

Research Briefing

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UK-EU agreement in respect of Gibraltar



Summary

- 1 Background
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- 3 Implementation and next steps
- 4 Further reading

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Summary

An agreement between the UK and EU in respect of Gibraltar was published and signed on 14 July 2026 and then came into force provisionally on 15 July.

The agreement covers measures to ensure the free circulation of people and goods between Gibraltar and the EU and therefore enable physical barriers on the Gibraltar-Spain border to be removed. [EU Schengen area](#) rules relating to border checks will be applied in Gibraltar, and a customs union will be established between the EU and Gibraltar. [Gibraltar is not, however, formally joining the Schengen area.](#)

Background: Gibraltar and Brexit

Since the UK's vote to leave the EU, Gibraltar's Government has stressed [the importance of maintaining an open "fluid" border](#) between Gibraltar and Spain, given the importance of 'frontier workers', who reside in Spain but work in Gibraltar, to Gibraltar's economy. There are [over 15,000 frontier workers in Gibraltar](#), more than half of the territory's workforce.

Since the end of the Brexit transition period, [reciprocal interim measures on the Spain-Gibraltar border](#) to minimise checks had been in place. However, these were due to end in April 2026 following the introduction of the [EU's new automated border entry/exit system \(EES\)](#).

Gibraltar is a self-governing British Overseas Territory that left the EU along with the UK in January 2020, although [Gibraltarians had voted overwhelming to remain in the EU](#) in the 2016 UK referendum on EU membership. [Spain maintains a sovereignty claim over Gibraltar](#). At the insistence of the Spanish Government, Gibraltar was not covered by the UK's post-Brexit treaty with the EU, the Trade and Cooperation Agreement (TCA).

Negotiations leading to the agreement

Negotiations on the Gibraltar agreement began in October 2021 under the Conservative government in the UK. The UK, Gibraltar and Spain set parameters for these negotiations in the [proposed framework for an agreement on Gibraltar's future relationship with the EU \(PDF\)](#), finalised in December 2020.

Although the negotiations were formally between the UK and the EU, the governments of Gibraltar and Spain were closely involved. The UK and

Gibraltar adopted [a joint approach to the negotiations](#), with the UK Government stressing [it would not agree to arrangements](#) that passed sovereignty over Gibraltar to another state, or that Gibraltar was not content with. [The Labour government reiterated this stance](#) after taking office in 2024.

Following announcement of [a “conclusive political agreement” on core aspects of the future agreement](#) in June 2025, the text of a draft agreement was published on 26 February 2026. After a process of legal and linguistic revisions of the text, the final version was published on 14 July 2026.

Gibraltar’s Chief Minister, Fabian Picardo, said following publication of the draft agreement in February 2026 that it [“unequivocally protects our position on sovereignty, safeguards our economy and delivers the certainty our people and businesses need”](#). He responded to criticisms of the agreement from some UK Members of Parliament by emphasising the benefits to Gibraltar of “fluid movement” across the border and referred to [safeguards over sovereignty and limits on the operations of Spanish authorities](#) in Gibraltar. He has also emphasised [the continuity in the UK’s negotiating positions](#) under the previous Conservative and current Labour government.

British sovereignty and the military base

In his statement to the House of Commons, when a draft version of the agreement was published on 26 February 2026, then Minister for Europe, North America and Overseas Territories, Stephen Doughty, said that [British sovereignty over Gibraltar, including British Gibraltar Territorial Waters “is fully upheld and explicitly protected”](#).

The agreement includes a clause stating that it is “without prejudice” to the positions of the UK and Spain regarding sovereignty over Gibraltar and will not constitute the basis of any claims regarding sovereignty (Article 2).

The UK Government said that [the treaty “protects UK autonomy of key military facilities”](#). In his statement on 26 February, Stephen Doughty said that [“nothing, either now or in the future, will fetter our ability to operate unimpeded”](#) from the military base”.

The agreement exempts UK military personnel and family members from Schengen border rules that would otherwise apply when entering Gibraltar and allows UK military equipment and goods to enter Gibraltar by sea or air without the need for authorisation by Spain. The UK Government explanatory memorandum on the agreement states that [the RAF base, located at the same airfield as Gibraltar airport, is not in scope of the agreement](#).

What's in the agreement?

