# Continuity of UK International Agreements

## Executive summary

## Introduction

## How trade agreements are made in the UK and in the EU

1. *The process in the EU* ......................................................... 4
2. *UK Government approach to trade agreements negotiation* ............ 5
3. *Scottish Government proposals on future UK trade policy* ............ 7
4. *The practice in 2019 and 2020* .............................................. 7

## Unilateral tariff rebates ............................................................... 10

### Bilateral trade and trade-related agreements already signed by the UK

1. *UK – Switzerland – Liechtenstein trade agreement* ....................... 11
2. *UK – Chile Association Agreement* ........................................ 12
3. *UK – Faroe Islands FTA* .......................................................... 13
4. *UK – Israel Trade and Partnership Agreement* ............................ 13
5. *UK – Palestinian Authority* ..................................................... 14
6. *WTO Agreement on Government Procurement (GPA) (multilateral)* 15
7. *UK – ESA Economic Partnership Agreement* .............................. 15
8. *UK – Pacific Islands trade agreement* ........................................ 15
9. *UK – South Korea* ................................................................. 16
10. *UK – CARIFORUM EPA* .......................................................... 17
11. *UK – Andean Countries (Colombia, Ecuador, Peru) Trade Agreement* 17
12. *UK – Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama) Association Agreement* ...................... 18
13. *UK – Lebanon Association Agreement* ..................................... 19
14. *UK – Tunisia Association Agreement* ...................................... 19
15. *UK – Georgia Partnership and Cooperation Agreement* ............... 19
17. *UK – EFTA states (Norway, Iceland and Liechtenstein) - WITHDRAWN* 21
21. *Other trade-related agreements* .............................................. 24

### Other bilateral trade and trade-related agreements targeted by the UK for replacement (analysis on EU texts)

22. *UK – Canada Comprehensive Economic and Trade Agreement* ....... 26
23. *UK – Japan* ........................................................................ 27
Executive summary

After the end of the transition period agreed between the EU and the UK, several agreements between the EU and third countries will no longer apply to the UK. The UK government has pursued the strategy of replicating ("rolling over") the effects of these agreements quickly. Some of them concern trade: their coverage spans from basic rules on trade in goods to anti-corruption policies and corporate governance standards. Other agreements, especially recent ones, address further matters relating to policy and social integration.

Replacement of bilateral agreements normally requires negotiation with the non-EU party. Transitioning multilateral agreements, instead, requires UK accession to each treaty and does not require the drafting of a new text. In some cases, the trade partners have not agreed to roll-over the existing treaties (e.g., Japan, Canada). In others, the treaty rolled over is a diminished version of the one currently in force. For instance, the treaties with Switzerland and EFTA states presuppose regulatory alignment with EU rules, and therefore could not be transitioned as is; largely, the transition treaties that would enter into force in case of no-deal would be limited to removing tariffs and quotas on goods.

As far as devolved competences are concerned, some recurring elements are notable. Trade agreements often include: rules on public procurement; rules on trade in agricultural and fisheries products, including the promotion of geographical indications; commitments on environmental protection and sustainable fisheries and forestry. Some agreements include rules on judicial cooperation against corruption and money laundering. Multilateral agreements, some of which do not concern trade, can cover environmental protection and cooperation in civil justice matters.

This report does not cover treaties that the UK could conclude in the future with third parties (that is, countries that do not have an agreement with the EU, like US, Australia
and China)\(^1\) and the treaty that the UK and the EU itself are currently negotiating. It appears that the Department of International Trade’s roll-over project has slowed down considerably in the first quarter of 2020. Recently, the government’s focus has been on the future relationship with the EU, and on a possible deal with the US.

**Introduction**

The initial first version of this background paper followed the “Update on international agreements” sent by RT Hon Steve Barclay MP on 25 January 2019 (the “Update”) and the UK Government’s Policy Paper “Processes for making free trade agreements once the UK has left the EU” of 28 February 2019 (the “Policy Paper”). The Update contains a list of international agreements to which the UK is currently a party by virtue of its EU membership. These treaties are targeted for a “replacement” or “roll-over” plan, to preserve their effects for the UK in the future. The Policy Paper explains the process of negotiating new free trade agreements for the UK after the end of the transition period (that is, agreements for which there is currently no EU equivalent).

After the end of the transition period, in case of a no-deal Brexit, the UK would cease to be a party to EU treaties with third parties. The EU has conveyed to its treaty partners the instruction to consider the UK covered by the relevant treaties until the end of the transitional period.\(^2\) In theory, the treaty partners can grant or decline such request, even if the EU approves it and volunteers to convey it to the third country. There is evidence that third parties have normally agreed to this extension.\(^3\)

The UK Government wishes to ensure “continuity in international agreements.” To this purpose, it mapped all treaties that require replacement after Brexit. This background paper offers an overview of these treaties, clarifying their content and, where possible, flagging through highlighting in bold their possible relevance to Scottish devolved powers.

The focus of the Update is on trade agreements that already exist, and therefore are targeted for “roll over.” Some recent ones (e.g., the EU agreements with Japan and Canada) are “deep integration” trade agreements. They regulate matters going

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\(^1\) [https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/?page=1&max=20&questiontype=AllQuestions&house=commons%2Clords&dept=202


\(^3\) For instance, see the statement of a Canadian officer, on 11 March 2020: “following the U.K.’s exit from the European Union, we have agreed to continue to apply CETA, which is the agreement we have with the European Union, until the end of the transition period. Right now that transition period is set to expire on December 31. Of course it could be extended. We have not initiated discussions for a bilateral FTA with the U.K., but we will continue to consider that, and it will depend on developments.” From [https://www.ourcommons.ca/DocumentViewer/en/43-1/CIIT/meeting-15/evidence](https://www.ourcommons.ca/DocumentViewer/en/43-1/CIIT/meeting-15/evidence) (emphasis added). Singapore, which has not yet agreed to a “continuity” treaty, has confirmed the applicability to the UK of the current treaty with the EU during the transitional period, see [https://www.straitstimes.com/business/economy/singapore-free-trade-deal-with-eu-will-apply-to-britain-during-brexit-transition](https://www.straitstimes.com/business/economy/singapore-free-trade-deal-with-eu-will-apply-to-britain-during-brexit-transition).
beyond the typical commitments in trade liberalisation, and touch upon several policies that might relate to free trade only indirectly.

Other treaties listed in the Update are also addressed below. This paper was revised in November 2019 to account for the progress made by the DIT in concluding roll-on agreements, and in March 2020 to account for the occurrence of Brexit and the starting of the subsequent transitional period.

How trade agreements are made in the UK and in the EU

1. The process in the EU

Since the focus of the “transition” project is EU treaties on trade, it is helpful to describe how trade agreements are concluded in the EU. The negotiator is the Commission, but both legislative bodies (Council and Parliament) must consent to the agreement’s entry into force.

Initially, the Commission holds an impact assessment study, a public consultation and a scoping exercise with the potential partners. If these steps prove promising, the Commission makes a recommendation to the Council of the EU to authorise the opening of the negotiations.

If the Council agrees, the authorisation comes with a “negotiating mandate.” In the mandate, the Council sets the directives for the negotiation, including its goals, scope and possibly the timeframe.

