining or improving UK standards around human rights and civil or political rights were raised in 34 comments. 20 individuals raise concerns around the impact on human rights and ten on civil or political rights.
- There were 135 comments on prioritising data protection and privacy in any trade agreement with the US. 67 comments concerned the perceived potential impact on UK data protection that would arise from a UK-US free trade agreement. Specific comments raised related to net neutrality and freedom of interest (41 comments), retaining current European standards and EU regulations (Nine comments) and 50 comments on concerns about the flow and exchange of data movements.
- 59 comments raised concerns that a trade agreement with the US would potentially prioritise profit and benefit corporations over consumers, with 44 comments made on the avoidance of this as a priority. 74 comments were made on the importance of transparency by allowing the general public to have a say in any agreements made.

We also received one petition on the consultation:

- 'Don't put our NHS up for Negotiation' – 38 Degrees - 229,699 signatures. This echoed the issues raised above, calling for the "NHS is kept out of any future trade deals after Brexit".

DIT recognises that respondents who elected to reply via a campaign hold strong views and opinions on the issues highlighted in those campaigns. For this reason, DIT has already made the following commitments:

- The Government will not compromise the high quality of British food or agricultural standards in any UK-US free trading relationship. We are committed to maintaining high standards on animal welfare and food safety after the UK leaves the EU.
- The NHS will never be privatised, and any future trade agreements will not change that.
- The Government will continue to ensure that decisions about public services, including the NHS, are made by the UK Governments, including the devolved administrations, and not our trading partners. Protecting the UK's right to regulate public services is of the utmost

importance. The UK's public services are protected by specific exemptions and reservations in EU trade agreements and, as we leave the EU, the UK will continue to ensure that the same rigorous protections are included in trade agreements to which it is party.

- The Government will ensure that Parliament can inform the Government's approach to negotiations and scrutinise new trade agreements.
  
- The Government will develop an inclusive and transparent future trade policy for the UK.

There were other issues raised by respondents, which were discussed in the Government's White Paper *Preparing for our future UK trade policy*. For instance, the Government's commitment to supporting developing countries to reduce poverty through trade, including through enhancing market access, tackling barriers to trade and promoting investment to allow better uptake of trading agreements was detailed in this White Paper. In other areas flagged by respondents as a concern, the Government is already undertaking work to address many of the issues identified. For example, the Government is focused on promoting gender equality through trade, with activities planned to support these efforts.

## Next Steps

The Government is carefully considering the points raised from the public consultations as it develops a new independent trade policy for the UK.

We recognise the importance of developing a trade policy that commands broad public support, with policy objectives that can be met while mitigating the concerns raised by respondents and maximising the benefits felt across UK society and its regions.

The public consultations attracted significant public interest. DIT was grateful to those who took the time to submit responses and attend events. We recognise the strength of feelings on some of the topics raised. The purpose and use of the response feedback gathered from this consultation will be to inform our overall approach to negotiating a potential new trade agreement with the US. Decisions that are made as a result of this consultation will therefore be published alongside our negotiating objectives before potential negotiations begin. The Government also intends to keep views expressed by respondents in mind for future development and review of trade policy.

DIT worked closely with other government departments during the consultation period and subsequently to analyse the consultation feedback. Prior to entering into any formal negotiations with the US as part of a follow-up Government Response, the Government will publish its conclusions from this consultation. The Government has also made clear that an Outline Approach, setting out the UK's high-level negotiating objectives, will also be published before negotiations commence.

In preparation for the start of any potential negotiations, DIT is undertaking a programme of work helping to shape the UK's overall approach to negotiations; considering what organisational mechanisms and structures are needed to facilitate trade negotiations and engage effectively with stakeholders throughout. Suggestions made by respondents in this consultation and issues raised will be considered as part of this work.

We will explore ways in which we can build upon the consultation engagement activity. Plans are already in place to work with a range of experts and practitioners to help shape our future trade policy and realise opportunities across the UK. The membership of the Strategic Trade Advisory Group representing a cross section of interests and expertise from civil society, businesses, workers, consumers and academics was announced on 3 April and held its first meeting on 6 June. The group provides a forum for high-level strategic discussions on trade policy matters. The Minister for Trade Policy, George Hollingbery MP has also announced the first wave of Expert Trade Advisory Groups that will be used to ensure that detailed expert knowledge is available on specific sector and thematic areas to contribute to our policy development at a technical level. The structure and membership of these stakeholder groups will evolve over time according to the needs of the UK's trade negotiations.

We will continue to engage and take into account views from devolved governments, business, civil society groups and consumers to ensure we build a trade policy that works for the whole of the UK.

We recognise there is strong public interest around issues raised in this consultation. The Government will continue to engage with stakeholders in order to understand their concerns and to

help develop UK trade policy. The Government will continue to promote the benefits of free trade and to raise public awareness on trade and inform consumers and businesses about the opportunities that reducing barriers to trade can bring, alongside the broader economic and social welfare gains.

## Annex A: Consultation Questions

Provided below are the questions that were asked via the online portal on Citizen Space to the consultation on a trade deal with the United States.

Questions 1-5 were asked to all five respondent groups (Individuals, NGOs, Business, Business Associations and Public Sector Bodies). Different questions were then asked to each respondent group based on their answer to question 5, who they were responding as.

The answers to each question were either provided by a tick box or a free text box. A combination of a tick box and free text box was also used on multiple questions. These options have not been displayed below. Only the questions asked are provided.

An overview and a privacy and confidentiality section were also provided before the survey.

1. Do you consent for the voluntary information you provide in this consultation to be used as part of the Government's published consultation response?
2. Do you consent for the Department for International Trade, or organisation working on their behalf, to contact you regarding the responses you have given?

Who are you responding as?

3. What is your name (first name and surname)?
4. What is your email address?
5. Please tell us who you are responding as?
  - o An Individual/Non-Governmental Organisation/Business/Business Association/  
Public Sector Body

### Individual

Individual – about you.

6. Where do you currently live (your main address)?
7. What was your age at your last birthday?
8. What is your gender?
9. To which of these ethnic groups do you consider you belong?
10. Are you a member, supporter or donor of an organisation with an interest in trade?
11. If you are a member, supporter or donor of an organisation with an interest in trade, has that organisation contacted you about UK trade talks or a possible free trade agreement with the US?

Individual – The UK's future trade relationship with the United States – priorities.

