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Baroness Verma and the Rt. Hon. the Lord Whitty
Chairs
EU External Affairs and Internal Markets Sub-Committees
House of Lords,
London, SW1A 0PW

28 February 2017

Dear Baroness Verma and Lord Whitty

BREXIT - THE OPTIONS FOR TRADE

Thank you for your latest report ("*Brexit: the options for trade*") and its thoughtful and rigorous analysis of how the Government might approach a new trading relationship with the European Union following the United Kingdom's withdrawal. Please accept our apologies for the delayed response.

As you will be aware, since the publication of your report the Prime Minister has set out the Government's Plan for Britain, including the 12 principles which will guide the Government during negotiations surrounding the UK's exit from the European Union, and the Government has published a White Paper on the UK's exit from and new partnership with the EU. We will not be seeking membership of the Single Market, but will pursue instead a new strategic partnership with the EU, including an ambitious and comprehensive Free Trade Agreement and a new customs agreement. Our new relationship should aim for the freest possible trade in goods and services between the UK and the EU, that gives UK businesses the maximum freedom to trade with and operate within European markets, and allows European businesses to do the same in the UK.

We are looking for a deal that works for the whole of the United Kingdom, to become stronger, fairer, more united and more outward-looking than ever before. As we develop a future trading framework we are committed to ensure that the interests of the Devolved Administrations are taken into account. We will also take into account the priorities of Crown Dependencies and the Overseas Territories, including Gibraltar, as the UK looks to establish new trade and investment arrangements with the wider world.

The Government appreciates the work of the Committee in relation to our future partnership with the EU. Lord Bridges and Lord Price appeared before your Committee on 13 October to discuss these issues, and appeared again on 8 February 2017 to discuss your upcoming publications “*Brexit: future trade between the UK and EU in services*” and “*Brexit: future trade between the UK and EU in goods*”.

The Government welcomes this report and sets out its response below.

THE UK’S TRADE AS A MEMBER OF THE EU

Recommendation 1) *It is important to distinguish between ‘access to’ and ‘membership of’ the Single Market. Many countries have access to the Single Market through trade agreements and the rules of the WTO. Only EU Member States have full membership of the Single Market—setting, implementing and enforcing all the EU’s rules to enjoy highly liberalised trade in all the areas that the Single Market operates.*

Recommendation 2) *We note that the Government’s aspiration, to secure a bespoke agreement with the EU which ensures open and free trade and control over the UK’s borders and laws, is in tension with the fundamental principles of the Single Market—which require members to accept all the Four Freedoms, including the free movement of persons.*

We accept that access to and membership of the Single Market are not the same, and, as the Prime Minister has said, we respect the position of European Union leaders when they say membership means accepting the “four freedoms” of goods, capital, services and people. We do not wish to undermine the Single Market, or undermine the European Union. Furthermore, being a member of the Single Market would mean accepting all of the EU’s rules and regulations, but without any real say on how they are made. This would mean less control for the UK, and less sovereignty for the UK Parliament, not more. That is why we are leaving the Single Market and will instead pursue an ambitious and comprehensive Free Trade Agreement and a new customs agreement that allows for the freest and most frictionless trade possible with the EU.

Recommendation 3) *Moreover, the Government's desire for a bespoke deal will also need to be compatible with the rules of the WTO, where the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS) prohibit trade agreements focused only on one sector.*

The Government recognises the importance of the WTO for rules-based global trade. The UK is a founding member of both the General Agreement on Tariffs and Trade (GATT) and the World Trade Organisation (WTO). As we leave the EU we will be more able to play a full role in underpinning and strengthening the multilateral system. The UK will pursue an ambitious and comprehensive Free Trade Agreement with the EU, which will be compatible with WTO rules. We have been clear that we are not seeking an agreement focused on a single sector but a wide-ranging new partnership with the EU. This applies to both trade and non-trade issues (such as Justice and Home affairs) alike. As the Secretary of State for the Department for International Trade informed Parliament on 5 December work is already underway to establish the UK's WTO schedules of commitments in a way that replicates our current obligations as an EU Member State to the furthest possible extent.

Recommendation 4) *The Single Market includes clear mechanisms through which to implement, enforce and handle disputes about the rules that govern trade between its members. When the Government is evaluating the different frameworks for trade between the UK and the EU, it should consider what mechanisms it will find acceptable to handle possible future disputes.*

We agree that an important element of a Free Trade Agreement with the EU will be a strong dispute resolution procedure which provides legal certainty to businesses, investors and consumers. There are a number of examples that illustrate how other international agreements approach interpretation and dispute resolution, and Annex A of the recently published White Paper sets out a number of these. However, as noted in the White Paper, the actual form of dispute resolution in a future relationship with the EU will be a matter for negotiations between the UK and the EU, and we should not be constrained by precedent. We will work to secure an arrangement which respects UK sovereignty, protects the role of our courts and provides legal certainty.

MEMBERSHIP OF THE EUROPEAN ECONOMIC AREA

Recommendation 5) *EEA membership would be the least disruptive option for UK-EU trade, not least because it would maintain membership of the Single Market for services. It would also provide partial membership of the Single Market for goods, though businesses would have to comply with rules of origin.*

Recommendation 6) *The process of joining the EEA as a non-EU Member State appears to be technically possible. It is unclear, however, whether other non-EU EEA countries would be amenable to the UK's entry.*

Recommendation 7) *We urge the Government to offer clarity on the legal question of whether the UK would have to leave the EEA Agreement altogether before joining as a non-EU country (under EFTA).*

Recommendation 8) *Becoming a non-EU EEA member would significantly restrict the UK's ability to limit the free movement of persons. It would also require the UK to adopt existing and future EU laws relevant to the EEA Agreement in the same way as an EU Member State, without having any voting rights.*

Recommendation 9) *We see little prospect that the EEA Agreement will be reformed to give the non-EU EEA states voting rights on new EU laws. Thus if it became a non-EU EEA member, the UK would be unable to exercise control over the pace of integration with the EU's laws and practices. As a non-EU EEA state, the UK would be able to negotiate FTAs with third countries, but would be constrained by its obligations to comply with EU law in areas covered by the EEA Agreement. It is unlikely that EFTA's existing FTAs with third countries would be open, or attractive, to the UK.*

As the Prime Minister has said, and as noted in our response to recommendations 1 and 2, we will not be a member of the Single Market and will be seeking a broad new partnership with the EU including a comprehensive Free Trade Agreement. The Government agrees with the Committee's conclusions that being out of the EU but a member of the European Economic Area (EEA) would mean complying with the EU's rules and regulations, without having a vote on what those rules and regulations are. Being an EEA member would mean accepting a role for the European Court of Justice. It would also mean not having control over immigration. As such, we will not seek membership of the EEA.