The EU Chief Negotiator, appointed by the Commission, assembles a team of Commission’s experts, depending on the topics included in the agreement. At every round of negotiation, the Commission publishes an update. The Commission must consult with the Council’s Trade Policy Committee and must inform the Parliament at each stage.

The Parliament’s International Trade Committee regularly discusses the negotiations and can make resolutions to express its view on how the negotiations should proceed. After the Commission and the treaty partners reach an agreement on the text of the deal, the Commission submits formal proposals for adoption to the Council. Following discussions, the Council adopts a decision for the signature of the agreement on behalf of the EU. It then transmits the signed agreement to the European Parliament for consent (a yes/no vote). After the Parliament gives its consent, the Council adopts the decision to conclude the agreement.

Please note: when an agreement also touches upon matters reserved to Member States, it is a so-called “mixed agreement” and it requires the ratification of each Member State.
2. UK Government approach to trade agreements negotiation

On 28 February 2019, the UK Government published Processes for making free trade agreements once the UK has left the EU. The paper set out the UK Government’s proposals for how the UK will agree future trade deals with third countries after Brexit. The proposals do not apply to other international negotiations and treaties, including negotiations on the future relationship with the EU or to “replacement” treaties seeking to transition existing EU treaties.

The key elements of the UK Government’s proposals are:

- A strong and effective role for the UK Parliament in scrutinising the Government’s trade policy and free trade agreements whilst recognising that “making, amending and withdrawing from treaties are functions of the executive which are carried out in exercise of the Royal Prerogative”.
- Consideration by the UK Parliament of the Government’s outline approach to negotiations, which will include its negotiating objectives.
- A close relationship with a specific parliamentary committee in each House as the negotiations progress enabling the committees to produce “a detailed report on the agreement that had been reached”.
- Parliamentary scrutiny of the final agreement under CRaG - the Constitutional Reform and Governance Act 2010 (CRAG).

From a devolved perspective, the UK Government paper states:

“Government is committed to working closely with the devolved administrations to deliver a future trade policy that works for the whole of the UK. It is important that we do this within the context of the current constitutional make-up of the UK, recognising that international treaties are a reserved matter but that the devolved governments have a strong and legitimate interest where they intersect with areas of devolved competence.”

The UK Government also highlighted three commitments in relation to dialogue with the devolved administrations on international trade matters:

- regular Senior Officials’ Groups, held every six weeks;
- an ongoing programme of monthly round-tables on technical policy areas
- formation of a new intergovernmental Ministerial Forum for international trade.

On the role of the devolved legislatures, the UK Government wrote:

“We recognise that the devolved legislatures also have a strong and legitimate interest in future trade agreements. It will be for each devolved legislature to determine how it will scrutinise their respective Governments as part of the ongoing process. Equally, the means by which our Parliament in Westminster
works with its devolved counterparts is a matter for the legislatures themselves, in line with their existing interparliamentary ways of working.”

The EU Committee of the House of Lords noted that the scrutiny that it managed to exercise over roll-over treaties was only possible in large part due to their “copy-paste” content, and that the CRAG framework would be insufficient for future treaties, and in particular for that with the EU. The Committee also included a warning for the devolved counterparts.

“23. The fact that we were scrutinising Brexit-related ‘rollover’ agreements meant that the problems we encountered were less serious than they might have been in other circumstances. The agreements were negotiated in most cases with a view to mitigating a possible ‘no deal’ exit on 29 March 2019, and their aim was to ensure continuity with pre-existing agreements from which the UK already benefited (and which had previously been subject to scrutiny at both EU and national level). Our reporting criteria were drawn up accordingly, focusing on whether the new agreements differed from the precursor agreements, rather than analysing their inherent merits.

24. … Careful consideration should be given to the staffing of any committee tasked with scrutiny of treaties in the longer term: it will probably need significant levels of staff support, including access to specialists in both international and trade law. Other stakeholders, including the devolved administrations, may also need to reflect on the level of resource that they devote to consideration of new international agreements, if they are to engage effectively in the process and have their say in the outcome. (emphasis added)

25. In summary, the fact that we were able to report on these agreements within 21 sitting days should not be seen as a vindication of the CRAG Act. Quite the contrary: we were only able to scrutinise these agreements within that timetable because we were able to take many of their underlying principles and objectives as a given. Even so, the CRAG Act timetable was a significant impediment, precluding meaningful consultation of stakeholders and limiting the opportunity for committee Members to engage in informed consideration and discussion.

26. Our experience thus supports the Constitution Committee’s conclusion that the CRAG Act is poorly designed to facilitate parliamentary scrutiny. It presents Parliament with a ‘take it or leave it’ choice—whether or not to withhold its consent to a complex legal document, which may have taken many years to negotiate, and the text of which has been finalised. It precludes any opportunity for Parliament, or committees, to seek to influence the shape of agreements, either before or during negotiations.”

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In March 2020, the UK House of Lords constituted a new “Treaties Committee” that invited the DIT to transmit information, including privileged ones unfit for wide publication, and briefings from the negotiating teams.

3. Scottish Government proposals on future UK trade policy

Ahead of the UK Government publishing its approach paper, the Scottish Government published Scotland’s role in the development of future UK trade arrangements on 30 August 2018. The Scottish Government outlined the key conclusion of the document:

“The paper considers that decision making process and argues that the Scottish Government and Scottish Parliament must play a much enhanced role in the development of future trade policy and the preparation, negotiation, agreement, ratification and implementation of future trade deals, to help industries, protect devolved public services and ensure the highest standards of environmental and consumer protection in Scotland and across the UK. Doing so will require a significant change in the current arrangements for scrutiny and democratic engagement, which are already out of date, under strain and in urgent need of reform.”

The EU Committee of the House of Lords recognised in February 2019 that Devolved Administration should be involved in the negotiation and approval stage of roll-over agreements:

“17. We were concerned to discover that the Government had not shared draft texts of roll-over trade agreements with the devolved administrations prior to signature. This is a puzzling and potentially damaging approach. As we said in 2017, close cooperation between central and devolved Governments is paramount: this is not the moment for the Government to be insisting rigidly on the formal distinction between reserved and devolved matters. We therefore recommend that the Government share at least the relevant extracts of proposed agreements it is consulting on, prior to signature, to ensure that the devolved administrations have an opportunity raise concerns, and that those concerns can be properly considered.”

The House of Lords subsequently sought to amend the Trade Bill to require and consultation with the Devolved Administrations during the negotiation of trade agreements.

4. The practice in 2019 and 2020

During the negotiation of the roll-over agreements after spring 2019, the Government is on record declaring to have adopted an inclusive approach during the negotiations.

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For instance, in the explanatory memorandum attached to the trade deal with Colombia, Ecuador and Peru, it explained the involvement of the devolved administrations as follows:

“IInternational relations including the making of treaties is not devolved. However, as there is likely to be significant impact on Scotland, Wales and Northern Ireland, the Government has regularly updated the Devolved Administrations and has shared the texts of parliamentary reports and explanatory memorandums with them.

Throughout the Trade Agreement Continuity Programme, DIT has engaged with the Devolved Administrations (DAs). Both Ministers and officials speak to counterparts in the DAs on a regular basis, sharing progress and inviting them to highlight agreements of importance or concern.

