

Trade and Agriculture Commission: Terms of Reference

The Trade and Agriculture Commission (TAC) is an independent expert committee, supported by a Secretariat located within the Department for International Trade (DIT).

1. Purpose

The TAC's purpose is to provide advice on whether, or to what extent, the measures provided for by new free trade agreements (FTA) that are applicable to trade in agricultural products are consistent with the maintenance of UK levels of statutory protection in relation to

- a) animal or plant life or health,
- b) animal welfare, and
- c) environmental protections

2. The TAC's role in the FTA scrutiny process

The TAC's advice will inform the Government report required under Section 42 of the Agriculture Act 2020. The advice from the TAC will be presented to Parliament, so the TAC has an important role in helping Parliamentarians to scrutinise new FTAs.

3. Scope of the TAC's advice

For each new FTA¹ the Secretary of State for International Trade will request advice from the TAC on whether, or to what extent, the measures in an FTA which are applicable to trade in agricultural products are consistent with the maintenance of UK levels of statutory protection in relation to

- a) animal or plant life or health,
- b) animal welfare, and
- c) environmental protections

In particular the TAC will provide advice on whether the measures provided for in an FTA relating to agricultural products could mean a change in our domestic statutory protections, or Government's ability to set those protections, in relation to the areas specified above. The TAC's advice will not cover the potential impact of tariff measures.

The TAC will not advise on food safety as this will be covered by the relevant Food Standards Agencies.

¹ This does not apply in relation to a free trade agreement if: a) each party to the agreement (other than the United Kingdom) is a Member State of the European Union, or; b) the following conditions are met: (i) the negotiations for the agreement were concluded before the second anniversary of IP completion day, (ii) each party to the agreement (other than the United Kingdom) and the European Union were, immediately before exit day, parties to another free trade agreement which includes measures applicable to trade in agricultural products, and (iii) the other free trade agreement was, immediately before exit day, in force for, or being provisionally applied by, each party to that agreement.

The Secretary of State may ask the TAC to focus on specific issues relating to a particular FTA as part of its work. The request to the TAC will be published on GOV.UK.

4. Ways of working

The TAC will have a limited time period to work together to produce its advice. The Secretary of State will request advice from the TAC after the FTA is signed, from which point the TAC will have at least three months to prepare its advice as part of the scrutiny process

In advance of signature of the FTA, the TAC will be kept informed as to the progress of FTA negotiations by the TAC Secretariat.

In the period following the publication of the concluded FTA, TAC members will provide independent, expert advice on the FTA relating to the request from the Secretary of State.

TAC members will determine the most effective way to provide this advice. The TAC may establish working groups.

DIT will provide a small Secretariat to support TAC members in their work. The TAC may request further clarifying information from Government Departments or agencies.

5. Confidentiality

TAC meetings will follow the Chatham House non-attribution rule. Information provided to TAC and its discussions will remain confidential. Members may not make information public outside of the government's own approach to publication of the advice.

TAC group members are asked not to disclose any information shared in the meeting that may have an impact on another member of the group or adversely affect the project. Frank discussion and the sharing of views will enhance the work; this may be inhibited if members feel comments will be publicly attributed to them out of context.

6. Membership

The TAC membership will:

- be experts in their field, selected for their specific expertise.
- collectively demonstrate detailed knowledge of the regulatory landscape across the UK.
- provide independent advice and will not represent any organisation.
- work to the terms of engagement agreed upon appointment (for example, relating to confidentiality and declaration of any potential or actual conflicts of interest). Members should inform the Secretariat, in writing, of any changes to their circumstances that may affect these issues.

- be appointed for up to 18 months.

7. Remuneration

TAC members may claim £200 per day (£250 for the Chair) for work undertaken, up to a maximum of 20 days per FTA.

Should in-person meetings be held, it will also be possible to claim reasonable costs for travel and subsistence.

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