An attempt to seek a judicial review about whether we need to trigger Article 127 of the EEA Agreement to leave the EEA, and whether this step needs Parliamentary approval, was recently dismissed by the Courts. The Government has been clear about its position. The EEA is an agreement between EU member states and three EFTA countries. As such, the EEA Agreement will no longer be relevant for the UK after we leave the EU. It will have no practical effect.

MEMBERSHIP OF THE EU'S CUSTOMS UNION

Recommendation 10) *A key aspect of Brexit will be the feasibility of the UK remaining part of the customs union: the Government will need to decide early on whether or not the UK should do so. Although Turkey offers an example of a country outside the EU having a customs union with the EU, its participation is fundamentally different from the UK's participation as a full EU Member State.*

Recommendation 13) *A customs union with the EU similar to Turkey's arrangement would require the UK to adopt the EU's standards and regulations for all goods under the customs union arrangement. There would also be common customs procedures.*

After we have left the EU, we want to ensure that we can take advantage of the opportunity to negotiate our own preferential trade agreements around the world. We will not be bound by the EU's Common External Tariff or participate in the Common Commercial Policy. It is in both the UK and EU's interest to see tariff-free trade in goods and for that cross-border trade to be as frictionless as possible. Rather than full Customs Union membership we will seek a new customs arrangement. The Government's guiding objectives for a future customs arrangements are to ensure this trade continues to be as frictionless as possible, whilst being able to negotiate our own preferential trade agreements around the world.

As highlighted in the recent White Paper (page 48, bullet 8.45) there are a number of options for any new customs arrangement, including a completely new agreement, or for the UK to negotiate to include some of the elements of the existing arrangements in its new arrangement with the EU. There are a multitude of arrangements and procedures, supplemented by new technology, which can help facilitate the movement of goods across borders. These are undertaken by the EU and across the world. Take NAFTA for instance. The US, Canada and Mexico manage to operate complex and integrated automotive supply chains across their borders without the need for a formal customs union. Similarly, Norway is out of the customs union while Sweden and Finland are in it - huge volumes of trade flow across these borders. As part of our analysis in this area we are examining examples from around the globe so we can best understand the problems and challenges as well as potential solutions, allowing us to make the best and most informed decision for the UK. However, the precise form of this new agreement will be the subject of negotiation.

Recommendation 11) *We are concerned that the Government appears not yet to have given sufficient consideration to the implications of leaving the EU's customs union. While there may be opportunities to use digital technologies to streamline customs procedures, we are troubled that the Government presently has no estimate of the cost to businesses of administrative delays, compliance with customs checks, and the rules of origin if the UK left the customs union, and that it was unable to confirm whether or not such information would be available before triggering Article 50. Our concerns are made more acute by the implications of leaving the customs union for the UK's land border with the Republic of Ireland.*

As we look to build our future customs relationship with the EU and the rest of the world, we start from a strong position. As a large trading nation, we possess a world-class customs system which handles imports and exports from all over the world, and not just the EU. We already have highly efficient processes for freight arriving from the rest of the world – the vast majority of customs declarations in the UK are submitted electronically and are cleared rapidly. Only a small proportion cannot go through so rapidly, for instance where risk assessment indicates that compliance and enforcement checks are required at the border. The World Bank's Logistics Performance Index shows that HMRC operates one of the world's most efficient customs regimes.

It is in the interests of both the UK and the EU to have a mutually beneficial customs arrangement to ensure goods trade between the UK and EU can continue as much as possible as it does now. This will form a key part of our ambition for a new strategic partnership with the EU. Whatever form that customs arrangement takes, and whatever the mechanism to deliver it, we will seek to maintain many of the facilitations that businesses currently enjoy, whilst aiming that, if there are requirements for customs procedures, these are as frictionless as possible. Whilst we will look at precedents set by customs agreements between other countries, we will not seek to replicate another country's model and will pursue the best possible deal for the UK.

Alongside a new arrangement with the EU, we will look to ensure that the UK's own customs systems and processes continue to be as effective as possible. We have an open mind on how we implement new customs arrangements with the EU and we will work with businesses and infrastructure providers to ensure those processes are as frictionless as possible, including through the use of digital technologies. The Government has engaged extensively with business on this issue and will continue to do so to understand the implications of different options on different supply chains and business models.

We are taking into account the specific circumstances faced by businesses in Northern Ireland, and are committed to negotiating a deal that works for the whole of the UK. As the White Paper says, we are committed to working with the Irish Government and the Northern Ireland Executive to minimise administrative burdens, and to find a practical solution that keeps the border as seamless and frictionless as possible, recognising the unique economic, social and political context of the land border between Northern Ireland and the Republic of Ireland. We are not however going to publish any assessment of potential courses of action that might risk undermining our negotiating position.

Recommendation 12) *Before Article 50 is triggered, the Government should undertake and conclude a rigorous analysis of the cost to business and to taxpayers of leaving the customs union. We will also investigate these issues in greater detail in our follow-up report on future UK-EU trade in goods.*

The Department for Exiting the European Union (DExEU), in conjunction with the Department for International Trade, HM Revenue & Customs, HM Treasury, the Department for Business, Energy and Industrial Strategy (BEIS) and other departments, has been undertaking a wide range of studies on different aspects of UK-EU trade arrangements. This will inform the position we take for the upcoming negotiations with our EU partners. Whatever form the new customs arrangement takes, and whatever the mechanism to deliver it, we will seek to maintain many of the facilitations that businesses currently enjoy, whilst aiming that, if there are requirements for customs procedures, these are as frictionless as possible. Whilst we will look at precedents set by customs agreements between other countries, we will not seek to replicate another country's model and will pursue the best possible deal for the UK. However as noted above, we will not publish anything that might risk undermining our negotiating position.

As was announced in the White Paper, we envisage bringing forward primary legislation in areas such as customs as we build our own customs system. This will of course in part depend on our negotiations with the EU, but it will provide Parliament with ample time to debate, scrutinise, influence and vote on the approach taken in the UK's new customs system.

