



HOUSE OF LORDS

European Union Committee

18th Report of Session 2019–21

**Scrutiny of international
agreements:
Partnership agreements with
Ukraine and Côte d’Ivoire,
Lugano Convention accession,
and civil judgments agreement
with Norway**

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The European Union Committee

The European Union Select Committee and its five sub-committees are appointed each session to consider EU documents and draft laws; to consider other matters relating to the UK's relationship with the EU, including the implementation of the UK/EU Withdrawal Agreement, and the Government's conduct of negotiations on the United Kingdom's future relationship with the European Union; and to consider matters relating to the negotiation and conclusion of international agreements generally.

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EU Goods Sub-Committee
EU Security and Justice Sub-Committee
EU Services Sub-Committee
International Agreements Sub-Committee

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SUMMARY

This is the European Union Committee's twenty-eighth report on treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAG). It is the sixth such report prepared by the International Agreements Sub-Committee, which has taken on responsibility for scrutinising all international agreements laid before Parliament under CRAG.

This report addresses four Agreements, considered at the International Agreements Sub-Committee's meeting on 9 December 2020, on which we report for information:

- Political, Free Trade and Strategic Partnership Agreement, done at London on 8 October 2020, between the United Kingdom of Great Britain and Northern Ireland and Ukraine (CP 312, 2020)
- Agreement, done at London on 13 October 2020, between the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on the continued application and amendment of the convention providing for the reciprocal recognition and enforcement of judgments in civil matters (CP 314, 2020)
- Convention, done at Lugano on 30 October 2007, on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters and Amendments to the Convention of 2011/2014/2016 (CP 319, 2020), and
- Stepping Stone Economic Partnership Agreement, done at London on 15 October 2020, between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part (CP 320, 2020)

Scrutiny of international agreements: Partnership agreements with Ukraine and Côte d'Ivoire, Lugano Convention accession, and civil judgments agreement with Norway

CHAPTER 1: AGREEMENTS REPORTED FOR INFORMATION

Political, Free Trade and Strategic Partnership Agreement, done at London on 8 October 2020, between the United Kingdom of Great Britain and Northern Ireland and Ukraine (CP 312, 2020)¹

1. The Political, Free Trade and Strategic Partnership Agreement between the UK and Ukraine (the UK-Ukraine Agreement) was laid on 6 November 2020, and the scrutiny period is scheduled to end on 14 December 2020. It was considered by the International Agreements Sub-Committee on 9 December 2020.
2. The UK's current trading relationship with Ukraine is governed by Ukraine's Association Agreement with the EU, which includes a Deep and Comprehensive Free Trade Agreement (the EU-Ukraine Agreement). The UK-Ukraine Agreement forms part of the UK Government's trade continuity programme and is intended to come into force at the end of the Brexit transition period, or as soon as possible thereafter, and its primary purpose is to maintain the effects of the EU-Ukraine agreement in a bilateral context.
3. The EU-Ukraine Agreement was provisionally applied in 2016 and entered into force in 2017.² Ukraine is one of six countries in eastern Europe and the Southern Caucasus that form part of the Eastern Partnership, a joint policy initiative committed to delivering "tangible results for citizens", including through the agreed 20 Deliverables for 2020, focused on strengthening the governance, connectivity and economies of Eastern Partnership countries.³
4. The EU-Ukraine Agreement required Ukraine to meet EU approximation targets and generally to bring its domestic legislation closer to the EU acquis. Such references have been omitted from the UK-Ukraine Agreement, as they would not be appropriate bilaterally.

1. Political, Free Trade and Strategic Partnership Agreement, done at London on 8 October 2020, between the United Kingdom of Great Britain and Northern Ireland and Ukraine, CP 312, 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934935/CS_Ukraine_1.2020_UK_Ukraine_Political_Free_Trade_Strat_Partner_Agreement.pdf [accessed 20 November 2020]

2. Association Agreement between the EU and Ukraine, [OJ L 161/3](#) (29 May 2014)

3. The other five Eastern Partnership countries are: Armenia, Azerbaijan, Belarus, Georgia and Moldova. European Commission, 'Eastern Partnership': https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership_en [accessed 20 November 2020]

