Scrutiny of international agreements

Treaties considered on 3 April 2019
The European Union Committee

The European Union Committee is appointed each session “to scrutinise documents deposited in the House by a Minister, and other matters relating to the European Union”.

In practice this means that the Select Committee, along with its Sub-Committees, scrutinises the UK Government’s policies and actions in respect of the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and more generally represents the House of Lords in its dealings with the EU institutions and other Member States.

On 14 January 2019 the Procedure Committee decided that the European Union Committee should, until the end of the 2017–19 session of Parliament, be responsible for scrutinising Brexit-related treaties or international agreements.

The six Sub-Committees are as follows:

Energy and Environment Sub-Committee
External Affairs Sub-Committee
Financial Affairs Sub-Committee
Home Affairs Sub-Committee
Internal Market Sub-Committee
Justice Sub-Committee

Membership

The Members of the European Union Select Committee are:

Baroness Armstrong of Hill Top
Lord Boswell of Aynho (Chair)
Baroness Brown of Cambridge
Lord Cromwell
Baroness Falkner of Margravine
Lord Jay of Ewelme
Baroness Kennedy of the Shaws

Earl of Kinnoull
Lord Liddle
Earl of Lindsay
Baroness Neville-Rolfe
Baroness Noakes
Lord Polak

Lord Ricketts
Lord Soley
Baroness Sutte
Lord Teverson
Baroness Verma
Lord Whitty

Further information


Committee staff

The current staff of the Committee are Christopher Johnson (Principal Clerk), Stuart Stoner (Clerk), Roberto Robles (Policy Analyst), Tim Mitchell (Legal Adviser), Alex Horne (Legal Adviser), Samuel Lomas (Committee Assistant) and Alasdair Johnston (Committee Assistant).

Contact details

Contact details for individual Sub-Committees are given on the website. General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW. Telephone 020 7219 5791. Email euclords@parliament.uk.

Twitter

You can follow the Committee on Twitter: @LordsEUCom.
## CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Chapter 1: Agreement reported for information</td>
<td>Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other (CP 71, 2019)</td>
<td>5</td>
</tr>
<tr>
<td>Appendix 1</td>
<td>List of Members, declarations of interest and Sub-Committee staff</td>
<td>7</td>
</tr>
</tbody>
</table>
This is the European Union Committee’s eighth report on Brexit-related treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010.

This report addresses one agreement, considered at our meeting on 3 April, which we have reported for information:

- Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other [CP 71]
CHAPTER 1: AGREEMENT REPORTED FOR INFORMATION

Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other (CP 71, 2019)

1. The UK-Spain Agreement on Participation in Certain Elections (‘the Agreement’) was laid on 15 March 2019, and the scrutiny period is scheduled to end on 30 April. It was considered by the EU Justice Sub-Committee at its meeting on 26 March.

2. Unlike many of the agreements we have considered, this Agreement does not ‘roll over’ a prior EU international agreement. Instead, it seeks to secure by means of a bilateral agreement certain voting rights currently enjoyed by UK and Spanish citizens under EU law. The Agreement would entitle British nationals in Spain and Spanish nationals in the UK to continue to stand and vote in local elections after Brexit.

3. Although the Agreement will only enter into force after domestic ratification processes have been completed, it contains transitional provisions with respect to municipal elections in Spain scheduled for May 2019 and allows for provisional application from the date that the UK leaves the European Union. The preamble to the Agreement indicates that the tenure of those individuals who have already been elected in local elections would not be interrupted. The preamble also makes clear that, in the UK context, the term ‘local elections’ extends to local government elections, mayoral elections and
combined authority mayoral elections.7 As EU nationals, Spanish nationals are already entitled under existing legislation to vote in local elections in the UK and so no legislation is currently required to implement the UK’s obligations under the Agreement.8

4. The Explanatory Memorandum (EM) accompanying the Agreement notes that although the agreement is broadly reciprocal, UK law requires EU nationals to be “habitually resident” to vote and stand in local elections, whereas Spain requires a minimum legal and uninterrupted residency, which for the purposes of the Agreement is set at three years. Gibraltar and the British Overseas Territories do not fall within the scope of the Agreement.

5. We note that the Government’s EM indicates that it is seeking to agree similar bilateral deals with other EU Member States to secure reciprocal voting rights. We agree with the Government that this Agreement should set a precedent for reaching similar agreements with our EU neighbours. We also note the announcement by the Government on 21 January that:

“To provide certainty while we pursue these agreements, we do not anticipate making any changes to the current primary legislative framework for candidacy and voting rights of EU citizens living in the UK in the immediate future.