Common and Institutional Provisions

Part One of the agreement sets out general principles and a governance framework, including a joint UK-EU Cooperation Council and specialised committees to oversee implementation.

Article 19 requires Gibraltar to apply a number of EU laws in its domestic law, referred to in the agreement or listed in its annexes. It also provides that where the EU updates these laws or adopts new EU law relating to them, this legislation needs to be given effect in Gibraltar.

If Gibraltar does not apply a relevant EU act, then the entire agreement will be terminated unless the Cooperation Council decides otherwise.

Circulation of Persons and Schengen rules

Part Two applies parts of the Schengen area rulebook to Gibraltar to enable people to circulate freely between Gibraltar and the EU and to remove checks on the border between Gibraltar and Spain. It also sets out detailed provisions on law enforcement and judicial cooperation similar to the UK-EU cooperation set out in the TCA. Cooperation is underpinned by human rights principles, which involve a commitment for the UK/Gibraltar and the EU to continue to apply the European Convention on Human Rights (Article 25).

The agreement establishes joint border checks for arrivals at Gibraltar port and airport (the two entry points to Gibraltar from outside the EU/Schengen area). People arriving at these entry points will be subject to Gibraltar entry controls by the UK/Gibraltar authorities, and then to Schengen area entry controls by Spanish border authorities.

Spanish border officers will be able to refuse entry to Gibraltar to non-Gibraltar residents if they deem them not in compliance with Schengen area rules. This includes compliance with the Schengen area limit on short stays of a total of 90 days in a rolling 180-day period. Time spent by non-EU/non-Schengen area citizens in Gibraltar (including UK citizens not resident in Gibraltar) will be calculated as part of the 90/180-day allowance.

Spanish border officers will not be able to refuse Gibraltar residents entry to Gibraltar, and their time spent in Gibraltar will not count towards the 90/180-day allowance. Gibraltar residents will also be exempt from the requirements of EES and the [forthcoming EU travel authorisation system](#).

Gibraltar authorities will remain responsible for issuing Gibraltar residence permits, but Spain will be able to block residence permits being issued on certain grounds, including for security reasons. Spain will be responsible for issuing short-stay visas for Gibraltar, in accordance with Schengen rules.

Economy and Trade

Part Three establishes a Gibraltar–EU customs union and sets out provisions to ensure a level playing field with “open and fair competition” in matters such as state aid, taxation, labour and social standards, and environment and climate. The level playing field provisions are similar to those in the TCA.

The Gibraltar–EU customs union, and application of a large body of EU customs law and product rules, will allow physical barriers on the movement of goods to be removed between Spain and Gibraltar. Goods imported into Gibraltar from outside the EU will first go through customs checks in Spain or Portugal. Gibraltar’s indirect taxation system will be aligned with the EU. Gibraltar will levy its own transaction tax and excise duties after a transition period.

Part Three also includes provisions on transport, including aviation, road transport and maritime transport. The aviation chapter sets out air traffic rights for direct flights between Gibraltar and the UK and Gibraltar and airports in the EU. It also provides for the establishment of a joint venture by Gibraltar and Spain to manage Gibraltar airport.

Part Four sets out rights for frontier workers, defined as UK citizens resident in Gibraltar and employed in Spain, and EU citizens resident in Spain and employed in Gibraltar. These include rights to seek employment and equal treatment in employment in Spain and Gibraltar for frontier workers.

Dispute Settlement and Final Provisions

Part Six establishes a dispute settlement mechanism, which is similar to that established under the TCA and the UK-EU Withdrawal Agreement, involving consultations if either the UK or the EU believes the other is in breach of the agreement, and an arbitration mechanism if consultation does not resolve a dispute. Similarly to the Withdrawal Agreement, where a dispute raises a question of the interpretation of EU law, the arbitration panel must refer this question to the Court of Justice of the EU (CJEU) and the CJEU’s ruling on this matter will be binding.

The arbitration panel may find the UK or EU in breach of the agreement and request that they take measures to remedy this. If they do not do this within a set time period, the UK or EU can agree compensation or the complainant (the party that took the complaint to arbitration) can suspend relevant obligations under the agreement.

The Part Seven final provisions include provisions on regular review of the agreement and termination of the agreement. It can be terminated by either the UK or the EU by written notification, with termination taking effect 12 months after the notification (Article 334).

