

A treaty between the UK and EU in respect of Gibraltar: joint ministerial statement

Press release

The UK Foreign Secretary and the Gibraltar Chief Minister gave a statement at the UK-Gibraltar Joint Ministerial Council which took place on 29 March 2021.



1. At the UK-Gibraltar Joint Ministerial Council held in Gibraltar on 29th March 2021, the Foreign Secretary, the Rt Hon Dominic Raab MP and the Chief Minister of Gibraltar, the Hon Fabian Picardo QC agreed our joint approach to the upcoming negotiations on a treaty between the EU and the UK in respect of Gibraltar.
2. They recalled the framework for this treaty was agreed with the Kingdom of Spain on 31st December 2020, welcoming the constructive and forward-looking approach taken by the Spanish Government in these negotiations, and reiterating their commitment to continue this next phase in the same spirit of shared partnership.
3. In visiting Gibraltar, the Foreign Secretary reiterated the UK's longstanding commitment that it will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes. Nor will it enter into a process of sovereignty negotiations with which Gibraltar is not content.
4. The Foreign Secretary and the Chief Minister made the following statement about the treaty:
5. Our position reflects the unique situation of Gibraltar and the

opportunity that this negotiation brings. At the core is a shared aim to secure future prosperity for Gibraltar and the surrounding region. This will be delivered through a treaty which brings confidence, legal certainty and stability to the lives and livelihoods of the people of Gibraltar and neighbouring communities, without prejudice to legal positions on sovereignty and jurisdiction. The treaty should ensure fluid and open movement of people and goods between Gibraltar and the EU.

6. We are committed to work constructively and quickly with the objective of concluding a treaty in the coming months. That said, we repeat our position that a treaty must be on the right terms. Gibraltar's British identity, and the United Kingdom's sovereignty, must be preserved. We believe that with commitment and flexibility, a treaty can meet these requirements. However, if this does not prove to be the case, or the deal on offer is not the right one for the UK and Gibraltar, we are fully prepared to accept the implications. The UK will stand fully behind Gibraltar, its people and its economy in any scenario.
7. The framework agreed with Spain gives a clear basis for the treaty. In the forthcoming negotiations the position taken by the UK and Gibraltar will follow the provisions agreed in that framework.
8. In particular, the framework provides a pragmatic model to achieve the fluid movement of people between Gibraltar and the Schengen area. Under this model, a joint operation with the European Border and Coastguard Agency (Frontex) may thus be established for an initial implementation period of four years. In the event that, after consultations on the results of the arrangements of the implementation period, either of the parts, namely Spain on the first part, and the UK and the Gibraltar authorities on the second part, are not satisfied with the results at the end of the implementation period, the agreement will be terminated at the end of that period. For both the UK and Gibraltar Governments, the operation of front line Schengen external border checks on the territory of Gibraltar by Spanish officials would not be acceptable.
9. The UK and Gibraltar envisage that the model in the framework will be underpinned by agreement on other areas, including law enforcement and criminal justice. There is a shared interest in ensuring the Government of Gibraltar is able to effectively tackle crime and terrorism, bring criminals to justice and protect citizens within its jurisdiction.
10. Spain and Gibraltar share a mutual interest in fluid movement of goods between the EU and Gibraltar. Any solution should reflect the unique character and limited scale of Gibraltar's economy, with the aim of minimising barriers between Gibraltar and the EU without requiring a disproportionate regulatory, legal or administrative burden.

11. The treaty should clarify the terms for the provision of services between Gibraltar and the EU, including the surrounding region. Consistent with this, we are prepared to make level playing field commitments, proportionate to the scale of Gibraltar's economy and the levels of market access in the treaty, to ensure that unfair distortions do not occur.

12. Consistent with the agreed framework, the treaty will also need to include provisions for: Transport; Environmental protection; Social Security Coordination; Citizens' Rights (Frontier Workers); and Data Protection.

13. The treaty should contain arrangements to ensure it is governed in an effective and proportionate way, reflecting the nature of the treaty as well as the judicial autonomy of the parties. This will include mechanisms for cooperation through a simple Joint Committee structure, dispute settlement and interpretation of the treaty.

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