



Spain No.2 (2019)

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

Madrid, 21 January 2019

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 2019*



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**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**

The United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain, hereinafter referred to as “the Parties”;

Desiring to further strengthen and consolidate the existing relations between the Parties and the close friendship that traditionally unites their nations;

In view of the migration of the Parties’ nationals between the Parties’ territories and the importance that the Parties attach to the facilitation of the integration of the other Party’s nationals resident in their territory;

Desiring to continue to encourage the social and political participation of the other Party’s nationals resident in their territory;

Considering that in the Kingdom of Spain there are three types of elections: general elections for national Institutions, elections of the Assemblies of the territories endowed with a Statute of Autonomy and, finally, municipal elections; and the promotion of participation in the municipal elections of nationals of the United Kingdom of Great Britain and Northern Ireland resident in the Kingdom of Spain is considered desirable;

Considering that it is desirable to promote the participation of nationals of the Kingdom of Spain resident in the United Kingdom of Great Britain and Northern Ireland in local government elections, mayoral elections, and combined authority mayoral elections, as defined in the United Kingdom’s legislation, hereinafter referred to as “local elections”;

To this end, desiring that nationals of the United Kingdom of Great Britain and Northern Ireland resident in the Kingdom of Spain participate in the Kingdom of Spain’s municipal elections;

To this end, desiring that nationals of the Kingdom of Spain resident in the United Kingdom of Great Britain and Northern Ireland participate in the United Kingdom’s local elections;

Considering that both Parties, in accordance with their domestic legal systems, consider that the present Agreement guarantees continuity for officials elected in the most recent elections;

And considering that participation in the elections by the Parties’ nationals resident in the territory of the other, to which the present Agreement refers, will allow greater integration and will ensure their political and social rights;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement only:

“Agreement” means this Agreement;

“nationals of the United Kingdom” and “United Kingdom nationals” means

- a) British citizens, and
- b) persons who are British subjects by virtue of Part IV of the British Nationality Act 1981 and who have the right of abode in the United Kingdom and are therefore exempt from United Kingdom immigration control; and “United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 2

Entitlement of Resident Nationals of the Kingdom of Spain to vote and stand in Local Elections in the United Kingdom

1. The United Kingdom undertakes to grant to nationals of the Kingdom of Spain who are legally resident in the United Kingdom the right to vote and stand as candidates in local elections in the United Kingdom subject to the same conditions as nationals of the United Kingdom. Nationals of the Kingdom of Spain shall be ineligible to vote and stand on the same grounds as are provided for by the law for nationals of the United Kingdom.

2. Any modification of the conditions required for nationals of the Kingdom of Spain to vote and stand in local elections in the United Kingdom shall be communicated by the United Kingdom in writing through diplomatic channels to the Kingdom of Spain.

ARTICLE 3

Entitlement of Resident Nationals of the United Kingdom to vote and stand in Municipal Elections in the Kingdom of Spain

1. The Kingdom of Spain undertakes to grant to nationals of the United Kingdom who are legally resident in the Kingdom of Spain the right to vote and stand as candidates in municipal elections in the Kingdom of Spain subject to the same conditions as nationals of the Kingdom of Spain.

2. To be eligible to vote and stand in municipal elections, United Kingdom nationals must meet the following requirements:

- a) United Kingdom nationals must be legal residents in Spain.
- b) United Kingdom nationals must have legally and uninterruptedly resided in Spain for three years, at least, prior to their request to register with the Electoral Census.
- c) United Kingdom nationals shall exercise their right to vote in the municipality where they habitually reside and where they must be registered with the Padrón Municipal.
- d) Registration with the Electoral Census of Foreign Nationals Resident in Spain, an indispensable requirement to exercise the right to vote, shall be upon request of the United Kingdom national, notwithstanding Article 7 of the Agreement. Registration shall be requested at the municipality where the party is registered with the Census. The deadline for registration shall be set for each election.
- e) To stand in municipal elections, United Kingdom nationals must meet the requirements set out in the Ley Orgánica 5/1985, de 19 de junio, de Régimen Electoral General.
- f) United Kingdom nationals shall be ineligible to vote and stand on the same grounds as are provided for by the law for nationals of the Kingdom of Spain.

3. Any modification of the conditions required for nationals of the United Kingdom to vote and stand in municipal elections in the Kingdom of Spain shall be communicated by the Kingdom of Spain in writing through diplomatic channels to the United Kingdom.

ARTICLE 4

Application, Interpretation and Implementation

Any matter relating to the application, interpretation, or implementation of the Agreement shall be resolved amicably by agreement between the Parties.

ARTICLE 5

Modifications

The Agreement may be modified by written agreement between the Parties through an exchange of notes. The modifications shall enter into force on the date established in the notes.

ARTICLE 6

Entry into Force

The Parties shall notify each other in writing through diplomatic channels on the implementation of their respective necessary internal requirements for the entry into force of the Agreement. The Agreement shall enter into force on the later of the day following the date on which the United Kingdom leaves the European Union or the day following the date on which the last notification is received.

ARTICLE 7

Transitional Provision

With regard to the May 2019 municipal elections, United Kingdom nationals who on 30 January 2019 are registered with the Electoral Census of Foreign Nationals Resident in Spain for the municipal elections shall not need to fulfill further requirements. Their registration shall remain valid.

ARTICLE 8

Provisional Application

1. Notwithstanding Article 6 of the Agreement the Parties agree to provisionally apply the Agreement from the date on which the United Kingdom leaves the European Union.
2. Either Party may terminate the provisional application of the Agreement by written notification to the other Party through diplomatic channels. The provisional application of the Agreement shall continue during thirty natural days from the date that the other Party receives the written notification.

ARTICLE 9

Termination

Either Party may terminate the Agreement by written notification to the other Party through diplomatic channels. The Agreement shall continue to be in force during thirty natural days from the date that the other Party receives the written notification.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Madrid this day of 21 January 2019 in the English and Spanish languages, both texts being equally authoritative.

**For the United Kingdom of Great Britain
and Northern Ireland:**

For the Kingdom of Spain:

ROBIN WALKER

LUIS MARCO AGUIRIANO NALDA

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