



HOUSE OF LORDS

International Agreements Committee

19th Report of Session 2022–23

Scrutiny of international agreements: UK-Spain recognition of driving licences Agreement

Ordered to be printed 14 June 2023 and published 14 June 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.

Membership

The Members of the International Agreements Committee are:

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

Declaration of interests

See Appendix 1.

A full list of Members' interests can be found in the Register of Lords' Interests:

<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Publications

All publications of the Committee are available at:

<https://committees.parliament.uk/committee/448/international-agreements-committee/publications/>

Parliament Live

Live coverage of debates and public sessions of the Committee's meetings are available at:

<https://www.parliamentlive.tv>

Further information

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:

<https://www.parliament.uk/business/lords>

Committee staff

The Committee staff are Simon Keal (Clerk), Andrea Ninomiya (Policy Analyst), Cathy Adams (Legal Adviser), Samuel Lomas (Committee Operations Officer)

The Committee is grateful for the ongoing support provided by Ross Coron and David Stoker (Policy Analysts, Committees Scrutiny Unit)

Contact details

All correspondence should be addressed to the International Agreements Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 4840. Email

HLIntlAgreements@parliament.uk

Twitter

You can follow the Committee on Twitter: [@HLIntlAgreements](#)

CONTENTS

	<i>Page</i>
Summary	2
Agreement reported for special attention	3
Agreement in the form of an Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences (CP 836, 2023)	3
Background to the Agreement	3
The Agreement	4
Data protection	5
Entry into force and provisional application	5
Territorial scope and consultation	7
Amendments to the Agreement	7
Appendix 1: List of Members and declarations of interest	9

SUMMARY

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

Agreement in the form of an Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences (CP 836, 2023)

The Agreement between the UK and Spain provides for the recognition of driving licences for temporary visits to either country, to allow holders of driving licences who are resident in the other country to exchange their licence for a local licence without the need to take a driving test, and to enable the exchange of information for the pursuit of road traffic offences.

Most significantly, the Agreement ends the situation whereby UK residents in Spain and Gibraltar were no longer able to drive on their UK or Gibraltar licences from 1 May 2022 following the ending of temporary arrangements covering the period following the UK's exit from the EU.

We welcome the resolution of this problem, but set out a range of concerns including the lack of notification of the provisional application of the Agreement in March; the short notice required for termination of the Agreement; and the ability for either side unilaterally to suspend the Agreement during dispute resolution. We note that the Agreement is applied separately to Gibraltar and so may be terminated or suspended for Gibraltar only. The government of Gibraltar was kept fully informed throughout negotiations and consents to the Agreement overall.

With these issues in mind, we report the Agreement to the House for special attention.

Scrutiny of international agreements: UK-Spain recognition of driving licences Agreement

AGREEMENT REPORTED FOR SPECIAL ATTENTION

Agreement in the form of an Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences (CP 836, 2023)¹

1. The Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the mutual recognition of driving licences for the purposes of exchange (the Agreement) was laid before Parliament on 27 April 2023.
2. The scrutiny period for this Agreement will end on 15 June 2023. The Agreement was considered by the Committee on 14 June 2023.
3. The Agreement:
 - (a) Allows for the mutual recognition of driving licences between the UK and Spain for temporary visits without the need for an International Driving Permit (IDP) or translation;
 - (b) Allows UK and Spanish nationals residing in each other's country to exchange their home state licence for a local licence without the need for a driving test; and
 - (c) Enables vehicle keeper data to be exchanged between the countries for road traffic enforcement.