5. Ukraine is the UK's 69th-largest trading partner, 71st-largest export market, and 66th-largest import source.⁴ Total trade in goods and services in 2019 amounted to £1.5bn.
6. Tariffs have largely remained unchanged from the EU-Ukraine Agreement, excepting the resizing of tariff rate quotas to reflect the fact that the UK is no longer a Member State of the EU (contained in Annex I-A and its Appendix).⁵ The two parties have committed to a non-binding Joint Declaration expressing their intention to consider, on a product-by-product basis, possible further concessions regarding agricultural and processed agricultural products.
7. The UK-Ukraine Agreement also includes a change relating to the EU-Ukraine Agreement's Entry Price System (EPS) for 28 kinds of fruits and vegetables, to which an additional specific import tariff would be applied by the EU if their price fell below a specified threshold. The amendment leaves open the possibility for the UK to introduce legislation replicating the EPS, but does not oblige it to do so. The Parliamentary Report indicates that this is not expected to affect trade flows.⁶
8. Regarding Rules of Origin (RoOs) and cumulation, the UK-Ukraine Agreement ensures that EU materials can continue to be used and count as originating in UK and Ukrainian exports to one another, and that EU processing can continue to be used and count as originating in UK exports to Ukraine. The UK-Ukraine Agreement also reflects the provisions of the Regional Convention on Pan-Euro-Mediterranean preferential rules of origin (the PEM Convention) in a bilateral context, as the UK's relationship with the PEM Convention after the end of the post-Brexit transition period has yet to be determined. Both these provisions provide certainty and continuity for exporters. The UK-Ukraine Agreement cannot, however, allow UK- or Ukrainian-based exporters to use content from each other's countries in exports to the EU, and the Parliamentary Report notes that this "may have a minor negative impact on trade flows".⁷
9. Some small amendments have been made to intellectual property provisions to reflect UK domestic provisions, including clarificatory footnotes regarding unregistered designs (Article 202(a)) and original works (Article 180(1)). Finally, regarding trade in services, the UK-Ukraine Agreement now reflects a new domestic law in Ukraine requiring legal advisory and

4 Foreign, Commonwealth & Development Office, *Continuing the United Kingdom's Trade Relationship with Ukraine* (9 November 2020), paras 13–14: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 20 November 2020]. The UK exports in particular vehicles (other than railway or tramway rolling stock) and aircraft, spacecraft and parts thereof. The UK imports in particular iron, steel and cereals. Travel services and other business services are the two largest service sectors exported to, and imported from, Ukraine.

5 Foreign, Commonwealth & Development Office, *Continuing the UK's Trade Relationship with Ukraine* (9 November 2020), paras 67–74: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 10 December 2020]

6 Foreign, Commonwealth & Development Office, *Continuing the UK's Trade Relationship with Ukraine* (9 November 2020), para 63: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 10 December 2020]

7 Foreign, Commonwealth & Development Office, *Continuing the UK's Trade Relationship with Ukraine* (9 November 2020), para 85: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 10 December 2020]

legal authorisation, documentation and certification services provided by legal professionals entrusted with public functions to be supplied by Ukrainian citizens. This joins a number of other Ukraine reservations, such as restricting ownership of agricultural lands to agricultural land or forests to Ukrainian citizens and legal entities (Annex XII-D to Chapter 6).

