Scrutiny of international agreements

Treaties considered on 11 June 2019
The European Union Committee

The European Union Committee is appointed each session “to scrutinise documents deposited in the House by a Minister, and other matters relating to the European Union”.

In practice this means that the Select Committee, along with its Sub-Committees, scrutinises the UK Government’s policies and actions in respect of the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and more generally represents the House of Lords in its dealings with the EU institutions and other Member States.

On 14 January 2019 the Procedure Committee decided that the European Union Committee should, until the end of the 2017–19 session of Parliament, be responsible for scrutinising Brexit-related treaties or international agreements.

The six Sub-Committees are as follows:

- Energy and Environment Sub-Committee
- External Affairs Sub-Committee
- Financial Affairs Sub-Committee
- Home Affairs Sub-Committee
- Internal Market Sub-Committee
- Justice Sub-Committee

Membership

The Members of the European Union Select Committee are:

- Baroness Armstrong of Hill Top
- Lord Boswell of Aynho (Chair)
- Baroness Brown of Cambridge
- Lord Cromwell
- Baroness Falkner of Margravine
- Lord Jay of Ewelme
- Baroness Kennedy of the Shaws
- Earl of Kinnoull
- Lord Liddle
- Earl of Lindsay
- Baroness Neville-Rolfe
- Baroness Noakes
- Lord Polak
- Lord Ricketts
- Lord Soley
- Baroness Sutte
- Lord Teverson
- Baroness Verma
- Lord Whitty

Further information


Committee staff

The current staff of the Committee are Christopher Johnson (Principal Clerk), Stuart Stoner (Clerk), Roberto Robles (Policy Analyst), Tim Mitchell (Legal Adviser), Alex Horne (Legal Adviser), Samuel Lomas (Committee Assistant) and Alasdair Johnston (Committee Assistant).

Contact details

Contact details for individual Sub-Committees are given on the website. General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW. Telephone 020 7219 5791. Email [eulords@parliament.uk](mailto:eulords@parliament.uk).

Twitter

You can follow the Committee on Twitter: [@LordsEUCom](http://twitter.com/LordsEUCom).
<table>
<thead>
<tr>
<th>CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>2</td>
</tr>
<tr>
<td>Chapter 1: Agreements reported for information</td>
<td>3</td>
</tr>
<tr>
<td>Agreement between the Government of the United Kingdom of</td>
<td>3</td>
</tr>
<tr>
<td>Great Britain and Northern Ireland and the Government of the</td>
<td>3</td>
</tr>
<tr>
<td>Kingdom of Norway on International Road Transport, with Protocol</td>
<td></td>
</tr>
<tr>
<td>Box 1: The EU’s contingency Regulation for road transport</td>
<td>4</td>
</tr>
<tr>
<td>Economic Partnership Agreement between the CARIFORUM States, of the</td>
<td>5</td>
</tr>
<tr>
<td>one part, and the United Kingdom of Great Britain and Northern Ireland,</td>
<td></td>
</tr>
<tr>
<td>of the other part (re-laid)</td>
<td></td>
</tr>
<tr>
<td>Appendix 1: List of Members, declarations of interest and Sub-</td>
<td>6</td>
</tr>
<tr>
<td>Committee staff</td>
<td></td>
</tr>
</tbody>
</table>
SUMMARY

This is the European Union Committee’s twelfth report on Brexit-related treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (the CRAG Act).

This report addresses two agreements, both of which we have reported for information:

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on International Road Transport, with Protocol [CP 94]
- Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (re-laid) [CP 103]
Chapter 1: Agreements Reported for Information

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on International Road Transport, with Protocol

1. The UK/Norway Road Transport Agreement was laid on 7 May 2019, and the scrutiny period is scheduled to end on 20 June. It was considered by the EU Internal Market Sub-Committee at its meeting on 23 May.

2. The European Economic Area (EEA) Agreement—concluded between the EU Member States, Iceland, Liechtenstein and Norway—provides for regulatory alignment in all internal market policy areas, including transport. The Agreement between the UK and Norway on International Road Transport (“the Agreement”) intends to replicate the effects of the EEA Agreement in relation to road transport between the UK and Norway, in the event that the UK leaves the EU without a Withdrawal Agreement (under which the UK would continue to benefit from EU international agreements for the duration of the transition or implementation period) or any other agreement applicable to both parties on road transport.

