

Copy, paste, repeat: The trend and risks of boilerplating in UK Free Trade Agreements.

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Published 9 September 2025

CITP Briefing Paper 025

Key Points

1. The UK's post-Brexit trade agreements – beginning with Australia and New Zealand – have created a precedent and a path dependence for agricultural liberalisation through the use of boilerplate, i.e. standardised language from other countries (rather than its own). This has entrenched agriculture as a recurring bargaining chip, weakening traditional agricultural protections and exposing UK producers to liberalised trade with partners that often have lower regulatory standards.
2. Boilerplating in international trade agreements often stems from power asymmetries and a desire for negotiation efficiency. As a smaller player post-Brexit, the UK is increasingly adopting language and concessions from stronger partners (e.g., the US), thus institutionalising unequal terms that may be replicated in future deals.
3. Agricultural concessions have disproportionate effects, i.e. uneven territorial impacts, across the UK's Devolved Administrations. Economies like Scotland and Wales – highly specialised in livestock – are more vulnerable to trade shocks and competition from cheaper, lower-standard imports, particularly when they lack formal representation in UK trade negotiations.
4. Despite recognising the strategic importance of agri-food, the UK's newly published Trade Strategy offers little in the way of concrete safeguards for domestic and devolved agricultural producers beyond product standards. Instead, it cements agriculture as a tradable sector, failing to insulate it from further liberalisation or to prioritise domestic standards. As such, the Strategy lacks coherent agricultural protection.
5. While agriculture is a devolved matter, trade remains arguably reserved to Westminster. Nevertheless, the Devolved Administrations can mitigate risks through lobbying, promoting agricultural diversification, leveraging civil society partnerships, and using regulatory tools (e.g., Common Frameworks and the UKIMA). However, without a formal role in trade negotiations, their influence remains limited and reactive.

Introduction

In a previous Briefing Paper, [we examined the uneven vulnerabilities of the UK's devolved agricultural sectors](#), cautioning that the UK's Free Trade Agreements (FTAs) with Australia (2021) and New Zealand (2022) – its first

independently negotiated post-Brexit trade agreements – may establish precedents for future concessions.¹ By revealing the UK's negotiating position early on, these deals have set in motion a path dependence of agricultural liberalisation, departing from agriculture's traditional treatment as a policy area to be insulated and protected – agricultural exceptionalism.² This path dependence has two main aspects. First, it has led to a standardisation – or 'boilerplating' – of agricultural concessions in the UK's post-Brexit trade deals. The UK-US Trade Deal reflects the continuation of this trend, as seen in increased market access for American beef, while the broad liberalisation in the UK-India deal underscores the further erosion of agricultural protections. Second, this boilerplating directly impacts the levels of regulation and therefore afforded protection existing between the UK and other countries. In particular, the areas of environmental and animal welfare protection are affected where there are divergent levels of regulatory standards between the UK, the EU (where generally levels are higher than the UK) and other countries, such as the US, India, New Zealand and Australia, where such protections are lower.

The implications of this path dependence for the future of (devolved) UK agricultural producers, the sustainability and viability of sectoral protections, and food security are up for debate. These concerns warrant the attention of those at the negotiating table as well as those who seek to influence the agenda. The recent release of the UK's Trade Strategy highlights that these concessions are likely to persist, potentially producing entrenched and uneven costs across a territorially diverse Union. If this is the case, the Devolved Administrations must act for long-term mitigation and adaptation of their agricultural sectors to avoid deregulation or widespread disruption, such as by promoting diversification and a focus on value-based agriculture.

'Boilerplate' in international agreements and political conventions

Whenever we tick a box on a website's terms and conditions, or sign a contract, we engage with boilerplate: a set of standardised language that is employed across multiple agreements or contracts. In a seminal paper, Peacock, Milewicz, and Snidal provide evidence of how boilerplate language is used in international agreements in sections of negotiations and agreements in which parties have generally agreed upon standard behaviours, allocations, or outcomes.³ For example, chapters on sustainable development found in trade agreement texts signed by the EU follow the same format as the one found in the original North American Free Trade Agreement (NAFTA) text. In this sense, once an agreed-upon solution has been found internationally, it becomes commonplace in the language of future agreements.