“It is our intent that all eligible EU citizens living in the UK will be able to vote in local elections in England and Northern Ireland this May. Those who are nominated and elected at or before these local elections will also be permitted to serve their full term in office.”9

6. **We report the UK-Spain Agreement on Participation in Certain Elections for information.**

---

7 In the UK, all EU nationals are currently eligible to vote and stand not only in local elections, but also elections to the devolved assemblies of Scotland, Wales, Northern Ireland. The Agreement only covers local elections, as the franchise for elections to the devolved legislatures is a devolved matter. Scotland and Wales have indicated they will retain EU citizens’ eligibility to vote and stand in such elections, and the Scottish Government is planning to extend these rights to all those resident in Scotland regardless of nationality.

8 Representation of the People Act 1983, Section 4(3) and Section 202 as amended

APPENDIX 1: LIST OF MEMBERS, DECLARATIONS OF INTEREST
AND SUB-COMMITTEE STAFF

Members of the European Union Select Committee
Baroness Armstrong of Hill Top
Lord Boswell of Aynho (Chair)
Baroness Brown of Cambridge
Lord Cromwell
Baroness Falkner of Margravine
Lord Jay of Ewelme
Baroness Kennedy of The Shaws
The Earl of Kinnoull
Lord Liddle
The Earl of Lindsay
Baroness Neville-Rolfe
Baroness Noakes
Lord Polak
Lord Ricketts
Lord Soley
Baroness Suttie
Lord Teverson
Baroness Verma
Lord Whitty

Declarations of interest
Baroness Armstrong of Hill Top
Joint owner of a property in Spain
Lord Boswell of Aynho (Chair)
In receipt of salary as Principal Deputy Chairman of Committees, House of Lords
Shareholdings as set out in the Register of Lords’ Interests
Income is received as a Partner (with wife) from land and family farming business trading as EN & TE Boswell at Lower Aynho Grounds, Banbury, with separate rentals from cottage and grazing
Land at Great Leighs, Essex (one-eighth holding, with balance held by family interests), from which rental income is received
House in Banbury owned jointly with wife, from which rental income is received
Lower Aynho Grounds Farm, Northants/Oxon; this property is owned personally by the Member and not the Partnership
Baroness Brown of Cambridge
Vice Chair of the Committee on Climate Change
Chair of the Adaptation Sub-Committee of the Committee on Climate Change
Chair of the Henry Royce Institute for Advanced Materials
Chair of STEM Learning Ltd
Non-Executive Director of the Offshore Renewable Energy Catapult
Chair of The Carbon Trust
Council member of Innovate UK
Lord Cromwell
  Employment, partnership, business interests and shareholdings as set out in the Register of Lords’ interests
  Patron of Wildlife Vets International;
  Partner (not Head of Holding) in a farming partnership in Leicestershire (including organic farming)

Baroness Falkner of Margravine
  Member, British Steering Committee: Koenigswinter, The British-German Conference
  Member, Advisory Board, Demos

Lord Jay of Ewelme
  Trustee (Non-Executive Director), Thomson Reuters Founders Share Company
  Vice Chairman, European Policy Forum Advisory Council
  Member, Senior European Experts Group
  Trustee, Magdalen College, Oxford Development Trust

Baroness Kennedy of The Shaws
  President, Justice, UK arm of International Commission of Jurists
  Chancellor, Sheffield Hallam University

The Earl of Kinnoull
  Farming interests as principal and as charitable trustee, in receipt of agricultural subsidy
  Chairman, Culture Perth and Kinross, in receipt of governmental subsidy
  Chairman, United Kingdom Squirrel Accord, in receipt of governmental monies
  Director, Horsecross Arts, in receipt of governmental subsidy
  Shareholdings as set out in the register

Lord Liddle
  Member, Cumbria County Council
  Pro-Chancellor (Chair of Board), Lancaster University
  Co-Chair, Policy Network

The Earl of Lindsay
  Chairman, United Kingdom Accreditation Service (UKAS)
  Chairman, BPI Pension Trustees Limited
  Farmer, in receipt of CAP support

Baroness Neville-Rolfe
  Former Commercial Secretary, HM Treasury
  Former Minister of State for Energy and Intellectual Property
  Chair, Assured Food Standards Ltd
  Non-Executive Director, Capita Plc
  Non-Executive Director, Secure Trust Bank
  Governor, London Business School
  Shareholdings as set out in the register
  Trustee (Non-Executive Director), Thomson Reuters Founders Share Company

Baroness Noakes
  Director, Royal Bank of Scotland Group plc
  Interests in a wide range of listed companies as disclosed in the Register of Interests

