

UK food standards: How thick is the "red line" in the recent agreements with India and the United States?

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Key Points

- Food standards encompass a broad range of safety and quality considerations that address both end
 products and production processes. This leads to variations in rights and obligations across trade
 agreements, resulting in differing procedural requirements, evidentiary thresholds, and regulatory autonomy
 for parties involved.
- A preliminary assessment of the UK's "red line" on food standards in recent negotiations with India and the
 United States suggests a lack of uniformity. For example, animal welfare is mentioned in the UK-India
 agreement but is absent from the UK-US agreement.
- The inclusion of animal welfare within the SPS chapter in the UK-India negotiations is a positive step, but it may restrict the UK's ability to apply its full domestic animal welfare regulations to imports from India.
- In the final texts of both agreements, the UK should seek greater specificity in food safety and quality provisions, ensuring explicit recognition of the legitimacy of regulatory distinctions based on both product characteristics and production methods or process-related factors.

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- The UK must maintain a balanced focus on both food safety and quality. A perceived dilution of quality standards in trade agreements could undermine the EU's confidence in the UK's long-term regulatory alignment and policy coherence.
- On animal welfare, the UK should push for more specific, stand-alone provisions that reflect the broader ethical and societal values underlying its domestic standards.

Introduction

In the span of a single week, the United Kingdom Government announced two notable developments in its international trade agenda: the conclusion of a trade agreement with the Republic of India on 6 May 2025², followed shortly by a separate agreement with the United States of America on 8 May 2025³. These announcements reflect the UK's ongoing efforts to reassert itself as an independent trading nation in the post-Brexit landscape. At the same time, they invite renewed scrutiny, particularly with regard to regulatory standards for agrifood products. This is largely because both India and the United States are major agri-food exporters with strategic interests in expanding access to the UK market. Their pursuit of broader market access for agricultural and food products has, in turn, reignited public concern about the potential implications for UK food standards given significant differences in production methods.

In response to growing scrutiny, the government has reiterated its longstanding position that maintaining high food standards remains a "red line" in trade negotiations⁴. According to Steve Reed, the UK Secretary of State for Environment, Food and Rural Affairs (Defra), "any agricultural imports coming into the UK will have to meet our high food (SPS) standards.⁵"

But how robust is this "red line" in legal and regulatory terms—particularly in light of British comprehensive food regulation, and the international rules governing Sanitary and Phytosanitary (SPS) measures? To answer this question, it is essential to clarify a few concepts and dynamics, and it is also helpful to have a sense of the relative importance of agricultural and food trade for the UK, the US and India.

Key statistics on agricultural and food trade

The relative importance of agricultural and food trade (defined as HS chapters 2-11) varies across the three countries and depends on whether imports or exports are being considered. US total agricultural and food imports were \$106.5 billion in 2024, which accounted for 3.1% of its total imports, UK imports were \$34.5 billion (accounting for 4.29% of

² https://www.gov.uk/government/news/uk-india-free-trade-deal-a-deal-for-growth

³ https://www.gov.uk/government/news/landmark-economic-deal-with-united-states-saves-thousands-of-jobs-for-british-car-makers-and-steel-industry

⁴ https://news.sky.com/story/chancellor-outlines-red-lines-for-us-trade-deal-13354411

⁵ https://x.com/SteveReedMP/status/1920501738810880376

imports), while India imported \$11.6 billion (1.68%). The corresponding figures for exports were for the US \$81 billion (4.70%), \$9.55 billion (2.04%) for the UK, and India \$32.75 billion (7.54%). In terms of imports, they are thus most significant for the UK, while in terms of exports they are most significant for India.

Focusing just on meat, dairy, and eggs (HS Chapters 2, 3, and 4), the US imported \$40.8 billion worth of these goods (1.21% of total imports); the UK \$14.5 billion (1.81%), while India had minimal imports in this category, valued at just \$245 million (0.03%). Looking at exports for these Chapters the US again topped the list in terms of value with \$33.4 billion (1.94%); the UK followed with \$7.3 billion (1.56%), while India exported \$10.75 (2.48%).