3. There is relatively little commercial road transport between the UK and Norway. Department for Transport (DfT) officials told us that in 2018 around 7,000 goods vehicles departing the UK (0.2% of the total) were destined for Norway. The vast majority of vehicles using these routes were unaccompanied trailers. DfT officials indicated that no statistics were available for UK-Norway passenger transport.

4. The Agreement can enter into force (provisionally, if domestic ratification is incomplete) from the point at which the EEA Agreement ceases to apply to the UK. Its provisions will apply, however, only to the extent that they are consistent with the EU’s contingency Regulation on road connectivity, or any other temporary measure governing road transport between the UK and Norway. We discuss the EU’s contingency Regulation for road transport in Box 1.

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3 A tow-bar trailer or articulated semi-trailer moved on a maritime vessel or train without a powered unit. Unaccompanied trailers are not carried by the Eurotunnel freight service.
Box 1: The EU’s contingency Regulation for road transport

The EU’s Regulation\(^4\) ensuring basic road connectivity with regard to the withdrawal of the UK from the EU entered into force on 28 March 2019, the day after it was published in the Official Journal of the EU. Its provisions will not apply if the UK leaves the EU with a Withdrawal Agreement.

The Regulation maintains a basic level of EU market access for UK road transport operators (goods and passengers), contingent on reciprocal measures for EU operators in the UK. This includes point to point journeys between the UK and EU, and some cross-trade and cabotage rights.\(^5\)

The Regulation, as it stands, will cease to apply on 31 December 2019. The Government has indicated that if the UK leaves the EU without a deal on 31 October 2019, it will engage with the Commission to explore further options—including an extension to the Regulation.

5. Article 3 of the Agreement will provide for point to point passenger transport between the UK and Norway and transit by passenger vehicles through the territory of either Party. Regular (scheduled) services will require an authorisation permit, whereas Occasional services (e.g. coach trips and tours) will not. The Agreement will not allow a vehicle from one Party to operate a passenger service between the territory of the other Party and a third country. DfT officials told us that it was uncommon to include such provisions in bilateral agreements.

6. Article 4 of the Agreement covers goods transport—point to point journeys between the territories of the Parties, transit and journeys by a vehicle from one Party between the territory of the other Party and a third country. Such journeys will require permits, with some limited exceptions. The Joint Committee established by the Agreement may amend the list of exceptions, including to the extent of removing the requirement for permits from all goods vehicles.

7. The Explanatory Memorandum (EM) accompanying the Agreement states that the UK and Norwegian governments have “agreed to start the Agreement permit-free” (for the carriage of goods). This will include cross-trade journeys but not cabotage. Cabotage journeys for passengers and goods will require a special permit (Article 7).

8. The Agreement applies only to the UK, but may be extended to Gibraltar, Guernsey, Jersey and the Isle of Man through an Exchange of Notes. The EM describes engagement with the devolved administrations, Crown Dependencies and Gibraltar “throughout the process of transitioning [the] Agreement”. DfT officials reported that no issues were raised concerning the final text.

9. **We report the UK-Norway Agreement on International Road Transport, with Protocol, to the House for information.**

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\(^5\) Cabotage is the transport of goods or passengers solely within a single country by a non-resident vehicle. Cross-trade is the transport of goods between two countries by a haulier resident in a different country.
10. The UK-CARIFORUM Economic Partnership Agreement was originally published as a Command Paper (CP 83), which was laid before Parliament on 5 April 2019. CP 83 was withdrawn and a revised version (CP 103) re-laid on 22 May 2019. This followed the identification of an administrative error, which had led to Annexes V–VII being omitted from the text laid in April. Additionally, Annexes IV A and B were printed in the wrong order and Annexes IV C and D were printed in duplicate. These errors are regrettable, and we welcome the Minister’s commitment to reviewing quality assurance processes to ensure they do not arise again.

11. The re-laying of the UK-CARIFORUM Agreement means that the parliamentary scrutiny processes under the Constitutional Reform and Governance Act 2010 are re-engaged. There is a new 21-day scrutiny period, which is scheduled to end on 8 July.

12. We reported on the original text of the UK-CARIFORUM Economic Partnership Agreement at the end of April, reporting it for information. The changes to the Agreement were considered by the EU External Affairs Committee at its meeting on 6 June. The amendments do not alter the main text of the Agreement, nor do they introduce any substantive policy changes. New Annex V includes a list of enquiry points in the UK and CARIFORUM states that are able to provide information to investors and services suppliers. New Annex VI provides a list of procuring entities and includes notes on applicable derogations. New Annex VII sets out how procurement opportunities, contract awards and other information relating to the Agreement will be published.