We look forward to receiving the Committee's follow up report on UK-EU trade in goods in due course.

Recommendation 14) *Despite the Government informing us that all the possible frameworks for future trade between the UK and the EU were 'on the table', the remit of the new Department for International Trade suggests that the Government intends to pursue an independent trade policy.*

As noted in our response to recommendations 10 and 13 we want to ensure that after we have left the EU we can take advantage of the opportunity to negotiate our own preferential trade agreements around the world. We will not participate in the Common Commercial Policy or be bound by the EU's Common External Tariff. The Government has been undertaking a programme of analysis to carefully consider all options available. We have now confirmed that we will not be seeking membership of the Single Market, but will pursue instead a new strategic partnership with the EU, including an ambitious and comprehensive Free Trade Agreement and a new customs agreement. This will also leave the UK free to negotiate its own trade agreements with the rest of the world. The implication of this recommendation is that trade is simply an issue for Governments, however, there is also much that can be done on a business to business level to help facilitate trade and remove barriers. DIT brings together and helps to coordinate all of the UK's efforts on this front.

Recommendation 15) *Seeking to pursue an independent trade policy while coming to an arrangement with the EU's customs union, as Turkey has done, is a difficult balancing act, which would severely curtail the UK's leverage in future trade negotiations with third countries.*

The Government takes note of the Committee's recommendation. After we leave the EU we want to ensure that we can take advantage of the opportunity to negotiate our own preferential trade agreements around the world. But it is in the interest of both the UK and the EU to have a mutually beneficial customs arrangement to ensure goods trade can continue as much as possible as it does now. Our new relationship should include a new customs agreement with the EU, which will help to support our aim of trade with the EU that is as frictionless as possible, whilst allowing us to be able to negotiate our own trade agreements. We do not seek to adopt a model already enjoyed by other countries. We are confident that we will be able to secure a deal that works in the mutual interests of the UK and the EU. We have been clear that we will not be following the approach taken by Turkey and the EU, not least because Turkey continues to be bound by the Common External Tariff in certain sectors.

Recommendation 16) *If it has not done so already, the Government should consider the merits of remaining a member of the EU's customs union as an interim arrangement, until the terms of the UK's future trading relationship with the EU have been settled. We are also conscious of the practical challenges of introducing full customs controls within two years.*

Recommendation 20) *Nonetheless, experience demonstrates that FTA negotiations with the EU are complex and slow moving. We conclude that, even if it were possible to negotiate a FTA within the terms of Article 50, it would be impossible to agree it within two years. It follows that if the Government is minded to seek a FTA as the long-term basis for future UK-EU trade, it should clarify whether it is also considering a transitional trading arrangement.*

We want to have reached an agreement about our future partnership by the time the two-year Article 50 process has concluded. As the Prime Minister outlined we believe a phased process of implementation, in which both the UK and the EU institutions and Member States prepare for the new arrangements, will be in our mutual interest. This will also give businesses enough time to plan and prepare. This might, for example, include customs systems. We have been clear that it is in no one's interests for there to be a cliff-edge for business or indeed for the rest of the country, as we change from our existing relationship to a new partnership with the EU.

Furthermore, as discussed further below, the UK and the EU approach these negotiations from a unique starting point.

A UK-EU FREE TRADE AGREEMENT

Recommendation 17) *The Government has made clear its desire to open negotiations on the future trading relationship between the UK and the EU as part of the withdrawal negotiations under Article 50. This desire will only be fulfilled if both sides agree. Before triggering Article 50, the Government must, as a priority, seek confirmation from all parties that the framework for a future trading relationship will be included within the Article 50 negotiations.*

Article 50 states that the process for withdrawal will take account of the 'framework' of the leaving Member State's future relationship with the EU, and there is a clear connection between the terms of our withdrawal and the future relationship that we want to establish. We do not want to get ahead of the negotiations or set out unilateral positions, and how we take the process forward will be a matter for discussion with the EU institutions and our European partners. But given what is on the face of Article 50 and the connections between our withdrawal and our future relationship, it is our intention to seek to deal with both sets of issues together wherever possible, something that would clearly be in the interests of the EU as well as the UK.

Recommendation 18) *Negotiation of a Free Trade Agreement between the UK and the EU would be unprecedented. While FTA negotiations usually aim to increase market integration between two sides, the UK would start from a position of full integration, and would presumably seek to maintain many aspects of the status quo while reducing integration in some areas.*

The Government takes note of the Committee's recommendation. As noted elsewhere in this report we want the UK to have the greatest possible tariff and barrier-free trade with our European neighbours, to ensure that UK companies have the maximum freedom to trade with and operate within European markets – and to let European businesses do the same here. As the Committee notes, we are starting from a very different position to other countries looking to agree Free Trade Agreements with the EU. Unlike most negotiations these talks will not be about bringing two divergent systems together but about managing the continued cooperation of the UK and the EU. We are confident that it is in everyone's interests to arrive at a mutually beneficial deal.

Recommendation 19) *As, for the time being, the UK is compliant with EU law (and the announcement of the Great Repeal Bill by the Government suggests that in general much of EU law will be maintained in national law, at least in the period immediately following Brexit), the complex issue of harmonising rules and regulations between two sides can be deferred in the short term.*

The Government will bring forward legislation in the next session that, when enacted, will repeal the European Communities Act 1972 on the day we leave the EU. This Bill will end the authority of EU law and return power to the United Kingdom. The Bill will also convert current EU law into domestic law, while allowing for amendments to take account of the future negotiated UK-EU relationship. Parliament (and where appropriate, the devolved legislatures) will then be free to debate whether to keep, amend or repeal EU law to ensure our regulatory system works for the whole of the UK. We will be seeking a future relationship with the EU that should allow for as frictionless trade in goods and services as possible. As part of this we will be finding the best way for the benefits of our common systems and frameworks to continue after we exit the EU.

Recommendation 21) *Even the most advanced FTAs do not provide the level of market access for goods that the UK currently enjoys by virtue of membership of the Single Market. We also note that providing equivalent liberal market access for services in a FTA with the EU would be unprecedented.*

Recommendation 22) *The level of market access the UK is able to negotiate with the EU would depend in part on the extent to which it was willing to accept and adopt EU law or demonstrate equivalence with EU rules. In the medium to long-term the UK may have to continue to update its domestic law to be consistent with EU law.*

As highlighted earlier in this response, we will seek the freest and most frictionless trade between the UK and the EU through an ambitious and comprehensive Free Trade Agreement and a new customs agreement with the EU.

