

HOUSE OF LORDS

International Agreements Committee

12th Report of Session 2022–23

**Scrutiny of International
Agreements: Agreement
with Italy on the
Mutual Recognition of
Driving Licences for the
Purposes of Exchange**

Ordered to be printed 9 February 2023 and published 10 February 2023

Published by the Authority of the House of Lords

International Agreements Committee

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010

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The Members of the International Agreements Committee are:

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[Lord Geidt](#)

[Baroness Hayter of Kentish Town](#) (Chair)

[Lord Howell of Guildford](#)

[Lord Kerr of Kinlochard](#)

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Declaration of interests

See Appendix 1.

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SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010:

- Agreement between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on the mutual recognition of driving licences for the purposes of exchange (CP 776, 2023)

The purpose of this Agreement between the UK and Italy is to allow holders of driving licences who are resident in the other state to exchange their licence for a local licence without the need to take a practical or theory driving test.

We report this Agreement between the United Kingdom and Italian Republic to the House for information.

Scrutiny of International Agreements: Agreement with Italy on the Mutual Recognition of Driving Licences for the Purposes of Exchange

AGREEMENT REPORTED FOR INFORMATION

Agreement between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on the mutual recognition of driving licences for the purposes of exchange (CP 776, 2023)¹

1. The Agreement between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on the mutual recognition of driving licences for the purposes of exchange (the Agreement) was laid before Parliament on 11 January 2023.
2. The scrutiny period for this Agreement is scheduled to end on 21 February 2023. The Agreement was considered by the Committee at its meeting on 9 February 2023.
3. The purpose of the Agreement is to allow holders of driving licences who are resident in the other state to exchange their licence for a local licence without the need to take a practical or theory driving test.

Background to the Agreement

4. Mutual recognition of driving licences between the UK and Italy was previously provided for by European Union law (Directive 2006/126/EC).² This Directive ceased to apply at the end of the Brexit transition period, 31 December 2020.
5. The UK is party to the United Nations Conventions which govern the recognition of driving licences issued by other state Parties.³ Under these Conventions, UK driving licences are recognised for temporary visits in those other countries.
6. The UN Road Traffic Conventions do not provide for the situation where a licence holder takes up residency in another state. Arrangements can be agreed bilaterally. In the absence of international arrangement or domestic legislation in the host country, a driver's home licence would not be recognised

1 Foreign, Commonwealth and Development Office, *Agreement between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on the mutual recognition of driving licences for the purposes of exchange*, CP 776 (January 2023): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128283/CS_UK_Italy_1.2023_Mutual_Recognition_Driving_Licences.pdf

2 Directive 2006/126/EC of the European Parliament and of the Council: <https://www.legislation.gov.uk/eudr/2006/126/contents> [accessed 24 January 2023]

3 The 1926 Paris International Convention on Automobile Traffic, the 1949 Geneva Convention on Road Traffic, and 1968 Vienna Convention on Road Traffic (collectively the "UN Road Traffic Conventions").

in their country of residence, so the driver would need to pass all relevant tests in this country. This can be costly and time-consuming.

The Agreement

7. An Agreement has been reached between the UK and Italy on the mutual recognition of driving licences which will enable UK licence holders who are, or will be, residents of Italy to exchange their UK licence without the need to take further practical or theory driving tests (and vice versa).
8. In the absence of this Agreement, UK drivers would only be able to drive in Italy on their home licence for twelve months. After this, they would have to obtain an Italian licence by passing the relevant driving tests.
9. The UK has arrangements in place with most EU countries for the recognition and/or exchange of driving licences. These include Memoranda of Understanding (MOUs) with Ireland, Germany, and Malta, and diplomatic assurances from France. While most of these arrangements are informal, some countries have requested a legally binding agreement. This Agreement is the first of its kind post-Brexit. In regard to future Agreements, officials from the Department for Transport told us a similar treaty was expected in the near future with Spain, that the Government is working to conclude a treaty with Portugal later in 2023, and that further treaties may be required with other EU countries including Latvia, Lithuania, and Belgium.