13. The explanatory memorandum and parliamentary report accompanying the re-laid Agreement have been revised to reflect the extension to the Article 50 process and the fact that the Dominican Republic has become the latest signatory to the Agreement.

14. Given the changes to the UK-CARIFORUM Economic Partnership Agreement are minor, the analysis, conclusions and recommendations in our earlier report remain relevant, and should be read alongside this report.

15. We report the re-laid UK-CARIFORUM Economic Partnership Agreement to the House for information.

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6 Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (re-laid) [accessed 5 June 2019]

7 European Union Committee, Scrutiny of international agreements: treaties considered on 30 April 2019 (38th Report, Session 2017–19, HL Paper 349)
APPENDIX 1: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND SUB-COMMITTEE STAFF

Members of the European Union Select Committee

Baroness Armstrong of Hill Top
Lord Boswell of Aynho (Chair)
Baroness Brown of Cambridge
Lord Cromwell
Baroness Falkner of Margravine
Lord Jay of Ewelme
Baroness Kennedy of The Shaws
The Earl of Kinnoull
Lord Liddle
The Earl of Lindsay
Baroness Neville-Rolfe
Baroness Noakes
Lord Polak
Lord Ricketts
Lord Soley
Baroness Suttie
Lord Teverson
Baroness Verma
Lord Whitty

Declarations of interest

Baroness Armstrong of Hill Top
  Joint owner of a property in Spain

Lord Boswell of Aynho (Chair)
  In receipt of salary as Principal Deputy Chairman of Committees, House of Lords
  Shareholdings as set out in the Register of Lords’ Interests
  Income is received as a Partner (with wife) from land and family farming business trading as EN & TE Boswell at Lower Aynho Grounds, Banbury, with separate rentals from cottage and grazing
  Land at Great Leighs, Essex (one-eighth holding, with balance held by family interests), from which rental income is received
  House in Banbury owned jointly with wife, from which rental income is received
  Lower Aynho Grounds Farm, Northants/Oxon; this property is owned personally by the Member and not the Partnership

Baroness Brown of Cambridge
  Vice Chair of the Committee on Climate Change
  Chair of the Adaptation Sub-Committee of the Committee on Climate Change
  Chair of the Henry Royce Institute for Advanced Materials
  Chair of STEM Learning Ltd
  Non-Executive Director of the Offshore Renewable Energy Catapult
  Chair of The Carbon Trust
  Council member of Innovate UK
Lord Cromwell

Employment, partnership, business interests and shareholdings as set out in the Register of Lords’ interests

Patron of Wildlife Vets International;

Partner (not Head of Holding) in a farming partnership in Leicestershire (including organic farming)

Baroness Falkner of Margravine

Member, British Steering Committee: Koenigswinter, The British-German Conference

Member, Advisory Board, Demos

Lord Jay of Ewelme

Trustee (Non-Executive Director), Thomson Reuters Founders Share Company

Vice Chairman, European Policy Forum Advisory Council

Member, Senior European Experts Group

Trustee, Magdalen College, Oxford Development Trust

Baroness Kennedy of The Shaws

President, Justice, UK arm of International Commission of Jurists

Chancellor, Sheffield Hallam University

The Earl of Kinnoull

Farming interests as principal and as charitable trustee, in receipt of agricultural subsidy

Chairman, Culture Perth and Kinross, in receipt of governmental subsidy

Chairman, United Kingdom Squirrel Accord, in receipt of governmental monies

Director, Horsecross Arts, in receipt of governmental subsidy

Shareholdings as set out in the register

Lord Liddle

Member, Cumbria County Council

Pro-Chancellor (Chair of Board), Lancaster University

Co-Chair, Policy Network

The Earl of Lindsay

Chairman, United Kingdom Accreditation Service (UKAS)

Chairman, BPI Pension Trustees Limited

Farmer, in receipt of CAP support

Baroness Neville-Rolfe

Former Commercial Secretary, HM Treasury

Former Minister of State for Energy and Intellectual Property

Chair, Assured Food Standards Ltd

Non-Executive Director, Capita Plc

Non-Executive Director, Secure Trust Bank

Governor, London Business School

Shareholdings as set out in the register

Trustee (Non-Executive Director), Thomson Reuters Founders Share Company

Baroness Noakes

Director, Royal Bank of Scotland Group plc

Interests in a wide range of listed companies as disclosed in the Register of Interests