If we consider the importance of the bilateral trade relationships we see, for example, that the UK exported (\$396.76 million) 6.9% of its total Chapter 2–11 agricultural exports to the US, with key products including: fish and crustaceans, molluscs, and other aquatic invertebrates: dairy produce, birds' eggs, honey, and other animal-origin edibles: 124.79 million, and meat and edible meat offal: \$42.37 million

For Chapters 2–4, the UK sent 7.7% of meat, fish and dairy exports to the US, indicating a particularly strong trade relationship in meat, dairy, and aquatic products. On the other hand, US agricultural exports to the UK represent a much smaller portion of its global trade. Only 0.616% of US Chapter 2–11 exports went to the UK, and just 0.28% of meat, dairy, and eggs (Chapters 2–4) exports were directed there. The main US exports to the UK included: edible fruits and nuts; citrus and melon peels – \$216.6 million; edible vegetables and certain roots and tubers – \$88.4 million; and Cereals – \$49.29 million.

Agricultural exports from the UK to India account for 0.14% of the UK's total agricultural exports. These exports comprise fish and crustaceans (\$6.93 million), dairy produce and eggs (\$3.66 million), and products of the milling industry (\$1.02 million). 0.156% of the UK's total meat, dairy, and fish product exports (Chapters 2–4) are directed to India.

Conversely, 1.9% of India's total agricultural exports are sent to the UK. The main product categories include live plants and floriculture (\$200.56 million), spices, coffee, and tea (\$162.29 million), and fish and crustaceans (\$105.13 million). 0.98% of India's meat, dairy, and fish product exports (Chapters 2–4) are destined for the UK.

This overview highlights the contrast between the UK's greater reliance on the US as an agricultural export destination versus the US's relatively minimal agricultural export volume to the UK, and underscores India's growing prominence in agricultural trade, particularly on the export side.

Food standards and trade rules

The term "food standards" encompasses a diverse range of regulatory concerns. Some of these relate directly to food safety—namely, the protection of human, animal, or plant health—while others address broader quality considerations such as environmental sustainability, animal welfare, and nutritional content. It is equally important to highlight that, while trade agreements reaffirm the right of signatories to adopt domestic regulations, they also impose obligations

to ensure that such measures are not more trade-restrictive than necessary, nor disguised restrictions aimed at protecting domestic producers.

Another fundamental consideration is that the rights and obligations embedded in trade agreements often vary depending on whether a food standard addresses safety risks or broader quality concerns. Standards aimed at mitigating health risks—such as those related to the entry, establishment, or spread of pests, diseases, toxins, or other contaminants—are generally governed by the provisions set out in the Sanitary and Phytosanitary (SPS) chapter of a trade agreement. By contrast, other food-related concerns associated with quality aspects of food production—housing conditions of animals, and management of soil and water —are typically addressed under the rules governing Technical Barriers to Trade (TBT) or in subject-specific chapters. Understanding whether a measure falls under the SPS or TBT framework is crucial, as each regime entails different procedural requirements, evidentiary thresholds, and degrees of regulatory autonomy. For instance, SPS measures must be grounded in scientific risk assessments and are subject to more stringent disciplines on justification and harmonisation. In contrast, TBT provisions allow for a broader range of legitimate objectives and afford states greater flexibility in pursuing non-risk-based regulatory goals, while still requiring that measures not be more trade-restrictive than necessary to achieve their intended purpose.

Another important distinction in food standards lies between product-based standards and those related to production methods. Product-based standards address concerns that affect the physical characteristics of the final product—such as the presence of hormones, pathogens, or chemical contaminants—which can often be measured or detected through testing. In contrast, process- or production-related standards target aspects of how a product is made, rather than what it contains. For example, an egg laid by a hen kept in a confined battery cage is physically indistinguishable from an egg produced by a hen raised in an open barn system. Similarly, soybeans cultivated on deforested land are chemically identical to those grown on land cleared in compliance with environmental safeguards. Yet, such differences in production methods reflect significant ethical, environmental, or animal welfare concerns, which many importing countries, including the UK, seek to address through regulatory measures—even when the final product shows no discernible physical difference.

