



**HOUSE OF LORDS**  
European Union Committee

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The Rt Hon Greg Hands MP  
Minister of State for Trade Policy  
Department for International Trade  
King Charles Street  
Whitehall  
London  
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25 May 2018

Dear Greg,

**OTNYR Council Decision amending and extending Council Decision OTNYR - COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX on certain commercial policy measures concerning certain products originating in the United States of America pursuant to Article 4(1) of Regulation (EU) No 654/2014**

Thank you for your Explanatory Memorandum (EM) dated 8 May 2018 regarding the above document. This was considered by the External Affairs Sub-Committee on 24 May 2018.

We have a number of questions about the impact of Brexit, to which we would be grateful for your response, as below.

Our first question relates to the two sets of countermeasures with different start dates that are included in the appendices to the regulations. The more immediate set of countermeasures, if implemented, will apply from 20 June 2018. While we understand that the draft Withdrawal Agreement suggests that international agreements will continue to apply to the UK during the transition period, we would be grateful if you could confirm whether the UK would continue to apply these tariff countermeasures during that time and what the process for this would be.

Second, what consideration has been given to how (and if) the UK would continue to implement these tariffs should the EU countermeasures continue to be in place after the end of the transition period?

Thirdly, the second set of countermeasures, which are additional further tariffs, will only apply from 20 March 2021 (or upon a WTO determination of inconsistency of the US safeguard measures) – so likely after the transition period has ended. While the UK's current position is one of agreement with the EU on these countermeasures, we would be

grateful for confirmation whether the UK Government will seek to apply the March 2021 tariffs and any mechanisms for doing so. We would also be keen to know, what role, if any, the new Trade Remedies Authority provided for by the Trade Bill will play.

In the meantime, we are keeping this item under scrutiny. We look forward to your response in the usual 10 working days.

I am copying this letter to the Chair of the House of Commons European Scrutiny Committee; Philip Aylett, Clerk of the House of Commons European Scrutiny Committee; Arnold Ridout, Legal Adviser of the House of Commons European Scrutiny Committee; Les Saunders, at the Department for Exiting the EU; and Edwina Osbourne, DfIT Departmental Scrutiny Co-ordinator.

*Yours sincerely,*

*Tim Boswell*

The Lord Boswell of Aynho

Chairman of the European Union Committee