

(Europe) and Supreme Allied Command (Transformation).

- 9.12 In many cases the UK's relations with international organisations involve working with the EU. For example, while retaining the right to act nationally, the UK often co-ordinates an agreed position with EU partners in the first instance for many issues covered in the UN General Assembly and the Economic and Social Council, and some UN specialised agencies. Agreed EU Member State positions may be represented in negotiations at international organisations by EU institutions, or in some cases the Member State holding the rotating presidency of the Council of the European Union. For example, while the UK Mission in Geneva represents the UK at the WTO, given that trade policy is an EU competence, in practice the UK (along with other EU Member States) is usually represented by the European Commission on the basis of a mandate from the Member States. The EU institutions may also lead representation on some areas of shared or Member State competence if the Member State explicitly authorises them to do so, for example where the EU Delegation has specific expertise.

Implementation of international decisions and law

- 9.13 Some instruments or decisions agreed by international organisations are binding on Member States. International treaties, EU law, judgments of the European Court of Human Rights, NATO decisions and resolutions of the UN Security Council (UNSC) are considered below.

International treaties

- 9.14 Treaties are legally binding agreements concluded between state parties and/or international organisations that possess legal capacity to enter into treaties. Bilateral treaties involve two states; a larger number of states may be party to multilateral treaties, including those adopted at inter-governmental conferences. Treaties do not automatically have force in the domestic law of the UK. Depending on the nature and terms of a treaty, domestic legislation may need to be adopted to enable the UK to

meet its international obligations when it is a party to a treaty, and Parliament may have a role in the scrutiny and implementation of a treaty. Treaty making is a prerogative power (see Chapters One and Three), which is exercised subject to Part 2 of the Constitutional Reform and Governance Act 2010. The Act creates a new Parliamentary scrutiny procedure for treaties that are subject to ratification or its equivalent, although the statute also provides for exceptions where the procedure does not apply.²² Any necessary legislation should be in place before the treaty is ratified.²³

EU law

- 9.15 The UK is obliged to ensure that its national laws and measures are compliant with EU law.²⁴ Some provisions of EU law may apply directly in the Member States' national law. In the UK, directly applicable and directly effective provisions of EU law are given effect principally through section 2(1) of the European Communities Act 1972 and through provisions in other Acts of Parliament. Other provisions of EU law may need to be implemented in national law. Government departments are responsible for ensuring the full and correct implementation of these obligations into national law in their areas.
- 9.16 If the UK fails to implement its obligations fully, it is liable to face legal proceedings (known as infraction proceedings) brought by the European Commission before the Court of Justice of the European Union.²⁵ The Court can also impose significant fines on Member States. The lead department or administration responsible for an infraction would be expected by the Treasury to bear the burden of any fine. The Chief Secretary to the Treasury would ultimately be responsible for deciding on the division and allocation of all fines.
- 9.17 To the extent that financial costs and penalties imposed on the UK arise from the failure of implementation or enforcement by a Devolved Administration on a matter falling within its responsibility, or from a failure of a Devolved Administration to meet its share of an EU quota or obligation, responsibility for meeting these will be borne by the Devolved Administration.²⁶