Multilateral trade rules, particularly under the Word Trade Organization (WTO), have made it more difficult for countries to enforce food standards based on non-product-related processes and production methods (npr-PPMs), especially when such measures relate to ethical or quality concerns rather than demonstrable health risks. These standards often face challenges under non-discrimination and necessity requirements, as they regulate aspects of production not reflected in the final product. However, bilateral or regional trade agreements can offer more flexibility by explicitly recognising the legitimacy of certain npr-PPMs, allowing parties to negotiate tailored commitments that preserve regulatory space for quality-based food standards. This can be achieved by crafting clear and enforceable provisions not only within the SPS and TBT chapters, but also through dedicated chapters on animal welfare, environmental protection, and other areas of consumer concern. These additional chapters may supplement, reinforce, or, in some cases, limit the general rules established under the SPS and TBT frameworks.

Therefore, any assessment of the UK's ability to uphold the full range of its food standards—whether in relation to India, the United States, or other trading partners—must be grounded in a detailed textual analysis across multiple chapters. Only such an analysis can clarify the legal boundaries within which the UK must operate—defining the scope of permissible regulatory distinctions and the extent to which domestic food production standards can be maintained or expanded in the face of increased market access commitments, without breaching trade obligations. Unfortunately, the announcement of the trade agreements with India and US was not accompanied by the release of their full texts, thereby hindering a comprehensive legal assessment. Only limited details have been made available through government summaries and official press statements, which complicates efforts to draw definitive conclusions about whether the UK's "red line" on food standards is robust enough to withstand potential legal challenges from exporters in the US and India.

Nevertheless, a preliminary analysis can be attempted by drawing insights from a comparison between the limited information available on the UK's recent agreements with India and the United States, and the agreements signed with Australia and New Zealand in December 2021 and February 2022, respectively, whose texts are publicly available and currently in force. This analysis focuses specifically on the UK's regulatory space for food of animal origin, a particularly instructive case due to the comprehensive set of domestic requirements governing both safety and quality aspects of such products. These regulations address both product- and process-related concerns, such as food hygiene and the prevention of animal diseases, as well as broader issues like animal welfare, environmental sustainability, and the use of veterinary drugs. As a result, trade in animal-derived products tends to be highly sensitive and politically salient, serving as a valuable lens through which to assess whether the UK's "red line" on food standards can be effectively maintained in the face of international trade commitments.

Exploring the boundaries of the UK's red line on standards for animal-derived foods

The UK's regulatory framework governing food of animal origin is shaped by a complex and integrated set of rules that regulate not only the end product—such as meat, milk, and eggs—but the entire production system from which these products derive. These rules address the conditions under which animals are raised, ensuring that both their health and welfare meet specific statutory standards; the use and management of land to safeguard soil, water, and other environmental resources; the quality and traceability of feed and veterinary treatments; the procedures for humane slaughter; the hygiene and handling protocols in food processing facilities; and the labelling, traceability, and packaging of the final product. This systems-based approach aims to ensure that food is safe, ethically produced, and environmentally sustainable, with regulatory oversight extending across the full supply chain.

While such a comprehensive regulatory model is not exclusive to the UK—many jurisdictions impose requirements at various points in the production process—the breadth and stringency of the UK's framework, particularly those rules retained from or aligned with European Union law, remain notably more demanding than those of many trading

partners, especially the United States and India. This regulatory distinctiveness is particularly relevant in the context of trade negotiations, where diverging standards can lead to tensions over market access, equivalence, and the permissible scope of import controls under international trade law.

Animal welfare offers a particularly illustrative way to explore how defensible and enforceable the UK's stated red line might be within these recent agreements. Bolstered by strong public backing—87% of the British public support maintaining or increasing government action on animal protection⁶, and 77% agree that the UK should ban imports produced using methods it deems too cruel domestically⁷—the UK has adopted a detailed and comprehensive framework of species-specific welfare requirements. For instance, the UK prohibits a range of intensive farming practices, including the use of gestation crates for sows, battery cages for laying hens, and requires minimum space allowances for broiler chickens. In addition, it enforces strict rules on other stages of the production process—such as maximum transport times to prevent prolonged animal stress. By contrast, gestation crates, battery cages, and longdistance live animal transport remain widely permitted in both the United States⁸ and India⁹. Given these regulatory divergences, it is important to ask: how clearly—and how firmly—has the UK's "red line" been drawn when it comes to protecting these standards in its trade commitments?

