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HOW CAN THE UK PROSPER OUTSIDE THE EU?

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HOW CAN BRITISH TRADE POLICY PROSPER OUTSIDE THE EU?

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WHAT IS TRADE POLICY FOR, AND WHAT MIGHT DRIVE FUTURE UK POLICY?

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What is Trade Policy for?

What is the purpose of trade policy? At one level the answer is obvious: it is the means by which commercial relations between the nation state and the rest of the world are pursued. Yet, it is not only – or even primarily – about relations with foreign firms and governments. In its most ancient form, trade policy was a major means of funding the state, and it still is for many developing countries. In the modern world, the key means of influencing foreigners is domestic policy towards imports, domestic production, and consumption. Where the rules of trade policy, globally and bilaterally, are amenable to change is traditionally foreign policy, but this is subject to there being a clear domestic agenda that can be translated to the international arena.

In general, in order to understand trade policy it is necessary to understand the domestic economic (and social) policy objectives that lie behind it. Sometimes, these domestic objectives are clearly set, and at other times they are the result of path-dependent decisions taken in the past, which resulted in protection from foreign competition at a product or sectoral level. Sometimes trade policy is the key strategic policy. Export-led growth has been a key development policy for many governments, first in post-war Europe, and then in East and South-East Asia, and most recently in China.

What are the tools of trade policy?

It follows that the main tool of trade policy is market access and its reciprocal exchange. Market access can be shallow, meaning the removal of tariffs and quotas on trade in goods, or deep, meaning the reduction (to the point of harmonisation) in regulatory obstacles to trade in goods and services.

Such exchange of market access can take place at global, plurilateral, regional, bilateral and unilateral levels. It can be also be preferential or non-discriminatory. The more trade partners are engaged in negotiations to open up their markets, the less freedom of manoeuvre there is for the negotiators to achieve their domestically important objectives in the context of a particular trade agreement. On the other hand, the more countries that are involved, the greater the potential for aggregate market opening, and the overall effect of increasing market access is to increase competition both at home and overseas.

What is British trade policy post-Brexit?

British post-Brexit trade policy can be summed up in three slogans:

'Global Britain'
'Britain: the (global) champion of free trade'
'Exporting is Great!'

1. A 'Global Britain'

This slogan was, for example, used by Prime Minister Theresa May in her speech at Lancaster House on 17 January 2017. It represents the idea of a UK trade policy that aims to replace trade with the EU with trade from other global trading partners, after increasing trade barriers with the EU by withdrawal from the EU single market and customs union. The idea is to use the UK's new freedom to negotiate bilateral free trade agreements (FTAs) with the USA and Japan and, above all, the fast growing emerging markets, such as the BRICS (Brazil, Russia, India, China, and South Africa), plus the ASEAN and Gulf countries.

A couple of points are important to note. First, the EU has ambitions to negotiate FTAs with these countries too. The British objective is thus to leapfrog those EU agreements, and craft FTAs that more closely fit UK preferences, for example with greater focus on opening up trade in services. Second, as part of the European Union, the UK currently has FTAs with more than 50 countries that are worth 15% of UK exports. These FTAs will lapse with Brexit, as will the trade agreements the UK currently has with 92 developing countries through our membership in the EU. Finally, it should also be noted that the nations and regions of the UK have different economic and export structures, meaning that their policy preferences may be very different from that of the UK government as a whole.

2. A 'Global Champion for Free Trade'

This slogan has been used by Liam Fox MP on various occasions, for example at the World Trade Organization in September 2016 and in the *Daily Express* newspaper on 27 March 2017. It sometimes points in two different policy directions. First, envisioning the UK as a champion for multilateral, non-discriminatory trade negotiations at the WTO. Secondly, it is sometimes used as a different way of expressing the notion of 'Global Britain' described above, i.e. of the UK signing a large number of new bilateral, preferential FTAs. These ideas are not necessarily inconsistent, but the tsunami of preferential agreements around the world is a contributory factor to the difficulties in completing the Doha Round of trade negotiations that had originally been due to finish in 2004.

3. 'Exporting is Great!

