

Briefing note: UK – Japan Comprehensive Economic Partnership Agreement and animal welfare

Executive summary

- The language contained within the UK-Japan Comprehensive Economic Partnership Agreement (UK-Japan FTA)ⁱ, relating to animal welfare, is short, meaningless and doesn't suggest the UK plans to take animal welfare seriously in free trade negotiations.
- There does not appear to be anything within the agreement which permits the UK to reject the import of products that are not produced to our standards.
- Some elements of the agreement could have a chilling effect in respect of the UK adopting higher animal welfare regulations.
- The agreement does not reflect Government promises that we won't allow imports to undermine UK farmers and standards.

Background

The UK-Japan FTA is a rollover agreement of the EU-Japan Agreement. Although the two countries have different interpretations on how different the UK-Japan FTA is to the EU-Japan Agreement, the sections pertaining to animal welfare are the same. The UK Government has presented the UK-Japan FTA as going "far beyond the EU-Japan Economic Partnership Agreement (EPA)" and, whilst there is some additional language in certain areas, this is not the case for the sections relating to animal welfare.

The UK-Japan FTA is a missed opportunity to improve on the EU-Japan Agreement in this area. Other FTAs negotiated by the EU, which the UK seeks to rollover, have stronger language on animal welfare and could have been used as a basis to incorporate such language.

Animal welfare standards in Japan are lower than the UK's on farm animals, with no legislation relating to the main species of farm animalsⁱⁱ, and there is therefore potential for goods produced at lower standards to enter the UK.

The Impact Assessmentⁱⁱⁱ compiled by the Department for International Trade (DIT) is poor on its assessment of impacts on animal welfare. This is disappointing given that HM Government has said this is a red line for them.

Wording on animal welfare

The section on animal welfare (Article 18.17, pg.357) is short and simply states:

"1. The Parties will cooperate for their mutual benefit on matters of animal welfare with a focus on farmed animals with a view to improving the mutual understanding of their respective laws and regulations.

“2. For that purpose, the Parties may adopt by mutual consent a working plan defining the priorities and categories of animals to be dealt with under this Article, and establish an Animal Welfare Technical Working Group to exchange information, expertise and experiences in the field of animal welfare and to explore the possibility of promoting further cooperation.”

This kind of language is meaningless. It does not suggest that UK plans to take AW seriously in FTAs. Indeed, Art 18.16 (pg. 355), regarding “Exchange of information on planned or existing regulatory measures” could have a chilling effect on UK animal welfare legislation, as the process required to notify Japan of any changes to domestic UK legislation could be seen as onerous – leading UK Ministers to determine it is more straightforward to simply not make changes to domestic legislation in the first place.

Other EU FTAs which the Department for International Trade wish to rollover go further in terms of language on animal welfare. The EU-Mexico agreement recognises animals as sentient beings and the EU-Mercosur agreement (still to be ratified) introduces conditionality for the import of egg products by differentiating between those produced in battery cages and those meeting EU standards – over 95% of egg production in Japan is in battery cage systems^{iv} (systems which are illegal in the UK and EU).

Protecting animal welfare and food standards

UK animal welfare standards – and particularly those relating to farm animals – are higher than those of Japan in virtually every area. Yet, worryingly, there does not appear to be anything in the Agreement that allows UK to decline to import food produced to lower animal welfare standards than those of UK. Whilst it is conceivable that the UK does not expect Japan to be a major exporter of agricultural goods, some products will inevitably be exported to the UK – such as Japanese beef. In any case, this lack of protection does not square with HM Government promises that they won’t allow imports to undermine UK farmers and standards.

Not only does the UK-Japan FTA seemingly fail to outright prohibit the import of products not meeting UK standards, it also does not set out any equivalency tests to ensure Japanese agri-food exports meet UK farm animal welfare standards, nor does it propose any form of conditionality to ensure imports meeting UK animal welfare standards would be favoured. It is therefore difficult to understand how the DIT concluded in its Impact Assessment that nothing in the UK-Japan FTA prevents the UK upholding its animal welfare standards - for instance there is no assessment on how future trade in sectors such as beef, eggs and chicken could change due to the new tariff rules.

It is deeply concerning that what DIT has secured in the AW Chapter is weak and meaningless, particularly as similar language risks appearing in the FTAs the Department goes on to negotiate with countries such as Australia and the USA, where the potential DIT caveat about not importing animal derived products wouldn’t apply.

Parliamentary scrutiny of trade negotiations

The Government’s agreement for the Trade and Agriculture Commission to provide such assessments is a welcome step forward. However, as that provision only applies to deals signed from 2021, the Commission will not be able to scrutinise this agreement. This means the already limited scrutiny of free trade agreements offered to parliamentarians is further reduced for this particular FTA.

In light of DIT determining this FTA to be a new agreement, rather than a rollover, it will go through the new measures set out by DIT. The Constitutional Reform and Governance Act 2010

lays down the process for Parliament but crucially does not give it ratification veto, only a means of endlessly postponing ratification. This is in stark contrast to jurisdictions such as the US and the EU, where there is a ratification process for the Parliaments.^v

The short time period for the International Trade Committee to assess the FTA and for the House of Commons to assess and approve the FTA further highlights the lack of transparency under the Constitutional Reform Affairs and Governance Act (CRaG) process and this needs improvement.

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ⁱhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929181/CS_Japan_1.2020_UK_Japan_Agreement_Comprehensive_Economic_Partnership_v1.pdf

ⁱⁱ <https://api.worldanimalprotection.org/country/japan>

ⁱⁱⁱ <https://www.gov.uk/government/publications/uk-japan-cepa-final-impact-assessment>

^{iv} <https://www.japantimes.co.jp/opinion/2020/02/28/reader-mail/companies-shifting-toward-cage-free-eggs/>

^v Scrutiny Comparison Table, Trade Justice Movement

https://drive.google.com/file/d/16dYwqgPrOb4G242nxqpA9Cnz_TQ9WVSf/view