12. What would you want the UK Government to achieve through a free trade agreement (or related trade talks) with the United States, and why?
13. Which of the areas of a free trade agreement best describes the priorities that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

Individual – The UK's future trade relationship with the United States – concerns.

14. What concerns, if any, do you have about a free trade agreement (or related trade talks) with the United States, and why?
15. Which of the areas of a free trade agreement best describes the concerns that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

Individual – The UK's future trade relationship with the United States – other comments.

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

### **Non-Governmental Organisations (NGOs)**

Non-Governmental Organisations (NGOs) – about you.

6. What is the name of the organisation (eg trade union, interest group, charity or academic institution) you are responding on behalf of?
7. Which area does your organisation represent?
8. How many members does your organisation represent in total?
9. Does your organisation have a presence in, or operate in, the United States?

NGOs – Questions about the UK's future trade relationship with the United States.

10. Have any of your members been in contact with your organisation about the prospect of a free trade agreement (or related trade talks) with the United States?

NGOs – The UK's future trade relationship with the United States – priorities.

11. What would you want the UK Government to achieve through a free trade agreement (or related trade talks) with the United States, and why?
12. Which of the areas of a free trade agreement best describes the priorities that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

NGOs – The UK's future trade relationship with the United States – concerns.

13. What concerns, if any, does your organisation have about a free trade agreement (or related trade talks) with the United States, and why?
14. Which of the areas of a free trade agreement best describes the concerns that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

NGOs – The UK's future trade relationship with the United States – other comments.

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

## Businesses

Businesses – about you.

6. What is the name of your business?
7. What is your Company Number with Companies House?
8. Is your business a subsidiary of a company whose headquarters are based outside the UK?
9. If your business is a subsidiary of a company whose headquarters are based outside the UK, in which country is your parent company's headquarters?
10. Approximately how many employees are currently on your business's payroll in the UK across all sites?
11. Does your business currently employ people in the United States?
12. In what sector does your business predominantly operate in?

Businesses – Exporting, Importing and Investment.

13. Which of the following has your business done or tried to do outside the EU in the last 12 months?
14. Which of the following has your business done or tried to do in the United States in the last 12 months?
15. If you said you did not try to export to, import from or invest in countries outside the EU, or specifically to the United States, is this something that you would like to do in the future?
16. If you said you have (or attempted to) export to, import from, or invest in countries outside the EU, including the United States, did you get assistance from the UK Government in any form?
17. What existing government or business association-led initiatives, if any, support you in doing business with the United States?

Businesses – The UK's future trade relationship with the United States – priorities.

18. What would you/your business want the UK Government to achieve through a free trade agreement (or related talks) with the United States? The options below are structured around the typical content of a free trade agreement. Where possible please provide information on the importance of this issue to your business:
  - Tariffs – What would you want the Government to achieve in this area?
  - Rules of Origin – What would you want the Government to achieve in this area?
  - Custom Procedures – What would you want the Government to achieve in this area?
  - Product Standards, Regulation and Certification Information – What would you want the Government to achieve in this area?
  - Sanitary and Phytosanitary Measures – What would you want the Government to achieve in this area?
  - Services Trade – What would you want the Government to achieve in this area?
  - Digital – What would you want the Government to achieve in this area?
  - Competition – What would you want the Government to achieve in this area?
  - Public Procurement – What would you want the Government to achieve in this area?

- Intellectual Property – What would you want the Government to achieve in this area?
  - Investment – What would you want the Government to achieve in this area?
  - Social, Labour and Environment – What would you want the Government to achieve in this area?
  - Trade Remedies and Dispute Settlement -- What would you want the Government to achieve in this area?
  - Small- and Medium-sized Enterprises (SME) Policy – What would you want the Government to achieve in this area?
  - Other - What would you want the Government to achieve in this area?
19. Which of these areas is your top priority? (the survey listed the 14 policy areas, plus Other and Don't Know. The respondent could select only one).

Businesses – The UK's future trade relationship with the United States – concerns.

20. What would be your concerns about a free trade agreement (or related talks) with the United States be? The options below are structured around the typical content of a free trade agreement. Where possible please provide information on the importance of this issue to your business:

- Tariffs – What would your business's concerns be, if any, in this area?
- Rules of Origin – What would your business's concerns be, if any, in this area?
- Custom Procedures – What would your business's concerns be, if any, in this area?
- Product Standards, Regulation and Certification Information – What would your business's concerns be, if any, in this area?
- Sanitary and Phytosanitary Measures – What would your business's concerns be, if any, in this area?
- Services Trade – What would your business's concerns be, if any, in this area?
- Digital – What would your business's concerns be, if any, in this area?
- Competition – What would your business's concerns be, if any, in this area?
- Public Procurement – What would your business's concerns be, if any, in this area?
- Intellectual Property – What would your business's concerns be, if any, in this area?
- Investment – What would your business's concerns be, if any, in this area?
- Social, Labour and Environment – What would your business's concerns be, if any, in this area?
- Trade Remedies and Dispute Settlement -- What would your business's concerns be, if any, in this area?
- Small- and Medium-sized Enterprises (SME) Policy – What would your business's concerns be, if any, in this area?
- Other - What would your business's concerns be, if any, in this area?

21. Which of these areas is your top concern? (the survey listed the 14 policy areas, plus Other and Don't Know. The respondent could select only one).

Businesses – The UK's future trade relationship with the United States – other comments.

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

## **Business Associations**

Business Association – about you.

6. What is the name of the trade association or businesses representative organisation that you are responding on behalf of?
7. What business area does your organisation represent?
8. How many businesses does your group represent in total?
9. Do you have a presence in, or operate in, the United States?

Business Association – Exporting, Importing and Investment.

10. Approximately what proportion of your members export to / invest in the United States?
11. Approximately what proportion of your members have indicated they would like to do more exporting to / investment in the United States?
12. Approximately what proportion of your members import from / have investment from the United States?
13. Approximately what proportion of your members have indicated they would like to do more importing from / seek investment from the United States?
14. What existing UK Government or regional / business group-led initiatives, if any, have your members said support them in doing business with the United States?

Business Association – Questions about the UK's future trade relationship with the United States.

15. Have your members been in contact with your organisation about the prospect of a free trade agreement (or related trade talks) with the United States?

Business Association – The UK's future trade relationship with the United States – priorities.