Background to the Agreement

4. Mutual recognition of driving licences between the UK and Spain 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. As Spain is not a party to the 1968 Vienna Convention on Road Traffic which allows UK nationals to drive with their UK licence for short visits overseas, recognition of UK visitor licences in Spain is governed by the 1949 Geneva Convention on Road Traffic which only provides limited mutual

1 Foreign, Commonwealth and Development Office, *Agreement in the form of an Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences*, CP 836 (April 2023): <https://www.gov.uk/government/publications/ukspain-agreement-on-the-reciprocal-recognition-and-exchange-of-national-driving-licences-and-on-the-exchange-of-information-on-road-safety-related> [accessed 24 January 2023]

2 Directive 2006/126/EC of the European Parliament and of the Council (20 December 2006): <https://www.legislation.gov.uk/eudr/2006/126/contents> [accessed 24 January 2023]

recognition of visitor driving licences. The UN Road Traffic Conventions do not apply to residents.

6. The UK recognises all EU³ driving licences indefinitely for both visitors and residents, and also allows residents with such licences to exchange them for a UK licence.⁴ While recognition of visitor licences is covered by UN conventions, specific arrangements are needed to allow UK nationals resident overseas to continue to drive using their UK licence or to exchange these for a local licence.
7. The UK now has reciprocal arrangements with many EU countries for the mutual recognition and/or exchange of driving licences, including a treaty with Italy,⁵ Memoranda of Understanding (MOUs) with Ireland, Germany and Malta, and diplomatic assurances from France.
8. The Government is working to conclude a treaty with Portugal later in 2023, while further treaties may be required with other EU countries including Latvia, Lithuania and Belgium.

The Agreement

Mutual recognition of visitor licences

9. The Agreement provides for the recognition of UK driving licences in Spain without the need for an International Driver Permit or official translation.⁶ It also commits the UK to recognise Spanish driving licences for such a period as the Government chooses to prescribe. Currently UK law provides for indefinite recognition.

Exchange of licences for residents

10. Arrangements for the recognition of licences for residents⁷ must be agreed bilaterally otherwise a home licence would not be recognised in the country of residence, so the driver would need to pass relevant tests in that country.
11. The Agreement provides for the mutual right to exchange licences without the need to take further tests, confirming the status quo for Spanish residents in the UK but now granting equivalent rights to UK residents in Spain who will need to exchange their licence to continue driving after six months, when their right to drive in Spain using their UK licence expires under Spanish law.

Vehicle and Vehicle Keeper data

12. The Agreement allows the two countries to share data on vehicles and vehicle keepers to aid pursuit of a range of driving offences.

3 and EEA

4 HM Government, 'Driving in Great Britain on a non-GB Licence': <https://www.gov.uk/driving-nongb-licence/y/a-visitor-to-great-britain/european-union-or-european-economic-area> [accessed 22 May 2023]

5 See International Agreements Committee, *Scrutiny of International Agreements: Agreement with Italy on the Mutual Recognition of Driving Licences for the Purposes of Exchange* (12th Report, Session 2022–23 HL Paper 150): <https://publications.parliament.uk/pa/ld5803/ldselect/ldintagr/150/15002.htm> [accessed 6 June 2023]

6 The Agreement states that the length of time for which licences will be accepted is set out in domestic law. In the case of Spain, this is six months.

7 Residents are defined in this case as those residing in Spain for more than six months, after which their UK licence is no longer recognised.

13. This replicates information exchange provisions in place as part of the UK's membership of the EU. Similar provisions were not, however, included in a similar driving licence Agreement with Italy.
14. The Spanish Government told UK officials of the importance they place on improving road safety, including taking enforcement action against visiting motorists suspected of committing offences. The Government, which normally considers driving licence recognition separate from road traffic offences, agreed that in this instance an agreement covering both driving licence recognition/exchange and data exchange for road traffic offences would meet both sides' objectives.
15. **We welcome the inclusion of information exchange provisions for the pursuit of road traffic offences, but note that similar provisions were not included in the driving licences Agreement with Italy. While understanding the Government's position that driving licence recognition is ordinarily a separate issue from road traffic offences, we believe the Agreement is enhanced by the provisions relating to the latter.**