The reasons for states to adopt boilerplate language are twofold. First, it is argued that the use of boilerplate provides efficiency gains whereby the broad copying and pasting of provisions in the preparation or negotiation of an international agreement cuts down on the need for tailored solutions. This can be problematic as it prevents national, regional and local situations from being considered for texts to adapt to the relevant needs of businesses and society. In this light, there is an efficiency of scale obtained through the use and reuse of already accepted provisions and language, reducing the need for each team of negotiators to start from scratch, and allowing attention to be paid to the more contentious particulars of the negotiation. The second reason why boilerplate language may be used is that its use reflects the distribution of power among signatories, with powerful actors or states more able to impose language from their previous agreements on new partnerships. In this light, the use of boilerplate permits a continuation of the status quo whereby the more powerful actor maintains a privileged position of asserting their preferences,⁴ drawing on their existing portfolio of agreements

¹ Fitzpatrick, A. and Petetin, L. (2025) *Uneven vulnerabilities: Challenges and opportunities for the UK and devolved agricultural sector*, CITP Briefing Paper 21. <https://citp.ac.uk/publications/uneven-vulnerabilities-challenges-and-opportunities-for-the-uk-and-devolved-agricultural-sector>

² Petetin, L. and Dobbs M., *Brexit and Agriculture* (Oxon: Routledge, 2022) 74 and 146; and Fitzpatrick, A. and Petetin, L. (2025) *Uneven vulnerabilities: Challenges and opportunities for the UK and devolved agricultural sector*, CITP Briefing Paper 21.

³ Peacock C., Milewicz K., and Snidal D., "Boilerplate in International Trade Agreements, *International Studies Quarterly*, Volume 63, Issue 4, December 2019, pp. 923–937.

⁴ When we speak of 'more powerful' actors, we may refer to the economic might as a simple measure of this. However, we may, as is often the case in international relations, also consider that the more powerful actor is the one that has the more stable, strong, and experienced position. For example, while post-Brexit Britain was the 'more powerful' actor vis-a-vis New Zealand in an economic sense when negotiating the UK-New Zealand trade deal, its position was significantly weakened by the turbulence and vulnerability of being a newly 'independent' state. As such, the UK in this instance could be considered the

as the basis for future texts. In either case, we can see that whether for reasons of efficiency or power, boilerplating can provide benefits to the process of international agreements, speeding up processes and potentially reducing friction in non-contentious policy areas.

Looking specifically to the power argument of why boilerplate language is used, we can see that the distribution of power in the first instance matters for setting the bar for the distribution of advantages and requirements from an agreement. How this distribution will play out in future agreements if this language becomes used again and again feeds from this initial balance of power. Furthermore, as time goes on and this language is used more and more, this distribution becomes a taken-for-granted set of terms, further institutionalising the pattern. This can be seen not only in written text, but also in more general behaviours. For example, while the EU has more than 20 official languages reflecting the linguistic diversity of its Membership, in practice, there are three working languages (English, French, and German) which reflect the power dynamics within the EU and its previous conceptions, largely led by the 'German-Franco' engine. As time has gone on, this normalisation of English, French, and German being used as a working language of the EU rather than Polish or Swedish, for example, is further entrenched and accepted, and thus becomes increasingly difficult to change.⁵ In this example, it is easy to see how prior power dynamics of political decisions set a path for current and future actions, with each building on the conventions of the previous.

Applying this logic to trade agreements or international agreements more broadly, we may imagine that the power dynamics in place when a country first gains the ability to independently sign trade agreements on its own behalf, for example, may set the tone for concessions and provisions in current and future agreements. This caveat matters greatly for understanding the agricultural concessions granted by the UK in its agreements with Australia and New Zealand, and how these have laid a path of dependence.

From Australia and New Zealand to the US: Agricultural concessions across agreements

On May 8th 2025, a strange form of press conference took place in the Oval Office; the United Kingdom's Prime Minister Kier Starmer dialled in on speakerphone for Donald Trump's announcement of a "tremendous trade deal" between the US and the UK.⁶ The deal is touted as a milestone in the UK's post-Brexit trade portfolio, with the US presenting as a significant trading partner with which the UK wishes to secure and maintain stable trading relations. Such stability is now coveted in the wake of US President Trump's 'liberation day' tariffs, and his (rather rudimentary⁷) war on trade deficits. The volatility of the US President's behaviour with regard to imports and tariffs has further rendered securing a trade deal a coveted objective for states wishing to reduce the turbulence surrounding their short-to-medium term trade relations with the US. The agreement-centric approach the UK is adopting to trade with the US appears at times to be at odds with the political reality of global trade politics that the US has shown, with the frivolous treatment of countries such as Mexico and Canada by the US (with whom strong, institutionalised, and codified trade agreements exist; in this instance negotiated and signed by Trump himself during his first term) underscoring that a trade deal with the US does not mean stability in today's context.