Lord Polak
  Employment and business as set out in the Register of Lords’ interests
Lord Ricketts
Non-Executive Director, Group Engie, France
Strategic Adviser, Lockheed Martin UK
Charitable activities as set out in the Register of Interests

Lord Soley
Member: International Institute for Strategic Studies, Royal College of Defence Studies, Chatham House

Baroness Suttie
Associate with Global Partners Governance Limited
Trustee, Institute for Public Policy Research (IPPR)

Lord Teverson
Trustee, Regen SW
In receipt of a pension from the European Parliament

Baroness Verma
No relevant interests declared

Lord Whitty
Vice President, Chartered Trading Standards Institute
Chair, Road Safety Foundation
Vice President, Local Government Association
President, Environmental Protection UK
Member, GMB
Vice President, British Airline Pilots Association

Dr Holger Hestermeyer, Shell Reader in International Dispute Resolution at King’s College London, is acting as Specialist Adviser supporting the Committee’s scrutiny of international agreements, and has declared no relevant interests.

Sub-Committee Members and staff

EU Energy and Environment Sub-Committee

Lord Teverson (Chair)
Lord Cameron of Dillington
Viscount Hanworth
Lord Krebs
The Duke of Montrose
Lord Rooker
Lord Selkirk of Douglas
Baroness Sheehan
The Earl of Stair
Viscount Ullswater
Baroness Wilcox
Lord Young of Norwood Green


The Sub-Committee staff are Alex McMillan (Clerk), Jennifer Mills (Clerk) and Sally Dray (Committee Assistant).
EU External Affairs Sub-Committee

Baroness Verma (Chair)
Baroness Armstrong of Hill Top
Baroness Brown of Cambridge
Baroness Chalker of Wallasey
Lord Dubs
Lord Horam
The Earl of Oxford and Asquith
Lord Risby
Lord Stirrup
Baroness Suttie
Baroness Symons of Vernham Dean
Lord Triesman

For relevant interests see: https://www.parliament.uk/documents/lords-committees/eu-external-affairs-subcommittee/members-interests-2019.pdf

The Sub-Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Julia Ewert (Policy Analyst) and Mithula Parayoganathan (Committee Assistant).

EU Financial Affairs Sub-Committee

Baroness Falkner of Margravine (Chair)
Lord Bruce of Bennachie
Lord Butler of Brockwell
Lord Cavendish of Furness
Lord Desai
Lord Giddens
Baroness Liddell of Coatdyke
The Earl of Lindsay
Baroness Neville-Rolfe
Lord Thomas of Cwmgiedd
Viscount Trenchard
Lord Vaux of Harrowden


The Sub-Committee staff are Matthew Manning (Clerk), Erik Tate (Policy Analyst) and Hadia Garwell (Committee Assistant).

EU Home Affairs Sub-Committee

Lord Jay of Ewelme (Chair)
Lord Best
Lord Haselhurst
Baroness Janke
Lord Kirkhope of Harrogate
Baroness Massey of Darwen
Lord O’Neill of Clackmannan
Baroness Pinnock
Lord Ribeiro
Lord Ricketts
Lord Soley
Lord Watts
For relevant interests see: https://www.parliament.uk/documents/lords-committees/eu-home-affairs-subcommittee/scrutiny-work/Scrutiny-interests.pdf

The Sub-Committee staff are Pippa Patterson (Clerk), Megan Jones (Policy Analyst) and George Stafford (Committee Assistant).

**EU Internal Market Sub-Committee**

- Lord Whitty (Chair)
- Lord Aberdare
- Baroness Donaghy
- Lord German
- Lord Lansley
- Lord Liddle
- Baroness McGregor-Smith
- Baroness Noakes
- Baroness Randerson
- Lord Rees of Ludlow
- Lord Robathan
- Lord Russell of Liverpool
- Lord Wigley


The Sub-Committee staff are Rosanna Barry (Clerk), Francesca D’Urzo (Policy Analyst) and Glenn Chapman (Committee Assistant).

**EU Justice Sub-Committee**

- Baroness Kennedy of The Shaws (Chair)
- Lord Anderson of Swansea
- Lord Cashman
- Lord Cromwell
- Lord Dholakia
- Lord Judd
- The Earl of Kinnoull
- Baroness Ludford
- Baroness Neuberger
- Lord Polak
- Baroness Shackleton of Belgravia
- Lord Wasserman


The Sub-Committee staff are Simon Cran-Mcreehin (Clerk) and Amanda McGrath (Committee Assistant).

A full list of Members’ interests can be found in the Register of Lords’ Interests: http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards/-register-of-lords-interests/