Data protection

16. The Agreement requires the transfer of licence holder, vehicle and vehicle keeper data between the UK and Spain to comply with provisions on licence exchange and on the exchange of information relating to traffic offences. Data will be transferred in accordance with the two countries' domestic legislation on data protection.
17. Gibraltar is included in the Agreement as amended by its Annex III (see territorial scope section below), and data transfers relating to Gibraltar are covered separately in that annex. Exchanges of information needed to comply with the Agreement will be made between the Driver and Vehicle Licensing Agency (DVLA) for the UK and Gibraltar,⁸ and the Directorate-General for Traffic within the Ministry of the Interior for Spain, via bespoke electronic data transfer systems which are currently under development by the DVLA.

Entry into force and provisional application

18. The Explanatory Memorandum (EM) notes that "UK driving licence holders resident in Spain have faced severe hardship in having been prohibited from driving using their UK licences since 1 May 2022".⁹ After EU law ceased to apply in the UK on 31 December 2020, any resident in Spain no longer had the right to exchange their UK licence for a Spanish one. The Spanish government did put temporary arrangements in place to recognise the driving licences of UK residents during negotiations.
19. Initially UK licence recognition was granted for 6 months after the end of the transition period, though Spain extended these arrangements on five

8 Gibraltar has its own vehicle licensing system and agency, the Driver and Vehicle Licensing Department, but Spain does not recognise distinct Gibraltarian institutions and insists that all negotiations relating to Gibraltar are undertaken bilaterally between the UK and Spain.

9 Foreign, Commonwealth and Development Office, *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): <https://www.gov.uk/government/publications/ukspain-agreement-on-the-reciprocal-recognition-and-exchange-of-national-driving-licences-and-on-the-exchange-of-information-on-road-safety-related> [accessed 6 June 2023]

occasions to allow for longer negotiations until 30 April 2022. The Spanish Government declined any further extension of the temporary arrangements with effect from 1 May 2022, even though negotiations were ongoing.

20. Officials told us the Agreement took so long because negotiations were complex, with the inclusion of data exchange for traffic offences adding further legal and operational complications.
21. The Agreement has been applied provisionally from 16 March 2023, the date of the UK's acceptance of the Agreement. This provisional application did not include Sections 13–17 (on information exchange for road traffic offences) which will be implemented no later than four months from provisional application, ie by 16 July 2023. If implementation measures are not in place by 16 July 2023 then provisional application of the Agreement would terminate and the exchange of UK licences in Spain would cease. However, it is expected that the electronic data transfer systems currently under development (see paragraph 17) will be operational by this date. This will enable the Parties to proceed to provisional application of the whole agreement at the latest by 16 July, then once domestic procedures are complete on both sides, to proceed to entry into force of the Agreement.
22. The Agreement will enter into force 30 days after the last notification sent between the countries confirming the completion of the relevant internal requirements. The Government expects a lengthy period before Spain's domestic procedures are complete.
23. **It is disappointing that it took so long for this Agreement to be finalised, causing several months of disruption, uncertainty and hardship for UK and Gibraltar driving licence holders residing in Spain and Gibraltar. We therefore accept the Government's decision to apply this Agreement provisionally before Parliament was informed.**
24. **However, the use of provisional application undermines Parliament's scrutiny process if it is in advance of the CRAG process. We therefore call upon the Government to notify the Committee immediately if an agreement is provisionally applied in advance of the completion of the CRAG formalities and to set out the justification for such a step.**

Dispute resolution and termination

25. Either country may terminate the Agreement with 90 days' notice. This contrasts with the equivalent Agreement with Italy, which requires six months' notice. **We are concerned at the short notice period for termination of the Agreement which would give residents only have a very short period to make alternative arrangements.**
26. Where disputes occur, these may be resolved by negotiation through the usual diplomatic channels, as is standard. However, the party raising the dispute may suspend the Agreement with 30 days' notice. This provision is unusual and there is neither a threshold for suspension nor an express requirement to lift the suspension on resolution of the dispute. **We are concerned that the ability of either country to unilaterally suspend the Agreement at short notice adds uncertainty, and that there is no requirement to lift the suspension if the dispute is resolved.**

