

Paul Davies MS
Chair, Economy, Trade, and Rural Affairs Committee

12 July 2023

Dear Paul,

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 10 July 2023, we considered the UK/Switzerland: Agreement on Recognition of Professional Qualifications. This agreement provides a framework for the mutual recognition of professional qualifications in the UK and Switzerland.

During our consideration of the agreement, we agreed to draw it to the attention of your Committee and the Children, Young People and Education Committee, for information.

We are also writing to the Welsh Government to seek its view on the relationship, if any, between implementing international obligations and the Sewel Convention, in light of the Senedd having refused consent for the parent legislation that is being considered for the implementation of this agreement.

Our latest report is enclosed for your information.

Yours sincerely,

Huw Irranca-Davies

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Chair



International agreements

Agreements considered on 10
July 2023

July 2023



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 10 July 2023¹, we considered two international agreements that had recently been laid in the UK Parliament:
 - [UK/Switzerland: Agreement on Recognition of Professional Qualifications](#)
 - [Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events](#)
- 6.** We agreed to take further action in relation to both of the agreements; further details are set out below.

¹ [Legislation, Justice and Constitution Committee, 10 July 2023](#)

2. Agreements requiring further action

UK/Switzerland: Agreement on Recognition of Professional Qualifications

7. This international agreement was laid in the UK Parliament on 20 June 2023, having been signed on 14 June. Its scrutiny deadline, as required by the CRaG Act 2010, is 6 September 2023.

8. The UK and Switzerland both have high professional standards and similar recognition of professional qualifications systems. This agreement provides a framework for the mutual recognition of professional qualifications in the UK and Switzerland.

9. The purpose of the agreement is to ensure that professionals with qualifications obtained in the UK seeking to practise a regulated profession in Switzerland (and vice versa) can access a “smooth and transparent system to have their professional qualifications recognised”².

10. The arrangements for the movement of persons to supply services is being temporarily governed by another UK/Switzerland agreement until the end of 2025. Following discussions held by a working group established under that agreement on the recognition of professional qualifications, it has been agreed that the UK and Switzerland will move from arrangements under their services mobility agreement to a system of mutual recognition.

11. This agreement also rolls over arrangements that expire on 31 December 2024 from EU legislation that apply to UK and Swiss citizens, providing long-term “certainty for professionals, businesses, consumers and investors in both countries”³.

12. The agreement relates to international relations, which is a reserved matter for the purposes of Schedule 7A to the *Government of Wales Act 2006* (the 2006 Act). The Explanatory Memorandum notes that the Secretary of State for Business and Trade has overall responsibility for the UK’s policy relating to the UK’s trade relations with Switzerland and for this agreement, whilst the Secretary

² UK Government, Explanatory Memorandum: UK/Switzerland: Agreement on Recognition of Professional Qualifications, June 2023, paragraph 2.2

³ Explanatory Memorandum, paragraph 3.3

of State for Foreign, Commonwealth and Development Affairs has overall responsibility for the UK's policy relating to the UK's relations with Switzerland.⁴

13. However, the Explanatory Memorandum also notes that the agreement relates to regulatory requirements for professional qualifications, certain aspects of which are devolved to Wales (and Scotland and Northern Ireland). On that basis, the Explanatory Memorandum confirms that the UK Government consulted the Devolved Administrations on the drafting of the agreement and the relevant draft text in advance of signature.⁵

14. The Explanatory Memorandum explains that the Agreement will need to be implemented across the UK to give effect to the provisions in domestic law. The UK Government is beginning work on implementation and the Professional Qualifications Act 2022 contains powers which can be used by UK or devolved Ministers to implement international recognition agreements.⁶

15. The Senedd withheld consent to the *Professional Qualifications Act 2022* following consideration of the Welsh Government's Legislative Consent Memoranda.⁷

16. In the Legislative Consent Memorandum on the Professional Qualifications Bill (as it was in June 2021) Jeremy Miles MS, Minister for Education and the Welsh Language, expressed concerns around the linking of professional qualifications to trade policy. He expressed concerns that:

*"...decisions could be badged as "trade" rather than "professional qualification" decisions and imposed on Wales in contravention of the Sewel Convention. Whilst assurances from UK Government Ministers and published guidance state this is not the intention, this is a clear risk due to the drafting of this Bill."*⁸

17. We agreed to:

- Write to the Welsh Government requesting its view on the relationship between implementing international obligations and the Sewel

⁴ Explanatory Memorandum, paragraphs 11.1 and 11.2

⁵ Explanatory Memorandum, paragraph 10.1

⁶ Explanatory Memorandum, paragraph 5.1

⁷ [Plenary, 15 February 2023](#) and [Plenary, 5 October 2021](#)

⁸ [The Welsh Government's Legislative Consent Memorandum on the Professional Qualifications Bill](#), paragraph 38

Convention, in light of the Senedd having refused consent for the parent legislation that is being considered for this Agreement's implementation.

- Write to the House of Lords' International Agreements Committee advising that we are seeking information from the Welsh Government and will share our findings in due course.
- Draw the agreement to the attention of the Children, Young People and Education Committee and the Economy, Trade and Rural Affairs Committee for information, and copy in both committees to the correspondence described above.

Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

18. This international agreement was laid in the UK Parliament on 21 June 2023, having been signed on 15 May 2019. Its scrutiny deadline, as required by the CRaG Act 2010, is 7 September 2023.

19. This Convention, also known as the "Saint-Denis Convention", is a convention of the Council of Europe, of which the UK is a founding member. The Convention places duties on Parties to prepare and deliver an integrated and balanced approach to safety, security and service in relation to football matches and other sporting events, with the aim of providing a safe, secure and welcoming environment at these events.⁹

20. The Convention was adopted in 2016 and covers aspects such as the coordination of national and local arrangements, including for private and public agencies, multi-agency emergency plans, and for the incorporation of clear policies and procedures on pyrotechnic use, violent or other prohibited behaviour and racist or other discriminatory behaviour in stadiums.

21. The Explanatory Memorandum confirms that no new legislation is required to implement the Convention's requirements, as existing legislation¹⁰ satisfies the Convention's requirements, and lists applicable legislation for England, Wales, Scotland and Northern Ireland. There are 15 applicable laws to Wales.¹¹

⁹ [UK Government, Explanatory Memorandum: Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, June 2023](#), paragraphs 2.1 and 2.2, page 1

¹⁰ Existing legislation includes the Health and Safety at Work Act 1974, the Civil Contingencies Act 2004, the Police and Crime Act 2009 and the Anti-social Behaviour, Crime and Policing Act 2014.

¹¹ Explanatory Memorandum, paragraph 2.1, page 3

22. The Explanatory Memorandum states that the Convention relates to devolved and reserved matters and that the Devolved Administrations were consulted on the drafting of the Convention and the preparation of the Explanatory Memorandum.¹²

23. The Welsh Government's National Events Strategy for Wales 2022-2030 sets out its main aims for attracting and supporting major events, including sporting events, and how the government intends to achieve these. The strategy lists several major events hosted in Wales which help to deliver on its ambition to "stand out amongst the global crowd".¹³

24. We agreed to draw the agreement to the attention of the Culture, Communication, Welsh Language, Sport and International Relations Committee in the event it wishes to seek further information from the Welsh Government.

¹² Explanatory Memorandum, paragraph 7.1

¹³ The Welsh Government's National Events Strategy for Wales 2022 to 2030. June 2022