Implementation of the agreement

[Domestic legislation was not required in the UK](#) to implement the agreement. The [legislation needed to implement the agreement](#) (PDF), was [adopted by the Gibraltar Parliament on 31 March 2026](#).

The UK and EU agreed to apply the agreement provisionally from 15 July 2026 to ensure the new border arrangements were in place as soon as possible. Provisional application was possible under Article 336 of the treaty but requires that various implementation plans and administrative arrangements referred to in the agreement be in effect first. The relevant [plans and arrangements were published on 14 July 2026](#).

A [concordat between the UK and Gibraltar Governments concerning the implementation of the agreement](#) was also published on 14 July. The concordat sets out the responsibilities of each government in implementing the agreement, with the UK Government undertaking not to adopt positions or make decisions in relation to the agreement without the consent of the Gibraltar Government except in “in the most exceptional circumstances”.

This includes in relation to any steps taken by the UK towards terminating the agreement. Under the concordat, this would normally require the support of at least three-quarters of the Members of the Gibraltar Parliament or the majority of voters in a referendum held in Gibraltar.

Scrutiny and ratification of the agreement

In publishing the draft agreement on 26 February 2026, the UK Government explained that [it had been published to give all parliaments the opportunity to examine it](#) on the same timeline while legal teams completed the final legal review and translation of the text.

The [treaty was laid in the UK Parliament on 14 July 2026](#) for scrutiny under the Constitutional Reform and Governance (CRA) Act 2010. Under the act, [the government cannot ratify a treaty](#) unless it has first laid the signed treaty before Parliament for 21 sitting days. If, during the 21 sitting days after the treaty is laid, the House of Commons passes a resolution that the treaty should not be ratified, this triggers another 21-sitting-day delay to ratification. This process may be repeated continuously. No such resolution not to ratify a treaty has ever been passed by the House of Commons.

The [EU procedure for concluding international agreements](#) requires a consent vote in the European Parliament and a decision by the Council before formal ratification. The European Commission said on 14 July 2026 that [the agreement had been submitted to the European Parliament for its consent](#). Once the Parliament’s consent is obtained, the Council can proceed to adopt its decision on concluding the agreement.

1

Background

An agreement between the UK and EU in respect of Gibraltar was signed on 14 July 2026 and then came into force provisionally on 15 July. The agreement covers measures to ensure the free circulation of people and goods between Gibraltar and the EU and therefore enable the removal of physical barriers on the border between Gibraltar and Spain. This will involve [EU Schengen area](#) rules relating to border checks being applied in Gibraltar, and a customs union being established between the EU and Gibraltar.

1.1

Agreement signed and implemented

The final version of the agreement was published and signed on 14 July following a process of legal and linguistic revision of an earlier draft treaty text published on 26 February 2026.¹ The draft text had been finalised in December 2025, after four years of negotiations between the UK and EU.

In a written statement on the signing of the agreement on 15 July 2026, Stephen Doughty, then Minister of State at the Foreign, Commonwealth and Development Office (FCDO) for Europe, Europe, North America and Overseas Territories, said the treaty “resolves one of the last outstanding issues from Brexit, by creating a framework for Gibraltar’s relationship with the EU”.²

In his statement on the agreement made to the House of Commons on 16 July 2026, Stephen Doughty said that the signed treaty had not substantively changed from the draft treaty published in February 2026.³ Changes to the treaty text from the February draft to the July signed treaty mainly related to

¹ UK Government, [Draft UK–EU Agreement in respect of Gibraltar](#), 26 February 2026; UK Government, [UK/EU and EAEC: Agreement in respect of Gibraltar \[MS No.9/2026\]](#), 14 July 2026. The agreement was signed on behalf of the UK by Stephen Doughty, Minister of State Europe, North America and Overseas Territories, and for the EU by Maroš Šefčovič, European Commissioner for Trade. Gibraltar’s Chief Minister, Fabian Picardo, and Spanish Foreign Minister, Jose Manuel Albares, were also present at the signing. See UK Government, [UK finalises historic treaty with EU to secure economic future of Gibraltar](#), 14 July 2026