Data protection

10. Operation of the Agreement is dependent on reciprocal arrangements for the cross-border exchange of data being in place. Introduced in Parliament in July 2022, the Data Protection and Digital Information Bill makes changes to data protection law following the UK's departure from the EU.⁴ If the European Commission were to revoke its decision on data protection adequacy in the UK following passage of the Bill, the other party may suspend this Agreement until alternative arrangements for data protection are agreed.

Entry into force

11. The Agreement will enter into force once both the UK and Italy have completed their respective domestic procedures. Officials from the Department for Transport told us that they hoped both Parties would be in a position to exchange notification by the end of February, with the Agreement then entering into force in late March 2023.
12. The Agreement is valid for an initial period of five years. This will be automatically extended for further periods of five years with the Parties committing to review the Agreement one year prior to each extension. The Agreement can be terminated by either Party by providing six months' written notice. After this period, the Agreement shall cease to apply.

Territorial scope and consultation

13. The Agreement applies to the UK and extends to Gibraltar and the Crown Dependencies—Guernsey, Jersey, and the Isle of Man. The Agreement contains specific provisions on data exchange for each of these territories. The EM highlights that the Department for Transport has “shared relevant

⁴ [Data Protection and Digital Information Bill](#) [Bill 143 (2022–23)]

written information and text with Gibraltar and the CDs and held discussions with officials on driving licence recognition and exchange in the European Union”.⁵

14. Driver licensing is a reserved matter in Scotland and Wales and a devolved matter in Northern Ireland. The EM states that Northern Ireland was “consulted in the development of this Agreement and has received a copy of the draft Agreement in advance of signature” and that the “UK Government ensured that [Scotland and Wales] were aware of the negotiations and the rights that will be granted under the Agreement”.⁶

Amendments to the Agreement

15. The Agreement may be amended by agreement between the Parties. Amendments will take effect in the same way as the Agreement’s general entry into force and are therefore subject to scrutiny in accordance with Section 20 of the Constitutional Reform and Governance Act 2010 (“Crag”).
16. The EM states that a different amendment process is to be followed for Annex K to the Agreement (Tables of Equivalence, List of Model Driving Licences and Template for the Exchange of Information relating to Lost/Stolen Licences) which can be amended by mutual consent through an exchange of Notes. Amendments to this technical annex will take effect 30 days after the receipt of the response Note and are not subject to scrutiny under Crag.⁷
17. **The Committee welcomes this Agreement between the UK and Italy and encourages similar agreements in due course. Following the UK’s departure from the European Union, the Government should ensure that equivalent arrangements are put in place with other EU countries.**
18. **We report this Agreement to the House for information.**

5 Foreign, Commonwealth & Development Office, *Explanatory Memorandum on the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Italian Republic on the mutual recognition of driving licences for the purposes of exchange* (January 2023) para 1.35: <https://www.gov.uk/government/publications/ukitaly-agreement-on-the-mutual-recognition-of-driving-licences-for-the-purposes-of-exchange-cs-italy-no12023> [accessed 9 February 2023]

6 *Ibid.*, paragraph 1.32

7 *Ibid.*, paragraph 1.21

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Fox
Lord Geidt
Lord Grimstone of Boscobel
Baroness Hayter of Kentish Town (Chair)
Lord Howell of Guildford
Lord Kerr of Kinlochard
Baroness Kingsmill
Lord Marland
Lord Morris of Aberavon
Lord Razzall
Lord Udny-Lister
Lord Watts

Declarations of Interest

Lord Fox
No relevant interests

Lord Geidt
Chairman of Council, King's College London
President, Royal Overseas League

Lord Grimstone of Boscobel
No relevant interests

Baroness Hayter of Kentish Town
Senior Non-Executive Director, Association of British Insurers

Lord Howell of Guildford
No relevant interests

Lord Kerr of Kinlochard
No relevant interests

Baroness Kingsmill
No relevant interests

Lord Marland
Director, Janspeed Technologies Ltd (manufacturer of motor parts)

Lord Morris of Aberavon
No relevant interests

Lord Razzall
Director, North Atlantic Mining Associates Limited
Director, ZeU Technologies Inc
Shareholdings, ZeU Technologies Inc
Shareholdings, St-Georges Eco-Mining Corporation
Shareholdings, Tintra plc

Lord Udny-Lister
Advisor to the Group Chairman of HSBC

Lord Watts
No relevant interests