10. As a political and strategic agreement, the UK-Ukraine Agreement does vary slightly from the underlying EU-Ukraine Agreement. A stated key objective of the Agreement, for instance, is strengthened engagement by the Parties for a “peaceful resolution of the conflict caused by Russia’s hostile actions, in full respect of the sovereignty and territorial integrity of Ukraine within its internationally recognised borders”.⁸
11. Article 3(2)(h) of the UK-Ukraine Agreement commits the parties to developing and strengthening democratic principles, the rule of law and good governance, human rights and fundamental freedoms, and non-discrimination and respect for diversity, including the protection of minorities. The EM notes that, as with the underlying EU-Ukraine Agreement, the “UK-Ukraine Agreement provides that respect for democratic principles, human rights, fundamental freedoms, and the rule of law constitute essential elements of the agreement”, along with a number of other principles, including “countering the proliferation of weapons of mass destruction” and “respect for the principles of sovereignty and territorial integrity”. It goes on to note that the UK-Ukraine Agreement has removed the power, set out in the EU-Ukraine Agreement, of the parties to take appropriate measures for breaches of non-essential elements of the Agreement. This does not affect the ability, explicitly provided for in the Agreement, of the UK or Ukraine to take appropriate measures in cases of breaches of the Agreement’s essential elements.
12. The EU-Ukraine Agreement predated the Russia-Ukraine conflict. The UK and Ukraine have amended the bilateral Agreement (Article 416(2)) so that it (or the Trade and Trade-related matters section, Title IV) will not commence in certain areas—the Autonomous Republic of Crimea, the city of Sevastopol, and parts of the Donetsk and Luhansk Oblasts of Ukraine—until Ukraine has ensured the full implementation and enforcement of the Agreement (or Title IV) on its entire territory, as determined through a bilateral decision via the Strategic Partnership Dialogue.
13. On the UK side, the Parliamentary Report notes that provisions of the UK-Ukraine Agreement relating to trade in goods and customs will apply to the Crown Dependencies (the Isle of Man, Bailiwick of Jersey and Bailiwick of Guernsey) and most provisions not relating to trade in goods or customs to Gibraltar.⁹ It also notes that the UK and Ukraine have amended the territorial scope of the Agreement to remove reference to territories to which

8 Article 2(d), Political, Free Trade and Strategic Partnership Agreement, done at London on 8 October 2020, between the United Kingdom of Great Britain and Northern Ireland and Ukraine, CP 312, 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934935/CS_Ukraine_1.2020_UK_Ukraine_Political_Free_Trade_Strat_Partner_Agreement.pdf [accessed 20 November 2020]

9 Foreign, Commonwealth & Development Office, *Continuing the UK’s Trade Relationship with Ukraine* (9 November 2020), para 43: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 10 December 2020]

the EURATOM Treaty applies (all UK Overseas Territories except the Sovereign Base Areas of the UK in Cyprus).¹⁰

14. The UK-Ukraine Agreement contains similar institutional provisions to those contained in EU-Ukraine Agreement. The Agreement establishes both a joint Strategic Partnership Dialogue and a joint Trade Committee to oversee its implementation and operation. These replace the EU-Ukraine Agreement's Association Council and Association Committee (which could sit in a trade configuration). The UK-Ukraine Agreement retains the sub-committees established in the trade section. Any decisions taken by the governance bodies of the EU-Ukraine Agreement prior to the end of the Brexit transition period will be deemed to have been adopted by the UK and Ukraine, to the extent to which they relate to those parties in respect of their bilateral relationship, *mutatis mutandis*.
15. The EU-Ukraine Agreement did not have an overarching amendment article, and nor does the UK-Ukraine Agreement. Nevertheless, amendments could be mutually agreed by the parties by way of an exchange of notes.¹¹ The annexes to the Agreement can be updated or amended by the parties, either through the Strategic Partnership Dialogue or the Trade Committee (Article 404(7) and Article 403(3) respectively).
16. The EM notes the Government "is committed to ensuring the right level of Parliamentary scrutiny for all amendments to international agreements". It notes that amendments to the UK-Ukraine Agreement by way of a formal exchange of notes would engage the processes set out in the Constitutional Reform and Governance Act 2010 (CRAG). We look forward to receiving routine notifications of other amendments, made within the governance structures of the UK-Ukraine Agreement, as part of the Government's commitment to ensure that all amendments to treaties are published irrespective of whether they engage CRAG.
17. The EM sets out the secondary legislation needed to implement the UK-Ukraine Agreement and the powers under which those instruments will be made, and notes where legislation by the devolved administrations also enables implementation.¹² We welcome the inclusion of this information that recognises that all four nations of the UK may be involved in implementing international agreements.
18. We note that errors in the initially laid documents relating to the UK-Ukraine Agreement led to the Agreement and its associated documents being removed from the Foreign, Commonwealth and Development Office's website. We urge the Government to check it has the proper processes in place to ensure that, once laid, documents remain publicly available for both parliamentarians and the public to examine.

