

International Agreements

Agreements considered on 1
November 2021

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1. Background

1. The Legislation, Justice and Constitution Committee is responsible for the scrutiny of non-trade international agreements in the Sixth Senedd.
2. International agreements signed by the UK Government can cover matters within devolved competence or matters which have important policy implications for Wales.
3. The Committee will consider the impact on Wales of international agreements laid in the UK Parliament under the process established by the Constitutional Reform and Governance Act 2010 (CRaG Act 2010). It provides an initial 21 day scrutiny period.
4. Our consideration of an international agreement takes into account:
 - whether it engages the Senedd's competence; and/or
 - whether there are potential policy implications for Wales.
5. On 1 November 2021 we considered three international agreements that have recently been laid in the UK Parliament.¹
6. The agreements we considered were:
 - UK/Switzerland: Convention on social security coordination;
 - Proposal of Amendment to Article 1 and new Article 34 BIS of the 1968 Convention on Road Traffic;
 - UK/Albania: Agreement on the transfer of sentenced persons.
7. We agreed to take further action on one of the agreements and to note the other two for information. Further details on each of the agreements are set out below.

¹ Legislation, Justice and Constitution Committee, 1 November 2021

2. Agreements requiring further action

UK/Switzerland: Convention on social security coordination

8. This international agreement was laid in the UK Parliament on 29 September. Its scrutiny deadline, as required by the CRaG Act 2010, is 22 November 2021.

9. The aim of this agreement is to establish new post-Brexit social security coordination arrangements between the UK and Switzerland in respect of certain benefits, including access to reciprocal healthcare. As a Member State, EU-Swiss social security coordination arrangements applied between the UK and Switzerland. Outside the EU, social security coordination between the UK and Switzerland would take place on the terms of a 1968 bilateral agreement in the absence of a new agreement.

10. The Explanatory Memorandum states that the devolved governments were consulted and involved in the preparation of the Convention. This included officials from the Scottish Government, the Welsh Government, and the relevant authorities in Northern Ireland.

11. It also explains that the negotiation of reciprocal healthcare agreements and the welfare of UK nationals abroad are reserved matters, but some of the areas that reciprocal healthcare agreements cover are devolved including domestic healthcare and the recovery of overseas visitor costs.

12. Accordingly, the UK Government has engaged and consulted with health officials from the devolved administrations throughout, sharing draft legal text, coordinating changes in guidance and regulations where needed, and liaising on health implications.

13. However, it is not clear whether the Welsh Government will be represented at the new UK/Swiss Joint Administrative Committee established by the Convention, where discussions held and decisions taken could relate to devolved areas of competence.

14. We noted the agreement and agreed to:

- seek further information from the Welsh Government on a number of issues including the agreement's implications on devolved competence;
- draw the agreement to the attention of the Senedd's Health and Social Care Committee in light of the impact on UK/Switzerland healthcare arrangements in devolved areas.

3. Agreements noted for information

Proposal of Amendment to Article 1 and new Article 34 BIS of the 1968 Convention on Road Traffic

15. This international agreement was laid in the UK Parliament on 29 September. Its scrutiny deadline, as required by the CRaG Act 2010, is 22 November 2021.

16. This agreement proposes to insert two new definitions to the Convention and a new article to facilitate the responsible use of automated vehicles. Although the UK signed the Convention in 1968, it was not ratified in the UK until 2018 and entered into force in 2019. The proposed amendment is the first binding international law relating to automated vehicles.

17. The Explanatory Memorandum states that, while the agreement is not considered to relate to devolved matters, given its likely impact, the UK Government consulted the devolved governments on its intention to accept the amendment and shared a draft text.

18. This agreement relates to the construction and use of motor vehicles, a reserved matter as provided by paragraph 104 of Schedule 7A to Government of Wales Act 2006 (the 2006 Act).

19. We noted the agreement for information only.

UK/Albania: Agreement on the transfer of sentenced persons

20. This international agreement laid in the UK Parliament on 19 October 2021. Its scrutiny deadline, as required by the CRaG Act 2010, is 24 November.

21. The aim of this agreement is to fulfil the UK Government's policy of negotiating prison transfer agreements, the primary purpose of which are to secure the removal of foreign national offenders held in the UK. The agreement provides for the transfer of sentenced persons between the UK and Albania.

22. The Explanatory Memorandum states that the agreement covers a reserved subject matter but that the agreement has implications for the devolved governments where they transfer prisoners to serve the balance of their term in their country of origin. The Memorandum continues to advise that Northern Ireland and Scotland were consulted on the agreement and a draft text was shared with them. No mention is made of consultation with the Welsh Government.

23. The agreement relates to immigration laws, policies and procedures. This is a reserved matter, as provided by paragraph 29 of Schedule 7A to the 2006 Act.

24. We noted the agreement for information only.