16. What would your organisation want the UK Government to achieve through a free trade agreement (or related talks) with the United States? The options below are structured around the typical content of a free trade agreement. Where possible please provide information on the importance of this issue to your business:
  - Tariffs – What would you want the Government to achieve in this area?
  - Rules of Origin – What would you want the Government to achieve in this area?
  - Custom Procedures – What would you want the Government to achieve in this area?
  - Product Standards, Regulation and Certification Information – What would you want the Government to achieve in this area?
  - Sanitary and Phytosanitary Measures – What would you want the Government to achieve in this area?
  - Services Trade – What would you want the Government to achieve in this area?
  - Digital – What would you want the Government to achieve in this area?
  - Competition – What would you want the Government to achieve in this area?
  - Public Procurement – What would you want the Government to achieve in this area?

- Intellectual Property – What would you want the Government to achieve in this area?
- Investment – What would you want the Government to achieve in this area?
- Social, Labour and Environment – What would you want the Government to achieve in this area?
- Trade Remedies and Dispute Settlement – What would you want the Government to achieve in this area?
- Small- and Medium-sized Enterprises (SME) Policy – What would you want the Government to achieve in this area?
- Other - What would you want the Government to achieve in this area?

17. Which of these areas is your top priority? (the survey listed the 14 policy areas, plus Other and Don't Know. The respondent could select only one).

Business Association – The UK's future trade relationship with the United States – concerns.

18. What would your organisation's concerns about a free trade agreement (or related talks) with the United States be? The options below are structured around the typical content of a free trade agreement. Where possible please provide information on the importance of this issue to your business:

- Tariffs – What would your organisation's concerns be, if any, in this area?
- Rules of Origin – What would your organisation's concerns be, if any, in this area?
- Custom Procedures – What would your organisation's concerns be, if any, in this area?
- Product Standards, Regulation and Certification Information – What would your organisation's concerns be, if any, in this area?
- Sanitary and Phytosanitary Measures – What would your organisation's concerns be, if any, in this area?
- Services Trade – What would your organisation's concerns be, if any, in this area?
- Digital – What would your organisation's concerns be, if any, in this area?
- Competition – What would your organisation's concerns be, if any, in this area?
- Public Procurement – What would your organisation's concerns be, if any, in this area?
- Intellectual Property – What would your organisation's concerns be, if any, in this area?
- Investment – What would your organisation's concerns be, if any, in this area?
- Social, Labour and Environment – What would your organisation's concerns be, if any, in this area?
- Trade Remedies and Dispute Settlement – What would your organisation's concerns be, if any, in this area?
- Small- and Medium-sized Enterprises (SME) Policy – What would your organisation's concerns be, if any, in this area?
- Other - What would your organisation's concerns be, if any, in this area?

19. Which of these areas is your top concern? (the survey listed the 14 policy areas, plus Other and Don't Know. The respondent could select only one).

Business Association – The UK's future trade relationship with the United States – other comments.

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

## **Public Sector Bodies**

Public Sector Bodies – about you.

6. What is the name of the public sector body you are responding on behalf of?
7. What area does your public sector body represent?
8. Does your public sector body have a presence in, or operate in, the United States?

Public Sector Bodies – Questions about the UK's future trade relationship with the United States?

9. Have any of your members been in contact with your public sector body about the prospect of a free trade agreement (or related trade talks) with the United States?

Public Sector Bodies – The UK's future trade relationship with the United States – priorities.

10. What would you want the UK Government to achieve through a free trade agreement (or related trade talks) with the United States, and why?
11. Which of these areas of a free trade agreement best describes the priorities that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

Public Sector Bodies – The UK's future trade relationship with the United States – concerns.

12. What concerns, if any, does your public sector body have about a free trade agreement (or related trade talks) with the United States, and why?
13. Which of these areas of a free trade agreement best describes the concerns that you have outlined above? (the survey listed the 14 policy areas plus Other. The respondent was able to select all that apply).

Public Sector Bodies – the UK's future trade relationship with the United States – other concerns.

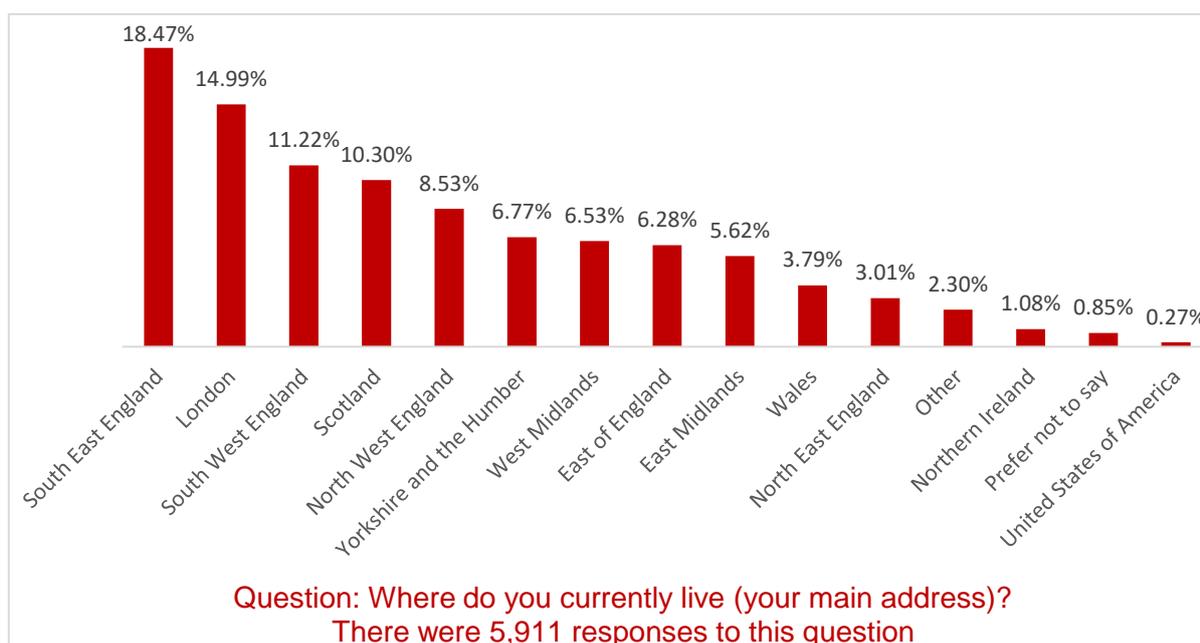
14. Is there anything that you would want to say about the UK's future trade relationship with the United States?