While maintaining a 10% tariff rate for almost all UK imports into the US, but without a reciprocal arrangement for US imports into the UK market, the UK-US agreement is estimated to reduce the financial blow of the 'Trump Tariffs' to the UK economy by more than half, reducing the negative impact to UK GDP to £4.3 billion per year

weaker state, as it was finding its feet on the international stage as well as navigating the world of trade policy for the first time since 1973 – a power which had been handled by the European Commission on its behalf. This compares to the case of New Zealand, which is a state with lengthy experience of conducting its own independent trade policy, had an established set of trade policies and skill in place, and had already established its 'identity' as an actor on the world stage.

⁵ European Union, 'Languages,' 2025. https://european-union.europa.eu/principles-countries-history/languages_en#:~:text=EU%20language%20rules&text=English%20remains%20an%20official%20EU,Ireland%27s%20and%20Malta%27s%20official%20languages.

⁶ Trump, D. J. "Status Update." X (formerly Twitter), 2025. [https://x.com/realDonaldTrump/status/1920519130941170088.](https://x.com/realDonaldTrump/status/1920519130941170088)

⁷ Swanson, A, "Trump Tariff Rates Calculation." The New York Times, 2025. [https://www.nytimes.com/2025/04/02/business/economy/trump-tariff-rates-calculation.html.](https://www.nytimes.com/2025/04/02/business/economy/trump-tariff-rates-calculation.html)

by 2030 relative to the no-deal scenario of £10.8 billion.⁸ Ultimately, even with a deal, the UK comes away with a net loss to long-term GDP. This outcome reflects the UK's "status as a midsize economy in a volatile market", according to the New York Times,⁹ rather than its previous bargaining position as a member of the world's largest trading bloc when it was within the EU.

In the contemporary trade environment marked by turbulence, and as the now often-smaller trading partner trying to find its feet on the international stage again, the UK has had to decide what concessions it must offer at the negotiating table. The previously insulated agricultural sector is now presented as an increasingly vulnerable bargaining chip for the UK's negotiating team to use. As the UK is often now the smaller rather than the mighty partner at the negotiating table, the power dynamic of why agriculture has become a bargaining chip is reflective of the UK's *need* to make a deal, rather than its *pure want*. Furthermore, despite agri-food being the UK's largest manufacturing sector, the dominance of services in both the current shape of the UK's economy as well as the direction it wishes to take, provides an understanding of why agriculture is being liberalised by those in Westminster.

The concessions granted by the UK in the Australia (2021) and New Zealand (2022) Agreements gave way to significant liberalisation in the agricultural sector, with large tariff rate quotas (TRQs) for beef and sheep meat imports into the UK market. As the impact assessments for both of these agreements outlined, and as we argued in our earlier Briefing Paper,¹⁰ the impact of often cheaper agricultural imports with lower environmental and animal welfare requirements will likely hurt the UK's domestic beef and sheep meat producers. This vulnerability will be unevenly experienced across the nations of the UK, for whom their agricultural sectors are differently composed and specialised, with the narrowly specialised Welsh and Scottish sectors presenting as far more vulnerable to trade-induced shocks relative to their more mixed English and Northern Irish contemporaries. Northern Ireland arguably benefits from the greatest insulation, given its unusual position with access to both the EU's Single Market and the UK's internal market. Early evidence, such as a reduction in the Welsh national sheep flock, indicates that farmers are feeling the hurt from cheaper imports as a result of these deals. Organisations such as the National Farmers Union (NFU) Cymru at the time of the New Zealand agreement expressed concerns that "The UK Government is asking us [(Welsh farmers)] to go toe-to-toe with some of the most export-orientated farmers in the world."¹¹ Although total UK beef imports for the year to February have declined year-on-year, volumes of imported Australian beef have increased markedly, rising by 144%.¹² This surge reflects a growing emphasis on premium products, with Australian beef gaining traction in the UK market due to its high quality and strong appeal to retailers targeting the premium segment.¹³

Risks to the economies of Devolved Administrations, where agriculture is more significant (and which have no formal voice in the trade negotiation process, which is handled by the UK Government at Westminster¹⁴), should be of concern for the long-term growth of the UK as a whole rather than just that of England. Viewing trade as a purely economic practice while ignoring the political, social, and cultural impacts will inevitably create more regionally-defined problems across the UK. For the UK's devolved agriculture sector, which is grounded in rural affairs and the culture of a rural economy, these trade-offs are of particular importance, especially considering the uneven impacts that agricultural liberalisation will have across the Union. As such, adopting a purely

⁸ Hagopian, A., and Devlin, K. "Revealed: How Much the US-UK Trade Deal Will Save UK Economy from Trump Tariffs." The Independent, 2025. <https://www.independent.co.uk/politics/us-uk-trade-deal-trump-tariffs-savings-b2747901.html>.