This is a slogan that can be found on the website of the Department for International Trade, and in the Green Paper on Industrial Strategy of January 2017. The case for this idea rests on the low numbers of UK firms that export, especially among small and medium enterprises, and the low growth of exports in the UK compared with other competitor countries, notably other members of the EU. Exporting is a way of discovering in what sectors the UK is competitive and is beneficial to the economy to the extent that it increases productivity.

There are three elements to this trade policy. The first is improving export promotion facilities in the UK and overseas. The second is negotiating increased market access in other countries through FTAs. The third is exhortation.

How would we "pay" for increased market access under such a policy? The focus on exports and the use of FTAs (or any liberalisation) begs the question of what would be the reciprocal market access that new partners, such as the US, might demand from the UK. This leads to a number of questions. Will there be policies to act as shock absorbers for displaced workers or differentially affected regions? Will there be the skills to underpin new sectors? Moreover, will exports be able to fill the gap? It is not clear or certain that this would be the case. Other countries have performed better than the UK in terms of exports and it is not clear why this is. It may be that the UK is poorer at the mechanics of exporting. It may be that the UK is competitive in products where trade barriers are high, such as in the area of services.

Equally, it might be that the structure of demand in rapidly growing countries and emerging markets, which need raw materials and capital goods, doesn't match our competitive sectors, which are areas like services and consumer goods. Finally, at the same time the UK is striking out in new directions; it also has to shore up its relationships with EU and its other trading partners, which currently account for about 60% of UK exports.

ANCHORING UK TRADE POLICY IN THE WORLD TRADE ORGANISATION

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First, the UK will need to separate itself from the European Union within the legal framework of the World Trade Organisation (WTO). Each country within the WTO has its own schedules of concessions that it sets out in relations to tariffs on tradable goods, as well as commitments that it makes in relation to trade in services. The EU establishes these on behalf of its Member States, including, until Brexit, the UK. These schedules establish 'Most Favoured Nation' treatment: the terms of trade the EU will apply equally to imports from all other, non-EU WTO Member States.

Once the UK leaves the EU it will need to establish its own schedules, which it will largely do by replicating existing EU schedules. The biggest challenge is that of EU quantitative commitments on agriculture, as replication is not an option here: the UK and EU will need to divide these up between them, and there is no set way of doing this. In particular, the EU and UK share Tariff Rate Quotas that allow a set number of agricultural products to enter the EU at a cheap tariff rate. On the one hand, countries outside the EU could start WTO disputes if they feel that they have lost market access they had before. On the other, increasing these quotas dramatically would lead UK farmers to feel the impact of additional cheap imports.

The WTO is also particularly important to the future of the UK-EU trade relationship. Up until now, as a member of the EU Single Market and Customs Union, the UK's trading relationship with other EU countries has not been regulated by WTO schedules and commitments. Once the UK leaves the EU and re-joins the WTO, however, its trade with the EU will either be: 1) covered by the new tariff schedule and commitments for goods and services it establishes with the WTO if 'no deal' is reached with the EU on trade, or 2) it might covered by a newly agreed free trade agreement between the UK and EU.

In other words, if there is no trade deal reached between the UK and EU before the end of the two-year exit negotiations, the UK will be covered by WTO rules. The EU will apply WTO Most Favoured Nation (MFN) tariff rates to UK, and vice versa, in relation to tradable goods, and the EU will extend its policies to UK on a Most Favoured Nation basis, and vice versa, in relation to its commitments on tradable services. This essentially means that the UK will receive EU market access no better than that of any WTO Member. Yet, even if the UK is able to conclude a free trade agreement with the EU, WTO rules will constrain the nature and shape such an agreement can take. The founding international agreement behind the WTO, the Global Agreement on Tariffs and Trade (GATT), sets out principles and rules that constrain the UK from concluding a limited free trade agreement with the European Union. Article XXIV of the GATT, which covers Regional Trade Agreements on goods, sets out in section 8(b) that for a free trade area to be allowed under the GATT (and thus WTO) framework 'duties' need to be 'eliminated on substantially all the trade between constituent territories' involved in the agreement. This is usually interpreted to mean that for a free trade area to be legal, tariffs must be eliminated for over 90% of all trade between the countries involved. Moreover, Article V, section 1(a) of the General Agreement on Trade in Services (GATS) requires that free trade agreements include 'substantial sectoral coverage' of trade in services, as constituted by the number of sectors, volume of trade affected, and modes of supply, between the countries involved.