Lord Polak

Employment and business as set out in the Register of Lords’ interests
Lord Ricketts
   Non-Executive Director, Group Engie, France
   Strategic Adviser, Lockheed Martin UK
   Charitable activities as set out in the Register of Interests

Lord Soley
   Member: International Institute for Strategic Studies, Royal College of Defence Studies, Chatham House

Baroness Suttie
   Associate with Global Partners Governance Limited
   Trustee, Institute for Public Policy Research (IPPR)

Lord Teverson
   Trustee, Regen SW
   In receipt of a pension from the European Parliament

Baroness Verma
   No relevant interests declared

Lord Whitty
   Vice President, Chartered Trading Standards Institute
   Chair, Road Safety Foundation
   Vice President, Local Government Association
   President, Environmental Protection UK
   Member, GMB
   Vice President, British Airline Pilots Association

Dr Holger Hestermeyer, Shell Reader in International Dispute Resolution at King’s College London, is acting as Specialist Adviser supporting the Committee’s scrutiny of international agreements, and has declared no relevant interests.

Sub-Committee Members and staff

EU Energy and Environment Sub-Committee

   Lord Teverson (Chair)
   Lord Cameron of Dillington
   Viscount Hanworth
   Lord Krebs
   The Duke of Montrose
   Lord Rooker
   Lord Selkirk of Douglas
   Baroness Sheehan
   The Earl of Stair
   Baroness Wilcox
   Lord Young of Norwood Green


The Sub-Committee staff are Jennifer Mills (Clerk), Alex McMillan (Clerk) and Jodie Evans (Committee Assistant).
EU External Affairs Sub-Committee

Baroness Verma (Chair)
Baroness Armstrong of Hill Top
Baroness Brown of Cambridge
Baroness Chalker of Wallasey
Lord Dubs
Lord Horam
The Earl of Oxford and Asquith
Lord Risby
Lord Stirrup
Baroness Suttie
Baroness Symons of Vernham Dean
Lord Triesman

For relevant interests see: https://www.parliament.uk/documents/lords-committees/eu-external-affairs-subcommittee/members-interests-2019.pdf

The Sub-Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Julia Ewert (Policy Analyst) and Mithula Parayoganathan (Committee Assistant).

EU Financial Affairs Sub-Committee

Baroness Falkner of Margravine (Chair)
Lord Bruce of Bennachie
Lord Butler of Brockwell
Lord Cavendish of Furness
Lord Desai
Lord Giddens
Baroness Liddell of Coatdyke
The Earl of Lindsay
Baroness Neville-Rolfe
Lord Thomas of Cwmgiedd
Viscount Trenchard
Lord Vaux of Harrowden


The Sub-Committee staff are Matthew Manning (Clerk), Erik Tate (Policy Analyst) and Hadia Garwell (Committee Assistant).

EU Home Affairs Sub-Committee

Lord Jay of Ewelme (Chair)
Lord Best
Lord Haselhurst
Baroness Janke
Lord Kirkhope of Harrogate
Baroness Massey of Darwen
Lord O’Neill of Clackmannan
Baroness Pinnock
Lord Ribeiro
Lord Ricketts
Lord Soley
Lord Watts
For relevant interests see: https://www.parliament.uk/documents/lords-committees/eu-home-affairs-subcommittee/scrutiny-work/Scrutiny-interests.pdf

The Sub-Committee staff are Pippa Patterson (Clerk), Megan Jones (Policy Analyst) and George Stafford (Committee Assistant).

EU Internal Market Sub-Committee

Lord Whitty (Chair)
Lord Aberdare
Baroness Donaghy
Lord German
Lord Lansley
Lord Liddle
Baroness McGregor-Smith
Baroness Noakes
Baroness Randerson
Lord Rees of Ludlow
Lord Robathan
Lord Russell of Liverpool
Lord Wigley


The Sub-Committee staff are Rosanna Barry (Clerk), Francesca D’Urzo (Policy Analyst) and Glenn Chapman (Committee Assistant).

EU Justice Sub-Committee

Baroness Kennedy of The Shaws (Chair)
Lord Anderson of Swansea
Lord Cashman
Lord Cromwell
Lord Dholakia
Lord Judd
The Earl of Kinnoull
Baroness Ludford
Baroness Neuberger
Lord Polak
Baroness Shackleton of Belgravia
Lord Wasserman


The Sub-Committee staff are Simon Cran-McGreehin (Clerk) and Amanda McGrath (Committee Assistant).

A full list of Members’ interests can be found in the Register of Lords’ Interests: http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/register-of-lords-interests/