⁹ Castle, S. "UK and EU Reach New Deal Under Starmer's Leadership." The New York Times, 2025. <https://www.nytimes.com/2025/05/20/world/europe/uk-starmer-eu-deal.html>.

¹⁰ Fitzpatrick, A. and Petetin, L. (2025) *Uneven vulnerabilities: Challenges and opportunities for the UK and devolved agricultural sector*, CITP Briefing Paper 21.

¹¹ NFU Cymru. "UK-New Zealand Trade Deal Announced." NFU Cymru, 2025. <https://www.nfu-cymru.org.cy/newyddion-a-gwybodaeth/uknew-zealand-trade-deal-announced/>.

¹² Bolton, G. 'Beef and lamb February trade updates : Value of beef exports rise in line with growing UK beef price as volumes ease,' AHDB, April 15, 2025. Available at <https://ahdb.org.uk/news/beef-and-lamb-february-trade-update-value-of-beef-exports-rise-in-line-with-growing-uk-beef-price-as-volumes-ease>.

¹³ Australian Trade. 'Why more retailers are choosing Australian red meat,' *The Grocer*, 14 July, 2024. Available at: <https://www.thegrocer.co.uk/promotional-features/the-growing-appeal-of-australian-red-meat-for-retailers/706178.article>.

¹⁴ Petetin, L., Whitmore, C. and Burmeister, A., *Addressing Barriers for Welsh Institutions and Civil Society to Contribute to UK Trade Policy* (Sussex: Centre for Inclusive Trade Policy, 2023), Briefing Paper 6. <https://citp.ac.uk/publications/addressing-barriers-for-welsh-institutions-and-civil-society-to-contribute-to-uk-trade-policy>

economic view of trade and comparative advantage will work counter to the needs of the UK's nations, particularly those that are more susceptible to external trade-induced shocks.

While the UK-US agreement has a rather small zero-tariff quota for American beef of 13,000 metric tonnes per annum (this compares, for example, with 110,000 metric tonnes per annum in the UK-Australia FTA), this continuation of agricultural liberalisation opens the door for larger quotas to be renegotiated in the future. The liberalisation of beef trade with the US is particularly concerning, not least because of the US's widespread employment of growth hormones in the raising of cattle, which has been banned in UK (and EU) agricultural production since 1989. Other research from CITP has also pressed the charge that the UK's flexible dilution of food standards. As seen in the UK-US and UK-India trade deals, it shows a worrying lack of red lines for UK negotiators,¹⁵ which in itself should be a concern for those who advocate for maintaining the UK's high levels of agricultural regulation and food standards. Like Australia and New Zealand, the US's size as a beef producer should also be of concern for domestic UK producers. While domestic producers are currently protected by high food standards, the costs associated with upkeeping these standards mean that domestic producers may struggle to compete with cheaper American imports. There are also risks to the standards themselves, such as if competition is rendered more difficult due to cheaper imports, then domestic standards may be eroded or loosened over time as agricultural liberalisation is institutionalised and normalised through practice. The need to compete with products from countries such as the US, which do not have to uphold the same regulatory practices, and if mutual recognition of goods is fully adopted as advocated for in the Trade Strategy, means that such a risk to domestic food standards should be treated as serious and more salient as time moves on and competitively priced imports increase.

One could credibly argue that the rather small zero-tariff quota in the UK-US deal should not be of too much concern, and that the wide-ranging market access for UK lamb into the US market will more than offset the risks to the beef sector. This is true, and these reciprocal concessions will likely even out some of the economic impact across the nations of the UK, and perhaps even claw back some of the losses experienced by Welsh sheep farmers in the Australia and New Zealand deals. However, given the erratic nature of the current American administration - for whom even the renegotiated NAFTA/USMCA deal (which was renegotiated by Donald Trump's first administration) was deemed the 'worst trade deal in the world', with wide-ranging and unprecedented tariffs waged on Canada and Mexico - it would be rather idealistic to expect the current deal to be stable and free from at-will changes or demands. Such behaviours erode the confidence we ought to have in the stability of the UK-US deal, and we should not discount the possibility that once market access is secured, more will be demanded either in the final text of the agreement, or during the ratification and implementation phases.