10 *Ibid*, para 44

11 Foreign, Commonwealth & Development Office, *Continuing the UK's Trade Relationship with Ukraine* (9 November 2020), para 53: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-ukraine-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-ukraine-web-optimised-version> [accessed 10 December 2020]

12 Foreign, Commonwealth and Development Office, Explanatory Memorandum on the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine (9 November 2020), section vii: <https://www.gov.uk/government/publications/ukukraine-political-free-trade-and-strategic-partnership-agreement-cs-ukraine-no12020> [accessed 10 December 2020]

19. **We report the UK-Ukraine Partnership Agreement to the House for information.**

Agreement, done at London on 13 October 2020, between the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on the continued application and amendment of the convention providing for the reciprocal recognition and enforcement of judgments in civil matters (CP 314, 2020)¹³

20. The Agreement between the UK and Norway on the continued application and amendment of the convention providing for the reciprocal recognition and enforcement of civil judgments (the UK-Norway Civil Judgments Agreement) was laid on 4 November 2020, and the scrutiny period is scheduled to end on 14 December 2020. It was considered by the International Agreements Sub-Committee on 9 December 2020.
21. The UK-Norway Civil Judgments Agreement is a bilateral agreement between the UK and Norway concerning private international law, namely the recognition and enforcement of certain civil judgments on a reciprocal basis. It relates to an earlier, 1961 bilateral agreement on the same subject between the UK and Norway. This Convention is currently superseded by the Lugano Convention (the scope of the Lugano Convention is discussed in detail from paragraph 26 below). The EM provided by the Government makes clear that the purposes of the UK-Norway Civil Judgments Agreement are: (a) to confirm that the 1961 Convention shall apply to the extent that, and during any period that, the Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters does not apply to relations between them; and (b) to update as necessary certain outdated references in the 1961 Convention, for example, to judgments of the House of Lords.
22. The EM also explains that the “relevant primary legislation which provides vires for domestic implementation of the Agreement is the Foreign Judgments (Reciprocal Enforcement) Act 1933, which provides for the recognition and enforcement of foreign judgments where reciprocity is assured”. This implements the original 1961 Convention with Norway and the new Agreement would be implemented in domestic legislation via a new Order in Council made under the provisions of that Act.
23. The EM notes that, although provisional application is provided for in the terms of the new Agreement, it is not intended to rely on this. The parties instead intend to bring the Agreement into force as soon as each has completed its domestic procedures and the Lugano Convention ceases to apply to the UK at the end of the transition period.
24. **We report the UK-Norway Civil Judgments Agreement to the House for information.**

13 Agreement, done at London on 13 October 2020, between the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway on the continued application and amendment of the convention providing for the reciprocal recognition and enforcement of judgments in civil matters, CP 314, 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932354/CS_Norway_2.2020_UK_Norway_Agreement_Enforcement_Judgement_Civil_Matters.pdf [accessed 20 November 2020]

Convention, done at Lugano on 30 October 2007, on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters and Amendments to the Convention of 2011/2014/2016 (CP 319, 2020)¹⁴

25. The Lugano Convention and its Amendments (hereafter the Lugano Convention) was laid before Parliament on 10 November 2020, and the scrutiny period is scheduled to end on 16 December 2020. It was considered by the International Agreements Sub-Committee on 9 December. We note that the agreement will not be in place at the end of the Brexit transition period, an issue we explore in more detail below.
26. The original Lugano Convention was concluded on 16 September 1988 between the (then) 12 Member States of the European Community and the (then) six Member States of the European Free Trade Association (EFTA). It was subsequently superseded by the Lugano Convention of 2007. The Convention's effect is to create common rules regarding jurisdiction and the enforcement and recognition of judgments across a single legal space now consisting of the EU Member States and, since 2007, three of the four EFTA states (Iceland, Norway and Switzerland). Liechtenstein, which joined EFTA in 1991, is not a party to the Lugano Convention.
27. The EM accompanying the Convention notes that it is designed to provide "certainty on the State in which a relevant legal case involving a cross-border element should be heard", and that it also "provides certainty on the State in which the resulting judgment can be recognised and enforced". The effect of this is that the Lugano Convention framework helps prevent multiple court cases taking place on the same subject matter at the same time and across different States.
28. The UK currently participates in the Convention by virtue of EU Contracting Party status, and will continue to do so for the duration of the Brexit transition period under the terms of the Withdrawal Agreement.
29. In accordance with the relevant procedures, the UK submitted its application to accede to the Convention in its own right (under Articles 70 and 72) on 8 April 2020. It is now a matter for the existing Contracting Parties to consider the UK's application. Norway, Iceland and Switzerland have published statements of support for the UK's accession, but the decision of the European Union is still awaited.
30. The UK's accession to the Convention requires unanimous support among the existing Contracting Parties, and each Contracting Party has to decide separately whether to apply the Convention with the new Party or not. Furthermore, the entry into force requirements in the Convention require that the Convention will only operate from the first day of the third month after the depositing of the instrument of accession. Thus, it is apparent that whatever the outcome of the UK's application to accede, there will be a hiatus of uncertain duration when the terms of the Convention will not apply. The precise impact of this break is not entirely clear and the extent of any effects felt by potential litigants may well depend on its duration.