According to the summary released by the UK government¹⁰, the UK and India have agreed that the SPS chapter will protect the UK's "regulatory autonomy to set [its] own, independent standards, ensuring the UK can continue to uphold [its] high level of protection for human, animal, and plant health." Further, in the context of the SPS chapter, it is noted that the UK and India will "cooperate and exchange information and expertise in the field of animal welfare and on international animal welfare standards." Additionally, the summary indicates that there will be a dedicated chapter on environmental concerns that reaffirms their "mutual commitments to global environmental agreements, including the Paris Agreement and the 1.5°C temperature goal".

While the cooperative language on animal welfare is welcome, it falls short of constituting a strong or enforceable "red line," as the agreement appears to lack any binding commitments to uphold or align with higher welfare standards as a condition for market access. Moreover, the placement of animal welfare within the SPS chapter may

⁶ YouGov poll, 2022 < https://www.humaneworld.org/en/blog/new-uk-law-takes-landmark-step-recognizing-animals-have-feelings ⁷ Focaldata, 2023 < https://www.humaneworld.org/en/news/polling-reveals-millions-brits-put-protecting-animals-cruelty-amongst-

⁸ While some US states, such as California, Massachusetts, and others, are implementing regulations to phase out the use of gestation crates for sows and battery cages for hens, there is still strong opposition from the agricultural sector to these changes in production methods. They have filed several constitutional challenges to such regulations, particularly in California, arguing that these laws unconstitutionally restrict interstate commerce. A significant case reached the US Supreme Court, where the Court sided with California, upholding the state's right to enforce stricter animal welfare standards for products sold within its borders. This ruling was a key victory for animal welfare advocates, but the debate continues, with the agricultural sector pushing back against further regulation.

⁹ While the Prevention of Cruelty to Animals Act in India provides broad protections for animals, its lack of detailed provisions to regulate industrial farming practices, such as intensive confinement in crates or cages, makes India's regulatory framework notably less stringent than the UK's in terms of animal welfare.

¹⁰ https://www.gov.uk/government/publications/uk-india-trade-deal-conclusion-summary/uk-india-trade-deal-conclusionsummary#:~:text=The%20chapter%20will%20give%20UK.of%20electronic%20contracts%20and%20transactions.

weaken—rather than reinforce—the UK's ability to apply the full scope of its domestic animal welfare regulations to imports from India. This is because, even though bilateral trade agreements occasionally adopt SPS-plus provisions, they generally adhere to the underlying logic of the WTO SPS Agreement, which is primarily designed to address health-related risks. As a result, animal welfare considerations may be treated too narrowly, with measures targeting aspects beyond physical health—such as behavioural expression or psychological wellbeing—becoming harder to justify within this framework¹¹.

Turning to the UK–US agreement, the summary document released¹² contains no indication that US authorities have agreed to recognise or accommodate the UK's higher animal welfare standards. It merely notes that the two countries "plan to work constructively in an effort to enhance agricultural market access" and affirms that "imported food and agricultural goods must comply with the importing country's sanitary and phytosanitary (SPS) standards and other mutually agreed standards."

This vague formulation leaves considerable uncertainty as to whether the UK successfully established a clear boundary to safeguard its robust food standards, particularly regarding animal welfare. The uncertainty is compounded when we add to this the response given by the US Trade Representative Ambassador Jamieson Greer during the press conference at the White House on the announcement of the agreement. When asked whether regulatory differences concerning the antimicrobial washing of poultry and the use of growth hormones in beef had been resolved or remained under negotiation, Greer stated¹³:

"We are going to discuss all of these types of issues and obviously, the importing country—whether it's us or them—you've got to follow the rules on those types of things. But our point is that the rules need to be based on science, and that's our expectation. We know the UK believes that too, so we want to come to accommodation. We want the consumers in each country to be able to choose what they want and be given the information they need."