What does this mean for a future free trade agreement between the UK and the EU? It means that a UK-EU free trade agreement would need to involve broad overall coverage in goods and services. It would not be possible for there to be an agreement that involved tariff-free trade in one or even just a few sectors of the economy, or for particular companies. Such an agreement would contravene the WTO's Most Favoured Nation principle, and would not be covered by the exceptions for free trade agreements provided under GATT Article XXIV and GATS Article V. However, assuming that any future UK-EU free trade agreement does involve broad overall coverage in goods and services, there would be no prohibitive WTO barrier to 'going deeper' in some sectors of the economy than others. This could, for example, be achieved through Mutual Recognition Agreements to enable producers to certify that their products meet EU regulatory standards and export directly without requiring additional certification.

Overall, separating the UK from the EU is an unusual situation in the WTO and, as such, a number of WTO provisions are not exactly fit for purpose. This contributes to the likelihood that Brexit will lead to some WTO disputes. The UK can mitigate this through diplomacy: undertaking informal bilateral discussions to arrive at mutually-acceptable solutions. It can also err toward providing more market access as it separates from the EU.

UK BILATERAL TRADE RELATIONS WITH THE EU & OTHER DEVELOPED COUNTRIES

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Exporting and Market Access

There are a multitude of factors that will generally impact on the UK's access to markets in other countries. Such factors include not just tariffs on goods, but also the costs of trade, such as the costs of transport and logistics, and the costs and formalities involved in goods crossing a particular border. There are also non-tariff barriers to trade in goods. Further, goods must also comply with the standards and conformity of assessment, rules of origin, regulations, government procurement procedures, and competition policies of a given destination market. Finally, the nature of the supply chain is also a factor in market access, and as how UK firms are integrated into value chains may affect the importance placed on trade in goods and services with the UK after it leaves the EU.

Relations with the EU

The UK's trading relationship with the rest of the EU is significant, and ensuring access to the EU market in the future will be important for the UK. Just under 50% of UK imports and exports of goods and services go to the EU, with the goods trade alone accounting for nearly 60% of UK exports, and around 75% of UK imports. The most significant sectors, other than fuels, exported to the EU are machinery (11%), vehicles (11%), pharmaceutical products (8%), electrical machinery (7%), and aerospace (5%); while the sectors most reliant on exports to the EU are agriculture, food, toys, wood products, footwear, textiles and clothing. The next most important export partners for the UK are the USA (14.8%), China (3.5%), India (2.6%), and Canada (2.5%) – relationships far smaller than that which the UK currently enjoys with the EU.

Prime Minister Theresa May has made it clear that the UK will be leaving both the single market and the customs union as part of its exit from the EU as a whole. This will have significant implications for the UK's future access to the EU market, for the reasons set out below.

Leaving the customs union will mean that the UK will have the freedom to set tariffs on imports from all countries. It will also mean that border and customs checks will be needed on trade between the UK and the EU, and that there will be tariffs imposed on bilateral trade between the EU and the UK, unless a free trade agreement (FTA) is signed and/or there is some form of transitional arrangement.

If there is a free trade agreement, it will require 'rules of origin', which determine where goods are 'produced', i.e. how much UK 'value added' is embodied in an item. Estimates of the administration costs relating to rules of origin suggest these could be equivalent to a tariff of between 5-10%, on top of any actual tariffs imposed on goods between the EU and UK. Such a FTA would also have to cover 'substantially all' trade (circa 90%) between the EU and UK under the rules set out in the Global Agreement on Tariffs and Trade (GATT), which in turn means that (i) a sector-specific deal on trade is not possible; (ii) tariffs may be imposed on some sectors.

Leaving the EU single market will mean that the UK is able to control future immigration into the country, but will also have a deep impact on its future ability to access that market. By leaving the single market, the UK will be subject to far greater restrictions on trade in services (such as financial, IT, or consulting services) with the EU.