² WS 26 [on [Signature of UK-EU Treaty in respect of Gibraltar](#)], 15 July 2026. [Mr Doughty was reappointed as a Minister of State at the FCDO](#) after Andy Burnham replaced Keir Starmer Prime Minister on 20 July 2026. However, his ministerial portfolio no longer included Europe, North America or the Overseas Territories

³ [HC Deb 16 July 2026 c1122](#). See also the Minister’s statement in the Westminster Hall debate on the agreement on 8 July 2026, [HC Deb 8 July 2026 c145WH](#)

minor changes of wording, although some additional clauses were added to some treaty articles.⁴

The treaty was laid in the UK parliament on 14 July 2026 for scrutiny under the Constitutional Reform and Governance Act (2010). Under the CRAG process the House of Commons can block the government from proceeding with ratification of an international agreement (see section 3.7).⁵

The explanatory memorandum published by the UK Government alongside the final version of the agreement on 14 July explained the UK Government's objectives in the treaty included enabling the land border between Gibraltar and Spain to operate without routine checks, strengthened security cooperation, and "a framework for goods and customs cooperation that ensures fluid movement across the border while protecting market integrity". It said the agreement does not formally integrate Gibraltar into the Schengen Area, the EU Single Market, or the EU Customs Union "but creates a unique set of arrangements intended to achieve the benefits of a fluid land border between Gibraltar and Spain".⁶

Chief Minister Picardo welcomed the signing of the treaty, stating that it "protects Gibraltar, safeguards our sovereignty and opens the way to a more secure and prosperous future". He said the agreement would improve the daily lives of thousands of people, and that the moment had been reached "without surrendering who we are, without compromising our British sovereignty and without weakening the constitutional protections that define Gibraltar".⁷

Border controls were officially ended between Gibraltar and Spain at midnight on 15 July, with the Chief Minister Picardo, himself pulling down part of the fence and crowds of people walking over the border.⁸ The Chief Minister and Spain's Prime Minister, Pedro Sánchez, then observed iron gates being removed from the border crossing later on in the day.⁹ Prime Minister Sánchez said that the border fence had been an "open wound for the thousands of

⁴ Examples include Article 68 and Article 71 in Part Two. A new paragraph was inserted in Article 68 (5) providing that arrest warrant provisions will not apply in relation to particular EU member states unless the EU notifies that certain constitutional requirements in these member states have been fulfilled (see section 2.2 for further discussion). Additional paragraphs were added to Article 71 on procedures for the UK notifying that it is ceasing to apply Title V of Part Two on law enforcement and judicial cooperation in relation to a particular EU member state where the member state no longer applies the analogous provisions of EU law.

⁵ UK Parliament, [Treaty CP 1645, laid on 14 July 2026 - Timeline](#) [accessed 23 July 2026]; WS 26 [on [Signature of UK-EU Treaty in respect of Gibraltar](#)], 15 July 2026

⁶ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

⁷ HM Government of Gibraltar, [UK and EU Sign Historic Treaty on Gibraltar's Future Relationship with the EU - 557/2026](#), 14 July 2026; The Guardian, [Spain and Gibraltar celebrate as border fence falls after signing of 'historic deal'](#), 15 July 2026

⁸ BBC News, [Watch: Celebrations as Gibraltar-Spain border fence removed](#), 15 July 2026

⁹ Gibraltar Chronicle, [Sanchez and Picardo watch as border gates are removed](#), 3 August 2026

workers who crossed every day” and that history was being made as “the last wall in continental Europe falls”.¹⁰

1.2

British sovereignty over Gibraltar

In his statement to the House of Commons on the draft agreement on 26 February 2026, Stephen Doughty said that Gibraltar was not joining the Schengen area, with immigration, policing and justice remaining the responsibility of the Gibraltar authorities. He also said that British sovereignty over Gibraltar, including British Gibraltar Territorial Waters “is fully upheld and explicitly protected” while UK military facilities and operations in Gibraltar “remain under full UK control”.¹¹

The agreement includes a clause stating that it is “without prejudice” to the positions of the UK and Spain regarding sovereignty over Gibraltar and will not constitute the basis of any claims regarding sovereignty (Article 2). The Gibraltar Government has obtained a set of legal opinions which it says confirms that the agreement makes no concessions of legal sovereignty to Spain, or any other entity, over Gibraltar.¹²