## Annex B: Demographics

### Individual respondents' demographic profile

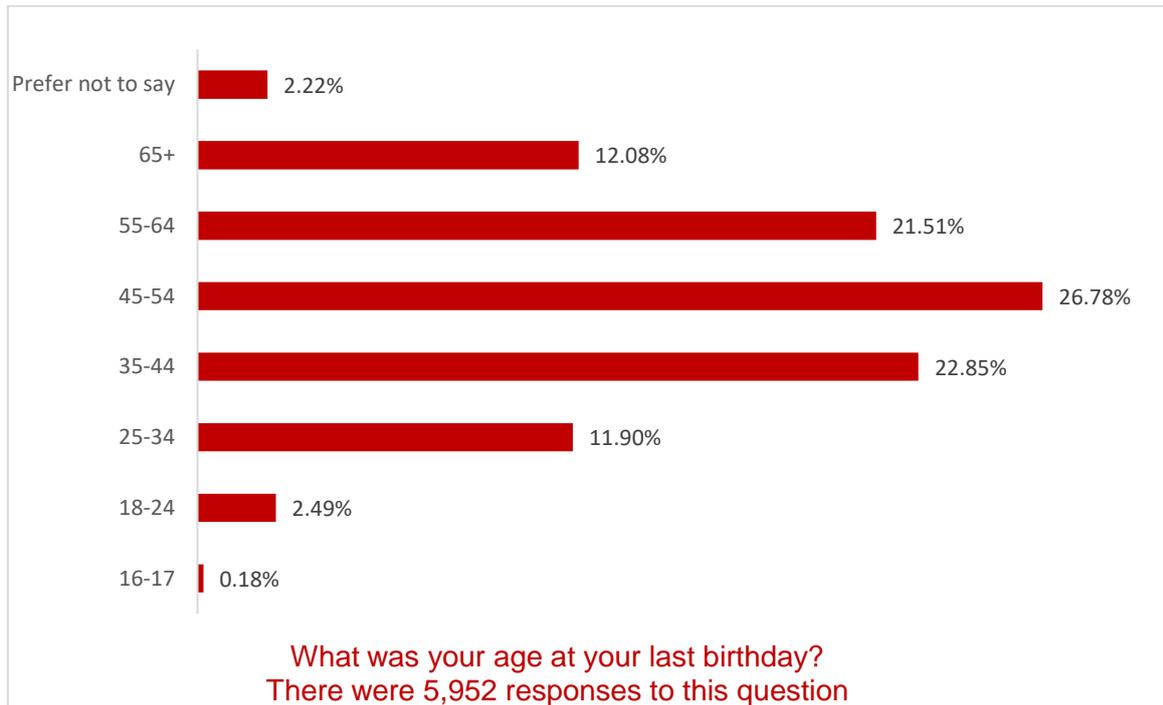
1. The geographical location of respondents varied with responses received from across the UK. More than two thirds of responses came from outside of London and the South East of England, and around one in ten responses came from Scotland. See Figure 1 for an overview of the respondents' location.

Figure 1: Location of individuals who responded to the consultation online



2. The age of respondents to the Consultation Portal varied with 14.57 per cent being between 16-34 years old and just under half of respondents being aged between 35 and 54 years old. See Figure 2 for a breakdown of the ages of respondents.

*Figure 2: Age of individuals who responded to the consultation online*



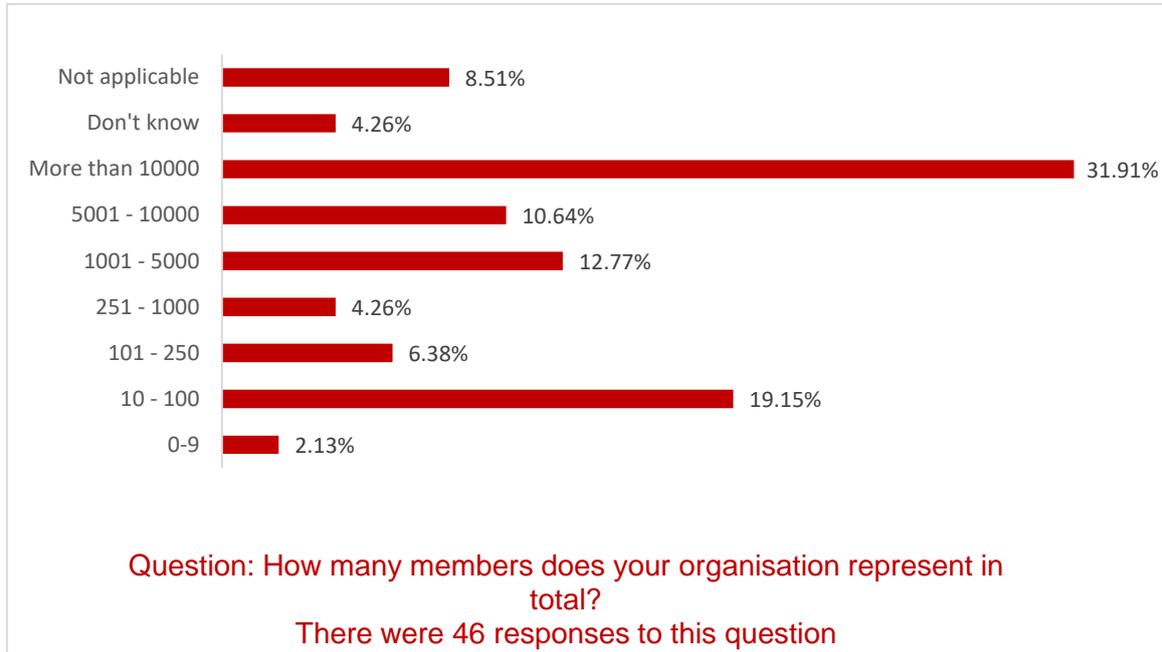
- Over a third of individuals who responded online were female (35.82 per cent) with just under two thirds male (61.15 per cent). The reason for the lower response rate from women is unclear and the Government has identified a need to review our engagement strategy to ensure any future consultations have greater participation from women. The Government is committed to creating a framework for trade that supports female exporters and upholds gender equality.