The UK-India Agreement: More of the same?

With India projected to be the world's third largest economy by 2030, the UK-India FTA represents a significant opportunity for post-Brexit Britain to find its feet on the international trade stage.¹⁶ However, despite the scale of India's potential as a trading partner, the benefits of the deal for the UK are expected to be focussed on a niche of policy areas, with UK domestic agriculture likely to face challenges due to the further liberalisation of the sector and cheaper imports. Overall, the deal is preliminarily expected to increase UK GDP by 0.1% by 2040,¹⁷ with the text suggesting that the UK's agri-food market remains a bargaining chip that the UK is willing to place on the table in exchange for gains in services, digital trade, and investment protections.

Despite the view of agriculture as a bargaining chip rather than a strictly protected sector, the National Farmer's Union (NFU) have noted, that "Ministers have clearly listened to our concerns around upholding the UK's production standards and the importance of safeguarding our most sensitive farming sectors by maintaining the

¹⁵ Maciel, C.T. (2025) *UK food standards: How thick is the "red line" in the recent agreements with India and the United States?*, CITP Briefing Paper 23. <https://citp.ac.uk/publications/uk-food-standards-how-thick-is-the-red-line-in-the-recent-agreements-with-india-and-the-united-states>

¹⁶ The full text of this agreement can be viewed at: <https://www.gov.uk/government/collections/comprehensive-economic-and-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-india>.

¹⁷ Department for Business & Trade. "Technical note of the preliminary economic impacts of the UK-India Free Trade Agreement." Department for Business & Trade, 2025. <https://www.gov.uk/government/publications/uk-india-free-trade-agreement-technical-note/technical-note-of-the-preliminary-economic-impacts-of-the-uk-india-free-trade-agreement>.

current level of tariffs for imports of sugar, chicken, eggs and pork”,¹⁸ signalling a more balanced approach relative to the deal with the US. Maintaining tariff protections in agricultural goods such as milled rice further reflects a more cautious liberalisation relative to previous agreements, where greater consideration has been paid to the sensitivity of domestic UK producers to trade-induced shocks. However, the UK is a minor player in some of these goods, suggesting that while agricultural protection has been more thought through compared to previous deals, it appears that this has been strategically undertaken in the domain of goods that the UK does not necessarily produce *en masse* or specialise in. As such, there may be on paper sectoral protection and export opportunities for ‘iconic UK products’ such as Scottish whiskey, but market access for other more general agriculture goods from India will likely raise competitive pressures on domestic producers.¹⁹ If devolved agricultural diversification to promote resilience and food systems security is to be financially feasible for producers – namely to offset long term and regionally defined risks to sectors such as beef and lamb production, as necessitated by other agreements so far – then this will be made more difficult in the face of cheaper imports from India that would drive down the potential profitability for domestic producers wishing to break into these new goods.

The point made above is particularly salient given that the agricultural production model of the UK is characterised by high standards and regulations, which will likely struggle to absorb competition from lower-cost and often lower standards of protection from Indian imports. The ambition of the UK-India deal, therefore, places pressure on the UK’s stringent set of animal welfare and environmental standards, with no clear ‘red line’ to protect consumers from such long-term concessions.²⁰ As such, the UK-India deal appears to provide short term benefits and market access for UK exporters, particularly of lamb (which should likely level out some of the costs incurred as a result of deals with Australia and New Zealand, though beef producers still have no such ‘claw back’), the broad liberalisation of agriculture through the deal does nothing to promote long-term domestic sectoral resilience. In fact, facing a need to diversify to make domestic UK agriculture – particularly the devolved and more specialised economies of Wales and Scotland – more resilient to external or agreement-induced shocks, the deals may discourage diversification via lower prices and a lack of ability for domestic producers to build capacity before the deal comes into effect.

While different in many ways, the UK-India deal again sees the boilerplating of agriculture as a bargaining chip, rather than a sector to be wholly protected, and for the UK to be perceived as leading on environmental and animal welfare requirements in farming and exporting those worldwide through its trade agreements.²¹ While in this case there are export-driven benefits for lamb producers, again there are regional definitions to these benefits, with Scottish beef producers, for example, unable to benefit from the deal. Meanwhile, Scottish whiskey producers are set to benefit greatly from tariff rate reductions under the new trade regime, showing that the agri-food benefits gained in post-Brexit trade deals tend to be product-specific rather than sector-wide. When liberalisation takes place, and a boilerplate approach to agricultural/agri-food concessions is adopted, it has been unclear (at least up until the publication of the UK’s Trade Strategy), how the rather *ad hoc* nature of these concessions reflects the UK’s broader treatment of agriculture, or its objectives for the sector moving forward.