Following the publication of the draft agreement in February 2026, Chief Minister Picardo said that it “unequivocally protects our position on sovereignty, safeguards our economy and delivers the certainty our people and businesses need”.¹³ He said that although the agreement was “imperfect” it was beneficial to Gibraltar and provided it with an “opportunity to leverage a position of weakness into a position of viability and growth”.¹⁴ On 4 March, Gibraltar’s parliament unanimously supported a motion calling on the UK to ratify the agreement.¹⁵

1.3

Status of UK military base in Gibraltar

The status of the UK’s military base in Gibraltar is not affected by the agreement. Stephen Doughty’s written statement on the signing of the

¹⁰ Euronews, [Spanish PM Pedro Sánchez says Gibraltar border removal closes 'open wound'](#), 15 July 2026

¹¹ [HC Deb 26 February 2026 c486](#)

¹² HM Government of Gibraltar, [Legal Opinions Confirm: No Sovereignty Concessions - 123/2026](#), 1 March 2026

¹³ UK Government, [Draft Treaty published to secure Gibraltar’s economic future and protect British sovereignty](#), 26 February 2026

¹⁴ Government of Gibraltar, [Chief Minister’s Statement on the Publication of the Draft Agreement in Respect of Gibraltar](#), 26 February 2026

¹⁵ Government of Gibraltar, [Motion on Support for the UK-EU Treaty on Gibraltar - Chief Minister’s Parliamentary Speech \(Transcript\)](#) (PDF), 4 March 2026; Gibraltar Chronicle, [Parliament unanimously calls on UK to ratify treaty](#), 4 March 2026

agreement on 15 July 2026 said the treaty “safeguards the operational autonomy of our military facilities, ensuring that they can continue their vital contribution to regional security without interference or interruption”.¹⁶ In his statement of 16 July 2026, Mr Doughty said that the treaty “fully protects our ability to operate to, through and from Gibraltar” and that “Spain will have no ability to restrict the movement of UK military personnel or goods into the base”.¹⁷ In his House of Commons statement on the draft agreement 26 February, Mr Doughty said that “nothing, either now or in the future, will fetter our ability to operate unimpeded in the way that we, and indeed our allies, have done from the [military] base”.¹⁸

The agreement exempts UK military personnel and their family members from Schengen border rules that otherwise apply to UK citizens and other visitors entering Gibraltar (Article 38) and allows UK military equipment and goods to arrive in Gibraltar by sea or air without the need for authorisation by Spain (Article 264).

In evidence to the House of Commons Foreign Affairs Committee on 20 April 2026, Mr Doughty said that safeguarding the operational autonomy of the UK’s military facilities was an “absolute red line” for the UK throughout the negotiations and the agreement protected that autonomy. He also said Ministry of Defence colleagues were also involved in the discussions and fully supported the agreement. Asked about restrictions on using Spanish airspace for military flights in and out of Gibraltar, Mr Doughty said that this was “not on the table” in the discussions and also referred to the UK’s increased cooperation with Spain as a NATO partner.¹⁹

In a response to a parliamentary question, the then defence minister Al Carns said on 20 April that RAF Gibraltar continued to operate as “a sovereign UK military airfield”, and that current overflight restrictions by Spain did “not impede our operational freedom with respect to aircraft movements and does not impact NATO interoperability in the region”.²⁰

1.4

Background to the agreement and negotiations

Negotiations on the Gibraltar agreement began in October 2021 under the then Conservative government in the UK. Parameters for these negotiations were set by the [proposed framework for an agreement on Gibraltar’s future](#)

¹⁶ WS 26 [on [Signature of UK-EU Treaty in respect of Gibraltar](#)], 15 July 2026

¹⁷ [HC Deb 16 July 2026 c1123](#)

¹⁸ [HC Deb 26 February 2026 c486 -489](#)

¹⁹ House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar, HC 1838](#), Monday 20 April 2026, Q31-32

²⁰ PQ 124490 [on [Spain: Military Aircraft](#)], 20 April 2026

[relationship with the EU](#) (PDF), finalised by the UK together with Gibraltar and by Spain in December 2020. The 2020 framework included commitments, carried through into the final agreement signed in July 2026, for a future agreement to involve the application of Schengen rules in Gibraltar, oversight by Spain of Schengen checks, and a possible customs union between Gibraltar and the EU.²¹