*Table 8: Gender of individuals who responded to the consultation online*

Gender Group	Percentage of Responses
Male	61.15%
Female	35.82%
Other	0.32%
Prefer not to say	2.71%
<b>Question: What is your gender?</b>	
<b>There were 5,946 responses to this question</b>	

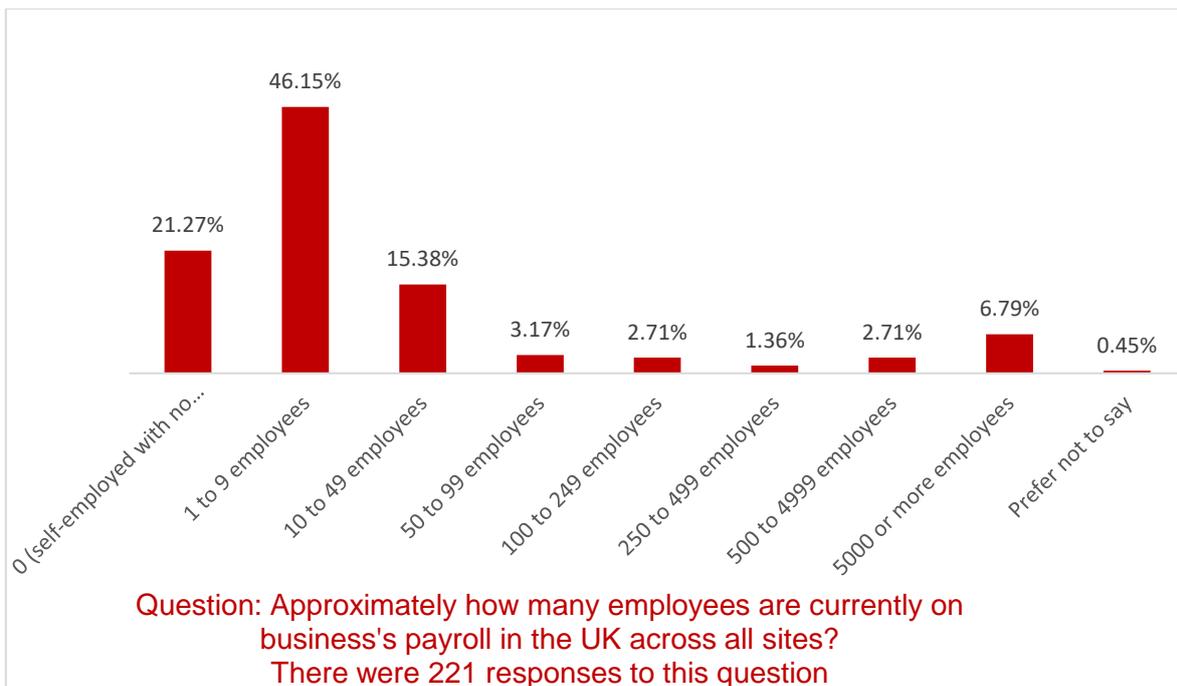
## Organisation respondent profile

Figure 3. Total number of members that the NGO represents



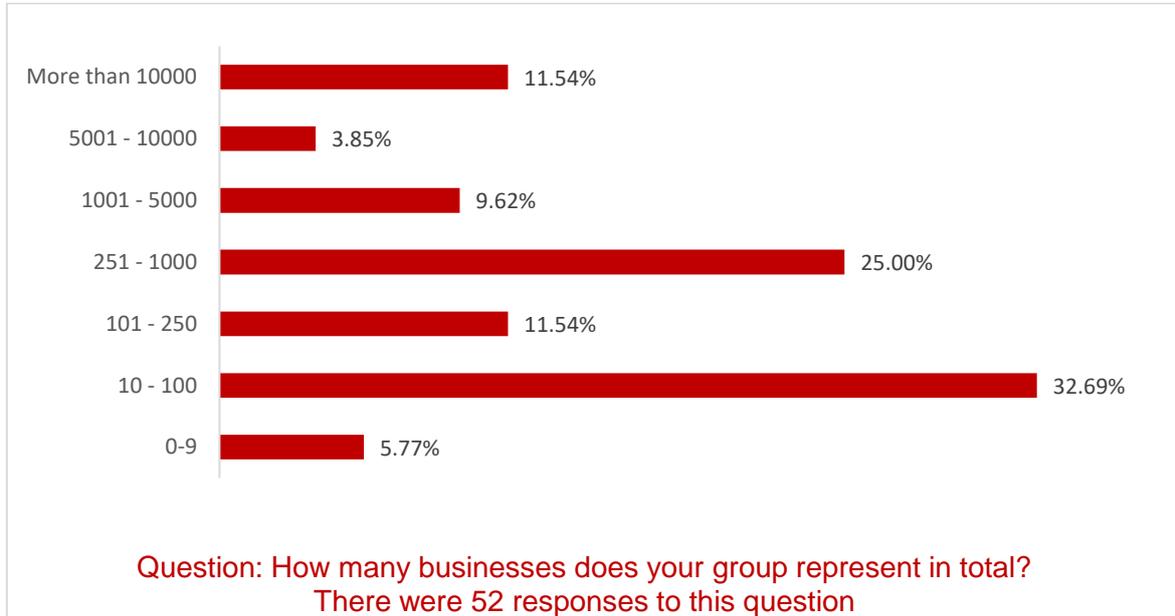
4. Over half (55.32 per cent) of NGOs who responded online had more than 1000 members. Over one fifth (21.28 per cent) of organisations had 100 or less members.

Figure 4. Number of UK employees per business



5. Nearly half (46.15 per cent) of businesses who responded online had 1-9 employees. 9.5 per cent of businesses had 500 or more employees.

*Figure 5. Number of businesses the business associations represent*



6. Over half (50.01 per cent) of businesses associations who responded online represented 251 or more businesses.

## Annex C: Glossary

This glossary contains general descriptions of some commonly used trade and investment terms. Some of the terms have meanings that vary within different areas of trade and investment, or between different trade and investment agreements. The descriptions in this glossary are intended to provide a general approximation of these meanings and therefore will not always align with legal definitions or references in legal texts; or with the meaning of these terms in a particular context or area of trade.

