



Lord Gardiner of Kimble  
Chair, Liaison Committee  
House of Lords  
London  
SW1A 0PW

22 May 2023

Dear Lord Gardiner,

I am writing to propose a change to the terms of reference to the International Agreements Committee ('the Committee').

The Committee's current terms of reference are:

"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".

Under Part 2 of the Constitutional Reform and Governance Act 2010 (CRAG), the Government cannot ratify an Agreement unless it has first laid the signed Agreement before Parliament for 21 sitting days, with an accompanying Explanatory Memorandum (EM).

When an Agreement has been deposited under CRAG, the Committee and both Houses are formally notified. The Committee interprets its terms of reference as requiring it to consider and publish a report on every Agreement so that Parliament has an opportunity to express its view within this 21 day period.

The Committee often reports Agreements simply for information, but it may report an Agreement for the special attention of the House. The Committee can also seek a debate in the House prior to ratification.

The Committee reported on major Free Trade Agreements (FTAs) with Australia and New Zealand though the majority of recent CRAG Agreements are considerably more minor than these FTAs, and all but two have been reported for information only.

## **THE CASE FOR REVIEW**

Committee members consider that a full Committee report on every agreement, no matter how straightforward (such as a "roll over" of a previous agreement), is not the best use of its limited resources especially where this is essentially similar to others already scrutinised, is uncontroversial, or does not raise any wider questions of policy. In such instances, the Committee has agreed that a full report is not of sufficient value to the House to justify the time taken on its preparation.

If the Committee were to move to a system whereby the most straightforward Agreements were merely noted, the time currently spent on these reports may be diverted to areas of priority of more value to the Committee and the House.

## **COMMITTEE PROPOSALS**

In March 2023 the Committee agreed that it would like to move to a 'sifting' arrangement whereby some Agreements would not be reported on if they did not meet a set of specified criteria which it identified as:

- That the Agreement is:
  - Novel (i.e not a simple rollover of a prior EU Agreement)
  - Politically significant and/or gives rise to notable matters of public policy;
  - Has significant human rights implications;
  - Gives rise to significant expenditure.

If an Agreement laid under CRAG did not meet these criteria, the Committee would simply inform the House (probably on the Green Sheets) that it had noted the Agreement.

## **PROPOSAL**

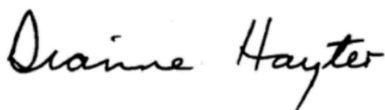
If the Liaison Committee agrees these proposals, a small change is required to the terms of reference, to remove the implication that the Committee will report on all CRAG treaties.

The terms of reference are therefore proposed to be reworded as follows:

“To consider, and where appropriate report on, 1) matters relating to the negotiation, conclusion and implementation of international agreements, and 2) treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010”.

If the Liaison Committee agrees this change, the Terms of Reference could be formally amended to coincide with its reappointment in the next session. In the meantime, however, the Committee would implement the change now, and would seek the Procedure and Privilege's Committee's agreement to ensuring that the change in practice is reflected in the way international agreements and reports under the CRAG procedure are listed in the House of Lords Business in the next session.

Yours sincerely,



**Baroness Hayter**

Chair of the House of Lords International Agreements Committee