There will also be a number of non-tariff barriers and costs to trade in goods with which the UK will have to contend. For example, within the EU single market any product lawfully sold in one country can be sold in any other EU country, but, by leaving the single market, the UK and EU will no longer have a mutual recognition of standards. UK firms will therefore need to ensure that their goods are produced to the appropriate EU standards, which may be specific to each country. UK firms will then need to prove that they produce to these standards by undergoing a conformity assessment. Additionally, it is important to recognise that the costs of doing trade with the EU will be higher than the nominal cost of tariffs on goods and commitments on services made in any agreement.

The research on the costs of non-tariff measures between the US and the EU, in comparison to intra-EU trade, suggest these are often significantly higher than existing EU tariffs.[1] There might be ways of mitigating against some of the potential border and regulatory costs through digital documentation procedures, authorised exporter programmes, pseudo-customs union arrangements, or block chains. However, the additional costs entailed by leaving the single market will be hard to avoid, especially as EU and UK norms diverge over time.

Finally, the nature of the supply chain or value chain for goods will have an impact on the export opportunities for those goods. It is important to remember that there are approximately 3.8 million UK jobs directly linked to exporting to the EU, and that nearly 40% of these jobs are in turn linked with EU exports to the world because the UK is part of EU value chains as well. In comparison, there are approximately 4.5 million UK jobs dependent on UK exports to the rest of the world (ROW), with about 15% of these being linked with ROW exports to the world. This means that the UK is linked to EU value chains in a very different way than it is to value chains in the rest of the world.

Market access to rest of the world

Given that market access to the EU is almost certainly going to be more difficult, liberalising access to other markets becomes more significant. There are three aspects to this. The first is the UK's position in the World Trade Organisation and the need to establish UK tariffs with the rest of the world. The second is the UK's relations with the more than 50 countries with which the EU (and therefore the UK) currently has free trade agreements, but with which the UK will no longer have FTAs following its exit from the EU and which will need to be negotiated. The third is the UK's intent to sign FTAs with six key new partners, namely the USA, Japan, China, India, Australia, and New Zealand.

Table 1 below illustrates the value and share percentage of UK export and import of goods by partner. It shows that the six key countries with which the UK has expressed an interest in signing a bilateral free trade agreement account for just under 22% of UK exports. Very approximately therefore, a 1% decline in UK export to the EU and the EU-free trade agreement countries would require a 3% increase in exports to all of the possible UK-FTA countries.

Table 1: UK Export and Import of Goods by Partner

Average 2013-15	Exports of goods		Import of goods	
Partner	$bn	Share	$bn	Share
EU	226.86	45.1%	351.25	53.6%
EU FTA countries	87.17	17.2%	86.22	13.1%
EU under neg	96.27	19.2%	98.59	15.0%
Rest of World	92.92	18.5%	119.71	18.3%
TOTAL	503.23	100.0%	655.77	100.0%
UK possible FTA	108.53	21.7%	143.64	21.9%
LDCs	3.19	0.6%	7.50	1.1%

As regards market access to countries in which the EU (and at the moment the UK) have existing free trade agreements, the most obvious thing for the UK to do would be to try to ensure that trade continues with these countries on the same basis as at present. This could be achieved either via transitional arrangements and/or through 'grandfathering' into the existing agreements those countries have with the EU as a whole. Yet it is important to remember that, even if the UK government desires this outcome, it will need to be negotiated, and that this will require careful diplomacy and the agreements of both the third countries and the EU.

In general, average EU (UK) tariffs are low. For example 90% of what the EU exports to the US has a tariff of less than 5%; and only 1% of exports have a tariff greater than 10%. As with access to the EU, improved access to other countries such as the USA, China, and Canada will depend critically on reductions in non-tariff measures (NTMs), also known as non-tariff barriers to trade. The UK will need to decide on priorities in terms of export and import strategic objectives, and how this fits into UK domestic policy objectives, and will need to draw up an FTA template based on these core interests. Non-tariff measures are typically the areas in a negotiation that are the hardest to achieve and any agreements are, therefore, almost certainly some years away, and the UK will need to be wary of going for quick shallow deals.