This statement suggests that contentious issues surrounding food standards remain unresolved and that the US might push back on UK trade restrictions if they are not based on sufficient scientific evidence. This situation echoes the 1998 WTO dispute¹⁴ between the US and the European Communities over hormone-treated beef, in which the United States argued that the European measure was inconsistent with the WTO SPS Agreement because it was not based on sufficient scientific evidence and lacked an adequate risk assessment. The WTO adjudicatory bodies largely upheld the US complaint. Although a new dispute may not necessarily lead to the same outcome, a fundamental divergence

¹¹ The assessment of animal welfare is commonly based on the "Five Domains" model, which considers not only physical health and biological functioning, but also the animal's mental state. The five domains are: (1) nutrition, (2) physical environment, (3) health, (4) behavioural interactions, and (5) mental state. This framework has become widely accepted in both academic and policy contexts for evaluating the quality of life experienced by animals in different production systems. For further information, see Mellor, D. J. (2016). Updating animal welfare thinking: Moving beyond the "Five Freedoms" towards "A Life Worth Living". Animals, 6(3), 21. https://doi.org/10.3390/ani6030021

¹²https://assets.publishing.service.gov.uk/media/681d327d43d6699b3c1d2a9d/US_UK_EPD_050825_FINAL_rev_v2.pdf

¹³ https://www.youtube.com/watch?v=tzYkwjTclvM

¹⁴ https://www.wto.org/English/tratop_e/dispu_e/cases_e/ds26_e.htm

persists: the UK, like the EU, has adopted a precautionary principle in the regulation of its food system, whereas the US tends to favour a more permissive approach. Thus, while there is broad agreement that scientific evidence should carry significant weight in assessing the legitimacy of food safety standards—particularly to prevent arbitrary or protectionist measures—the interpretation of what constitutes "sufficient" or "legitimate" science can easily turn into a contentious point. This is especially true among countries with differing regulatory philosophies and when broader societal values enter the equation. Animal welfare also offers a good example of this impasse. Although there is an increasingly robust body of scientific research about the welfare needs of animals—particularly in relation to farmed animals, disagreement persists over how this science should be interpreted and applied¹⁵. These ambiguities leave room for trading partners to challenge UK measures as being more trade-restrictive than necessary, potentially undermining efforts to uphold high welfare standards.

Measuring thickness: A preliminary assessment

Based on the limited information available, it appears that the UK has taken a noticeably lighter approach to animal welfare in its most recent agreements, particularly when compared to the trade agreements signed with Australia and New Zealand a few years ago. Those earlier agreements included a dedicated chapter on animal welfare, containing provisions that recognised animals as sentient beings and acknowledged the link between improved farm animal welfare and sustainable food production systems.

Although the inclusion of a reference to animal welfare in the UK-India agreement is a positive step, its placement solely within the SPS chapter—rather than in a dedicated chapter— does not provide the UK with a sufficiently robust red line to safeguard current and future animal welfare measures concerning imported products. The UK's position appears even more concerning in relation to the agreement with the United States, with the publicly released outline of the deal making no mention of animal welfare at all.

Therefore, a preliminary assessment suggests that the UK's "red line" on food standards might be heading towards a gradual softening. When the agreements signed with India and the US are positioned along a continuum with earlier deals—such as those concluded with Australia and New Zealand—the thickness of the "red line" seems to be diminishing, at least when measured by the placement and specificity of provisions related to animal welfare. Whereas the agreements with Australia and New Zealand contain dedicated animal welfare chapters acknowledging animal sentience and linking welfare to sustainable food systems, the UK–India Free Trade Agreement appears to confine such references to the SPS chapter, and the outline of the UK–US deal does not mention animal welfare at all. However, when we broaden this comparative exercise to include other UK agreements—such as the Trade and Cooperation Agreement (TCA) with the European Union in 2020, the agreement with Japan and the European Free Trade

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¹⁵ For instance, despite numerous ethological studies demonstrating that laying hens have a strong and intrinsic need to build nests and engage in dustbathing as part of their behavioural repertoire, discussions around recommendations for adequate housing space and environmental enrichment to facilitate these behaviours failed to reach consensus. As a result, the recommendation submitted to the World Assembly of Delegates of the World Organization for Animal Health (WOAH) was not approved.