From ad hoc to systematic trade policy? The UK’s Trade Strategy perpetuates agriculture as a bargaining chip

As the UK entered talks with EU leadership for a ‘reset’ – aiming to secure long-term access to the Single Market for agricultural goods, among other sectors – its willingness to show flexibility on agri-food red lines (here dynamically aligning with the EU, i.e. increasing its standards) reveals a lack of strategic coherence in the UK’s negotiating approach. Discrepancies for example appear between the emphasis on the role of science in the

¹⁸ NFU. “UK-India trade deal is ‘balanced and considered’ says NFU.” *NFU*, 25 July, 2025. <https://www.nfuonline.com/updates-and-information/uk-india-trade-deal-announced/>.

¹⁹ As of the time of writing, the Trade and Agriculture Commission has yet to undertake and release its impact assessment of the deal, and no concrete data exists for the impact on specific regions or sectors.

²⁰ Maciel, C.T. (2025) *UK food standards: How thick is the “red line” in the recent agreements with India and the United States?*, CITP Briefing Paper 23

²¹ Fitzpatrick, A. and Petetin, L. (2025) *Uneven vulnerabilities: Challenges and opportunities for the UK and devolved agricultural sector*, CITP Briefing Paper 21.

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), regulations in the US and the more precautionary approach taken by the EU as well as the Devolved Administrations.²² As trading partners become aware of this rather ad hoc approach to trade to date, the ability for UK negotiators to adopt a coherent and consistent approach from one negotiating table to the next is dramatically inhibited. The lack of a trade strategy further encouraged the use of boilerplate in contentious policy areas such as agriculture, with the lack of clear guidelines permitting new partners to take advantage of the concessions granted in prior agreements.

The publication of the UK's Trade Strategy in June 2025 provided a potential roadmap for future behaviour. Despite acknowledging that (i) agri-food and drink represents the largest sector of the UK's manufacturing industry (p19) and (ii) a strong agricultural sector is fundamental to ensuring food security and plays a vital role in sustaining the economic wellbeing of regional communities throughout the UK (p68), very little protection is given to the sector. Ensuring resilience and food security through varied sources of agri-food imports does not equate to a resilient and healthy agri-food sector nationally and regionally.

The treatment of agriculture within the Trade Strategy sees that, moving forward, similar concessions may be granted, further exposing the UK's domestic and devolved agriculture sector. The rather ad hoc approach that enabled agriculture to become a bargaining chip appears to be cemented within this Strategy. Prior concessions, therefore, appear to have set the course of path dependence. The reality of the UK, as the often smaller trading partner, is making it difficult for the Government to rein in agricultural concessions which it has already revealed as a hand it is willing to play.

New trading partners appear to be taking advantage of this, with the 'family silver' of UK agriculture now becoming boilerplated in the negotiation of new trading relationships. This boilerplating, and the assumption that agricultural liberalisation is a given to some degree or another, is perhaps what domestic producers should be most concerned about, with boilerplating in international agreements providing efficiency gains in the negotiation of non-contentious issues.²³ For countries like the UK who wish to sign as many agreements as possible in order to find stability in an increasingly volatile post-Brexit trading environment, efficiency gains can be seen as a win-win solution for those at the negotiation table. However, to categorise agriculture as a non-contentious political issue would be unwise, and the transfer of boilerplating rationale to agricultural concessions provides that the culturally significant, economically important (particularly for the Devolved Administrations), and value-latent agricultural sector becomes treated as any other sector of the economy, rather than being insulated as it once was.

With an import focus on agriculture, the Strategy has also been cited as seeking to address an issue of broadening consumer choice, but that this increased liberalisation and competition could be damaging for domestic producers. As such, the Strategy seeks to chart a path for a 'Global Britain', the cost of which is the lowering of protections for the domestic agricultural sector. Rather than increasing consumer choice (as it argues), it provides consumers products with lower animal welfare and environmental requirements whilst higher standards are fundamental to British people.²⁴ For nations of the UK that are more specialised, such as Wales and Scotland, the Trade Strategy should also come as a warning for the Devolved Administrations about the long-term risks to maintaining their current sector compositions.

