

HOUSE OF LORDS

International Agreements Committee

---

5th Report of Session 2022–23

**Scrutiny of international  
agreements: Amendments  
to the UK-Swiss Free  
Trade Agreement, and the  
International Civil Aviation  
Convention**

---

Ordered to be printed 14 July 2022 and published 15 July 2022

---

Published by the Authority of the House of Lords

### *International Agreements Committee*

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.

### *Membership*

The Members of the International Agreements Committee are:

[Lord Astor of Hever](#)

[Lord Morris of Aberavon](#)

[Lord Gold](#)

[Lord Oates](#)

[Baroness Hayter of Kentish Town](#) (Chair)

[Lord Razzall](#)

[Lord Kerr of Kinlochard](#)

[Lord Sandwich](#)

[Lord Lansley](#)

[Lord Udney-Lister](#)

[Baroness Liddell of Coatdyke](#)

[Lord Watts](#)

### *Declaration of interests*

See Appendix.

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-interests/register-of-lords-interests>

### *Publications*

All publications of the Committee are available at:

<https://committees.parliament.uk/committee/448/international-agreements-committee/publications/>

### *Parliament Live*

Live coverage of debates and public sessions of the Committee's meetings are available at:

<http://www.parliamentlive.tv>

### *Further information*

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:

<http://www.parliament.uk/business/lords>

### *Committee staff*

The current staff of the Committee are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst) and Robert Cocks (Committee Operations Officer).

### *Contact details*

All correspondence should be addressed to the International Agreements Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 4840. Email [HLIntlAgreements@parliament.uk](mailto:HLIntlAgreements@parliament.uk)

### *Twitter*

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

## CONTENTS

---

|  | <i>Page</i> |
|--|-------------|
| <b>Summary</b>   | <b>2</b>    |
| <b>Agreements reported for information</b>   | <b>3</b>    |
| Decision No 2/2021 of the UK-Switzerland Trade Joint Committee of 16 July 2021 amending the Appendix to Annex 1 of the Trade Agreement between the Swiss Confederation and the United Kingdom (CP 692, 2022) | 3           |
| Governance and amendments  | 4           |
| Entry into force   | 4           |
| Territorial scope and consultation   | 4           |
| Protocol Relating to an Amendment to Article 50(a) to the Convention on International Civil Aviation (CP 696, 2022)  | 5           |
| Protocol Relating to an Amendment to Article 56 to the Convention on International Civil Aviation (CP 697, 2022)   | 5           |
| Entry into force   | 6           |
| Territorial scope and consultation   | 6           |
| <b>Appendix: List of Members, declarations of interest and Committee staff</b>   | <b>7</b>    |

## SUMMARY

This report addresses the following Agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAAG), which we report for information:

- Decision No 2/2021 of the UK-Switzerland Trade Joint Committee of 16 July 2021 amending the Appendix to Annex 1 of the Trade Agreement between the Swiss Confederation and the United Kingdom (CP 692, 2022)
- Protocols relating to an Amendment to Article 50(a) and 56 of the Convention on International Civil Aviation (CP696, 2022 and CP 697, 2022)

All three agreements amend an existing treaty. In the case of the UK-Swiss Agreement, the Amending Agreement inserts new rules of origin into the existing free trade agreement to reflect updates to the Pan-Euro Mediterranean (PEM) Convention. While we report this Agreement for information only, we note that although this amendment has been laid before Parliament for scrutiny under the Constitutional Reform and Governance Act 2010 (CRAAG), the Government has yet to put forward a defined set of criteria for when amendments will be deposited for scrutiny.

The new Protocols to the Civil Aviation Convention increase the size of the International Civil Aviation Organization bodies.

# Scrutiny of international agreements: Amendments to the UK-Swiss Free Trade Agreement, and the International Civil Aviation Convention

## AGREEMENTS REPORTED FOR INFORMATION

---

**Decision No 2/2021 of the UK-Switzerland Trade Joint Committee of 16 July 2021 amending the Appendix to Annex 1 of the Trade Agreement between the Swiss Confederation and the United Kingdom (CP 692, 2022)<sup>1</sup>**

1. Decision No 2/2021 of the UK-Switzerland Trade Joint Committee of 16 July 2021 amending the Appendix to Annex 1 of the Trade Agreement between the Swiss Confederation and the United Kingdom (the UK-Swiss Amending Agreement) was laid on 15 June 2022, and the scrutiny period is scheduled to end on 20 July 2022. It was considered by the Committee on 14 July.
2. The UK-Swiss Amending Agreement relates to provisions on rules of origin contained in the Free Trade Agreement between the UK and Switzerland. The Explanatory Memorandum (EM) accompanying the Agreement notes it updates the rules of origin to reflect the recently revised rules of origin of the Regional Convention on Pan-Euro Mediterranean Preferential Rules of Origin (PEM Convention) in force between Switzerland and the European Union.<sup>2</sup>
3. The recitals to the Amendment Agreement note that, while the UK is not a contracting Party to the PEM Convention, “Protocol 3 to the incorporated Free Trade Agreement, as set out in Appendix to Annex 1 to the Trade Agreement reflects the provisions of the PEM Convention in a bilateral context” between the UK and Switzerland.
4. The Amendment Agreement aims to simplify customs processes for manufacturers and trading companies who want to benefit from preferential duty rates within the Pan-Euro-Med zone.