DIT can confirm that the text of agreements, once stable, are shared with DAs; DIT has also offered briefings on the agreements, where appropriate, on request to DAs, Crown Dependencies and Gibraltar. DIT shares draft Parliamentary Reports and Explanatory Memoranda on individual agreements, and DIT welcomes DAs’ views as progress is made.6”

It appears that the content of the agreements is shared not during the negotiations, but only when their text is “stable,” i.e. finalised. Other explanatory memos use marginally different formulae.7

The House of Lords, on 10 July 2019, noted with concern the governmental practice of sharing texts with DAs only after their inalisation:

“13. Finally, the EM indicates that the Government is engaging with and has consulted the devolved administrations, Gibraltar and the Crown Dependencies. However, while the EM states that DIT can confirm that the draft agreements “once stable, are shared with DAs”, it does not make clear whether the text of this specific Agreement was shared with them prior to signature. Following an exchange with officials, we confirmed that the Agreement was shared when it was initialled. We ask the Government to ensure that, in future, where specific agreements have been shared with the DAs, this is explicitly stated in the consultation section of each EM.”8

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7 For instance, Explanatory memorandum relating to the Association with Central America: “DIT has also offered briefings on the agreements, where appropriate, on request to the DAs”; relating to Association with Lebanon: “HMG shares stable agreement texts, draft Parliamentary Reports and Explanatory Memoranda on individual agreements, and HMG welcomes the views of the DAs, the Crown Dependencies and Gibraltar as progress is made.”

As recently as on 9 March 2020, during the discussion before the House of Lords of the UK-Morocco continuity treaty, Lord Stevenson of Balmacara lamented “Parliament’s continuing inability to scrutinise UK trade deals in a meaningful way”. He noted that the treaty, while largely reproducing the EU pre-existing one, raised critical issues of international law regarding the status of Western Sahara, and noted:

“The trade Bill is due to be introduced—or perhaps I should say reintroduced—, so we can run these arguments again. It would, however, be much better if the Government asked the International Trade Committee in the Commons to lead on this matter, in concert with the soon-to-be formed treaties committee here in the Lords, and for these committees to be responsible for advising their respective Houses on the three-legged stool of mandating, reporting and recommending the approval of trade treaties.

As the case of the UK-Morocco association agreement shows, there is a role for the parliamentary scrutiny of trade treaties which can add value. Just about every other Government in the world involve their parliament; why is the “mother of parliaments” being left on the sidelines?”

**Trade and trade-related agreements**

Trade agreements are particularly important for the UK after Brexit. Unlike other treaties, the UK has been unable to negotiate and conclude trade treaties autonomously so far. Since trade and foreign investments are EU-reserved competences, the UK has aligned itself to the EU common external economic policy led by the EU Commission. After Brexit, the UK could re-appropriate the power to set external tariffs and conclude trade deals in its own right.

The agreements listed in the Update are at different levels of completion. Some are finalised and their entry into force is only conditional upon Brexit happening (or, rather, the conclusion of any subsequent transitional period). Others appear to be at the stage of drafting or legal scrubbing. With other possible partners (e.g., Japan, Canada, Australia, New Zealand) negotiation talks might have started, but no document is available for comments.

When information about the new UK deal exists, the comments refer to the new draft or finalised text [updated on 31 March 2020]. Otherwise, the comments refer to the existing EU agreement that the UK needs to replace. In terms of coverage, the assumption is that the existing EU agreements will be a close template for the new UK ones. Therefore, EU texts can be a valid starting point for the present exercise. The established practice of replicating EU treaties into the roll-over ones validates this assumption.

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10 Ibid.
Unilateral tariff rebates

Three developments relating to tariffs must be mentioned, since they affect future trade negotiations. On 13 March 2019, the UK Government announced that it would establish a temporary regime of unilateral liberalisation in case of no deal. After Brexit, the UK could autonomously set its tariffs rates applicable to all imported goods (the MFN tariffs).\(^\text{11}\)

Indeed, the UK has announced that it would not simply transition its current tariffs. A mere continuation of current tariff rates would entail the abrupt imposition of tariffs on imported EU products, and the ensuing burden on consumers and business importers. Instead, a range of new products will enter duty-free or at reduced rates into the UK (for instance: cereals\(^\text{12}\)), and custom duties will be retained only to protect selected industries (for instance: lamb\(^\text{13}\)). Because of the MFN principle, the rebate in tariffs would apply not only to EU goods, but to goods from any country, for instance China, India and the US.

In the March scheme,\(^\text{14}\) tariffs on 95% of product categories were eliminated, leaving only tariffs on 469 products (and raising the share of goods imported tariff-free from 62% to 92% in value). Approximately 70% of the surviving tariffs were concentrated on certain sensitive sectors: meat, ceramics, vehicles, textiles.\(^\text{15}\) Around half of these tariffs replicated the current EU tariffs (replicating the status quo), while the other half entailed some reduction (for instance, pork and poultry meat incurred tariffs that were 13% and 60% lower, respectively, than the EU ones. Tariffs were reduced considerably also on meat products\(^\text{16}\)).

This regime, which was supposed to be temporary, could undermine the UK’s negotiating leverage in future trade talks with other countries. Trade agreements would normally open a country’s market further, with respect only to selected trade partners, compared to its general degree of openness stipulated under WTO law, which prohibits discrimination based on the origin of goods and services. A comprehensive non-discriminatory tariff-free regime makes it harder to identify the kind of preferential concessions that a trade partner typically expects, at least with trade in goods.

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\(^{11}\) Within the limits set by its commitments in the World Trade Organisation (WTO). In other words, the UK cannot exceed the “bound” maximum tariff rates that it has communicated to the WTO, but it is free to reduce them. The WTO principle of Most-Favoured Nation requires that tariffs apply equally to all goods irrespective of the country of origin.


\(^{13}\) AHDB, No reduction of UK sheep meat tariffs if there is a hard Brexit, 14 March 2019, at http://beefandlamb.ahdb.org.uk/market-intelligence-news/no-reduction-of-uk-sheep-meat-tariffs-if-there-is-a-hard-brexit/.

\(^{14}\) Statistical data are obtained from https://blogs.sussex.ac.uk/uktpo/publications/deal-or-no-deal-the-economic-consequences-of-the-uks-no-deal-tariffs/.

\(^{15}\) In particular, tariffs above 10% would remain on vehicles, prepared meat and poultry.

\(^{16}\) For instance, the duties applicable to carcases or half-carcases of bovine animals, fresh or chilled (code 02011000) would be roughly half as high as those applied by the EU to third countries (6.8%\(+\)93.3€/100kg against 12.80%\(+\)176.80€/100kg).
The tariff scheme announced in March was modified in October 2019. The Government announced some revisions, after “further discussions with industry and consumer groups.” The scheme announced in March was modified mainly in three respects, regarding heavy goods vehicles (trucks), which saw tariffs cut from 22% to 10%; bioethanol saw tariffs raising to €19.2 or 10.2 per hectolitre; and additional clothing products would incur a 12% tariff. The overall impact of the tariff change would be marginal (from 0.7% on average to 0.8%). More importantly, perhaps, some industries were not able to reverse the liberalisation scheme announced in March: farmers and ceramics producers did not obtain a change in the scheme, and meat producers lamented the prospect of increased pressure from global competitors (previously shielded by the higher EU tariffs).