Association (EFTA) in 2021, and the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in 2023—a more complex picture emerges.

There have already been instances where animal welfare was only briefly mentioned in the SPS chapter (e.g., with the EU and EFTA), and where no reference to animal welfare is found at all (e.g., CPTPP¹6). Taken together, these observations suggest that, at least with respect to animal welfare, detailed provisions have been the exception rather than the norm. Moreover, even in those agreements where such provisions do appear—such as with Australia and New Zealand—the strength of the UK's position may be weaker than it seems, as these provisions are not subject to enforcement through the agreements' formal dispute settlement processes. As such, the regulatory line drawn may not be as robust as British citizens might reasonably expect. This is not to say, however, that such provisions are inherently ineffective. In some contexts, soft law approaches have proven instrumental, particularly in politically sensitive areas where binding commitments may be difficult to secure. In the field of animal welfare, for instance, the European Union's Memorandum of Understanding (MoU)¹7 with Brazil has proved instrumental in helping to catalyse both political will and corporate engagement in the development of animal welfare initiatives in Brazil. These and other experiences suggest that even non-enforceable provisions can have normative and practical impact—though they clearly operate within a different logic and with different limitations than hard law commitments.

Against this backdrop, if the final texts of the agreements with India and the United States are still under negotiation or allow for interpretative clarification, it would be advisable for the UK to seek greater specificity in the provisions related to food safety and quality. This includes securing recognition of the legitimacy of regulatory distinctions based not only on the characteristics of end products but also on production methods and process-related concerns—such as animal welfare and environmental sustainability—which are of increasing importance to British consumers. While such provisions may not always be subject to enforcement through dispute settlement mechanisms, their inclusion can help establish normative expectations, support domestic regulatory objectives, and shape the trajectory of future cooperation.

Final considerations

The significance of the UK's efforts to conclude trade agreements with both India and the United States cannot be overstated. These negotiations are not only geopolitically and economically important but also serve as a crucial test of the UK's ability to uphold its professed "red lines" on food standards in the context of trade liberalisation. The limited information currently available about these agreements suggests that the UK's "red line" is not uniformly thick. It appears more clearly drawn in the agreement with India than in the negotiations with the United States. Moreover,

¹⁶ It is worth recalling that the UK joined the CPTPP through accession, not from a blank-slate negotiation, which arguably constrained its ability to shape the text.

¹⁷ The MoU is a non-legally binding instrument that established a platform for policy dialogue and technical cooperation between officials from Brazil's veterinary services and their counterparts in the EU. More information can be found in the report *Study on the impact of animal welfare international activities*: https://op.europa.eu/en/publication-detail/-/publication/dc039353-ca9c-11e7-8e69-01aa75ed71a1

the UK's red lines seem more firmly entrenched around food safety—where health and scientific risk provide stronger legal justification—than around food quality, where the UK's negotiating position appears more exposed and potentially vulnerable. This is not an ideal position, particularly at a time when the UK is seeking to reset its relationship with the European Union.

A perceived lack of political will on the part of the UK to defend its food quality standards in the context of new trade agreements could undermine the EU's trust in the UK's regulatory alignment and long-term policy convergence. If the EU perceives the UK as politically unwilling to uphold high food quality standards — especially under pressure in external trade deals — it may adopt a more demanding or cautious approach in negotiations aimed at deepening regulatory cooperation, particularly on agri-food trade. Given that the EU remains the UK's largest trading partner — including in agricultural products — any erosion of trust in the UK's regulatory trajectory could have significant repercussions, outweighing the economic benefits of securing more flexible terms in other trade relationships.

Lastly, in relation to animal welfare, it would be advisable for the UK to refrain from addressing such matters solely within the SPS chapter—where the emphasis lies on scientific risk and health-based justifications. Instead, the UK should seek to negotiate more specific, stand-alone provisions that reflect the broader ethical and societal values attached to animal welfare. This recommendation extends not only to the ongoing agreements with India and the United States but also to future negotiations, including the EU reset. Taking this approach would better reflect public expectations, enhance regulatory coherence, and strengthen the UK's ability to uphold its commitment to high animal welfare standards.

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