



Department for Transport

From the Parliamentary
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Baroness Hayter of Kentish Town
Chair of the International Agreements Committee
House of Lords
London
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Dear

Baroness Hayter of Kentish Town,

12 July 2023

19TH REPORT OF SESSION 2022–23, SCRUTINY OF INTERNATIONAL AGREEMENTS: UK-SPAIN RECOGNITION OF DRIVING LICENCES AGREEMENT

I am writing in response to the International Agreements Committee's report of the UK-Spain recognition of driving licences Agreement by which the Committee has reported the Agreement to the House for special attention. I address the matters that the Committee has highlighted for special attention at paragraphs 33 - 35 of the report, below.

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.

I can confirm that the information exchange system became operational and full provisional application of the Agreement took effect on 21 June 2023 in accordance with an exchange of notes between Spain and the UK. Data exchanges between the UK and Spain have been operating effectively since then.

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.

Provisional application of the Agreement

As set out in the Government's published guidance *Treaties and Memoranda of Understanding (MoUs): Guidance on Practice and Procedures*, provisional application is to be used on an exceptional basis. Its use is not intended to bypass parliamentary

procedures. Where a treaty falls to be laid in Parliament under the Constitutional Reform and Governance Act, and is to be provisionally applied before laying, Departments are advised, during the consultation with the FCDO referred to in that guidance, to have an explanatory memorandum ready from the point of signature, in order to allow for prompt laying of the treaty for scrutiny. Departments are also advised to explain in any explanatory memorandum the reasons for provisional application. In this case we sought provisional application on exchange of Notes Verbales after a lengthy negotiation with Spain in order to relieve the difficulties faced by UK licence holders who were unable to drive. After exchange of Notes Verbales, DfT provided the explanatory memorandum and the Government proceeded to lay the treaty before Parliament as soon as practicable, but in this case was unable to do so ahead of Parliament's recess.

Notice period for termination of the Agreement

Notice periods for the termination of an agreement vary as they are subject to negotiation. The Agreement also makes provision for dispute resolution along with a suspension mechanism which may minimise any disruption to drivers in the event of a dispute. The Committee notes that the timeframe for termination of the similar agreement with Italy is six months; other, non-binding arrangements for driving licences with EU Member States contain a range of periods for the termination of those arrangements.

Provisions for unilateral suspension of the Agreement

Provisions for unilateral suspension in a bilateral agreement provide a level of reassurance and flexibility to the requesting party. I consider that in this case, the inclusion of a provision to unilaterally suspend the Agreement lessens the likelihood of the Agreement being terminated.

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.

The provisions of the Agreement are the result of careful and detailed negotiations, with the close involvement of the Government of Gibraltar. Provisions relating to Gibraltar were a point of negotiation to meet the expectations of both parties and secure agreement. I confirm that the Government is committed to continuing to represent the interests of Gibraltar and the views of the Government of Gibraltar during the implementation of this Agreement, as it did throughout negotiations. More generally, the UK Government will continue to do so in its efforts to secure pragmatic arrangements with other countries, within and beyond Europe, for the recognition and exchange of driving licences issued by all members of the UK family.

Thank you for the Committee's interest in this important matter.

Best wishes,



RICHARD HOLDEN MP

MINISTER FOR ROADS AND LOCAL TRANSPORT