---

1 Decision No 2/2021 of the UK - Switzerland Trade Joint Committee amending the Appendix to Annex 1 of the Trade Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland, 16 July 2021, CP 692: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1082742/CS\\_Switzerland\\_1\\_2022\\_UK\\_Swiss\\_Decision\\_2\\_2021\\_Joint\\_Committee.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082742/CS_Switzerland_1_2022_UK_Swiss_Decision_2_2021_Joint_Committee.pdf) [accessed 15 July 2022]

2 The PEM Convention allows for diagonal cumulation between the Parties, subject to a trade agreement being in place between them. The signatories to the PEM Convention are: the European Union, Iceland, Liechtenstein, Norway, Switzerland, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia, Turkey, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, Kosovo, the Faroe Islands, Moldova, Georgia, and Ukraine. The UK Government has confirmed it is not seeking to accede to the PEM Convention at this time.

5. The full details of these changes are set out at part 4 of the EM; but, in short, they liberalise and extend the UK's and Switzerland's ability to cumulate content and processing from any Party to the PEM Convention with whom both have a free trade agreement, including the EU. The Agreement also updates product-specific rules to make it easier for exporters to meet the rules of origin requirements.
6. The Amending Agreement was signed on 16 July 2021 and has been provisionally applied since 1 September 2021.

### Governance and amendments

7. The Amending Agreement was agreed between the Parties at the Joint Switzerland-United Kingdom Committee established under the provisions of the incorporated Free Trade Agreement. That Joint Committee has the power to amend an Annex, Appendix, Protocol or Note to the incorporated Free Trade Agreement.
8. The Amending Agreement contains a dispute resolution provision whereby disputes between customs authorities may be submitted to the Joint Committee.<sup>3</sup> The provision makes clear that “in all cases the settlement of disputes between the importer and the customs authorities of the importing Party shall take place in accordance with the legislation of that country”.
9. **We welcome that the Amending Agreement has been laid before Parliament under the Constitutional Reform and Governance Act 2010 (CRAG). It contains important provisions for UK companies which trade with the Swiss Confederation. We regret that the Government has yet to provide us with any clear criteria under which it determines whether amendments will be subject to ratification and thus subject to scrutiny under CRAG**
10. **We reiterate our recommendation, made in our report Working Practices: One Year On, that the Government should agree a list of clearly defined criteria with Parliament as to when an amendment will be laid under CRAG. Without such an agreement, scrutiny of amendments like these becomes discretionary.**

### Entry into force

11. As noted above, the Amending Agreement has been provisionally applied since 1 September 2021 and was implemented in domestic law by the Customs Tariff (Preferential Trade Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1457), as amended by the Customs Tariff (Preferential Trade Arrangements) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/871).
12. The Amending Agreement will enter into force on the first day of the second month after both Parties have confirmed that they have completed their respective domestic procedures.

### Territorial scope and consultation

13. The Agreement applies to the UK, Jersey, Guernsey and the Isle of Man.

14. The paragraph in the EM on consultation contains several typographical and grammatical errors and is, consequently, unclear. It suggests that the Devolved Administrations were provided with some information about the proposed amendments and that they have not requested any further information on the Agreement from the Department for International Trade. Due to the poor drafting of this section of the EM, we have contacted the Devolved Administrations directly to ascertain their views on the Amendment Agreement.
15. **Given the number of times that we have requested detailed information about consultation with the Devolved Administrations we regret the EM's lack of clarity on this point and reiterate our previous request that EMs are subject to proper quality control checks before they are published.**
16. **We report the Amending Agreement between the Swiss Confederation and the UK to the House for information. We highlight, in particular, our comments at paragraphs 9, 10 and 15.**

**Protocol Relating to an Amendment to Article 50(a) to the Convention on International Civil Aviation (CP 696, 2022)<sup>4</sup>**

**Protocol Relating to an Amendment to Article 56 to the Convention on International Civil Aviation (CP 697, 2022)<sup>5</sup>**

17. The Protocols relating to amendments to Articles 50(a) and 56 to the Convention on International Civil Aviation were laid on 15 June 2022, and the scrutiny period is scheduled to end on 20 July 2022. They were considered by the Committee on 14 July.
18. Both Protocols were signed on 6 October 2016 at an Assembly of the International Civil Aviation Organization (ICAO) in Montreal. They amend the Convention on International Civil Aviation and their purpose is to expand the membership of two ICAO bodies—that of the Council and Air Navigation Commission. Membership of the Council is increased from 36 members to 40, and that of the Air Navigation Commission from 19 to 21.
19. The Council is elected for three-year terms by the Assembly of the ICAO, which has 193 member states. The EM published alongside the Amending Protocol notes that Members had expressed a concern that the Council is not large enough to provide sufficient representation for the 193 member states.<sup>6</sup>
20. The Air Navigation Commission is appointed by specific ICAO members to recommend standards, practices, and procedures to the Council. Members of the Commission do not represent specific states, but rather provide