Term	Definition/Description
<b>Accession</b>	Means to join or become a part of – eg accession to an international trade agreement by new members, accession to an international organisation or a state's accession to a multilateral treaty already negotiated and signed by other states.
<b>Anti-dumping duty</b>	Under WTO rules, countries can counteract the practice of 'dumping' by imposing additional duties on imported goods found to be 'dumped' and causing injury to domestic producers, after having conducted a domestic investigation (see also Dumping below).
<b>Applied tariffs/Applied rate</b>	Duties that are actually charged on imports of goods. These can be the same, below, but not above, the bound rates (see also Bound Tariffs/rates).
<b>Artist's Resale Rights</b>	The Artist's Resale Right (ARR) is a specific form of copyright, which gives the author of an original work of art the entitlement to royalties each time one of their works is sold through an art market professional (such as an auction house or art gallery). This royalty has the same duration as copyright; life or the author plus 70 years.
<b>Bilateral agreement</b>	An agreement negotiated between two sides. One or both sides could be made up of multiple states, eg the EU-CARIFORUM FTA which has more than 40 parties.
<b>Bilateral Investment Treaty (BIT)</b>	An agreement between two states in which each state affords certain protections to the other state's investors and their investments. This normally includes an obligation not to discriminate or expropriate without compensation. Investors may be provided with a right to enforce these provisions through Investor-State Dispute Settlement, ISDS (defined below). Modern FTAs often include a separate Investment chapter which will have similar provisions.
<b>Bound Tariffs (also known as bound rates)</b>	The maximum rate of duty (ie tax) that can be applied by a WTO Member to an imported product from another WTO Member. Each WTO member has a goods schedule in which it sets out its commitment to these most favoured nation rates.

<b>Business Representative Organisation (BRO)</b>	An administrative body who acts for or on behalf of businesses they represent. Usually runs a membership programme.
<b>CE marking</b>	A certification mark on products traded on the extended Single Market in the European Economic Area (EEA). 'CE' signifies that the product has been assessed and meets the EU's safety, health and environmental protection requirements.
<b>Commercial presence</b>	In the services trade context, refers to having an office, branch or subsidiary in a foreign country.  It refers to mode 3 supply of services (see also Mode of supply for services).
<b>Common market / single market</b>	This is a deeper level of economic integration than an FTA. It is a free trade area established between states to give free movement of goods (without tariff and quotas), services, capital and labour between them.
<b>Competition</b>	Ensuring businesses are treated fairly in each other's markets, including the application of competition law, the role of state-owned enterprises and the use of state aid and subsidies.
<b>Competitive Tendering</b>	Competitive tendering is a procurement method where firms bid for the right to run a service or gain a certain contract.
<b>Conformity Assessments</b>	Tests on goods and services to see if they meet the standards required by the country they are to be sold in. In the UK, these tests are carried out by various assessment bodies accredited by the UK Accreditation Services (UKAS).
<b>Cost, Insurance and Freight (CIF)</b>	A recognised international trading term (see Incoterms) meaning the value of goods, including insurance of the goods and transport to the point where they are lifted over the ship's rail at the port of importation. The equivalent for transport other than sea is CPT (cost paid to).
<b>Countervailing Measure (CVM)</b>	Additional duties that WTO rules authorise countries to impose on imported goods to offset state subsidies received in the country of export after having conducted a domestic investigation and establishing that the subsidised imports are causing injury to the domestic industry.
<b>Crypto-assets</b>	Crypto-assets or 'cryptocurrency' are cryptographically secured digital representations of value or contractual rights that can be stored, transferred or traded electronically eg Bitcoins.
<b>Cumulation</b>	When determining the origin of goods for customs purposes, this means the capacity to include materials and/or processing from other countries as qualifying content in determining if an imported good is an 'originating good' and consequently qualifies for preferential tariff treatment.

<b>Customs authority</b>	<p>A government body that administers laws and regulations relating to goods crossing a border, particularly import, export, movement and storage of goods. This can be by:</p> <ol style="list-style-type: none"> <li>1) Collecting duties and taxes.</li> <li>2) Controlling import &amp; export of restricted goods, eg animals, and weapons.</li> </ol> <p>In the UK, Customs functions are undertaken by HM Revenue &amp; Customs and Border Force.</p>
<b>Customs Duty</b>	A charge imposed by a country on the import or export of goods.
<b>Customs procedures</b>	Processes and procedures applied by customs authorities to control the export, import and transit of goods. Their improvement and simplification may lower costs and facilitate trade.
<b>Customs union</b>	Distinct from agreements on regulatory alignment, or single market regulatory integration, a customs union treats two or more countries as a single customs territory, eliminating duties and most other restrictive measures on substantially all trade in goods between its members, and collectively applying substantially the same duties and other measures to trade in goods from third countries.
<b>Designation of Origins</b>	See Geographical Indications.
<b>Dispute settlement</b>	The term is commonly used in reference to the formal state to state mechanism for resolving disputes where one or more parties consider that there has been a breach of obligations under the relevant international trade agreement and it has not been possible to resolve the dispute informally.
<b>Distortion</b>	This refers to a situation in which prices and production are higher or lower than levels that would usually exist in a competitive market.
<b>Domestic support</b>	Where a country acts to maintain producer prices at levels above those dominant in international trade.
<b>Dumping</b>	Dumping occurs when goods are exported at a price less than their 'normal value', generally meaning they are exported for less than they are sold in the domestic market or are sold in export markets below the cost of production. WTO rules authorise action to counteract the practice of dumping when dumped imports are shown to cause injury to domestic producers (see Anti-Dumping Duty).
<b>Duty-Free Quota-Free (DFQF) access</b>	This refers to preferential market access for goods, free of import duties or quotas. DFQF on a lasting basis for all "least developed countries" or "LCDs" is included as a target in the UN Sustainable Development Goals. DFQF can be offered

	unilaterally to developing countries, under the WTO 'Enabling Clause'.
<b>Economic Operator Certification</b>	Documentation for the authorisation of a party involved in the international movement of goods in whatever function that has been approved by a national customs administration.
<b>Electronic commerce (e-commerce)</b>	Production, advertising, sale and distribution of products via telecommunications networks.
<b>Environmental Goods Agreement (EGA) / Green Goods</b>	A proposed agreement being negotiated by a group of WTO members seeking to end tariffs for environmentally beneficial products.
<b>European Patent Convention</b>	The European Patent Convention is a multilateral treaty finalised in 1973 establishing the European Patent Organisation, an intergovernmental organisation (non-EU body) that grants European patents.
<b>Excise Duty</b>	A tax or duty on the manufacture of goods. Excise applies in the UK to goods which contain alcohol, mineral oils or tobacco. The charge to excise is payable on purchase or importation.
<b>Ex works</b>	A recognised international trading term (see Incoterms) meaning the value of goods at the point that they left the factory without the addition of any transport, insurance or other costs.
<b>Fair dealing</b>	'Fair dealing' is a UK concept and relates to limited situations set out in UK legislation where the use of a work, protected by copyright, does not require permission or a licence from the rightsholder so long as the use is also considered 'fair'. There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case.
<b>Fair use</b>	'Fair use' is a defence against a claim of copyright infringement in the US. It constitutes any copying of copyrighted material done for a limited and 'transformative' purpose, such as to comment upon, criticise or parody a copyrighted work.
<b>Financial Technology (FinTech)</b>	Providing or enabling financial services using software and modern technology
<b>Food security</b>	Refers to a situation where the nutritional needs of a country or population are met consistently.
<b>Foreign Direct Investment (FDI)</b>	Investment by an entity in a foreign operation, or establishment of a new operation in another country ("greenfield investment"). Foreign Direct Investment implies significant control of the operation by the foreign entity.
<b>Free circulation</b>	A customs status relating to goods which have had all the taxes and duties paid, are not subject to any other restriction or

