

International agreements

Agreements considered on
9 January 2023

January 2023



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 9 January 2023¹ we considered an international agreement that had recently been laid in the UK Parliament: the Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons.
6. We agreed to note the agreement for information only. Further details on the agreement are set out in section 2 below.
7. On 9 January we also noted correspondence relating to an international agreement previously considered. Further details are set out in section 3 below.

¹ Legislation, Justice and Constitution Committee, 9 January 2023

2. Agreement noted for information

Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons

8. This international agreement was laid in the UK Parliament on 1 December 2022. Its scrutiny deadline, as required by the CRaG Act 2010, is 20 January 2023.

9. This agreement makes amendments to the Council of Europe's Additional Protocol to the Convention on the Transfer of Sentenced Persons (the Additional Protocol), which provides for the transfer of sentenced persons between parties to the convention. According to the Explanatory Memorandum for the agreement, it amends the Additional Protocol:

*"... in particular when Foreign National Offenders ... have left the sentencing State before having completed the execution of their sentence. Under the Amending Protocol, when the offender was subject to that sentence, the sentencing State may request the State of nationality to take over the execution of the sentence under certain circumstances ..."*²

10. The Explanatory Memorandum for the agreement also provides that, while the Scottish Government and the Northern Ireland Executive were consulted on its purpose and content, as "Wales does not have separate Justice responsibilities" the Welsh Government was simply notified.³

11. As the agreement relates to a reserved matter (justice) within Schedule 7A of the *Government of Wales Act 2006*, we noted the agreement for information only.

² UK Government, Explanatory Memorandum: Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons, December 2022, paragraph 2.4

³ Explanatory Memorandum, paragraphs 10.2–10.3

3. Correspondence relating to agreements previously considered

12. On 26 September 2022,⁴ we considered the Second Additional Protocol to the Council of Europe Convention on Cybercrime (also known as the “Budapest Convention”). We agreed to share our report on the agreement⁵ with the House of Lords International Agreements Committee and with the Economy, Trade and Rural Affairs (ETRA) Committee, since the agreement’s contents fell within the ETRA Committee’s remit.

13. On 21 November 2022, the Chair of the ETRA Committee wrote to the First Minister to seek his views on the agreement, and detail on the Welsh Government’s support and promotion of cyber security and the wider industry.⁶ The First Minister’s response to the letter, dated 12 December, confirms that the Welsh Government had noted our report and “agreed actions”.⁷

14. We welcome the comprehensive response provided by the First Minister which explains the practical impact and operation of international agreements in Wales.

⁴ Legislation, Justice and Constitution Committee, 26 September 2022

⁵ LJC Committee, International Agreements: Agreements considered on 26 September 2022

⁶ ETRA Committee, Letter from the Chair to the First Minister, 21 November 2022

⁷ Welsh Government, Letter from the First Minister to the Chair of the ETRA Committee, 12 December 2022