---

4 Protocol Relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation, June 2022, CP 696: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1082780/MS\\_4.2022\\_Protocol\\_Amendment\\_Article50a\\_Convention\\_International\\_Civil\\_Aviation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082780/MS_4.2022_Protocol_Amendment_Article50a_Convention_International_Civil_Aviation.pdf) [accessed 15 July 2022]

5 Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation, June 2022, CP 697: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1082781/MS\\_5.2022\\_Protocol\\_Amendment\\_Article56\\_Convention\\_International\\_Civil\\_Aviation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082781/MS_5.2022_Protocol_Amendment_Article56_Convention_International_Civil_Aviation.pdf) [accessed 15 July 2022]

6 Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Protocol Relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation*: <https://www.gov.uk/government/publications/protocol-relating-to-an-amendment-to-article-50a-of-the-convention-on-international-civil-aviation-ms-no42022> [accessed 15 July 2022]

technical expertise. The EM notes that “an expanded ANC will increase the amount of technical expertise available to ICAO, which will have a positive impact on its work”.<sup>7</sup>

*Entry into force*

21. Each Amending Agreement will come into force once 128 of the Assembly’s 193 member states ratify the relevant Protocol. As of 17 May 2022, the Protocols have been ratified by 70 member states and are not yet in force.
22. **While the Convention is not yet in force, the EMs do not explain why the UK has delayed ratification of both Protocols for so many years. We call on the Government to set out why this is the case.**

*Territorial scope and consultation*

23. Given the amendments relate to a fully reserved matter, the Devolved Administrations were not consulted.
24. The EMs note that the UK Overseas Territories (OTs) and Crown Dependencies (CDs) were consulted about the ratification of the Protocols and several expressed an interest in having ratification extended to them. Consequently, the Protocols will also apply to Guernsey, Jersey, the Isle of Man, Turks and Caicos Islands, South Georgia and the South Sandwich Islands, Akrotiri, and the British Antarctic Territory. The EM sets out that “the Department for Transport will work with any Overseas Territory that wishes the Protocol to be extended to it in the future”.<sup>8</sup>
25. **We report the Protocols Relating to Amendments to Articles 50(a) and 56 to the Convention on International Civil Aviation to the House for information. We highlight, in particular, our comments at paragraph 22.**

---

7 Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation*: <https://www.gov.uk/government/publications/protocol-relating-to-an-amendment-to-article-56-of-the-convention-on-international-civil-aviation-ms-no52022> [accessed 15 July 2022]

8 Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Protocol Relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation*: <https://www.gov.uk/government/publications/protocol-relating-to-an-amendment-to-article-50a-of-the-convention-on-international-civil-aviation-ms-no42022> [accessed 15 July 2022] and Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation*: <https://www.gov.uk/government/publications/protocol-relating-to-an-amendment-to-article-56-of-the-convention-on-international-civil-aviation-ms-no52022> [accessed 15 July 2022]



## APPENDIX: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND COMMITTEE STAFF

---

### International Agreements Committee Members and staff

Lord Astor of Hever

*No relevant interests*

Lord Gold

*Director, Gold Collins Associates Ltd*

*Principal, David Gold & Associates LLP*

Baroness Hayter of Kentish Town

*Senior Non-Executive Director, Association of British Insurers*

Lord Kerr of Kinlochard

*No relevant interests*

Lord Lansley

*Director, LOW Associates Ltd*

*Chair, UK-Japan 21st Century Group*

*Trustee, Radix*

Baroness Liddell of Coatdyke

*Association Member, Bupa*

*Chair, Annington Ltd*

*Honorary Vice President, Britain-Australia Society Education Trust*

*Trustee, Northcote Educational Trust*

Lord Morris of Aberavon

*No relevant interests*

Lord Oates

*Director, H&O Communications Ltd*

Lord Razzall

*Director, North Atlantic Mining Associates Limited*

*Director, ZeU Technologies Inc*

*Shareholdings, ZeU Technologies Inc*

*Shareholdings, St-Georges Eco-Mining Corporation*

*Shareholdings, Tintra plc*

Earl of Sandwich

*No relevant interests*

Lord Udny-Lister

*Advisor to the Group Chairman of HSBC*

Lord Watts

*No relevant interests*

The Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst), and Robert Cocks (Committee Operations Officer).

### Specialist Adviser

Alex Horne

*Counsel, Hackett & Dabbs LLP*

*Visiting Professor at Durham University*

*Special Adviser, United Nations Development Programme (Pacific Region)*

*Special Adviser, House of Commons' Women and Equalities Committee.*