



HOUSE OF LORDS

International Agreements Committee

3rd Report of Session 2019–21

**Scrutiny of international
agreements:
Road Transport
Agreements with Bosnia
and Herzegovina, and
Kosovo**

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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:

<u>Lord Foster of Bath</u>	<u>Lord Morris of Aberavon</u>
<u>Lord Gold</u>	<u>Lord Oates</u>
<u>Lord Goldsmith (Chair)</u>	<u>Lord Risby</u>
<u>Lord Kerr of Kinlochard</u>	<u>Lord Robathan</u>
<u>Lord Lansley</u>	<u>Lord Sandwich</u>
<u>Baroness Liddell of Coatdyke</u>	<u>Lord Watts</u>

Declaration of interests

See Appendix 1.

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/>

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Further information

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

Committee staff

The current staff of the Committee are Jennifer Martin-Kohlmorgen (Clerk), Moriyo Aiyeola (Assistant Clerk), Andrea Ninomiya (Policy Analyst), Alexander Horne (Legal Adviser) and George Stafford (Committee Assistant).

Contact details

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SUMMARY

This is the International Agreements Committee's third report on treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAG). On 28 January 2021, the International Agreements Committee succeeded the EU International Agreements Sub-Committee, which since April 2020 has had responsibility for scrutinising all international agreements laid before Parliament under CRAG.¹

This report addresses two Agreements considered at the meeting of the International Agreements Committee on 10 February 2021, which we report for information:

- Agreement, done at Sarajevo on 1 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council of Ministers of Bosnia and Herzegovina on International Road Transport (CP 364, 2021)
- Agreement, done at Pristina on 11 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Kosovo on International Road Transport (CP 365, 2021)

¹ Previous reports on treaties considered by the International Agreements Sub-Committee can be found on the Treaty page of the Parliament website at: <https://treaties.parliament.uk/>

Scrutiny of international agreements: Road Transport Agreements with Bosnia and Herzegovina, and Kosovo

AGREEMENTS REPORTED FOR INFORMATION

Agreement, done at Sarajevo on 1 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council of Ministers of Bosnia and Herzegovina on International Road Transport (CP 364, 2021)²

1. The Agreement on International Road Transport between the UK and Bosnia and Herzegovina ('the Bosnia and Herzegovina Road Transport Agreement') was laid on 12 January 2021, and the scrutiny period is scheduled to end on 24 February 2021. It was considered by the International Agreements Committee on 10 February 2021.
2. The UK-Bosnia and Herzegovina Road Transport Agreement covers the transport of goods and passengers by road to and from each country. It replaces the requirement for hauliers from the UK and Bosnia and Herzegovina to possess a permit issued by the European Council of Ministers of Transport (ECMT). The Government's Explanatory Memorandum (EM)³ states that the Agreement reduces the burden and cost of transporting goods to and from Bosnia and Herzegovina, as hauliers are currently charged £20 by the Driver and Vehicle Standards Agency (DVSA) for a thirty-day ECMT permit, and £133 for a twelve-month permit.
3. The EM⁴ confirms that consultation took place with the Devolved Administrations and other stakeholders, including Logistics UK, the Road Haulage Association, and the Confederation of Passenger Transport UK, and that no significant concerns were raised.
4. The Agreement will enter into force thirty days after both Parties have completed their domestic ratification procedures. It will also apply to Gibraltar and can be extended to Guernsey, Jersey, and the Isle of Man through an exchange of notes.

Key provisions of the Agreement

5. Article 3 of the Agreement provides for the carriage of passengers by regular (scheduled) services. The Government's EM⁵ states that this provision

2 Agreement, done at Sarajevo on 1 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council of Ministers of Bosnia and Herzegovina on International Road Transport, CP 364, 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951492/CS_Bosnia_and_Herze_1.2021_Agreement_International_Road_Transport.pdf [accessed 2 February 2021]

3 Department for Transport, Explanatory Memorandum, (12 January 2021), p 1: <https://www.gov.uk/government/publications/ukbosnia-and-herzegovina-agreement-on-international-road-transport-cs-bosnia-and-herzegovina-no12021> [accessed 5 February 2021]

4 *Ibid.*, p 3

5 *Ibid.*, p 1

supplements the multilateral Interbus Agreement, which allows for liberalised occasional coach travel between its contracting Parties, including Bosnia and Herzegovina and the UK.⁶ In the UK-Bosnia Agreement, authorisation to operate a scheduled service will be granted by each Party's responsible authority for a specified route and be valid for five years.⁷

6. Article 4 provides for the transportation of goods and removes the requirement for any permit, licence or authorisation in the following circumstances:
 - journeys between the UK and Bosnia and Herzegovina;
 - journeys across Bosnia and Herzegovina or the UK (i.e. transit journeys); and
 - journeys between third countries and the UK or Bosnia and Herzegovina.
7. Cabotage journeys for passengers and goods, however, require authorisation via a special permit.⁸ Article 5 provides that special permits will also be required for vehicles whose weight, dimensions or load would not be otherwise lawful on the roads of the other Party.
8. Further provisions include the exemption of taxes and charges levied on passenger and goods vehicles to use the roads in the territory of the other Party. This exemption applies to passengers and goods vehicles that comply with the terms of the Agreement and have temporarily entered the country. Charges will still apply to the purchase of fuel and toll roads. Drivers and crews of goods and passenger vehicles must comply with the national laws of the other Party.
9. **We report the Agreement on International Road Transport between the UK and Bosnia and Herzegovina to the House for information.**

6 The UK became a Party in its own right to the Interbus Agreement on 1 January 2021.

7 Occasional services including tours, short trips and shuttle services are exempt from this authorisation, but vehicles are required to keep the relevant documentation under the Interbus Agreement—the “Interbus Waybill”—on board the vehicle.