	prohibition and can therefore move freely within the relevant customs territory.
<b>Free Trade Agreement (FTA)</b>	A treaty among two or more countries to form a free trade area. This means having zero tariffs (or reduced tariffs) and reducing other regulatory restrictions on trade in substantially all goods and/or services.
<b>Free trade area</b>	Describes territories that have liberalised trade between them in most areas of trade in goods (similar arrangements for trade in services are known as economic integration agreements). Each participating territory applies its own independent trade policy with territories that are not part of the free trade area.
<b>GATS</b>	General Agreement on Trade in Services, a WTO agreement governing trade in services.
<b>GATT</b>	General Agreement on Tariffs and Trade, a WTO agreement governing trade in goods.
<b>Generalized System of Preferences (GSP)</b>	Measures applied by developed countries granting unilaterally preferential (reduced or nil rate) tariffs to imports from developing countries.
<b>Geographical Indications (GIs)</b>	An identification of a product from a particular country, region or locality where a given quality, reputation or another characteristic of the product is essentially attributable to the place where it is produced. For instance, 'Cornish Pasty', 'Welsh Lamb', 'Scotch Whisky' or 'West Country Farmhouse Cheddar Cheese' are UK GIs.
<b>Government procurement</b>	Procurement by government or other public entities of goods and services from the private sector. This usually covers both goods and services, and purchasing, leasing and acquiring by other commercial means.
<b>Government Procurement Agreement (GPA)</b>	A plurilateral WTO agreement, currently among 19 parties, covering the procurement of goods and services by governments and other public authorities.
<b>Gravity model of trade</b>	The prediction of joint trade flows based on the economic sizes and distance between two states.  GDP measurements are often used to measure economic size.
<b>Green Finance</b>	Financial instruments or investments in environmental and sustainable projects and infrastructure
<b>Harmonized System (HS)</b>	Forms the basis of how most countries describe and classify goods for the purpose of applying customs tariffs. A system, managed by the World Customs Organisation, that gives different categories of goods a 6-digit number so their characteristics can be recognised and understood.

<b>Import Entry Transaction Fee</b>	The payment charged to process and risk assess imported goods.
<b>Import licensing</b>	Administrative procedures requiring the submission of an application or other documentation (other than those required for customs purposes) to the relevant administrative body as a prior condition for importation of goods.
<b>Import quota</b>	A trade restriction that sets a limit on the quantity of a good that can be imported into a country. Import quotas are generally prohibited by the GATT, other than in limited circumstances.
<b>Incoterms</b>	International commercial terms that are standard terms developed by the International Chambers of Commerce and in common use that define the responsibilities of the seller and the buyer for the sale and delivery of goods. Examples include ex works, FCA (free carrier), CIF (cost insurance and freight), DDU (delivered duty unpaid) and DDP (delivered duty paid).
<b>Intellectual Property (IP)</b>	Creations of the mind, such as inventions, literary and artistic works, designs, and symbols, names and images used in commerce. These creations are protected by law by a variety of intellectual property rights such as patents, copyright, trade marks, design rights and geographical indications.
<b>Investor State Dispute Settlement (ISDS)</b>	A mechanism that allows a foreign investor to bring legal proceedings and seek compensation from a state, if the state has breached its obligations under a Bilateral Investment Treaty (defined above) or an Investment chapter in an FTA. The legal proceedings are usually brought via an arbitration process that is independent of each state's domestic courts.
<b>Inward Processing Relief (IPR)</b>	A customs procedure that allows goods to be temporarily imported duty-free on the condition that they are to be processed and re-exported.
<b>Labour and Environment</b>	In the context of a trade agreement, protection of workers and the environment, consistent with international commitments of a country.
<b>Market access</b>	Conditions set by governments to control which goods or services can or cannot enter their domestic market.
<b>Mode of supply of services</b>	This describes how international trade in services is supplied and consumed, with <b>mode 1: cross - border supply</b> (eg a user in country A receives services from abroad through its telecommunications or postal infrastructure); <b>mode 2: consumption abroad</b> (eg nationals of country A travel or move to country B as tourists, students, or patients to consume the services); <b>mode 3: commercial presence</b> (eg the service is provided within country A by a locally-established affiliate, subsidiary, or representative office of a foreign-owned and controlled company in country B); and <b>mode 4: movement of</b>

	<p><b>natural persons</b> (eg a national of country B provides a service within country A as an independent supplier (like a consultant or health worker) or employee of a service supplier (like a consultancy firm or construction company)).</p>
<p><b>Most Favoured Nation (MFN)</b></p>	<p>A non-discrimination principle enshrined in many WTO rules that prohibits a WTO member from treating some WTO members more favourably than others. The MFN obligation requires each WTO member, in its trade with all other WTO members, to give the best (“most-favoured”) treatment that it accords in trade with any other WTO member. If, for example, a country lowers tariffs on goods from India, it must also do so on similar goods from Argentina. Exceptions to the MFN principle exist under WTO law, such as in the form of Customs Unions, Free Trade Agreements, Generalized System of Preferences and certain trade remedies.</p> <p>FTAs often contain their own MFN commitments between the treaty partners.</p> <p>Bilateral Investment Treaties also include MFN obligations to investors and their investments from each participating state (party). Under MFN, a host state may not treat an investor from a BIT party less favourably than it does a foreign investor from another country.</p>
<p><b>Multilateral agreement</b></p>	<p>An agreement among several countries. At the WTO, multilateral agreements normally refers to agreements reached by all WT members.</p>
<p><b>Mutual Recognition Agreement (MRAs)</b></p>	<p>An international agreement by which two or more countries agree to recognise one another's conformity assessments (see conformity assessments above).</p>
<p><b>Mutual Recognition of Professional Qualifications (MRPQ)</b></p>	<p>Enables individuals to have their professional qualifications recognised in a state other than the one in which the qualification was obtained.</p>
<p><b>National Treatment</b></p>	<p>A non-discrimination principle enshrined in many WTO rules that prohibits a WTO member from treating imported goods or foreign services and services suppliers less favourably than domestic goods or services and services suppliers in its domestic market. The national treatment obligation helps ensure imported goods and services are not unfairly disadvantaged compared with their domestic counterparts. Such obligations may also be included in FTAs between the country parties.</p> <p>Bilateral Investment Treaties also usually contain provisions that parties should not discriminate between domestic and foreign investments.</p>