In February 2020, the Government launched a month-long consultation process on the “Global Tariff” rates applicable in January 2021. Clearly, the previously announced schemes have been questioned, and the UK Government decided to formulate from scratch a new tariff scheme applicable to all goods imported from countries that do not benefit from preferential treatment. The consultation stated three principles that would inform the Global Tariff: simplifying the tariff rates, removing tariffs on key production inputs (such as component for manufactured goods) and on goods that are not produced in the UK. It appears that the criticism raised against the unilateral slashing of tariffs proposed in 2019 has led the Government to re-think the planning of the MFN “Global” tariffs.

**Bilateral trade and trade-related agreements already signed by the UK**

The UK has concluded and signed 20 trade-continuity agreements with 48 countries to date.

1. **UK – Switzerland – Liechtenstein trade agreement**

The UK – Switzerland agreement was concluded in Berne on 11 February 2019. Unlike other trade agreements, it does not use a single previous EU treaty as a model. It rather consolidates into one text several EU-Switzerland treaties on trade. The treaty provides for full continuity only in the event of a transition period (i.e., what was provided for by the Withdrawal Agreement(s)). In this respect, the agreement is merely a guarantee that during the transition period the UK is treated like a EU country.

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19 This change was made in light of the concerns of UK oil refineries.
20 Such as those countries with which the UK seeks to have a free trade agreement, or the countries enjoying non-reciprocal preferences under the Generalised System of Preferences (a form of development aid).
22 The list and details of the eight agreements is contained in Article 1(1) of the Treaty.
The analysis below, instead, relates to the deal’s more limited Brexit-specific coverage: it regulates trade in goods and government procurement, with a section on cooperation in criminal matters. The parties agreed to discuss, within 24 months from entry into force, the possibility of regulating other areas, such as trade in services, protection of intellectual property rights, labour, environment, trade remedies and dispute settlement.

In more detail, it covers:

- **Tariffs on goods**: mostly 0% in sectors relevant to UK trade; customs security (border inspection and formalities: not rolled over unless Joint Committee decides otherwise).

- **Fisheries and Agriculture**: reduced tariffs and tariff-rate quotas; removal of non-tariff barriers. Several sections on sanitary and phytosanitary measures, as well as the treatment of organic foods, were disapplied.

- **Public procurement**: higher concessions than granted under WTO law; additional market access to sub-central districts and municipalities; new liberalised sectors: telecommunications, railway operators, energy (excluding electricity), and private utility providers. In this respect, the entire WTO concessions have been included to ensure continuity in the event that the UK would fail to become a party to the WTO GPA agreement shortly (in fact, the UK re-joined the GPA in time).

- **Mutual recognition**: recognising standard conformity certifications by recognised bodies in the exporting country – three sectors covered, including pharmaceuticals and automotive. On 17 further sectors, there is no agreement yet (e.g., construction products, medical devices, explosives for civil use).

- **Tariff preferences to developing countries**: no tariffs on goods from qualifying developing countries.

- **Anti-fraud**: full judicial cooperation and administrative assistance on fraud and all other illegal activities, including customs and indirect trade-related tax offences. Cooperation against money laundering, covering in particular serious cases of fraud and smuggling.

2. **UK – Chile Association Agreement**

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23 House of Lords EU Select Committee, report on Swiss-UK deal, at https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/315/31504.htm, para. 27: “27. We are disappointed that the Government, in bringing forward the UK-Swiss Trade Agreement, has not provided an explanation of its plans for future UK-Swiss services trade, and call on it now to do so.”
This association agreement seeks to replicate the effects of the EU-Chile Agreement that entered into force in 2005. The new UK agreement consists of a short document that incorporates the EU-Chile one and details the necessary amendments.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications.

**Agricultural and fisheries products:** lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends.

**Public procurement:** increased liberalisation.

Social cooperation: the parties committed to cooperate in raising and upholding labour rights, non-discrimination on grounds of gender and **fighting drug-trafficking and organised crime.**

Intellectual property: enhanced protection to intellectual property, including Geographical Indications.

3. **UK – Faroe Islands FTA**

The UK-Faroe Islands FTA is finalised and can enter into force on exit day (or after the transitional period). It is a goods-only agreement that replaces the EU-Faroe Islands agreement. It does not contain sections on services, IP rights, and government procurement. Note that trade flows between the two countries are almost negligible with one exception: yearly trade of fish and crustaceans from the Faroe to the UK amount to approximately £200 million in value.

The new UK agreement consists of a short document that incorporates the EU-Faroe one and details the necessary amendments.

Trade in goods: removal (or reduction) of tariffs and other trade barriers.

**Fisheries products:** tariff-rate quotas are adjusted to reflect the size of UK market and historical trends. A Veterinary Protocol uniforms Faroese law to EU standards, but the UK did not commit to retain those terms. The Faroe Islands cannot recognise future new UK standards as equivalent to EU ones. This amendment might result in non-trade barriers to trade, in the form of veterinary controls and inspections.

4. **UK – Israel Trade and Partnership Agreement**
This treaty seeks to replace on a bilateral level the effects of three agreements between the EU and Israel (the 1995 Association Agreement, the 1997 Procurement Agreement, and the 2010 Conformity Assessment Agreement).

The new UK agreement consists of a short document that incorporates the EU-Israel ones and details the necessary amendments.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications. A protocol on conformity assessment spares pharmaceutical products from double-testing and inspection.

**Agricultural and fisheries products:** lowers tariffs, increases tariff-rate quotas. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends. The UK retains the right to apply an Entry Price System on agricultural products (imposing an extra duty when goods come at a price below a pre-determined level).

**Cooperation:** the parties committed to promote sustainable agricultural practices and environmental protection, to facilitate social development, to support each other's tourism policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

5. **UK – Palestinian Authority**

This treaty seeks to replace on a bilateral level the effects of the agreement between the EU and the Palestine Liberation Organization.

The new UK agreement consists of a short document that incorporates the EU-PLO one and details the necessary amendments thereto.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications.

**Agricultural products:** lowers tariffs, increases tariff-rate quotas. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends. The UK retains the right to apply an Entry Price System on agricultural products (imposing an extra duty when goods come at a price below a pre-determined level).

**Cooperation:** the parties committed to promote sustainable agricultural practices and environmental protection, to support each other's tourism
policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

6. WTO Agreement on Government Procurement (GPA) (multilateral)

The UK was accepted as a member of the GPA at the end of February 2019. The UK’s commitments under the GPA replicate the EU’s commitments under the WTO regarding non-discrimination in public procurement contracts. In essence, the UK will not be allowed to favour domestic goods and service providers over the competing goods and services originating from the other GPA countries, in a series of sectors.

On 31 March 2020, the UK representative to the WTO announced that the UK is “continuing its independent accession” to the GPA and notifying all WTO members of the procurement laws of the UK.24

7. UK – ESA Economic Partnership Agreement

This treaty seeks to replace on a bilateral level the effects of the agreement between the EU and the Eastern and Southern Africa (ESA) EPA.

The new UK agreement consists of a short document that incorporates the EU-ESA one and details the necessary amendments thereto.

Trade in goods: tariffs are reduced or removed. Other trade obstacles are removed. Customs procedures are harmonised. A committee will determine whether ESA countries can be exempted from UK safeguards (temporary raises in duties to protect the domestic production).

