

Rt Hon Mark Drakeford MS  
First Minister of Wales  
Welsh Government

08 July 2020

Dear Mark,

**Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Poland on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other**

At its meeting on 30 June 2020, the External Affairs and Additional Legislation Committee ('the Committee') considered the above Agreement ("UK-Poland Agreement") on the participation in certain elections of nationals of each country resident in the territory of the other.

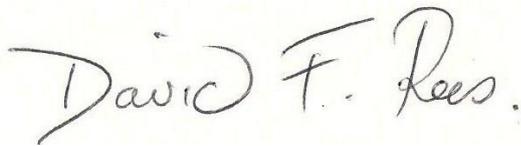
In considering this international agreement, we recalled the letter you sent to the Llywydd on 3 July 2019 (copied to the Committee) in relation to international obligations which bind the UK in the context of reciprocal voting rights.

Our consideration of this Agreement has raised a number of questions, both in relation to the UK-Poland Agreement and other similar international agreements concluded by the UK Government in the course of the UK's departure from the European Union.

I have enclosed our questions with this letter and look forward to receiving your response to them.

This letter, and the enclosed questions, have been copied to the Llywydd given the possible implications arising for the Senedd's legislative competence and the franchise for Senedd elections.

Yours sincerely,



David Rees MS

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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## Questions

### UK-Poland Agreement

#### Question 1

In relation to this Agreement, are you content with the reciprocal voting arrangements it seeks to establish?

#### Question 2

Was the Welsh Government consulted and are you content with the UK Government agreeing these arrangements with Poland, as described in the Agreement's Explanatory Memorandum?

#### Question 3

In your letter dated 3 July 2019 you provided that the UK Government had committed to "*initiating an exchange of Ministerial letters in all cases where proposed international agreements intersect with devolved competence*".

Did the UK Government fulfil this commitment in the process of entering into this Agreement with Poland?

#### Question 4

Have you agreed with the UK Government a means of ensuring that a future Senedd could remove the franchise from the category of persons covered by this international agreement, should a future Senedd with a different policy position wish to legislate to alter the franchise in any way in the future?

### International agreements establishing reciprocal voting arrangements with EU Member States

#### Question 5

It is possible that the UK Government might not reach an agreement with all EU Member States on reciprocal voting.

What discussion have you had with the UK Government in relation to circumstances where an agreement is not reached with an EU Member State?

#### Question 6

Have you received any indication from the UK Government that, in circumstances where an agreement is not reached with an EU Member State, it will seek to remove (or limit) the current entitlement of nationals of that Member State to vote in Wales, under section 2 of the *Representation of the People Act 1983*?

#### Question 7

Should the UK Government decide to adjust the franchise in the manner described in Question 6, and assuming that this would run contrary to Welsh Government policy, is the Welsh Government prepared to protect the franchise in Wales?

#### Question 8

How would you plan to do this and are you ready to take action quickly, should circumstances require this?