As the Committee have referenced, we are approaching these negotiations from a unique position, quite unlike any other country seeking a Free Trade Agreement with the EU. Not only are we a considerable trading power in our own right, but we have spent the past 40 years as a member of the EU. The UK already has zero tariffs on goods and a common regulatory framework with the EU Single Market. This position is unprecedented in previous trade negotiations. The focus of the negotiations will not be about removing existing barriers or questioning certain protections, but about ensuring new barriers do not arise. Furthermore, while the Single Market does encompass more integration of services markets than most FTAs, it is still far from ubiquitous or complete.

How we go about ensuring the fewest possible barriers to trade between the UK and the EU is a matter for negotiation. Equivalence will of course be an important part of any discussion on our future trading relationship. But we are committed to taking control of our own laws, as the people of the United Kingdom have demanded we must.

Recommendation 23) *The UK and the EU may require stronger institutions than are normally included in FTAs to police their trading relationship. While a UK-EU court could help to achieve this, we note any such arrangement could be subject the decisions of the Court of Justice of the European Union.*

The Prime Minister has been clear that after withdrawal we will take back control of our laws and bring an end to the jurisdiction of the European Court of Justice in the United Kingdom. Leaving the EU will mean that our laws will be made in Westminster, Edinburgh, Cardiff and Belfast.

Negotiations to determine our future relationship with the EU will be very complex. We recognise the importance of ensuring that a future UK-EU agreement will be effectively interpreted and enforced. As noted in our response to recommendation 4, we will be considering the most appropriate approach to dispute resolution as part of securing the best deal possible for the UK in the negotiations with the EU. A number of existing approaches are highlighted in the White Paper – none of which involve direct authority of the Court of Justice of the European Union.

Recommendation 24) *These constraints on a UK-EU FTA notwithstanding, its key benefit would be flexibility. It would not require the UK to accept the principle of the free movement of persons; it would give the UK autonomy over its laws and trade policy with third countries; and it could be supported by separate agreements regarding other areas of interest to the UK if desired. A FTA could also avoid the imposition of tariffs on goods traded between the UK and the EU, although rules of origin would apply.*

Recommendation 25) *We invite the Government to confirm whether it is giving consideration to an Association Agreement, incorporating a FTA, such as that agreed with Ukraine, as the basis for a future political and trade relationship with the EU.*

We do not seek to adopt a model already enjoyed by other countries. The UK already has zero tariffs on goods and a common regulatory framework with the EU Single Market. This position is unprecedented in previous trade negotiations. We are giving careful consideration to the precise form that our future links with the EU should take.

We note the Committee's point on tariffs, and recognise the importance of preferential rules of origin in the context of a Free Trade Agreement.

However, we have also been clear that we are seeking a broad new partnership with the EU. This goes well beyond just a Free Trade Agreement and will seek to ensure continued close cooperation in a wide range of areas from justice and home affairs to defence.

Recommendation 26) *On the balance of evidence, we conclude that the UK is unlikely to be able to retain access to the EU's FTAs with third countries following Brexit, whether they are mixed agreements or not. We urge the Government to confirm that this is the case.*

Recommendation 27) *We doubt that the UK would be able to conclude new agreements to replace EU FTAs with third countries within the two-year timeframe for withdrawal negotiations prescribed by Article 50. Nor, while the UK remains an EU Member State, is it able formally to conclude such negotiations, although we note that substantive preliminary discussions are already being conducted to prepare the ground for future FTAs.*

Recommendation 28) *It follows that the Government must develop a contingency arrangement to secure continuation of the level of market access currently enjoyed by the UK to third countries under EU FTAs, following the completion of withdrawal under Article 50.*

We are seeking to achieve continuity in our trade and investment relationships with third countries, including those covered by existing EU Free Trade Agreements. As the Prime Minister has said, we want to avoid a cliff-edge and to provide certainty where we can. We are exploring ways to achieve this with our trade partners so as to deliver maximum continuity and certainty for businesses once we leave, as well as to ensure continued preferential arrangements for developing countries.

The Department for International Trade (DIT) will lead the UK's ambitions for deepening trade and investment relations with the wider world. We have been clear we will respect our obligations while we remain in the EU, and while we cannot conclude new trade deals until after we have left the EU there is much that can be done to prepare and to achieve now. DIT has already started discussions on future trade ties with countries like Australia, New Zealand and India. Many countries including China, Brazil, and the Gulf States have already expressed their interest in enhancing their trading relationships with us, and the new United States Administration, the world's biggest economy, has said that they are interested in an early trade agreement with the UK. We understand and take seriously the importance of ensuring we have the right resources going forward, and since its creation the Department for International Trade's (DIT) strong and capable trade policy team has quadrupled in size.

TRADE UNDER WTO RULES

Recommendation 29) *If a preferential trade deal were not reached with the EU, then WTO rules would govern trade between the UK and the EU. Of all the trading frameworks considered in this report, reliance on WTO schedules would lead to the most dramatic change in the UK's terms of trade with the EU.*

Recommendation 30) *Trade in goods would face significant tariffs, and trade in services would be subject to much greater restrictions. Regulatory restrictions, geographic indicators, and standards are largely untouched by WTO agreements. If it were to trade with the Single Market under WTO rules, the UK would therefore face a significant number of non-tariff as well as tariff barriers.*

We are confident that if we approach our negotiations with a spirit of goodwill we can deliver a positive deal that works to the mutual benefit of all. This is in the interests of both the UK and Europe. While we hope to secure a deal providing as frictionless cross border trade as possible, it is important to recognise that even under WTO rules, in the absence of an agreement with the EU, we would still be free to trade with the EU and rest of the world and embrace policies that would attract companies and investors to the UK. In any eventuality we will ensure that our economic and other functions can continue.

Recommendation 31) *In order to have a trade policy independent of the EU, the UK will have to negotiate and secure agreement to its schedules of concessions (the commitments countries make at the WTO on tariffs, quotas and subsidies). We welcome the fact that the Government has begun to engage with the EU and the WTO about developing and securing UK schedules of concessions.*

We agree that establishing UK schedules of commitments at the WTO is a prerequisite for establishing a trade policy independent of the EU. As the Secretary of State for the Department for International Trade informed Parliament on 5 December work is already underway on this. Our aim is to establish our schedules in a way that replicates our current obligations as a EU Member State to the furthest possible extent. We are committed to doing that in a manner which has the full confidence of WTO members. We have already had contact with a wide cross section of the WTO membership and that process will intensify over the coming months.