¹⁴ Convention, done at Lugano on 30 October 2007, on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters and Amendments to the Convention of 2011/2014/2016 CP 319, 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933796/MS_7.2020_Convention_Juris_Recognition_Enforce_Judgments_Civil_Commercial_Matters.pdf [accessed 20 November 2020]

31. The question of whether the UK would accede to the Convention in its own right has been a matter of longstanding interest for the European Union Committee. The Committee published a report in March 2017, entitled *Brexit: justice for families, individuals and business?*¹⁵ It noted that UK membership of the Lugano Convention, in its own right, combined with ratification of the Hague Convention on choice-of-court agreements, offered “at least a workable solution” to the post-Brexit loss of the current ‘Brussels Regime’ (the three Regulations which are crucial to judicial cooperation in civil matters within the European Union).¹⁶ The Government responded to the Committee on 1 December 2017, indicating that it would be “seeking to participate” in the Convention.¹⁷ The report was debated on 20 December 2017, when the then-Advocate General for Scotland, Lord Keen of Elie QC, said that there was “no legal barrier to us becoming a party to the Lugano convention, but that would be a subject of negotiation”.¹⁸
32. On 15 September 2020, the EU Security and Justice Sub-Committee took evidence from Lord Keen, seeking an update on the question of civil justice cooperation. He indicated that the Government would “shortly commence the scrutiny process of the Lugano Convention” under the CRAG Act. However, when pressed on the timetable and whether the decision of the European Commission and others would be favourable in respect of UK accession, he indicated that he “was not in a position to say”, but would find it “very difficult to conceive why the EU would not want to see us as members of Lugano”. He acknowledged that “issues of jurisdiction, recognition and enforcement may become more complex if we are not members of Lugano after the end of the transition period”.¹⁹
33. This point is reinforced by the Government’s EM, which indicates that, in the absence of the Convention, there would be “a lack of legal certainty and higher costs for those involved in cross-border civil and commercial disputes, and an increased complexity and cost of proceedings to both litigants and the courts”.
34. The Government’s EM notes that private international law is a devolved matter in Scotland and Northern Ireland and that it has engaged on its preferred approach with the Scottish Government, Northern Ireland Administration officials, and all other relevant Government Departments. Unfortunately, as is often the case, the EM is not clear on its face as to whether the devolved administrations have expressed any concerns about, or are content with, the UK Government’s approach. Although, on this occasion, the EM confirmed that consultation had taken place, we recommend that in the future the Government’s EMs make clear (1) that the devolved administrations have been consulted; (2) whether they have expressed any concerns; and, (3) if

15 European Union Committee, *Brexit: justice for families, individuals and business?* (17th Report, Session 2016–17, HL Paper 134)

16 *Ibid.*, para 126

17 Letter from the Lord Chancellor and Secretary of State for Justice to the European Union Committee Chair (1 December 2017): <https://www.parliament.uk/contentassets/794d0e103f8a4451a75d50e597064631/justice-for-families-government-response.pdf> [accessed 26 November 2020]

18 HL Deb, 20 December 2017, [col 2141](#)

19 Oral evidence to the EU Security and Justice Sub-Committee, 15 September 2020, [Q 5](#) (Lord Keen of Elie QC, Advocate-General for Scotland). However, see also the following report in the Financial Times, ‘Britain risks losing access to valuable European Legal Pact’, *Financial Times* (26 April 2020): <https://www.ft.com/content/d3cf6d9f-2e2d-4af9-a550-91e476723ea2> [accessed 9 December 2020]

they have expressed any concerns, what they were and what action has been taken to address them.