Agriculture: the EPA contained a mechanism entitling the EU to raise safeguards on sugar. This mechanism is suspended in the UK EPA.

Cooperation: the parties committed to promote sustainable growth of the fisheries-based economy. They also pledged to coordinate their tourism policies and promote the conservation of environmental and water resources.

8. UK – Pacific Islands trade agreement

This agreement was signed on 14 March 2019 between the UK and the Pacific Islands (Fiji and Papua New Guinea). It seeks to replace the 2009 Partnership Agreement between the EU and the same countries.

The UK exports almost exclusively services and imports almost exclusively goods (cane sugar and fish) from the Pacific Islands. The treaty only cover trade in goods.

24 https://twitter.com/JulianWTO_UN/status/1244996565007241217.
Trade in goods: tariffs are reduced or removed. New rules of origin were added to allow cumulation of EU-input.

**Agricultural goods:** the treaty includes a mechanism to trigger safeguards against sugar imports in case of disturbance to the importing market. This mechanism is initially suspended for five years.

9. **UK – South Korea**

The FTA between UK and South Korea was concluded on 9 September 2019. It was already ratified by the Korean parliament. It contains a commitment to commence a review of the treaty no later than two years after it enters into force. This is the first UK trade agreement that includes significant concessions on trade in services.

Trade in goods and services: removal of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications (with a MFN clause, meaning that future concessions to the EU will have to be extended to South Korea, and that Korea will have to extend to the EU any preference made to the UK). There is a three-year rule of origin, allowing to count EU inputs into manufactured products towards the minimum UK percentage necessary to obtain preferential treatment.

Technical Barriers to Trade: the UK pledged, for a limited time “to continue to accept goods that meet EU regulatory requirements.” This commitment made it possible to avoid checks, in the short run, on goods subject to technical requirements.

**Agricultural products:** lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level.

**Government procurement:** the parties confirmed their WTO commitments, and provided for slightly larger concessions (for instance, prohibiting the requirement that a bidder has previously been awarded a contract to participate).

Intellectual property: enhanced protection to intellectual property, including **Geographical Indications** (same as those protected in EU-Korea FTA).

Fair trade practices: regulation on antitrust, competition, subsidies.

Sustainable development: commitments to uphold **environmental protection** and labour rights.

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25 Side minute to Chapter 4 on Technical Barriers to Trade, see https://publications.parliament.uk/pa/ld201920/ldselect/ldeucom/6/604.htm, para. 35.
10. UK – CARIFORUM EPA

The Update indicates that the UK-CARIFORUM EPA’s signature is imminent (“likely in February”), and on 22 March 2019 CARIFORUM was listed among the parties with which the UK has achieved a signed agreement, without further information. The EPA between the EU and CARIFORUM (including 15 Caribbean states) was signed in 2008 and has a narrower coverage than the FTAs concluded after 2010.

Trade in goods and services: removal of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications. There is a specific commitment to **environmentally sustainable tourism**.

**Agriculture and fisheries:** export subsidies are prohibited. Parties pay special attention to the importance of food security and competitiveness of traditional agricultural products in the Caribbean.

Intellectual property: enhanced protection to intellectual property, including **Geographical Indications**.

**Public procurement:** access to procurement market (no CARIFORUM state is party to the WTO agreement on government procurement).

**Environmental protection** and labour standards: the parties commit to uphold international standards on environmental protection and labour rights.

11. UK – Andean Countries (Colombia, Ecuador, Peru) Trade Agreement

The agreement with Colombia, Ecuador and Peru was concluded on 15 May 2019, and seeks to provide continuity to the agreement between the Andean countries and the EU of 2015. The government has informed Scotland during the negotiations.

The DIT reports\(^\text{26}\) that “[a]fter 31 December 2020, it is expected an arrangement will be in place prior to this agreement taking effect.” In essence, this note confirms that the treaty is finalised but not concluded, as its entry into force, after the transitional period, is still conditional on the parties’ agreement.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications. A cumulation rule of origin will allow EU inputs to count towards good’s eligibility for preferential treatment (as either UK- or Andean country-produced).

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The provision guaranteeing free movement into the territory of one trading bloc across the territory of the other was removed.27

**Agricultural and fisheries products**: lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends. A special “Banana Review Mechanism” is also continued from the EU treaty, relating to tariff liberalisation of bananas.

**Public procurement**: increased liberalisation.

Social cooperation: the parties committed to cooperate in raising and upholding labour rights, non-discrimination on grounds of gender and fighting drug-trafficking and organised crime.

12. **UK – Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama) Association Agreement**

This agreements seeks to grant continuity to the trade element of the EU-Central America Agreement, applied provisionally since 2013.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications. A cumulation rule of origin will allow EU inputs to count towards good’s eligibility for preferential treatment (as either UK- or Andean country-produced).

In a joint declaration, the UK pledged “to continue to accept for a time-limited period certain goods that meet EU regulatory requirements … without any need for reassessment.”28

**Agricultural and fisheries products**: lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends.

**Public procurement**: increased liberalisation.

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27 See Article 105 of the EU agreement; see DIT, Report on continuing the UK’s trade relationship with Colombia, Ecuador and Peru, June 2019, para. 96: "The provisions of the article in the EU-Andean Countries Trade Agreement apply specifically to the relationship between the two trading blocs and was inspired by the operation of the EU Single Market, which it is UK policy to leave. Therefore, we have agreed to remove the entirety of Article 105 from the UK-Andean Countries Trade Agreement."

28 Joint Declaration on Technical Barriers to Trade. A footnote to this declaration clarifies that “the UK will notify the Republics of the CA Party when an end to the time period is determined.”
Social cooperation: the parties committed to cooperate in raising and upholding labour rights, non-discrimination on grounds of gender and **fighting drug-trafficking and organised crime**.

13. **UK – Lebanon Association Agreement**

This agreement grants continuity to the EU-Lebanon Association Agreement of 2002, entered into force in 2006. The UK agreement was concluded on 22 October 2019.

Trade in goods: removal (or reduction) of tariffs and other trade barriers.

**Agricultural and fisheries products**: lower tariffs, increases tariff-rate quotas.

**Cooperation**: the parties committed to promote sustainable agricultural practices and environmental protection, to support each other’s tourism policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

14. **UK – Tunisia Association Agreement**

This agreement grants continuity to the EU-Tunisia Association Agreement of 1995, entered into force in 1998. The UK agreement was concluded on 25 October 2019.

Trade in goods: removal (or reduction) of tariffs and other trade barriers. On the alignment of industrial standards, the references to EU rules are removed (thus weakening the commitment).

**Agricultural and fisheries products**: lower tariffs, increases tariff-rate quotas.

**Cooperation**: the parties committed to promote sustainable agricultural practices and environmental protection, to support each other’s tourism policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

15. **UK – Georgia Partnership and Cooperation Agreement**

The UK-Georgia PCA was concluded on 4 November 2019. It aims to perpetuate the effects for the UK of the EU-Georgia agreement, concluded in 2014 and entered into force in 2016. The EU agreement has a very extensive coverage, and the UK one has too.