Recommendation 32) *Although the Government is confident that this process will be purely technical, a number of political factors could complicate certification. For example, the views of other WTO members, particularly on tariff rate quotas, and on whether the UK and the EU's actions could be considered to be a 'modification' rather than simply a 'rectification' of the EU's schedules, may complicate agreement.*

WTO members frequently have cause to modify or rectify their schedules and there are well-established procedures for doing so. We will follow those procedures. We recognise that there are a number of factors which could complicate this technical process. It will therefore be important to maintain dialogue with all WTO members in order to deal with any complications as they arise in an open and expeditious manner.

Recommendation 33) *Under WTO rules, the UK would only have to comply with EU standards and regulations in those goods and services it traded with EU Member States. However, we note that the EU has played an important role in setting global standards: EU standards have been accepted by third countries with which the UK might wish to trade.*

We recognise the key role that voluntary standards play in enabling international trade, both as a way of enabling interoperability between companies around the world, and as the easiest route of demonstrating compliance with a range of requirements. Over time, standards have been increasingly developed at a global level. These international standards are then adopted at regional, including European, and national levels.

The British Standards Institution (BSI) will retain its membership of international standards organisations, such as the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC), after exit and we expect the UK to continue to play a leading role in driving the development of global standards.

The European Standards Organisations – CEN, CENELEC and ETSI - are not EU bodies, though they have a special status in the EU. Approximately 25 per cent of published European standards have, in part, and whilst still voluntary, been developed by the European Standards Organisations as a result of requests from the European Commission. This subset of standards provides businesses with a way of demonstrating compliance with EU product laws, such as with respect to gas appliance rules.

We are working with the BSI to ensure that our future relationship with the European Standards Organisations continues to support a productive, open and competitive business environment in the UK.

Recommendation 34) *While the WTO has its own dispute resolution mechanisms, they are only accessible to businesses and individuals through governments and the process is often lengthy. Unlike in the EU, breaches cannot be remedied in the national courts, and it may take many years to change the practices of a trading partner through sanctions.*

Formal WTO dispute cases are currently managed on our behalf by the European Commission. The Government is developing the approach it will take to initiate and defend disputes in the WTO which we intend to be in place before the UK exits the European Union. The WTO dispute arrangements are one mechanism in a suite of options available for addressing trade related issues and disputes (for example we also work through our network of embassies, consulates and other posts around the world and can raise issues in one of the various WTO committees). These allow for many concerns to be resolved before triggering formal WTO dispute proceedings. We recognise the importance of ensuring that a future UK-EU agreement will be effectively interpreted and enforced. As noted in our response to recommendation 4, we will therefore, among other factors, be considering the most appropriate approach to dispute resolution as part of securing the best deal possible for the UK in the negotiations with the EU.

Recommendation 35) *Whatever framework the Government adopts, it will also need to establish a domestic authority for trade remedy investigations, to replace the work currently undertaken by the Commission on behalf of EU Member States. This will require capacity-building in a specialised area of law. This may take a considerable time, and should therefore be an early priority in preparing for Brexit.*

Work is in hand to develop an independent trade remedies framework for the UK, and includes the need to develop an investigative function by recruiting and training staff.

THE GOVERNMENT'S APPROACH

Recommendation 36) *We recognise that the Government is engaging with industry stakeholders, but are not convinced that the level of engagement and expertise within government are commensurate with the scale of this unprecedented task, particularly given the Government's commitment to trigger Article 50 by the end of March 2017.*

Recommendation 37) *We shall address the issue of engagement with stakeholders further in our forthcoming reports on the future trade relationships between the UK and the EU for goods and services.*

The Government has held thousands of visits, meetings and events with businesses since the June 23 referendum. DExEU Ministers and officials have played a major part in this effort meeting businesses in every sector across the economy and visiting every region of the UK to hear and engage with the issues, challenges and opportunities our EU exit may cause.

DExEU Ministers have:

- Hosted 11 roundtable meetings with the retail, energy, aviation, automotive, infrastructure, chemicals, professional and business services, agriculture and food, technology, fintech and financial services sectors. DExEU Ministers have met with more than 150 businesses in these roundtables alone.
- Joined Ministers across Government in roundtables across all sectors including life sciences, farming, fisheries, environment, tourism, road haulage and transport, financial services, arts and museums, data protection, sports, construction and creative industries. DExEU Ministers have met with a further 150+ businesses in these events.
- Joined 18 more roundtables around the country. These were held with the Manchester Growth company, the Thames Valley local enterprise partnership, the New Anglia local enterprise partnership, Portsmouth Council, chambers of commerce in Nottingham, Birmingham and Leeds, universities in Glasgow, Cambridge and Cardiff, faith groups in Yorkshire, the Zoological Society of London and business organisations representing house builders, aerospace and defence, retail investment trusts, business services, business and academia in Cambridge and business in Cheltenham.
- Visited 11 regions of the UK, on 32 separate visits, speaking to hundreds of businesses.

DIT Ministers have:

- Been on 64 ministerial visits to 41 markets undertaken on 46 separate overseas trips to build on our trade and investment links with key trading partners around the world.
- Established a series of working groups with key trade partners. Nine working groups have been announced: Australia, China, the Gulf Cooperation Council (GCC), India, Israel, New Zealand, Norway, Turkey and South Korea. DIT is aiming to further increase our ability to access markets with a trade policy that has a global outlook.

Stakeholder engagement on EU exit is a whole government effort. Ministers and officials across Whitehall have had thousands of meetings with UK and EU businesses from every sector of the economy. This engagement forms a central element of our plan to get the right deal for Britain, as detailed in the White Paper.

Our work of active listening will continue as we progress towards invoking Article 50, with a focus on engaging around specific issues to generate an even deeper understanding of sectoral perspectives.

DExEU Ministerial meetings are published on a quarterly basis and can be found at [GOV.UK](https://www.gov.uk) (and see **Annex A**).

We look forward to receiving the Committee's forthcoming reports on goods and services.