For further details on the proposed framework in 2020, and negotiations on the UK-EU agreement from 2021 to 2024 see Commons Library research briefing, [UK-EU negotiations on Gibraltar-EU relations](#), November 2024

Although the negotiations were formally between the UK and the EU, the governments of Gibraltar and Spain were closely involved. The UK and Gibraltar adopted a joint approach to the negotiations, with the UK Government stressing that it would not agree to arrangements that passed sovereignty over Gibraltar to another state, or that Gibraltar was not content with.²² The Labour government reiterated this stance after it took office in July 2024.²³

The UK Government summary of the February 2026 draft agreement explained that the Government of Gibraltar had formed an integral part of the UK's negotiating team at every stage of the negotiations and had given its full support to the agreement. It said that throughout the negotiations, the Government had been steadfastly committed to a “double lock”:

the UK 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. And we will never enter into a process of sovereignty negotiations with which Gibraltar is not content.²⁴

In his statements on the draft agreement on 26 February 2026, Stephen Doughty said that the Gibraltar Government had been at the table at every stage of the negotiations, while Chief Minister Picardo said that the Gibraltar government had worked “hand in glove” with successive UK governments in reaching the agreement with the EU.²⁵

Negotiations on the draft agreement were completed on 12 December 2025. This followed the announcement by the European Commission and the governments of the UK, Spain, and Gibraltar in June 2025 that a “conclusive

²¹ See Council of EU [Letters regarding a proposed framework for a UK-EU legal instrument setting out Gibraltar's future relationship with the EU](#) (PDF), 5 January 2021 (and attached Non Paper: Proposed framework for a UK-EU legal instrument setting out Gibraltar's future relationship with the EU), published on website of Spanish newspaper, El Independiente

²² UK Government, [A treaty between the UK and EU in respect of Gibraltar: joint ministerial statement](#), 29 March 2021

²³ [HC Deb 14 October 2024 c603-604](#)

²⁴ UK Government, [UK-EU Agreement in respect of Gibraltar – Summary](#) (PDF), February 2026

²⁵ [HC Deb 26 February 2026 c485](#); HM Government of Gibraltar, [Chief Minister's Statement on the Publication of the Draft Agreement in Respect of Gibraltar - 119/2026](#), 26 February 2026

political agreement” had been reached on the core aspects of the UK–EU agreement on Gibraltar.²⁶

For further details of the political agreement announcement in June 2025 see the Commons Library briefing [UK–EU agreement on Gibraltar: What has been agreed?](#)

1.5

Why was an agreement needed?

An agreement was needed because Gibraltar was not covered by the Trade and Cooperation Agreement (TCA), which sets out arrangements for the UK and EU’s post-Brexit relationship. As noted by the UK Government’s explanatory memorandum on the signed treaty, this meant there was no legal framework in place to govern Gibraltar’s relations with the EU following the end of the Brexit transition period on 31 December 2020.²⁷

Gibraltar is a British Overseas Territory that left the EU along with the UK in January 2020, although Gibraltarians had voted overwhelming to remain in the EU in the 2016 UK referendum on EU membership.²⁸ Spain maintains a sovereignty claim over Gibraltar.²⁹ The Spanish Government had insisted that Gibraltar’s post-Brexit relationship with the EU should not be covered by the TCA and should be treated separately.³⁰

Since the UK’s vote to leave the EU, Gibraltar’s Government has stressed the importance of maintaining an open “fluid” border between Gibraltar and Spain, given the importance to Gibraltar’s economy of ‘frontier workers’ who reside in Spain but work in Gibraltar.³¹ There are over 15,000 frontier workers in Gibraltar, more than half of the territory’s workforce.³²

In announcing the draft agreement on 26 February 2026, Gibraltar’s Chief Minister Fabian Picardo said that Brexit had left Gibraltar “exposed” and needing to avoid the hard border which would arise from the full application

²⁶ UK Government, [UK-EU Agreement in Respect of Gibraltar: Joint statement](#), 11 June 2025

²⁷ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

²⁸ 95.9% of Gibraltar voters voted to remain in the EU; 4.1% voted to leave. See BBC News, [EU Referendum local results](#) [accessed 31 July 2026]

²⁹ Spain, Ministry of External Affairs, European Union and Cooperation, [Gibraltar](#) [accessed 3 August 2026]