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29 See Articles 51(a) and 52 of the EU-Tunisia Agreement.
Trade in goods: tariffs are removed for trade between the member countries on most products. Georgia having agreed in its agreement with the EU to “the measures necessary in order to gradually achieve approximation with the Union's” technical and sanitary standards, as well as customs and public procurement regulations, similar commitments were not possible in the UK one.

Trade in services: concessions are made in sectors like extraction and processing of raw materials, weapons, audiovisual, cabotage, air transport services. Commitments to allow the entry of foreign professionals are included. Specific regimes concern financial, postal, computer and e-commerce services.

Foreign and security policy. The parties commit to engage in political dialogue and domestic reform to enhance democracy and rule of law. They also promise to collaborate in the fight against international crime and in the management of immigration flows.

Intellectual property rights. There is protection for geographical indications (for instance Orkney and Scotch beef and lamb).

**Government procurement**: the parties committed to open their procurement market to goods and providers from the other country (note: Georgia is not party to the WTO Government Procurement Agreement).

**Environmental protection** and labour standards: the parties commit to uphold international standards on environmental protection and labour rights.


The UK wishes to give continuity to the trade arrangements currently governed by the EU-Southern African Development Community EPA signed in 2016 and entered into force in 2018. The EU-SADC EPA is a trade agreement. Besides a largely aspirational section on sustainable development, this is a classical trade agreement with typical regulatory coverage.

Sustainable development: the parties confirm their commitment to contribute to sustainable development, including social development and *environmental protection*.

Trade in goods: tariffs are reduced or removed. Other trade obstacles are removed. Customs procedures are harmonised.

Trade in services and investments: the parties set a framework for negotiating concessions beyond the WTO General Agreement on Trade in Services.

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30 EU-Georgia Agreement, Article 47(1); Article 55(1); Article 75; Article 145.
Agriculture: export subsidies are removed, and so are tariffs and quotas for goods entering the EU.

17. UK – EFTA states (Norway, Iceland and Lichtenstein) - WITHDRAWN

The EFTA states currently participate in the European Economic Area (EEA) with the UK. The EEA Agreement will not apply to the UK after Brexit. The UK Government has agreed on 20 December 2018 on a draft “Agreement on arrangements between [the EFTA states and the UK]” following Brexit.

This Agreement is largely devoted to citizens’ rights – that section is not analysed. Part Three of the Agreement is titled “Separation provisions” and addresses trade and other matters.

This Agreement largely mirrors the similar provisions of the Withdrawal Agreement (related to the EU rather than the EFTA). There still is no self-standing treaty with EEA upon which it is possible to comment.

On March 18, 2019, news outlets announced that the UK had agreed on the text of a roll-over agreement with Norway and Iceland. The text is not available for comments but is presumed to follow the 2018 draft. It has been reported that, in case of no-deal, the treaty would only cover tariffs. The entire roll-over of the EEA regime would only occur if the UK agrees to a deal with the EU.

UPDATE  https://www.gov.uk/government/collections/agreement-on-trade-in-goods-between-iceland-norway-and-the-uk. With the entry into force of the 2019 Withdrawal Agreement, the roll-over agreement was “withdrawn” (i.e., it did not enter into force). After the transition period, it is expected that a newly negotiated EFTA-UK treaty will enter into force.32

Trade in goods: goods placed on the market before Brexit can remain in circulation (including agricultural and fisheries products).

Geographical indications: existing GIs will be protected.

Mutual assistance in criminal matters: current arrangements (redolent of EU law) in this field will remain in force until the end of the transition period.

Government procurement: current EU-like arrangements are extended for the duration of the transition period.

31 The DIT added a footnote on its webpage listing the transition agreement: “The UK signed a trade agreement in goods with Iceland and Norway on the 2 April 2019. This agreement was signed to maintain continuity of trade and was part of preparations for a potential ‘no deal’ Brexit. It will not now enter into force.”

18. UK – Jordan Association Agreement

The UK wishes to give continuity to the trade arrangements currently governed by the EU-Jordan agreement concluded in 1997, entered into force in 2002 and integrated by a protocol on dispute settlement in 2011. UK and Jordan concluded the Agreement in November 2019. Besides largely aspirational sections on political dialogue, human rights protection and sustainable development, this is a classical trade agreement with typical regulatory coverage.

Trade in goods and services: removal (or reduction) of tariffs and other trade barriers. A cumulation rule of origin will allow EU inputs to count towards good’s eligibility for preferential treatment (as either UK- or Jordan-produced).

**Agricultural and fisheries products**: lowers tariffs, increases tariff-rate quotas. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends. The UK retains the right to apply an Entry Price System on a range of agricultural products (imposing an extra duty when goods come at a price below a pre-determined level).

Level playing-field: rules on competition, state aid and State-owned companies were removed from the text. The corresponding rules in the EU-Jordan agreement relied on EU law. The FCO policy paper mentioned that the agreement will “not affect the financial support the Government provides to UK agricultural and fishing industries and is not expected to have an impact on trade flows.”

Cooperation: the parties committed to promote sustainable agricultural practices and environmental protection, to support each other’s tourism policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

19. UK – Kosovo Partnership, Trade and Cooperation Agreement (PTCA)

This agreement seeks to give continuity to the Stabilisation and Association Agreement between the European Union of 2015, entered into force in 2016. The government reported to have “regularly updated the Devolved Administrations,” “offered briefings on the agreements, where appropriate, at the request of the DAs” and to “welcome[] the views of the DAs … as progress is made.”

33 Compare with Chapter 2 of the EU-Jordan Association Agreement.
35 Explanatory Memorandum, Command Paper No: CP201.
Trade in goods: tariffs are removed for trade between the member countries on most products. Kosovo having agreed in its agreement with the EU to “the measures necessary in order to gradually achieve approximation with the Union’s” technical and sanitary standards, as well as customs and public procurement regulations, similar commitments were not possible in the UK one. Unilateral tariff preferences granted by the UK based on a WTO waiver (for development purposes) are maintained. A cumulation rule of origin will allow EU inputs to count towards good’s eligibility for preferential treatment (as either UK- or Kosovo-produced).

Trade in services: the parties recognised the substantial alignment of their rules, and acknowledged that in case of future divergence several concessions might not operate and consultations can be necessary.

Level playing-field: the treaty gives continuity to the EU treaty provisions on antitrust, state aids and State-owned companies. Reference to EU law is removed.

Foreign and security policy. The parties commit to engage in political dialogue and domestic reform to enhance democracy and rule of law. They also promise to collaborate in the fight against international crime and in the management of immigration flows.

Intellectual property rights. There is protection for geographical indications (for instance Orkney and Scotch beef and lamb), but the UK no longer commits to the protection of EU GIs.

Government procurement: the parties committed to open their procurement market to goods and providers from the other country (note: Kosovo is not party to the WTO Government Procurement Agreement).

Environmental protection: the parties commit to uphold international standards on environmental protection and labour rights.

20. UK – Morocco Association Agreement

This agreement was signed on 26 October 2019, and seeks to give continuity to the EU-Morocco Association Agreement, signed in 1996 and entered into force in 2000, and integrated by a 2010 protocol on dispute settlement. Besides largely aspirational sections on political dialogue, human rights protection and sustainable development, this is a classical trade agreement with typical regulatory coverage.