The way forward: What can the Devolved Administrations do?

The question that is now posed is '*what can be done to lessen the negative impacts of the boilerplating of agricultural concessions in post-Brexit FTA's?*'. Despite trade arguably remaining a reserved competence of the Government at Westminster, the devolved nature of agriculture means that the Devolved Administrations have a

²² Fitzpatrick, A. and Petetin, L. (2025) *Uneven vulnerabilities: Challenges and opportunities for the UK and devolved agricultural sector*, CITP Briefing Paper 21.

²³ Peacock C., Milewicz K., and Snidal D., Boilerplate in International Trade Agreements, *International Studies Quarterly*, Volume 63, Issue 4, December 2019, pp. 923–937.

²⁴ Office for National Statistics, 'Public and business attitudes to the environment and climate change, Great Britain: 2024,

<https://www.ons.gov.uk/economy/environmentalaccounts/articles/publicandbusinessattitudestotheenvironmentandclimatechange/greatbritain/2024>.

critical role to play in mitigating the risks posed by trade liberalisation. Below, we briefly outline four ways in which this can be done, making use of the institutional, regulatory, and more representative functions that the Devolved Administrations have at their disposal:

1) The Devolved Administrations can continue to push for a strengthened and formalised role in trade policymaking and negotiation. Ensuring that the Devolved Administrations have a seat at the table is vital for ensuring that devolved interests are adequately represented and safeguarded in the trade process from conception to implementation. Outside of this formal role, the trade teams of the Devolved Administrations should take any and all opportunities to express their preferences and priorities to their contemporaries in London, especially when the Government at Westminster is making moves to negotiate new trading relationships or when landmark policies (such as the UK Trade Strategy) are being developed. While these efforts may not guarantee that devolved preferences are reflected in the outcomes, doing so provides an evidenced basis for claiming that efforts were made to influence the process, and that if devolved interests are sacrificed in the name of 'whole of UK' benefits, those that are at the negotiating table are held accountable. Making such efforts also signals to those in Westminster and Whitehall that the trade teams of the Devolved Administrations have both the drive and competence to contribute meaningfully to the trade negotiation and policymaking processes, further making the case that the Devolved Administrations not only *should* have a seat at the table but *have the ability* to occupy this seat once it is made available.

2) To safeguard their agricultural sectors, the Devolved Administrations can further incentivise agricultural diversification to reduce exposure to trade-induced shocks and promote greater resilience. Doing so would help mitigate some of the risks faced by domestic producers when existing and future trade agreements increase the TRQs for specific agricultural goods, particularly those such as sheep and cattle-based products, which dominate the agricultural sectors of Scotland and Wales, for example. As we are seeing agricultural liberalisation in post-Brexit FTAs generally being undertaken on a *product-level* basis rather than a *sector-wide* basis, diversification would improve the resilience of devolved agricultural sectors, which are more specialised, if concessions are made for products that are 'over represented' in their domestic agricultural economies.

3) It is also essential that the Devolved Administrations make use of their civil society base. The Devolved Administrations should mobilise to ensure that devolved voices are effectively represented, working with organisations such as the NFU Cymru or Farmers' Union of Wales (FUW), for example, in joint efforts to lobby their contemporaries in London. Forming coalitions in areas where values are shared will not only better enable devolved civil society actors (which are at times unable to mobilise effectively due to resource constraints²⁵) to have their voices heard in the trade policy-making process, but such partnerships further provide a representative argument to the inclusion of devolved interests and institutions in UK-level trade processes. In many ways, such partnerships argue that devolved inclusion is the democratic thing to do, with partnerships providing evidence that there is support and strength to this mandate. With agriculture specifically, this feeds into a collaborative approach that pushes for food democracy, rather than just coming from grassroots movements.

4) Finally, the Devolved Administrations can make strategic use of Common Frameworks (as now envisaged by the current UK Government²⁶) and potentially the UK Internal Market Act (UKIMA) to uphold higher food standards, with the aim to restrict lower-cost imports produced under less stringent regulatory standards. Taking full advantage of the devolved nature of agriculture sees that if less-than-optimal liberalisation does take place, the Devolved Administrations should make full use of their legislative and regulatory toolkits to protect their sectors in a way that balances the costs and benefits of agricultural liberalisation.

