



HOUSE OF LORDS

European Union Committee

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41st Report of Session 2017–19

# **Scrutiny of international agreements**

## **Treaties considered on 11 June 2019**

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Ordered to be printed 11 June 2019 and published 12 June 2019

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Published by the Authority of the House of Lords

HL Paper 379

### *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:

<a href="#"><u>Baroness Armstrong of Hill Top</u></a>	<a href="#"><u>Earl of Kinnoull</u></a>	<a href="#"><u>Lord Ricketts</u></a>
<a href="#"><u>Lord Boswell of Aynho</u></a> (Chair)	<a href="#"><u>Lord Liddle</u></a>	<a href="#"><u>Lord Soley</u></a>
<a href="#"><u>Baroness Brown of Cambridge</u></a>	<a href="#"><u>Earl of Lindsay</u></a>	<a href="#"><u>Baroness Suttie</u></a>
<a href="#"><u>Lord Cromwell</u></a>	<a href="#"><u>Baroness Neville-Rolfe</u></a>	<a href="#"><u>Lord Teverson</u></a>
<a href="#"><u>Baroness Falkner of Margravine</u></a>	<a href="#"><u>Baroness Noakes</u></a>	<a href="#"><u>Baroness Verma</u></a>
<a href="#"><u>Lord Jay of Ewelme</u></a>	<a href="#"><u>Lord Polak</u></a>	<a href="#"><u>Lord Whitty</u></a>
<a href="#"><u>Baroness Kennedy of the Shaws</u></a>		

### *Further information*

Publications, press notices, details of membership, forthcoming meetings and other information is available at <http://www.parliament.uk/hleu>.

General information about the House of Lords and its Committees is available at <http://www.parliament.uk/business/lords>.

### *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 [euclords@parliament.uk](mailto:euclords@parliament.uk).

### *Twitter*

You can follow the Committee on Twitter: [@LordsEUCom](https://twitter.com/LordsEUCom).

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## 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]

# Scrutiny of international agreements: treaties considered on 11 June 2019

## CHAPTER 1: AGREEMENTS REPORTED FOR INFORMATION

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### 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<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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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1 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, 2019: <https://www.gov.uk/government/publications/cs-norway-no12019-uknorway-agreement-on-international-road-transport-with-protocol> [accessed 30 May 2019]

2 Agreement on the European Economic Area (1993, updated 2016): <https://www.efta.int/sites/default/files/documents/legal-texts/eea/the-eea-agreement/Main%20Text%20of%20the%20Agreement/EEAagreement.pdf> [accessed 17 May 2019]

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<sup>4</sup> 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.<sup>5</sup>

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.**

4 Regulation (EU) 2019/501 of the European Parliament and of the Council of 25 March 2019 on common rules ensuring basic road freight and road passenger connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, [OJ L 85I](#) (27 March 2019), p 39

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.

**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)<sup>6</sup>**

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.<sup>7</sup> 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 CP 103, 2019: <https://www.gov.uk/government/publications/ms-no182019-economic-partnership-agreement-between-the-cariforum-states-of-the-one-part-and-the-united-kingdom-of-great-britain-and-northern-ire> [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

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### 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

For relevant interests see: [https://www.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/scrutiny-2017-19/DoI\\_Scrutiny\\_2017-19.pdf](https://www.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/scrutiny-2017-19/DoI_Scrutiny_2017-19.pdf)

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

For relevant interests see: <https://www.parliament.uk/documents/lords-committees/eu-financial-affairs-subcommittee/declarations-of-interests-session-2017-19/Interests-2017-19.pdf>

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

For relevant interests see: <https://www.parliament.uk/documents/lords-committees/eu-internal-market-subcommittee/Declarations-of-Interests-for-Scrutiny-work-2017-19.pdf>

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

For relevant interests see: <https://www.parliament.uk/documents/lords-committees/eu-justice-subcommittee/Scrutiny-Interests/declarations-of-interest-for-scrutiny-work-2017-19.pdf>

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/>