<b>Natural persons</b>	Refers to people, as distinct from juridical persons such as companies and organisations.
<b>Non-Tariff Barriers (NTBs) or Non-Tariff Measures (NTMs)</b>	Any policy that restricts exports or imports other than a simple tariff.
<b>North America Free Trade Agreement (NAFTA)</b>	North American Free Trade Agreement, comprising Canada, Mexico and the US. This FTA may be replaced by the United States-Mexico-Canada Agreement (USMCA).
<b>Outward Processing Relief</b>	A customs procedure that allows goods to be temporarily exported for processing with goods in another country and then re-imported. On re-importation the element that constitutes the original exported goods in the final imported product are imported free from duty.
<b>PBS</b>	Professional and business services
<b>Plurilateral agreement</b>	An agreement between more than two parties. At the WTO, plurilateral agreements typically refer to agreements reached by several, but not all, WTO members.
<b>Products standards, regulations and certification</b>	<p>'Standards' are documents developed through consultation and consensus which describe a way of, for example, making a product, managing a process, or delivering a service. Compliance with standards is not mandatory. Typically, they are not set or controlled by government or legislators but can be used by legislators to establish a basis for compliance with the law. The term 'standard' is also used informally to refer to a level of quality or attainment.</p> <p>'Regulations' are legal requirements. In the context of international trade, the term 'Technical Regulations' is used frequently in trade agreements when addressing 'technical barriers to trade'. Technical Regulations are mandatory requirements set out in law – they are controlled by governments and legislators.</p> <p>Certification is the provision by an independent body of written assurance (eg a certificate) that the product, service or system in question meets specific requirements.</p>
<b>Protected Geographical Indications</b>	See Geographical Indications.
<b>Quantitative Restrictions (QRs)</b>	Specific limits on the quantity or value of goods that can be imported (or exported) during a specific time period).
<b>Red tape</b>	Excessive regulation or rigid conformity to formal rules that is considered redundant or bureaucratic and hinders or prevents action or decision-making. In trade relations, it imposes an administrative burden on economic operators that will frequently involve additional costs and may have the effect of limiting trade.

<b>Regional Trade Agreement (RTA)</b>	A free trade agreement between a group of countries. Although originally used to describe such agreements when concluded among countries that shared common borders or were located within the same region, it is now often used more generally. For example, in mega-regional free trade agreements such as the CPTPP, the parties do not all border each other.
<b>Regional Value Content (RVC)</b>	A percentage that indicates to what extent a good is produced in the producer's local region. This can be affected by the origin of the good's components or materials.
<b>Regulatory Data Protection</b>	A period during which Company B cannot refer to data produced by Company A to support B's marketing authorisation for a pharmaceutical (generic) or agrochemical (eg a pesticide) drug. This authorisation is a requirement for the generic drug to reach markets.
<b>Rules of Origin (RoO)</b>	Rules used to determine where goods are "from", for example, where they have been produced or had substantial work done to them. This is used in determining appropriate tariff rates, access to preferential trade arrangements or application of trade sanctions.
<b>Safeguard Measures</b>	Actions taken to protect a specific industry from an unexpected build-up of imports. They are generally governed by Article 19 of GATT and the Agreement on Safeguards.
<b>Sanitary and Phytosanitary Measures (SPS)</b>	Measures to ensure that food is safe for consumers, and to prevent the spread of pests or diseases among animals and plants.
<b>Schedule</b>	In WTO context, this is a WTO member's list of commitments to other WTO members regarding how much market access it is prepared to offer and its bound tariff rates.
<b>Small- and Medium-sized Enterprises</b>	Businesses with fewer than 250 employees.
<b>Small- and Medium-Sized Enterprises (SME) Policy</b>	Policy designed in a way which supports Small- and Medium-Sized businesses.
<b>Special and Differential Treatment</b>	WTO agreements contain special provisions which give developing countries special rights and allow other members to treat them more favourably than non-developing members.
<b>Supply chain</b>	The sequence of processes involved in the production and distribution of a good.
<b>Sustainable Development</b>	Development that meets the needs of the present generations without compromising the ability of future ones to meet their own needs. It contains three pillars: economic development, social development and environmental protection.

<b>Tariff binding</b>	A commitment by a country not to increase a customs duty beyond a specified level. (See Bound Tariffs).
<b>Tariff Rate Quota (TRQ)</b>	The application of a higher tariff or tax on certain goods once an agreed quota (amount) of imports is reached.
<b>Tariffs</b>	Refers to customs duties on imports of goods, levied either as a percentage of value or on the basis of a formula (eg 10 per cent or £7 per 100 kg).
<b>Technical Barriers to Trade (TBT)</b>	These are regulations, standards, testing and certification procedures applied to imports and exports which could obstruct trade. The WTO's TBT Agreement aims to ensure that these do not create unnecessary obstacles to trade.
<b>Trade liberalisation</b>	The removal or reduction of restrictions or barriers to trade.
<b>Trade remedies</b>	Measures which allow WTO members to operate a safety net and protect domestic industry from injury caused by unfair trading practices or from injury caused by surges in imports. They are taken in response to subsidies, dumping and import surges. These usually take the form of additional duties on those imports.
<b>Transatlantic Trade and Investment Partnership (TTIP)</b>	The Transatlantic Trade and Investment Partnership is a proposed trade agreement between the European Union and the United States.
<b>Treaty</b>	A treaty is an agreement under international law between states or international organisations.
<b>WTO</b>	The World Trade Organization.
<b>WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs)</b>	The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) is the principal WTO agreement on intellectual property (IP) rights and applies to all WTO members. It covers key types of IP, including copyright, trade marks, geographical indications and patents and provides for the minimum standards of IP protection that each member needs to provide.
<b>WTO Trade Facilitation Agreement</b>	The WTO agreement which aims to simplify, modernise and harmonise procedures and controls governing the movement of goods across borders by WTO members.





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The Department for International Trade (DIT) helps businesses export, drives inward and outward investment, negotiates market access and trade deals, and champions free trade.

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