8 Cabotage refers to the transport of goods or passengers solely within a single country by a non-resident operator—for example, a UK haulier moving goods between two locations in Bosnia and Herzegovina.

Agreement, done at Pristina on 11 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Kosovo on International Road Transport (CP 365, 2021)⁹

10. The Agreement on International Road Transport between the UK and Kosovo (the ‘Kosovo Road Transport Agreement’) was laid on 12 January 2021, and the scrutiny period is scheduled to end on 24 February 2021. It was considered by the International Agreements Committee on 10 February 2021.
11. The UK-Kosovo Road Transport Agreement covers the commercial carriage of passengers and goods by road to and from each country. Kosovo is not an ECMT¹⁰ member country and the Government’s Explanatory Memorandum (EM)¹¹ states there is currently no formal mechanism allowing for the carriage of goods and passengers between the UK and Kosovo. This Agreement will enable commercial vehicles’ access to each country without the need for permits, reducing the burden on hauliers.
12. The EM¹² confirms that consultation took place with the Devolved Administrations and other stakeholders, including Logistics UK, the Road Haulage Association, and the Confederation of Passenger Transport UK, and that no significant concerns were raised.
13. The Agreement will enter into force thirty days after both Parties have completed their domestic ratification procedures. It will also apply to Gibraltar and can be extended to Guernsey, Jersey, and the Isle of Man through an exchange of notes.

Key provisions of the Agreement

14. Article 3 of the Agreement provides for the commercial carriage of passengers by “passenger vehicles”.¹³ Authorisation will be required by each Party’s responsible authority for services to and from any point within the territory of the other Party, or in transit through the territory of the other party. Authorisation to operate such services will be valid for five years.
15. Article 3(4) of the Agreement sets out that occasional services including tours, short trips and shuttle services will not require an authorisation, but drivers must carry documents with information for national controls—the Interbus brochure book—on board the vehicle.
16. Although Kosovo is not a member of the Interbus Agreement, Department for Transport officials have explained in correspondence that UK and Kosovo

⁹ Agreement, done at Pristina on 11 December 2020, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Kosovo on International Road Transport, CP 365, 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951501/CS_Kosovo_1.2021_Agreement_Kosovo_International_Road_Transport.pdf [accessed 2 February 2021]

¹⁰ European Conference of Ministers of Transport. International road haulage permits are available for journeys between 43 ECMT member countries, which include EU and some non-EU countries, including the UK. UK hauliers, however, do not usually require an ECMT permit for travel to the EU and specified non-EU countries.

¹¹ Department for Transport, Explanatory Memorandum (12 January 2021) p 1: <https://www.gov.uk/government/publications/ukkosovo-agreement-on-international-road-transport-kosovo-no12021> [accessed 5 February 2021]

¹² *Ibid.*, p 3

¹³ The Agreement defines a passenger vehicle as one that is “suitable and intended, by virtue of its construction and equipment, to carry more than nine persons, including the driver.”

representatives agreed in the negotiations to use the Interbus brochure book as a control document, as this is already used internationally.

17. Article 3 also provides for the possibility of extending authorisation to journeys between the other Party and a third country. In these cases, special permits may be required.
18. Article 4 provides for the carriage of goods and removes the requirement for any permit, licence, or authorisation in the following circumstances:
 - journeys between the UK and Kosovo;
 - journeys across Kosovo or the UK (i.e. transit journeys); and
 - journeys between third countries and the UK or Kosovo.
19. Cabotage journeys for passengers and goods, however, require authorisation via a special permit.¹⁴ Article 5 provides that special permits may also be required for vehicles whose weight, dimensions or load would not be otherwise lawful on the roads of the other Party.
20. Further provisions include the exemption of taxes and charges levied on passenger and goods vehicles to use the roads in the territory of the other Party. This applies to passengers and goods vehicles that comply with the terms of the Agreement and have temporarily entered the country. Charges will still apply to the purchase of fuel and toll roads. Customs duties and taxes will also apply to any replaced parts of a vehicle repaired in the territory of the other Party. Drivers and the crews of goods and passenger vehicles must comply with the national laws of the other Party.
21. **We report the Agreement on International Road Transport between the UK and Kosovo to the House for information.**

¹⁴ Cabotage refers to the transport of goods or passengers solely within a single country by a non-resident operator—for example, a UK haulier moving goods between two locations in Kosovo.

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

International Agreements Committee Members and staff

Lord Foster of Bath

No relevant interests

Lord Gold

Director, Gold Collins Associates Ltd

Principal, David Gold & Associates LLP

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

No relevant interests

Lord Robathan

No relevant interests

Earl of Sandwich

No relevant interests

Lord Watts

No relevant interests

The Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Moriyō Aiyeola (Assistant 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: <https://members.parliament.uk/members/lords/interests/register-of-lords-interests>