35. The question of implementation of the Convention in domestic law has also been of interest. The EM notes that the Convention is currently directly applicable in UK law and given further effect by the Civil Jurisdiction and Judgments Regulations 2009 (SI 2009/3131). However, the Government's intention is that further implementing legislation will be made under the Private International Law (International Agreements) Bill, which is currently awaiting Royal Assent.
36. The regulation-making powers contained within the Public International Law (Implementation of Agreements) Bill 2020 have proved contentious. There were particular concerns about Clause 2, which allows agreements relating to private international law to be implemented in domestic law via secondary legislation.²⁰ The provisions were originally removed in the Lords, and then made the subject of Lords amendments, which were agreed on 24 November 2020. We trust that this will allow the Lugano Convention to be implemented expeditiously, without sacrificing scrutiny of future international agreements on public international law.
37. **We report the Lugano Convention to the House for information. We note that, but for the fact that it has already received considerable scrutiny, this Convention would have been drawn to the special attention of the House on the grounds that it is politically important and gives rise to issues of public policy that the House may wish to debate.**

Stepping Stone Economic Partnership Agreement, done at London on 15 October 2020, between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part (CP 320, 2020)²¹

38. The Stepping Stone Economic Partnership Agreement between the UK and Côte d'Ivoire (the UK-Côte d'Ivoire Partnership Agreement) was laid on 10 November 2020, and the scrutiny period is scheduled to end on 16 December 2020. It was considered by the International Agreements Sub-Committee on 9 December 2020.
39. The UK-Côte d'Ivoire Partnership Agreement seeks to replicate the existing Economic Partnership Agreement between Côte d'Ivoire and the European Union (the EU-Côte d'Ivoire EPA), signed in 2009.²² As a development-focused Agreement, it provides for asymmetric market access between Côte d'Ivoire and the UK. Goods from Côte d'Ivoire are afforded duty free and quota free access to the UK, while duties will be gradually reduced on goods originating in the UK. The UK-Côte d'Ivoire Partnership Agreement will

20 House of Commons Library, *Research briefing: Private International Law (Implementation of Agreements) Bill 2019–21*, [Briefing Paper Number 8700](#), 20 November 2020

21 Stepping Stone Economic Partnership Agreement, done at London on 15 October 2020, between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part, CP 320, 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934343/UK_Cote_d_Ivoire_Stepping_Stone_EPA_1.pdf [accessed 20 November 2020]

22 Stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009A0303\(01\)-20191202](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009A0303(01)-20191202) [accessed 24 November 2020]

enter into force when the existing EU-Côte d'Ivoire EPA ceases to apply to the UK, or as soon as possible thereafter. It also allows for provisional application prior to domestic ratification.

40. In 2019 trade in goods and services between the two countries was £401 million, accounting for £152 million in UK exports and £249 million in imports from Côte d'Ivoire.²³ The main UK exports were vehicles other than railway or tramway stock, and machinery and mechanical appliances. The main imports from Côte d'Ivoire were cocoa and cocoa preparations, and edible fruit and nuts.²⁴ In 2019, 23% of total exports of cocoa butter from Côte d'Ivoire were exported to the UK.²⁵
41. The majority of changes made to the EU-Côte d'Ivoire EPA are technical and non-substantive, similar to those made for previous continuity agreements. However, there are some areas of divergence. The rules of origin provisions that treat UK exports as being of EU origin, and the associated benefits of cumulation, will cease to apply when the EU-Côte d'Ivoire EPA falls away at the end of the post-Brexit transition period. The UK-Côte d'Ivoire Partnership Agreement, therefore, recognises EU materials and processing for the purposes of cumulation. This ensures that businesses that rely on exiting EU supply chains will not be adversely affected.
42. Other changes include the resizing of the existing derogation quota for tuna, to account for recent trade volumes, and the temporary suspension of the trigger price mechanism for sugar, reflecting the lack of data to determine the appropriate level. The existing trigger price will be reapplied after a period of five years if a new one is not agreed. Where references to the Partnership Agreement between the EU and the ACP Group of States could not be deleted without consequence, the objectives and fundamental elements of that Agreement have been replicated in Annex 3.²⁶
43. The UK-Côte d'Ivoire Partnership Agreement reaffirms existing commitments by both countries to respect for human rights, democratic principles and the rule of law and contains a mechanism to suspend the Agreement should either party be deemed not to have fulfilled these obligations.
44. The Government's approach to establishing joint governance institutions to administer and review recent continuity agreements has been inconsistent between roll-over trade agreements, in this case, all existing joint institutions have been replicated and an EPA Committee established. This Committee is responsible for the implementation and operation of the agreement, and has certain powers conferred on it by the agreement. The Parliamentary Report explains that clauses that allow for amendments of parts of the agreement