Recommendation 38) *The Government appears to be underestimating the resources required to negotiate a bespoke deal with the EU, to adopt its WTO schedules, and to agree future trading relationships with third countries. We urge the Government to increase significantly the capacity of the Department of International Trade and the Department for Exiting the EU, and we also call on the Government to provide a clear estimate of the number of staff it will need to recruit to both departments, and the cost that this will incur.*

DExEU is equipping itself with the resources it needs to get the best deal for the UK. In order to do this resourcing levels are kept under regular review to ensure they are sufficient to deal with the task at hand. Since July 2016 the Department has grown rapidly; it now has over 300 staff and is continuing to grow. We understand the importance of ensuring we have the right resources as we establish a new trade and economic relationship with the EU and are confident that we are equipping ourselves to do so.

The Department for International Trade's (DIT) strong and capable trade policy team has quadrupled in size since its creation. DIT will continue to expand trade policy capability and hire the brightest and best talent from within the UK civil service and elsewhere. The 2016 Autumn Statement announced that additional resource will be allocated to DIT to strengthen trade policy capability in cooperation with the FCO (£79.4m over the course of this Parliament). This will ensure the Department can build on the trade policy team's expertise and experience to operate and negotiate on the global stage.

Recommendation 39) *We are concerned that Government will not be able to recruit the necessary additional skilled personnel to undertake engagement and analysis before Article 50 is triggered. We are also concerned that this timetable is putting considerable strain on resources across government, and has resource implications for the devolved administrations.*

The Civil Service is focused on delivering this Government's commitment to leave the EU and get the very best deal for the whole of the UK. We are equipping ourselves with the right people and the right skills across Government to make this happen. Departments are building up their capacity in their own areas of responsibility and DExEU will be working closely with every Government department to ensure that the full range of opportunities are taken and risk mitigated across every area of Government policy.

DExEU is drawing together expertise from a wide range of departments where there is specific relevant knowledge. The Government is united in its ambition to deliver a successful withdrawal from the EU and a new relationship with Europe, and departments will work together to deliver this.

DExEU itself has grown rapidly; it now has over 300 staff and is continuing to grow. The Department estimates its headcount will be around 400 by the end of the financial year, following further recruitment including a successful external campaign. The Autumn Statement announced additional funding of up to £51m in 2016-17 and up to £94m per year from 2017-18. The full budget for the Department will be presented to Parliament at the Supplementary Estimate as is standard practice.

Recommendation 40) *At this early stage, we note the framework that the Government has put in place to co-ordinate Brexit work across departments. In a fast-moving negotiation, the pressure on cross-departmental working will be intense, and we look to the Government to continue to monitor the framework, and to make improvements whenever they are necessary.*

DExEU has been leading and coordinating cross-Government work to seize opportunities and ensure a smooth process of exit on the best possible terms.

DExEU has engaged closely with departments to map the full list of possible policy changes needed and to ensure that implementation of these changes remains carefully coordinated with the negotiations. DExEU keeps its approach to cross-Government work under constant review.

EVALUATING THE FRAMEWORKS

Recommendation 41) *Negotiations on a new trade relationship with the EU will be conducted against an extraordinarily difficult political and institutional backdrop.*

As the Prime Minister has noted we are approaching the negotiations in the spirit of goodwill. We do not want to undermine the Single Market, and we do not want to undermine the EU. We want the EU to be a success and for its remaining Member States to prosper politically and economically, as we are making clear to our interlocutors. And of course we want the same for the UK. While negotiations will doubtless throw up challenges, we trust that our commitment to approach them in a positive manner with a focus on our mutual interests will be shared by our European partners.

Recommendation 42) *Many elements of the different frameworks for future trade between the UK and the EU and between the UK and third countries are interwoven. Nonetheless, it is clear to us that the current priorities are the UK's relationship with the EU and its schedules at the WTO. The UK's future trading relationship with third countries will be vital in the longer term, but will inevitably be contingent on what is negotiated with the EU and at the WTO. Negotiations need to be sequenced accordingly.*

As the Prime Minister has said, a vital part of building a truly Global Britain is having the ability to strike trade agreements with countries from outside of the EU. As referenced in our responses to recommendations 26-28, while we are a member of the EU we will continue to respect the rights and obligations that membership confers. However, the UK is free to have discussions with other countries about our post-EU trading relationships and we will continue to take these forward to make sure the UK is well placed to take advantage of the opportunities that leaving the EU offers.

Recommendation 43) *The notion that a country can have complete regulatory sovereignty while engaging in comprehensive free trade with partners is based on a misunderstanding of the nature of free trade. Modern FTAs involve extensive regulatory harmonisation in order to eliminate non-tariff barriers, and surveillance and dispute resolution arrangements to monitor and enforce implementation. The liberalisation of trade thus requires states to agree to limit the exercise of their sovereignty. The four frameworks considered in this report all require different trade-offs between market access and the exercise of sovereignty. As a general rule, the deeper the trade relationship, the greater the loss of sovereignty.*

The Government notes the committee's recommendation. As highlighted previously in this response we are in an unprecedented position; the UK has zero tariffs on goods and a common regulatory framework with the EU Single Market, and we have achieved deep integration and harmonisation as members of the EU. We will pursue an ambitious and comprehensive Free Trade Agreement and a new customs agreement with the EU. We will aim for the freest possible trade in goods and services, whilst taking control of our own laws and bringing an end to the jurisdiction of the European Court of Justice in the United Kingdom. As noted in our response to recommendation 4, we will, among other factors, be considering the most appropriate approach to dispute resolution as part of securing the best deal possible for the UK in the negotiations with the EU.

Recommendation 44) *Businesses are operating in conditions of considerable uncertainty. Uncertainty undermines investor confidence, and is thus in itself a significant threat to the UK economy. An important step in reducing this uncertainty would be to confirm the Government's plans.*

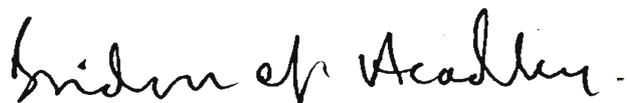
The Government is committed to providing certainty during the negotiations. We recognise how important it is to provide business, the public sector, and everybody with as much certainty as possible as we move through the process of exit. Wherever we can offer that certainty without undermining our negotiating position, we will do so. Our intentions are set out in more detail in the first chapter of the recently published White Paper

Recommendation 45) *Brexit will dramatically alter the UK's trading relationship with its biggest trading partner, the EU. The evidence we have heard underlines the importance of establishing transitional or interim arrangements to mitigate the shock that would follow were the UK to leave the EU under the terms of Article 50 without securing agreement on future trading relations with the EU.*

Recommendation 46) *A transitional agreement will therefore almost certainly be necessary. We see little evidence that agreeing a transitional arrangement would put the UK's wider interests at risk. Quite the opposite: a transitional arrangement would allow negotiations to be conducted in a less pressured environment, benefiting all concerned. We urge the Government to establish at the outset of negotiations a clear 'game plan' for a future transitional agreement, with specific proposals as to what form it should take.*

We are aiming for a smooth, mutually beneficial exit. As the Prime Minister has said, it is in no one's interests for there to be a cliff-edge for business or a threat to stability as we change from our existing relationship to a new partnership with the EU. We will not, however, seek a form of unlimited transitional status. Rather we expect a phased process of implementation following the Article 50 process, in which both the UK and the EU institutions and Member States prepare for the new arrangements that exist between us. This will give businesses enough time to plan and prepare in turn.

