



David Rees MS
Chair of the External Affairs and Additional Legislation Committee

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24 August 2020

Dear Chair

Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Poland on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other

I am writing in response to your letter of 8 July regarding the above treaty (“UK-Poland Agreement”). The answers to the questions raised by the Committee are set out below.

Question 1

The provisions of the UK-Poland Agreement are not incompatible with our proposals in the Local Government and Elections Bill. Consequently we are content with the arrangements established by the Agreement.

Question 2

As the Explanatory Memorandum states, we were consulted on the proposed arrangements prior to the Treaty being signed. The Welsh Ministers are not able to enter into treaties binding in international law with overseas governments. I confirm we are therefore content with the UK Government having agreed those arrangements with the Polish Government.

Question 3

The UK Government has worked closely with the Welsh Government during the development of the Agreement. We are satisfied the UK Government has fulfilled its previous commitment. However the exchange of letters at ministerial level did take place towards the end of the process and we would have preferred earlier engagement which would have enabled engagement with the Senedd. We will pursue this with the UK Government with a view to ensuring earlier engagement with future agreements of this nature.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Question 4

Given the volume of pressures with which we have been dealing in recent months it has not been possible to agree such a mechanism with the UK Government. The Treaty provides that either party may terminate the Agreement by giving written notification to the other Party. The Treaty also requires that the UK and Polish Governments notify each other of changes to the franchise in their domestic law that are relevant to the scope and implementation of the Agreement. It also makes provision for amendments to be made to the Treaty. Should a future Senedd wish to legislate to alter the franchise for local government elections it would be open to the Welsh Government to request the UK Government to seek to agree any such changes to the Treaty as may be necessary.

Question 5

Officials in both the Welsh Government and UK Government regularly discuss developments with respect to treaties on reciprocal voting rights.

Questions 6, 7 and 8

The engagement of the Welsh Government and the other devolved administrations by the UK Government, and confirmation of that in the accompanying Explanatory Memorandum, is an acknowledgement that the franchise for local government elections is not a reserved matter. Consequently we have no reason to believe the UK Government would seek to legislate to remove EU citizens' voting rights in Welsh local government elections. We would of course object to any such attempt. However it would be for the Senedd to determine how to use its legislative competence in this area should the UK Parliament attempt to legislate in such a way.

This letter is copied to the Llywydd.

Best wishes

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD