

Jenny Rathbone MS  
Chair, Equality and Social Justice Committee

21 June 2023

Dear Jenny,

**UK/Spain: Agreement on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences**

As you are aware, 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 12 June 2023, we considered the UK/Spain: Agreement on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences. This agreement provides for reciprocal mutual recognition of driving licences in the UK and Spain and for the exchange of vehicle and vehicle keeper data for the purpose of investigating certain specific road safety related traffic offences.

During our consideration of the agreement, we agreed to draw the agreement to the attention of your Committee as it monitors the rights of European citizens living in Wales under the UK-EU Withdrawal Agreement.

Our latest report is enclosed for your information.



Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies

Chair



**Senedd Cymru**  
**Welsh Parliament**

# International agreements

Agreements considered on 12  
June 2023

June 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 12 June 2023<sup>1</sup>, we considered two international agreements that had recently been laid in the UK Parliament:
  - UK/Spain: Agreement on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences
  - UK/France: Agreement concerning safety certification in respect of rail transport services through the Channel Fixed Link
6. We agreed to take further action in relation to one of the agreements. Details on each of the agreements and our respective actions are set out below.

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<sup>1</sup> Legislation, Justice and Constitution Committee, 12 June 2023

## 2. Agreement requiring further action

### **UK/Spain: Agreement on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences**

- 7.** This international agreement was laid in the UK Parliament on 27 April 2023. Its scrutiny deadline, as required by the Crag Act 2010, is 15 June 2023.
- 8.** This agreement provides for reciprocal mutual recognition of driving licences in the UK and Spain and for the exchange of vehicle and vehicle keeper data for the purpose of investigating certain specific road safety related traffic offences. The agreement extends to Gibraltar.
- 9.** The Explanatory Memorandum notes that the bilateral agreement will:
- mutually recognise licences for temporary use without the need for the holder to carry an International Driving Permit;
  - allow UK license holders who are already resident in Spain, or who become resident in future, the right to exchange their UK driving licence without the need to take further practical or theory driving tests (and vice versa); and
  - provide for the exchange of vehicle keeper data between the UK and Spain for the purpose of enforcement of specific road traffic offences listed in the agreement. Offences listed include speeding and failing to wear a seat belt.<sup>2</sup>
- 10.** In the Explanatory Memorandum, the UK Government notes that the new system for the exchange of data requires “in the region of £350,000 to build with annual running costs in the region of £20,000”.<sup>3</sup>
- 11.** Mutual recognition of driving licences with Spain was previously provided for by EU membership. Whilst the UK is party to United Nations Conventions, which govern the mutual recognition of licences, those conventions apply to temporary visits only, and not to residency. The exchange of vehicle and vehicle

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<sup>2</sup> UK Government, Explanatory Memorandum: UK/Spain: Agreement on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences, April 2023, paragraph 2.1

<sup>3</sup> Explanatory Memorandum, paragraph 7.2

keeper data was previously exchangeable under the EU's Cross Border Exchange Directive.

**12.** The Explanatory Memorandum notes that the UK Government engaged with the devolved administrations and shared a draft text of the agreement in advance of it being agreed. The comments received by the devolved administrations were “considered and reflected in the Government’s approach”.<sup>4</sup> We note that this approach reflects the engagement undertaken by the UK Government in relation to a similar agreement with Italy which we considered in a meeting on 13 February 2023.<sup>5</sup>

**13.** As the agreement relates to a reserved matter (driver licensing) within Schedule 7A to the *Government of Wales Act 2006* (the 2006 Act), we noted the agreement for information only, whilst welcoming the UK Government’s increased engagement with the devolved governments on this type of international agreement.

**14.** We also agreed to draw the agreement to the attention of the Equality and Social Justice Committee, as it monitors the rights of European citizens living in Wales under the UK-EU Withdrawal Agreement.

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<sup>4</sup> Explanatory Memorandum, paragraph 10.3

<sup>5</sup> Legislation, Justice and Constitution Committee, 13 February 2023

### 3. Agreement noted for information

#### **UK/France: Agreement concerning safety certification in respect of rail transport services through the Channel Fixed Link**

**15.** This international agreement was laid in the UK Parliament on 21 April 2023. Its scrutiny deadline, as required by the CRaG Act 2010, was 8 June 2023.

**16.** The agreement provides for the recognition of safety certificates issued by safety authorities in Great Britain and the EU for use in the UK and French sections of the Channel Tunnel and up to the first border crossing stations in their territories.

**17.** The agreement will enable rail operators to meet their safety certification requirements for the Channel Tunnel using one safety certificate issued either in Great Britain, or the EU.

**18.** The Explanatory Memorandum notes that mutual recognition of safety certificates was previously provided when the UK was a member of the EU. Although the EU and the UK extended mutual recognition of safety certificates beyond the end of the Brexit transition period for their respective sections of the Channel Tunnel on a temporary basis until 27 March 2024, the agreement has been negotiated to “provide a long-term framework for the recognition of safety certificates for the Channel Tunnel”.<sup>6</sup>

**19.** Rail transport is a reserved matter, as provided by paragraph 117 of Schedule 7A to the 2006 Act. The subject matter of the Channel Tunnel Act 1987 is specifically reserved by paragraph 118 of Schedule 7A to the 2006 Act.

**20.** The Explanatory Memorandum notes that, as the policy content of the agreement relates fully to a reserved matter in Great Britain (with no implications for the devolved administrations), the devolved administrations were not consulted on the drafting of the agreement.<sup>7</sup>

**21.** We noted the agreement for information only.

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<sup>6</sup> UK Government, Explanatory Memorandum: UK/France: Agreement concerning safety certification in respect of rail transport services through the Channel Fixed Link, April 2023, paragraph 3.5

<sup>7</sup> Explanatory Memorandum, paragraph 10.1