Yours sincerely,



**LORD BRIDGES OF HEADLEY MBE
PARLIAMENTARY UNDER SECRETARY OF STATE
FOR EXITING THE EUROPEAN UNION**



**LORD PRICE
MINISTER OF STATE FOR TRADE POLICY
DEPARTMENT FOR INTERNATIONAL TRADE**

Annex A - DExEU Ministerial meetings July - September

Minister	Date	Name of organisation or individual	Purpose of meeting
The Rt. Hon David Davis MP, Secretary of State for Exiting the European Union	July 2016	Guto Harri (Liberty Global)	Discussion on impact of UK exit from EU
	July 2016	Frances O'Grady (General Secretary, Trades Union Council)	To discuss concerns of members over Brexit
	August 2016	National Federation of Fisherman's Organisations	Discussion on impact of UK exit from EU
	August 2016	Universities UK	Discussion on impact of UK exit from EU
	August 2016	TheCityUK	Discussion on impact of UK exit from EU
	August 2016	British Chambers of Commerce	Discussion on impact of UK exit from EU
	August 2016	Federation of Small Businesses	Discussion on impact of UK exit from EU
	August 2016	Paul Goodman (Executive editor of ConservativeHome)	Discussion on impact of UK exit from EU
	September 2016	The Observer	Discussion on impact of UK exit from EU
	September 2016	Canadian World Trade Organization Perm Rep Jonathan Fried	Discussion on impact of UK exit from EU
	September 2016	Mark Garvin, Vice Chairman J.P. Morgan	Discussion on impact of UK exit from EU
	September 2016	National Farmers' Union	Discussion on impact of UK exit from EU
September 2016	EEF Manufacturers Organisation	Discussion on impact of UK exit from EU	

September 2016	Confederation of British Industry	Discussion on impact of UK exit from EU
September 2016	Institute of Directors	Discussion on impact of UK exit from EU
September 2016	Alice Enders (Head of Research at Enders Analysis)	Discussion on impact of UK exit from EU
September 2016	The Royal Society	Discussion on impact of UK exit from EU
September 2016	The Royal Academy of Engineering	Discussion on impact of UK exit from EU
September 2016	The Academy of Medical Sciences	Discussion on impact of UK exit from EU
September 2016	The British Academy	Discussion on impact of UK exit from EU
September 2016	Retail Roundtable ASOS Kingfisher Association of Convenience Stores Morrison Supermarkets Associated British Foods (Primark) Marks & Spencer Asda British Retail Consortium The Co-operative Group A.S. Watson John Lewis Partnership Boots Tesco Sainsbury's National Federation of Retail Newspapers Starbucks	Discussion on impact of UK exit from EU.

Robin Walker MP, Parliamentary Under Secretary of State for Exiting the European Union	August 2016	Universities UK	Discussion on impact of UK exit from EU
	August 2016	The CityUK	Discussion on impact of UK exit from EU
	August 2016	British Chambers of Commerce	Discussion on impact of UK exit from EU
	August 2016	Federation of Small Businesses	Discussion on impact of UK exit from EU
	August 2016	National Council of Voluntary Organisations	Discussion on impact of UK exit from EU
	August 2016	BT Group	Discussion on impact of UK exit from EU
	September 2016	Business Services Association roundtable	Discussion on impact of UK exit from EU
September 2016	Roundtable: National Council for Voluntary Organisations ACEVO (Association of Chief Executives of Voluntary Organisations) Charity Leaders Network Social Enterprise UK Charity Finance Group Charities Aid Foundation Institute of Fundraising Association of Charitable Foundations National Associations for Voluntary and Community Action Small Charities Coalition Charity Commission, Large Charities Group	Discussion on impact of UK exit from EU	

September 2016	Roundtable:Santander Allianz HSBC Barclays Aviva Lloyds London Stock Exchange Morgan Stanley	Discussion on impact of UK exit from EU
September 2016	Property roundtable:Land Securities Hammerson Great Portland Estates Eastdil British Land Company British Land Company	Discussion on impact of UK exit from EU
September 2016	Roundtable:World Wide Fund for Nature Royal Society for the Protection of Birds The Wildlife Trusts Friends of the Earth Marine Conservation Society Campaign to Protect Rural England National Trust Woodland Trust Wildlife and Countryside Link Green Alliance Game and Wildlife Conservation Trust Aldersgate Group	Discussion on impact of UK exit from EU
September 2016	The Royal Society	Discussion on impact of UK exit from EU
September 2016	The Royal Academy of Engineering	Discussion on impact of UK exit from EU
September 2016	The Academy of Medical Sciences	Discussion on impact of UK exit from EU

September 2016	The British Academy	Discussion on impact of UK exit from EU
September 2016	Roundtable:Mitie Compass Group Prospects Services Carillion Costain KPMG Bouygues E&S Atos Sopra Steria Pinnacle Group United Health Group Ingeus ENGIE Capita VINCI Facilities Balfour Beatty G4S Serco Interserve Ernst & Young LLP Amey Aecom Aramark Business Services Association (BSA)	Discussion on impact of UK exit from EU
September 2016	Shearman and Sterling	
September 2016	British Irish Chamber of Commerce Reception and Dinner	Discussion on impact of UK exit from EU
September 2016	Roundtable: IBEC (formerly Irish Business and Employers Confederation) Penneys RTE Dublin Airport Diageo Prometric	Discussion on impact of UK exit from EU