For the UK's negotiations with the EU and other countries to succeed, the UK will need to identify its key export and import interests and opportunities. In terms of exports, these will depend on changes in competitiveness / supply capacity, and on changes in demand in the world and in particular markets. In terms of imports, this will depend on the needs of producers and patterns of final demand. The UK should do this both by liaising with producer and consumer groups and by analysis of the data on trade, production and employment, nationally and regionally. It will also be important to identify the nature of the supply chains in the key sectors, the linkage between goods and services and the barriers to trade.

Conclusion

Market access is about much more than tariffs. Leaving the EU is essentially an exercise in increasing bilateral protection, but which has also been described as a bit like taking 'eggs out of an omelette'. Offsetting the problems, both in terms of relations with the EU and with other developed countries, will be a difficult challenge, not least because the UK is closely integrated into EU supply chains in a very different way than with the rest of the world. Identifying the sectors and countries where there is the most scope for increasing trade, and which can possibly be negotiated is extremely important. Finally, it will also be important for the UK to minimise costs of border and customs barriers.

THE OPTIONS FOR FUTURE UK TRADE RELATIONS WITH DEVELOPING COUNTRIES

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Introduction

There is an idea out there that there are major trade opportunities for the UK outside of the EU, and that trade and stronger economic links with emerging and developing countries looks like a golden opportunity. This is because developing countries are dynamic economies, where import demand is growing and economies are becoming more sophisticated as the middle classes expand, but where levels of protection also remain high for goods and services.

However, this needs to be matched with the interests of these countries in establishing a trade relationship with the UK. There are three separate groups of developing countries to be considered for future trade relationships with the UK. These are: 1) the emerging economies (Brazil, China and India) and upper-middle income countries (Mexico, Argentina, Malaysia, Korea); 2) the Commonwealth; and 3) the smaller developing countries in which the UK also maintains a development commitment.

Emerging Economies

The main channel for the UK to engage with the emerging economies is the negotiation of bilateral agreements. China, India and Brazil are among the main targets for UK trade negotiations, while South Korea, South Africa and Mexico also appear to be countries for which the UK wishes to prioritise trade relationships. The EU (and thus at the moment the UK) already has free trade agreements (FTAs) with many emerging economies, including South Korea, Mexico, South Africa, Colombia, and Vietnam.

The challenge for the UK is to roll these free trade agreements over quickly after Brexit, in a way such that the UK is able to join these free trade agreements independent of the EU. The big question, however, is whether or not the EU and the partner countries involved will agree to extend their EU free trade agreement provisions to the UK, once the UK is outside of the EU, or during any potential 'transition' period as the UK disentangles itself from the EU.

Modifications could, however, easily be introduced to such free trade agreements to reflect the different new parties involved. For example, a South African-UK free trade agreement would not have agriculture as a sensitive issue.

With regard to the emerging economy countries that do not currently have free trade agreements with the EU, the challenge for the UK will be to attract their interest in making a free trade agreement with the UK. The UK, for example, represents just 1.6%, 2.6% and 3.2% of the Brazilian, Chinese and Indian exports respectively – and, for the UK, Brazil, China and India represent just 0.6%, 4.4% and 1% of its exports respectively. The possibility of building 'value chains' between these countries and the UK is also limited because of the physical distance between them.

Moreover, many of these countries (notably China) succeed in exporting to the UK with current market access provisions and do not anticipate major changes. China is becoming competitive in high-tech and intermediate goods, in competition with the UK export offer. Brazil (a member of Mercosur) may expect some market access gains in agriculture if it concludes a free trade agreement with the UK, but it remains unclear whether or not after Brexit the UK will remain as 'open' on agricultural trade as it currently is. India, by virtue of its colonial, language and cultural links with UK, presents greater opportunities. However, the Indian government is emphatic about securing access for Indian services under Mode 4. Indeed, the issue is that in many of these emerging market economies, the very sectors that represent UK's strengths – such as its strength in services – are the sectors that are highly protected, meaning that free trade agreements may be difficult to secure.