Conclusion

Since becoming 'independent', post-Brexit Britain has had to relearn trade policy as a domestic competence. In this process, the UK has had to define, negotiate, and execute trade agreements that, up until very recently, lacked a concrete trade policy document to guide these endeavours. As the first from-scratch trade agreements,

²⁵ Petetin, L., Whitmore, C. and Burmeister, A., *Addressing Barriers for Welsh Institutions and Civil Society to Contribute to UK Trade Policy* (Sussex: Centre for Inclusive Trade Policy, 2023), Briefing Paper 6.

²⁶ Following the response to the review of the UK Internal Market Act (UKIMA) by the UK Government. See <https://assets.publishing.service.gov.uk/media/686fa10e2cfe301b5fb679d0/uk-government-response-to-the-review-of-the-united-kingdom-internal-market-act-2020-and-public-consultation.pdf>.

the agreements signed with Australia and New Zealand set the bar for what post-Brexit trade would look like, with agricultural concessions and liberalisation playing a heavy role. These concessions will surely see regionally defined impacts, particularly in the Devolved Administrations of the UK.

As time has moved on, the substantive decision to provide agricultural concessions has become a bargaining chip that has been boilerplated into the framework of trade agreements signed by the UK. The decisions made as part of the UK's recent agreements with the US and India confirm this trend.²⁷ As such, agricultural liberalisation appears set to stay in the toolbelt of UK negotiators. For the agricultural economies of the Devolved Administrations, especially Scotland and Wales, which are more specialised in their production, the trade-induced shocks that such liberalisation may have should be of concern as more agreements are signed, and larger TRQs come into force.

While the UK's Trade Strategy notes that the UK will follow a 'values-based' model of trade, particularly with regard to the maintenance of stringent animal welfare standards, the Strategy itself has been criticised for having "little meat on the bones."²⁸ Concerns remain, for example, over the lack of detail on the way in which domestic producers and standards will be protected moving forward, particularly with regard to the import of foods that are currently illegal to produce in the UK (notably, with reference to the import of hormone treated beef from the UK). The current approach taken in the Strategy places emphasis on the final product rather than the production process, which means that matters such as the use of growth hormones or genetic modification are unlikely to be prioritised in future trade agreements. Moreover, the UK's emphasis in the Strategy on international standards – often less stringent than its own – risks a downward pressure on domestic standards.

While the recent UK/EU SPS Agreement offers some reassurance, it highlights a broader challenge: maintaining consistency between dynamic regulatory alignment with the EU and trade relationships with countries operating under lower standards. Tensions will likely emerge in the wake of *weakening* standards for imports via some agreements and *strengthening* domestic standards to align with the Single Market as part of the EU SPS Agreement. Tariff liberalisation across agreements will likely produce a patchwork of products entering the UK market, with consumers offered wider choices and UK producers seeing greater and more varied competition. The decision to realign with the EU on SPS standards will also pose another potential cost to UK domestic producers who must now adhere to higher standards if they wish to export to the EU Single Market, but in doing so may lose out on domestic market share to cheaper and lower standard imports from the US, New Zealand, and/or Australia. As such, over time, this divergence is likely to widen, increasing the risk that UK farmers will be undercut by cheaper imports produced to lower regulatory requirements, while also reshaping the focus of UK producers regarding their target markets. This shift in focus may also present as a leading factor in shaping not only *how* UK producers farm, but also *what* they produce. Whether this will provide net benefits or costs to UK producers is unclear. Certainty exists, however, with the claim that these shifts will produce turbulence for domestic producers relative to their traditionally more stable and insulated position in the economy.

To tackle some of these challenges, we provide guidance on actions that the Devolved Administrations can take to mitigate or reduce the negative impacts that agri-concession boilerplating may produce. These actions make use of the institutional, regulatory, and representative functions of the Devolved Administrations. Ultimately, however, without formal devolved representation at the negotiating table of UK trade, it is unlikely that devolved interests will remain on the menu. If the Government at Westminster seeks to make trade policy that works *for the UK*, as set out in the Trade Strategy, this should start with a greater role for those outside of England, and a more *whole of UK* approach to the trade policymaking process.

²⁷ In this sense, the boilerplating of agricultural concessions manifests in the continued substantive decisions and bargaining position of the UK, rather than a pure transfer of text from one agreement to another. As such, it is noted that boilerplate can occur in policy text and/or policy practice.

²⁸ NFU. "Trade Strategy a 'missed opportunity.'" NFU, 27 June, 2025. <https://www.nfuonline.com/updates-and-information/government-trade-strategy/>.