		Maxol BT A&LGoodbody CRH Ely Capital	
	September 2016	Roundtable:IBEC (formerly Irish Business and Employers Confederation) Penneys RTE Dublin Airport Diageo Prometric Maxol BT A&LGoodbody CRH Ely Capital	Discussion on impact of UK exit from EU
Lord Bridges of Headley MBE, Parliamentary Under Secretary of State for Exiting the European Union	July 2016	Clifford Chance	Discussion on impact of UK exit from EU
	July 2016	Morgan Stanley	Discussion on impact of UK exit from EU
	August 2016	LSE Group	Discussion on impact of UK exit from EU
	August 2016	British Bankers' Association (BBA)	Discussion on impact of UK exit from EU
	August 2016	US Congressional Delegation	Discussion on impact of UK exit from EU
	August 2016	Universities UK	Discussion on impact of UK exit from EU
	August 2016	City UK	Discussion on impact of UK exit from EU

August 2016	British Chambers of Commerce	Discussion on impact of UK exit from EU
August 2016	National Council of Voluntary Organisations	Discussion on impact of UK exit from EU
August 2016	BT Group	Discussion on impact of UK exit from EU
September 2016	Scotch Whisky Association	Discussion on impact of UK exit from EU
September 2016	Business Services Association	Discussion on impact of UK exit from EU
September 2016	Church of England	Discussion on impact of UK exit from EU
September 2016	Legatum Institute	Discussion on impact of UK exit from EU
September 2016	Marsh & McLennan Companies	Discussion on impact of UK exit from EU
September 2016	Marsh UK & Ireland	Discussion on impact of UK exit from EU
September 2016	RSA Insurance Group	Discussion on impact of UK exit from EU
September 2016	Hiscox Insurance	Discussion on impact of UK exit from EU
September 2016	Ascott Underwriting Limited	Discussion on impact of UK exit from EU
September 2016	Zurich	Discussion on impact of UK exit from EU
September 2016	ACE Group	Discussion on impact of UK exit from EU
September 2016	American International Group (AIG)	Discussion on impact of UK exit from EU
September 2016	Beazley	Discussion on impact of UK exit from EU
September	Guy Carpenter	Discussion on impact of

2016		UK exit from EU
September 2016	Oliver Wyman Financial Services	Discussion on impact of UK exit from EU
September 2016	The Royal Society	Discussion on impact of UK exit from EU
September 2016	The Royal Academy of Engineering	Discussion on impact of UK exit from EU
September 2016	The Academy of Medical Sciences	Discussion on impact of UK exit from EU
September 2016	The British Academy	Discussion on impact of UK exit from EU
September 2016	Institute of Directors	Discussion on impact of UK exit from EU
September 2016	Roundtable ASOS Kingfisher Association of Convenience Stores Morrison Supermarkets Associated British Foods (Primark) Marks & Spencer Asda British Retail Consortium The Co-operative Group AS Watson John Lewis Partnership Boots Tesco Sainsbury's National Federation of Retail Newspapers Starbucks	Discussion on impact of UK exit from EU
September 2016	Peter Hargreaves	Discussion on impact of UK exit from EU
September 2016	Shearman and Sterling	Discussion on impact of UK exit from EU

The Rt. Hon David Jones MP, Minister of State for Exiting the European Union	July 2016	Country Land and Business Association (CLA)	Discussion on impact of UK exit from EU
	July 2016	Farmers' Union of Wales	Discussion on impact of UK exit from EU
	July 2016	National Farmers' Union	Discussion on impact of UK exit from EU
	August 2016	Association of the British Pharmaceutical Industry (ABPI)	Discussion on impact of UK exit from EU
	August 2016	Country Land and Business Association (CLA)	Discussion on impact of UK exit from EU
	September 2016	Roundtable British Air Transport Association British Airways easyJet Virgin Atlantic Flybe Airport Operators Association Heathrow Airport Gatwick Airport Manchester Airports Group Association of British Travel Agents Regional & Business Airports Group Civil Aviation Authority NATS (formerly National Air Traffic Services)	Discussion on impact of UK exit from EU
	September 2016	UK Major Ports and British Ports Association	Discussion on impact of UK exit from EU
	September 2016	Experian	Discussion on impact of UK exit from EU
	September	Roundtable	Discussion on impact of

2016	GlaxoSmithKline AstraZeneca Association of British Healthcare Industries (ABHI) Philips Electronics UK Association of the British Pharmaceutical Industry (ABPI) BioIndustry Association (BIA) Wellcome Trust Sir John Bell Immunocore	UK exit from EU
September 2016	Scottish Fishermen's Federation	Discussion on impact of UK exit from EU
September 2016	Airlines for America	Discussion on impact of UK exit from EU
September 2016	Farmers' Union of Wales	Discussion on impact of UK exit from EU
September 2016	RoundtableHorticultura l Trade Association (HTA) Animal and Plant Health Agency (APHA) Agricultural Industries Confederation (AIC) British Veterinary Association Tenant Farmers Association (TFA) British Growers Association (BGA) Grain Feed and Trade Association (GAFTA) Agriculture and Horticulture Development Board (AHDB) Dairy UK Rural Payments Agency (RPA)	Discussion on impact of UK exit from EU

National Farmers
 Union (NFU)
 Royal Society for the
 Protection of Birds
 (RSPB)
 Central Association of
 Agricultural Valuers
 (CAAV)
 National Federation of
 Young
 Farmers' Clubs
 National Pig
 Association
 Country Land and
 Business Association
 (CLA)
 Campaign to Protect
 Rural

September 2016	National Farmers' Union	Discussion on impact of UK exit from EU
September 2016	Roundtable:ASOS Kingfisher Association of Convenience Stores Morrison Supermarkets Associated British Foods (Primark) Marks and Spencer Asda British Retail Consortium The Co-operative Group AS Watson John Lewis Partnership Boots Tesco Sainsbury's National Federation of Retail Newspapers Starbucks	Discussion on impact of UK exit from EU
September 2016	Fujitsu	Discussion on impact of UK exit from EU

September 2016	Roundtable: The Pew Charitable Trusts New Under Ten Fishermen's Association (NUTFA) National Federation of Fishermen's Organisations (NFFO) UK Association of Fish Producer Organisations (UKAFPO) Marine Stewardship Council Shellfish Association of Great Britain (SAGB) Angling Trust Low Impact Fishers of Europe (LIFE) Marine Conservation Society National Federation of Fishermen's Organisations (NFFO)	Discussion on impact of UK exit from EU
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