Territorial scope and consultation

27. The Agreement applies to the UK and to Gibraltar, but not to the Crown Dependencies, which were not covered by prior arrangements within the EU. This contrasts with the recent Agreement with Italy on driving licences, which included the CDs.¹⁰ The EM states that “the Government has provided assurances to the CDs that it will continue to represent their interests and that it will seek to re-engage Spain on arrangements for recognition and exchange of driving licences issued by the CDs”.
28. Annex III of the Agreement includes separate provisions for Gibraltar on data protection (see paragraph 17 above), termination and dispute resolution. The termination and dispute resolution provisions mean that the Agreement can be terminated or suspended by Spain in relation to Gibraltar alone while remaining in force for the rest of the UK.
29. The Government of Gibraltar favoured an Agreement on driving licences to ensure Gibraltarians, many of whom drive frequently in Spain, would continue to use their Gibraltar driving licences without being asked to produce an International Driving Permit. We were reassured that Gibraltar’s interests were taken into account by the UK Government, with their officials being kept fully informed on progress. The Government of Gibraltar thanked the UK Government for their engagement on this Agreement and consented to its provisions.
30. **We note that the Agreement may be terminated or suspended for Gibraltar only, without impacting its application to the UK and Spain. While this measure drew the Committee’s attention, the Gibraltar government has confirmed that, after working closely with HMG in these negotiations, it consented to its inclusion in the interests of reaching an agreement with Spain on issues which were judged to be of significant importance not only to Gibraltar driving licence holders but also to many thousands of UK driving licence holders in Spain. The Gibraltar government is satisfied that its interests and positions have been fully taken into account. The UK Government should ensure that the interests of Gibraltar and the views expressed by the Gibraltar government remain a priority as the Agreement is implemented.**
31. Driver licensing is a reserved matter for Scotland and Wales and a devolved matter in Northern Ireland. The EM states that “the UK Government engaged the devolved administrations on this Agreement and shared the draft text in advance of it being agreed. Comments received were considered and reflected in the Government’s approach”.¹¹

10 HM Government, *UK/Italy: Agreement on the Mutual Recognition of Driving Licences for the Purposes of Exchange*, 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 [accessed 6 June 2023]

11 Foreign, Commonwealth and Development Office, *Explanatory Memorandum on the Agreement in the form of an Exchange of Notes between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Reciprocal Recognition and Exchange of National Driving Licences and on the Exchange of Information on Road Safety Related Traffic Offences*

Amendments to the Agreement

32. The Agreement may be modified by mutual agreement with the procedures for entry into force decided on a case-by-case basis. It therefore does not require even substantial amendments being notified under CRAG.
33. **We welcome this Agreement between the UK and Spain, and its resolution of the uncertainty regarding driving licence recognition and exchange, as well as the data exchange provisions for road traffic offences. We note, however, that if the data transfer systems under development are not operational by 16 July the provisional application of the whole Agreement will expire. This would mean a return to disruption for driving licence recognition and exchange. We call on the Government to provide a clear public assurance that the 16 July deadline will be met, and to report to us by that date to confirm it has done so.**
34. **We are concerned about the provisional application of the Agreement without Parliamentary notification (paragraphs 23–24), the short notice period for termination of the Agreement (paragraph 25), and the provisions for unilateral suspension of the Agreement (paragraph 26). These appear to reduce the certainty of the Agreement, risking disruption and hardship for UK residents in Spain and Gibraltar.**
35. **We also note the ability for the Agreement to be terminated or suspended just for Gibraltar (paragraph 30), while recognising that the Government of Gibraltar has consented to the overall provisions of the Agreement.**
36. **For these reasons, we report the Agreement to the House for special attention.**

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 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 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
No relevant interests
 Lord Watts
No relevant interests