The Commonwealth

There has also been much recent interest in the UK in reviving its trade links with the Commonwealth countries: the so-called 'Empire 2.0'. The Commonwealth combines very dynamic economies, such as India, and countries with a fair interest in trade and de-regulation, such as Australia, New Zealand, Singapore, and Canada. It also includes many of the developing countries with which the UK maintains a commitment to foster development.

In general, the idea of 'Empire 2.0' is that the UK could succeed outside the EU by re-engaging with the Commonwealth. However, there are few problems with this notion. Firstly, international trade is more complex than it was before the UK joined the EU, and the Commonwealth is no longer a supplier of raw materials to feed the factories of Britain. Second, proximity is a key factor in the formation of value chains and many Commonwealth countries are distant from the UK. Third, the UK has lost importance as a trade and investment partner for the rest of the countries of the Commonwealth.

Developing Countries

For many developing countries, the UK is still an important export destination. For example, 30% of Belize's exports come to the UK, with bananas being the largest export; 10% of Bangladesh's exports come to the UK, with garments being the largest export; and 9% of Kenyan exports come to the UK, primarily in the form of flowers, beans, and fruits. Such exports rely heavily on the existing EU Generalised Scheme of Preferences (GSP) regime and existing free trade agreements.

Further, UK exporters and UK consumers benefit from the EU customs union and single market vis-à-vis developing countries at the moment: there are unique standards and certification requirements for both the EU and UK markets; there are also smooth transport and logistics operations between the UK and the EU; developing countries' producers participate in value chains supplying both the UK and the EU market.

Developing Countries: Preferences

Unilateral trade preferences remain the most important tool in establishing the UK's trade with developing countries. Indeed, for the Less Developed Countries (LDCs), UK preferences are valued at €411m (8% of total exports).

Rolling over the existing GSP regime may not be enough to avoid disruption of market access to developing countries for the UK after Brexit. Ghana and Kenya, for example, would see their trade affected if Interim Economic Partnership Agreements (EPA) are not rolled over. In the case that the EU and its partners agree to extend UK membership of Interim EPAs after Brexit, the current GSP regime could be rolled over as a transitional measure.

If this were not to be the case, the UK may need to design a new preferential trade regime to be applied immediately after Brexit. This should be single tier, and involve no product graduation. It should offer duty-free and quota-free market access in all products, with no carve-outs for particular sectors. It should be available to all low income, small island states and most of the middle-income countries. This would mean that it would also need to define objective criterion, in order to be WTO compatible. Such a regime would also need simple rules of origin. Such a system could constitute a long-term solution for the UK in terms of market access to developing countries.

The UK should also work – ideally with the EU – to ensure that Brexit does not damage existing value chains. Ideally, the UK should maintain the same SPS (WTO Agreement on the Application of Sanitary and

Phytosanitary Measures) and Technical Barriers to Trade standards as the EU. Mutual recognition of compliance of standards should be extended to products coming from developing countries. In the trade between the EU and the UK, if they maintain same Most Favoured Nation (MFN) tariffs and compatible preferential regimes, it may be possible to simplify certification of rules of origin of products from developing countries. Finally, standards protecting EU products and that will not affect UK exports should be relaxed.

Any room for reciprocity?

Based on the size and the structures of the economies of developing countries, they offer limited opportunities for the UK exports. However, protection levels in these countries remain high, meaning that any preferential access may benefit UK exporters.

The Economic Partnership Agreement (EPA) model, however, has failed. The UK should not aim to maintain EPAs, except where they are needed to secure market access during any potential post-Brexit 'transition period'. Any free trade agreement with developing countries should aim to help these countries to liberalise their trade, as this was a fundamental flaw of EPAs. It will be necessary to attract interest from developing countries in reaching free trade agreements with the UK. Moreover, free trade agreements should not undermine existing regional negotiations. Finally, trade with developing countries needs to be seen as a tool for development.

Notes

1. See, e.g. Berden, Francois *et al*, *Non-Tariff Measures in EU-US Trade and Investment – An Economic Analysis* 2009. Ecorys report prepared for the European Commission, Reference OJ 2007/S180-219493. trade.ec.europa.eu/doclib/docs/2009/december/tradoc_145613.pdf

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