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36 See Article 73A: “Notwithstanding that this Agreement does not commit Kosovo to approximate its legislation to that of the United Kingdom, the Parties recognise that there is an alignment of their legislation as a result of the EU-Kosovo Agreement in the relevant sectors. The Parties agree that the operation of the [several liberalisation] provisions of this Agreement depends upon the continued alignment of their legislation in the relevant sectors …”.
Trade in goods and services: removal (or reduction) of tariffs and other trade barriers. A cumulation rule of origin will allow EU inputs to count towards good’s eligibility for preferential treatment (as either UK- or Morocco-produced).

**Agricultural and fisheries products:** lowers tariffs, increases tariff-rate quotas. Special safeguards (higher tariffs) are allowed when imports reach a high level. Tariff-rate quotas were updated to account for the size of the UK economy, based on historical trends. The UK retains the right to apply an Entry Price System on a range of agricultural products (imposing an extra duty when goods come at a price below a pre-determined level).

**Level playing-field:** rules on competition, state aid and State-owned companies were removed from the text. The corresponding rules in the EU-Jordan agreement relied on EU law. The FCO policy paper mentioned that the agreement will “not affect the financial support the Government provides to UK agricultural and fishing industries and is not expected to have an impact on trade flows.”37

**Cooperation:** the parties committed to promote sustainable agricultural practices and environmental protection, to support each other’s tourism policies, to cooperate in the fight against drug trafficking and money laundering, and to engage in a dialogue on social matters (unemployment, rehabilitation, equal treatment, labour relations).

21. **Other trade-related agreements**

**UK – Australia agreement on trade in wine**

This agreement replaces the EU-Australia agreement, which it incorporates for ease of reference. It facilitates trade in wine through cooperation, regulatory transparency and recognition of winery techniques and protection of geographical indications (mostly Australian).

**UK – US agreement on trade in wine and distilled spirits**

This agreement replaces the EU-US agreement, which it incorporates for ease of reference. It facilitates trade in spirits and wine through cooperation, regulatory transparency and recognition of winery and distillery techniques and protection of geographical indications (including Scotch and Irish Whisky).

**UK – New Zealand Agreement on Trade in Live Animals and Animal Products**

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This agreement replaces the EU-NZ agreement, which it incorporates for ease of reference. It facilitates **trade in animal products** through cooperation, regulatory transparency and mutual recognition of sanitary measures.

**Mutual Recognition agreements with New Zealand and Australia**

The agreement facilitates trade in goods between the parties, through mutual recognition of certain technical standards. The sectors covered include: Medicinal products; Medical devices; Telecommunications terminal equipment; Low voltage equipment; Electromagnetic compatibility; Machinery; Pressure equipment.

**Mutual recognition agreement with the US**

Mutual recognition agreements (MRA) seek to facilitate trade establishing a system of equivalence and automatic recognition between two countries’ certification and inspection systems on certain products. The UE-US MRA covers these sectors: Telecommunication Equipment; Electromagnetic Compatibility (EMC); Electrical Safety; Recreational Craft; Pharmaceutical Good Manufacturing Practices (GMPs); Medical Devices and Marine Equipment.

**Agreements on foreign insurance providers**

UK-US agreement on prudential measures on insurance and reinsurance. Makes it easy to operate in the UK for US insurance providers (and vice versa).

UK-Switzerland agreement on direct insurance: insurers can access the market of the other country and operate there under the same conditions applicable to local competitors.

**Agreement with Chile on the mutual recognition of organic products**

The agreement seeks to expand on the commitments under WTO law (agreement on Technical Barriers to Trade) regarding the **recognition of organic products**. It includes a list of products of each party that receive automatic recognition in the other. These products can automatically enter the market of the other party, subject to certain labelling requirements.

**UK-Indonesia partnership on ethical trade in timber products**

Indonesia is one of the countries (others include Ghana, Cameroon, Republic of Congo, Central Africa, Liberia and Vietnam) that concluded with the EU a VPA (voluntary partnership agreement) relating to **ethical trade in timber**. The VPA provides for a legal framework – a licensing system – to ensure that all timber imports into the EU are legally produced.
Air services agreements (with UK, Canada, Switzerland, Israel, Georgia, Morocco, Kosovo, Albania, Iceland)

These agreements regulate the provision of international commercial aviation services between the territories of the parties.

Rail and Road agreement with Switzerland.

This agreement governs the carriage of goods on the roads of Switzerland and the UK, ensuring liberalised access for road transport carriers to the markets of both countries.

Nuclear cooperation agreements (with Australia, Canada, US, IAEA). These agreements replicate the effects of the EU agreements and the framework of Euratom (the EU agency on nuclear energy). These agreements concern the safety of nuclear power stations, regulation of emissions of radioactivity, basic safety standards for radiation protection, safeguarding of nuclear material, emergency preparedness and trans-frontier shipments of spent nuclear fuel and radioactive waste, as well as movements of radioactive substances. They also facilitate or allow trade in goods, materials, research and technology.

Other bilateral trade and trade-related agreements targeted by the UK for replacement (analysis on EU texts)

22. UK – Canada Comprehensive Economic and Trade Agreement

The Update noted that the new UK agreement would cover “the same aspects of trade (chapters) as the existing EU-Canada agreement (CETA).” A draft text is not available yet. The Update listed the UK-Canada agreement among those close to “being finalised. “That reference is presumably no longer reliable, and the corresponding annotation now is “engagement ongoing”.

It is important to note that CETA covers a range of issues that go beyond trade liberalisation. Here is a quick overview of matters covered by CETA.

Trade in goods and services: removal of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications.

Agricultural products: lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level.

Public procurement: increased liberalisation (prohibition to discriminate against Canadian suppliers and goods).
Sustainable development: commitments to uphold environmental protection and labour rights; including commitments to fight trade in fisheries, forest and environmental goods sourced illegally or unsustainably.

Investment protection: protection of foreign investors and investments; specific dispute settlement system to resolve investor-State disputes.

Fair trade practices: regulation on antitrust, competition, subsidies.

Intellectual property: enhanced protection to intellectual property, including Geographical Indications.

23. UK – Japan

Currently, there is no publicly available evidence that this treaty is being drafted, other than the DIT’s message that “[t]he UK and Japan have agreed to negotiate a new bilateral agreement using the existing EU agreement as a base, looking for opportunities to enhance areas of mutual interest.”38

The conclusion of the roll-over agreement with Korea could bode well for the finalisation of a similar treaty with Japan.39 Japan is reportedly making demands to soften restrictions on foodstuff adopted after Fukushima’s accident, and obtain reassurance that UK’s exit from the EU will not affect the plans of Japanese companies that established a production centre in the UK.40

A list of “demands” has been presented by the Japanese government to the UK, many of which seeks to minimise the disruption to Japanese businesses that were operating across the EU single market.41

The coverage of the EU-Japan Economic Partnership Agreement is the widest among the EU’s trade agreements. It overlaps with that of the CETA (except the chapter on investments) and has some additional elements.

Trade in goods and services: removal of tariffs and other trade barriers; wider concessions in services and framework for mutual recognition of qualifications. Specific focus on the automotive industry: the parties adopted common standards to facilitate trade in this sector.

