

Delyth Jewell MS

Chair, Culture, Communications, Welsh Language,  
Sport, and International Relations Committee

7 October 2022

Dear Delyth

## Second Additional Protocol to the Council of Europe Convention on Cybercrime

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

During our meeting on 26 September 2022 we considered the Second Additional Protocol to the Council of Europe Convention on Cybercrime.

The purpose of this agreement is to enable relevant authorities in one Party to the Convention to directly cooperate with authorities and service providers in another Party, including to expediate the provision of stored computer data via a 24/7 contact point. This builds on the original Convention, which was ratified in 2011. It will also provide a legal basis for enhanced cooperation in criminal investigations and proceedings and to the collection of electronic evidence for criminal offences relating to computer systems and data.



During our consideration of the Convention we agreed to draw it to the attention of both the Culture, Communication, Welsh Language, Sport and International Relations Committee and the Economy, Trade and Rural Affairs Committee should you wish to request more information from the Welsh Government on its effect on areas within your remits.

Our latest report is enclosed for your information.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair

# **International Agreements**

Agreements considered on  
26 September 2022

October 2022



## 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 26 September 2022 we considered three international agreements that have recently been laid in the UK Parliament.<sup>1</sup>
6. The agreements we considered were:
  - Second Additional Protocol to the Council of Europe Convention on Cybercrime;
  - Protocol to the North Atlantic Treaty on the Accession of the Republic of Finland;  
and
  - Protocol to the North Atlantic Treaty on the Accession of the Kingdom of Sweden.
7. We agreed to take further action on one of the agreements and to note the other two for information. Further details on each of the agreements are set out below.

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<sup>1</sup> Legislation, Justice and Constitution Committee, 26 September 2022

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## 2. Agreements requiring further action

### **Second Additional Protocol to the Council of Europe Convention on Cybercrime**

- 8.** This international agreement, also known as the Budapest Convention, was laid in the UK Parliament on 14 July 2022. Its scrutiny deadline, as required by the CRaG Act 2010, is 1 November 2022.
- 9.** The purpose of this agreement is to enable relevant authorities in one Party to the Convention to directly cooperate with authorities and service providers in another Party, including to expediate the provision of stored computer data via a 24/7 contact point. This builds on the original Convention, which was ratified in 2011. It will also provide a legal basis for enhanced cooperation in criminal investigations and proceedings and to the collection of electronic evidence for criminal offences relating to computer systems and data.
- 10.** The Explanatory Memorandum for this agreement states that the UK Government consulted the devolved governments on the drafting of this treaty and shared the relevant draft text in advance of signature.
- 11.** The prevention, detection and investigation of crime are reserved matters, as provided by paragraph 39 of Schedule 7A to the Government of Wales Act 2006 (the 2006 Act). National security is also a reserved matter (paragraph 32 of Schedule 7A to the 2006 Act) and is therefore outside the Senedd's legislative competence.
- 12.** However, the First Minister's responsibilities include "national security, including counter-terrorism and cyber security" and cyber security is identified as one of three of Wales's "centres of excellence" in the Welsh Government's international strategy. In May 2022, the Welsh Government announced its investment in a new "Cyber Innovation Hub" to "help Wales to become a global leader" in the cyber security sector.
- 13.** We noted the agreement and agreed to draw it to the attention of both the Culture, Communication, Welsh Language, Sport and International Relations Committee and the Economy, Trade and Rural Affairs Committee recommending that they may wish to request more information from the Welsh Government on its effect on areas within their remits.

### 3. Agreements noted for information

#### **Protocols relating to the accession of Finland and Sweden to NATO**

**14.** Both the Protocol to the North Atlantic Treaty on the Accession of the Republic of Finland, and the Protocol to the North Atlantic Treaty on the Accession of the Kingdom of Sweden, were laid in the UK Parliament on 6 July 2022. The UK Government has invoked section 22 of the Crag Act 2010 to disapply its usual scrutiny deadlines on the grounds of them being exceptional cases.

**15.** The purpose of these agreements is to allow Finland and Sweden's accession to NATO following their applications.

**16.** The Explanatory Memoranda for both protocols explain that they relate to the UK's policy on NATO, which is a reserved matter (paragraph 11 of Schedule 7A to the 2006 Act) and confirm that the devolved governments were not consulted.

**17.** We noted both agreements for information only.