23 ONS, *UK total trade: all countries, non-seasonally adjusted* (2020): <https://www.ons.gov.uk/businessindustryandtrade/internationaltrade/datasets/ukttotaltradeallcountriesnonseasonallyadjusted> [accessed 24 November 2020]

24 HMRC, *UK Overseas Trade Data*: <https://www.uktradeinfo.com/trade-data/> [accessed 24 November 2020]

25 Department for International Trade, *Continuing the United Kingdom's trade relationship with Côte d'Ivoire* (9 November 2020), para 15: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-cote-divoire-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-cote-divoire-web-optimised-version> [accessed 10 December 2020]

26 The Partnership Agreement between the European Union and the African, Caribbean and Pacific Group of States was signed in 2000 with the aim of encouraging sustainable development in the ACP countries and, subsequently, ensure cooperation with the international criminal court.

have been transferred from the EU-Côte d’Ivoire EPA without change.²⁷ Amendments made by the EPA Committee would give rise to previously expressed concerns about a gap in parliamentary scrutiny if substantial changes were made without triggering scrutiny under CRAG or through implementing legislation. In the Parliamentary Report the Government says that its “interpretation is that such amendments would need to go through scrutiny and ratification” before coming into force, though the form that such a process would take is not clear.²⁸

45. The EM states that the Government has consulted with Gibraltar and the Crown Dependencies in the course of negotiating the UK-Côte d’Ivoire Partnership Agreement, and that it will work with them to ensure any necessary implementing legislation is in place before it comes into force. The Government explains that consultation with the devolved administrations in Scotland, Wales and Northern Ireland has taken place throughout and stable texts have been shared with them and the relevant territories.
46. **We report the UK-Côte d’Ivoire Partnership Agreement to the House for information.**

27 Department for International Trade, *Continuing the United Kingdom’s trade relationship with Côte d’Ivoire* (9 November 2020), paras 53–55: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-cote-divoire-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-cote-divoire-web-optimised-version> [accessed 10 December 2020]

28 Department for International Trade, *Continuing the United Kingdom’s trade relationship with Côte d’Ivoire* (9 November 2020), para 55: <https://www.gov.uk/government/publications/continuing-the-uks-trade-relationship-with-cote-divoire-parliamentary-report/continuing-the-united-kingdoms-trade-relationship-with-cote-divoire-web-optimised-version> [accessed 10 December 2020]

APPENDIX 1: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND SUB-COMMITTEE STAFF

Members of the European Union Select Committee

The report was approved by the Chair of the EU Select Committee, Lord Kinnoull, as authorised under paragraph 11.55 of the Companion to the Standing Orders and Guide to the Proceedings of the House of Lords.

Declarations of interest

The Earl of Kinnoull (Chair)

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

Shareholdings as set out in the register

International Agreements Sub-Committee Members and staff

Lord Foster of Bath

No relevant interests

Lord Gold

Principal, David Gold & Associates LLP

Director, Gold Collins Associates Ltd

Lord Goldsmith (Chair)

Partner, Debevoise & Plimpton LLP

Lord Kerr of Kinlochard

Chairman, Centre for European Reform

Deputy Chairman, Scottish Power plc

Member, Scottish Government's Standing Council on Europe

Lord Lansley

Director, LOW Associates Ltd

Chair, UK-Japan 21st Century Group

Trustee, Radix

Baroness Liddell of Coatdyke

Adviser, PricewaterhouseCoopers

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

Chair, Advisory Committee, Weber Shandwick UK

Non-Executive Director, Centre for Countering Digital Hate

Director, H&O Communications Ltd

Lord Risby

Chairman, British Ukrainian Society

Lord Robathan

No relevant interests

Earl of Sandwich

No relevant interests

Lord Watts

No relevant interests

The Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Alexander Horne (Legal Adviser), Andrea Ninomiya (Policy Analyst), and George Stafford (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/>