40 In particular, it is noted that “Japanese manufacturers such as Nissan Motor Co (7201.T) built plants in Britain because it offered a convenient gateway to the EU,” see https://www.reuters.com/article/us-britain-eu-trade-japan/ukrs-raab-wants-ambitious-trade-deal-with-japan-idUSKCN20205F.
**Agricultural products**: lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level. Mutual recognition of inspection procedures.

**Public procurement**: increased liberalisation (prohibition to discriminate against Japanese suppliers and goods), including larger access to Japanese procurement sectors (e.g., 48 cities are now bound by the obligations not to discriminate).

Sustainable development: commitments to uphold environmental protection and labour rights; including commitments to fight trade in fisheries, forest and environmental goods sourced illegally or unsustainably.

Fair trade practices: regulation on antitrust, competition, subsidies.

Intellectual property: enhanced protection to intellectual property, including Geographical Indications.

Corporate governance: enhanced (Western) standards of corporate governance: directors’ accountability, transparency, participation in decision-making.

24. **UK – Singapore**

The EU has signed a Free Trade Agreement and an Investment Protection Agreement with Singapore in October 2018. It entered into force in November 2019.

Singapore has expressed its agreement in principle to continue applying the FTA to the UK after Brexit. As of February 2020, the parties are reported to be “working on an agreement”.

The EU-Singapore FTA has a wide coverage that largely corresponds to that of the EU-Japan EPA (see above).

25. **UK – Mexico**

The EU has not yet concluded a modern trade deal with Mexico. In 2018, the two parties have published the text of an agreement “in principle,” subject to legal revision. The new agreement should replace an older 1997 treaty with limited coverage (trade in goods, public procurement, competition rules).

The new agreement should cover many more areas, judging from the “in principle” text.

Trade in goods: tariffs and export duties are eliminated; import and export licensing schemes are harmonised. Customs procedures are streamlined.

**Agricultural and fisheries products**: lowers tariffs, increases tariff-rate quotas and protects Geographical Indications. Special safeguards (higher tariffs) are allowed when imports reach a high level. Mutual recognition of inspection procedures. Access to market for wines and spirits is increased. Pre-clearance for agricultural exports to Mexico is eliminated, as well as the pre-listing of EU establishment exporting animal-based products. There is cooperation on animal welfare and on the fight to antimicrobial resistance.

Trade in services: the parties made extensive concessions in several sectors. Investment protection: foreign investments receive pre-establishment guarantees and protection. Investor-State disputes are brought to a permanent court.

**Public procurement**: the parties added new liberalisation commitments (e.g., procurement to the International Airport of Mexico City).

Intellectual property rights: increased protection compared to WTO standards, and an extensive list of Geographical Indications with automatic protection in the two jurisdictions.

Sustainable development: commitment to observe labour international treaties and multilateral environmental agreements.

Anti-corruption: parties commit to penalise corruption for public officials and consider criminalisation of business corruption.

**26. UK – Turkey**

The EU has with Turkey a Customs Union agreement in force since 1996. There have been talks of updating the current regime into a Deep and Comprehensive Free Trade Agreement comparable to the one between the EU and Ukraine. Currently, the customs union agreement has a narrow coverage. The Department for International Trade confirmed on 21 February 2019 that the Turkey replacement agreement would not be transitioned for exit day, and currently advises that "[t]he UK’s future trading relationship with [countries belonging to the EU Customs Union like Turkey, Andorra, San Marino] will be influenced by the agreement the UK reaches with the EU."43

Trade in goods: trade in industrial goods (not agriculture, steel, coal or goods for public procurement) is liberalised. Turkey must align its regulations to EU laws, and must adopt the same external trade measures of the EU – for instance, the same tariff rates for imports.

**Agriculture**: the parties have agreed to asymmetric preferential tariffs (that is, better than required by the WTO).

27. **Other Agreements**

Among the agreements originally listed in the Update as nearing completion some have remained outstanding.

The Update listed several Air Services agreements with third countries (Montenegro, Jordan, Moldova, Bosnia and Herzegovina, Republic of Northern Macedonia, Norway, Serbia). The function of these agreements would be comparable to that of other air services agreement, detailed above. Some were finalised in 2019 and 2020 (Jordan, Montenegro, Moldova, Northern Macedonia, Norway). Engagement continues with respect to the agreements with Serbia and Bosnia and Herzegovina.

**Agreements on the mutual recognition of certain distilled spirits and spirit drinks with US and Mexico**

These agreements contain lists of **Geographical Indications** of each party, that the other party commits to protect in its market. They cover Scotch and Irish Whisky. The Mexico deal also covers Irish Cream. While the US component was approved (see above), the Mexican part is still under ongoing engagement.

**Other multilateral agreements replaced or targeted for replacement**

The Update refers to a list of EU agreements, some of which are not primarily trade-related, that the UK will endeavour to replace. These being multilateral agreements, they are open for accession to new members. That is, the accession process does not normally entail a negotiation of the text of the agreement.

1. **The International Coffee Agreement**

The Agreement establishes the International Coffee Organisation, responsible for facilitating international cooperation in the trade of coffee. The UK hosts the ICO’s headquarters. Accession was possible until September 2019, but the UK has secured an extension until September 2020.

2. **The International Sugar Agreement**

The Agreement establishes the International Sugar Organisation, responsible for facilitating international cooperation in the trade of coffee. The UK hosts the ISO’s headquarters.

3. **The Grains Trade Convention**
The Convention establishes the International Grains Council, responsible for facilitating international cooperation in the trade of coffee. The UK hosts the IGC’s headquarters.

4. Civil justice agreements

On 28 December 2018, the UK sought accession to two Hague Conventions regarding civil justice matters. The 2007 Convention on the international recovery of child support and other forms of family maintenance establishes a system facilitating cross-border recovery of family maintenance payments. The 2005 Convention on choice of court agreements ensures the effectiveness of the parties’ agreement indicating which courts are competent to hear contractual disputes relating to trans-border transactions.

5. Fisheries agreements

The Update lists a series of multilateral environmental agreements relating to cooperation in fisheries. After Brexit, the UK will have to accede to these agreements in its own right.

Some of these treaties related to “Regional Fisheries Management Organisations” (RFMOs). RFMO parties cooperate to conserve and manage shared fish stocks. The relevant agreements are the Convention on future multilateral cooperation in North-East Atlantic fisheries (Multilateral); International Convention for the Conservation of Atlantic Tuna (ICCAT); Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO); Convention for the Conservation of Salmon in the North Atlantic Ocean (NASCO); Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).

The Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas establishes a cooperation system to ensure fishing vessels’ compliance with international measures for the conservation and management of the living resources of the high seas.

The Agreement on Port State measures to prevent, deter, and eliminate illegal, unreported and unregulated fishing strengthens international cooperation on the fight against irregular fishing practices.

6. Other multilateral agreements

The Kimberley Process Certification Scheme

This agreement establishes a certification scheme to ensure that only “conflict free” diamonds are traded internationally.

Customs agreements
The Common Transit Procedure Convention (CTC) and the Convention on the simplification of formalities in trade in goods (SAD) facilitate custom procedures. The CTC does so by temporarily suspending duties and other charges on imported goods until they reach their final destination. The use of the single administrative document reduces the administrative burden of custom checks and increases the standardisation and harmonisation of data collected on trade.

INTERBUS

This agreement allows for coach services between EU countries and Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Turkey and Ukraine.

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