³⁰ The Guardian, [Spain accuses UK of treachery over Gibraltar Brexit deal](#), 22 November 2018; European Council, [Special meeting of the European Council \(Art. 50\) \(25 November 2018\) - Statements for the minutes](#) (PDF), 25 November 2018

³¹ House of Lords European Union Committee, [Supplementary written evidence – Government of Gibraltar \(GLT0001\)](#), 13 December 2016

³² Government of Gibraltar, [Gibraltar Fact Sheet](#) [accessed 3 August 2026]

of the EU Schengen area border rules and systems.³³ Gibraltar's Government had also emphasised the importance of access to the EU single market for key sectors of its economy, notably services.³⁴

Ensuring free circulation of people and goods across the Gibraltar–Spain border was therefore a central objective of the Gibraltar Government in the negotiations with the EU. The UK Government's explanatory memorandum on the signed agreement also highlighted the avoidance of a “hard border” on the frontier between Spain and Gibraltar as a policy objective, noting that in the absence of any alternative arrangement EU law would have required the full set of third-country checks to be made on people and goods at the border and this would have caused “significant practical and economic disruption for Gibraltar and the surrounding region”.³⁵

Interim measures had been in place since the end of the Brexit transition period, with Spain allowing Gibraltar residents to continue to cross the border without the passport stamping normally required to enter the EU/Schengen area, and Gibraltar reciprocating for Spanish residents coming into Gibraltar.³⁶

For further background to the negotiations, see the Commons Library briefing [UK-EU negotiations on Gibraltar-EU relations](#)

1.6

Political reaction in the UK

The February 2026 draft agreement was criticised by Conservative and Reform MPs over the degree to which Gibraltar would be obliged to implement EU law and for enabling Spanish border authorities to operate in Gibraltar and potentially prevent UK citizens from entering the territory. Chief Minister Picardo responded by emphasising the benefits to Gibraltar of the agreement and the importance to Gibraltar of maintaining “fluid movement” across the frontier with Spain, the limits to which Spanish police and border authorities can operate in Gibraltar, and the continuity in UK positions in negotiating the agreement under the previous Conservative and current Labour government³⁷ (see also section 2.2 below).

³³ HM Government of Gibraltar, [Chief Minister's Statement on the Publication of the Draft Agreement in Respect of Gibraltar - 119/2026](#), 26 February 2026

³⁴ House of Lords European Union Committee, [Supplementary written evidence – Government of Gibraltar \(GLT0001\)](#), 13 December 2016

³⁵ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

³⁶ Gibraltar Chronicle, [Govt unaware of any change to Red ID interim measures, but urges caution if travelling afar](#), 23 April 2024

³⁷ The Telegraph, [Starmer's 'Brexit betrayal' after handing Gibraltar border controls to EU](#), 18 December 2025; Gibraltar Chronicle, [Picardo tells Tory Brexiteers they are 'wrong' on Gibraltar treaty](#), 19 December 2025; The Telegraph, [Spanish border force to patrol Gibraltar under Brexit deal](#),

In response to Stephen Doughty's statement to the House of Commons on the draft agreement on 26 February 2026, the Conservative Foreign Affairs spokesperson Wendy Morton raised concerns about the operation of dual border checks and the role of the Spanish authorities, UK oversight of customs checks conducted by Spanish and Portuguese authorities, the impacts on trade, the financial sector and business in Gibraltar, requirements for Gibraltar to adopt future EU legislation, the role of the Court of Justice of the EU in interpreting EU legislation and Gibraltar's implementation of it, and the reference in Article 25 to the UK giving effect to the European Convention on Human Rights in provisions on circulation of persons. Ms Morton also raised concerns about parliamentary scrutiny arrangements and delays in parliament being given details of the treaty text.³⁸

Ms Morton reiterated some of these concerns in her response to Mr Doughty's House of Commons statement on 16 July 2026.³⁹ The Liberal Democrat Europe spokesperson, Dr Al Pinkerton, welcomed the agreement and congratulated the UK and Gibraltar Governments in securing it.⁴⁰

1.7

EU entry/exit system and deadline for provisional application

All sides had stressed the importance of reaching an agreement on Gibraltar's relationship with the EU before full implementation of the [EU's new entry/exit system](#) (EES).⁴¹ This is an automated border system involving biometric checks, which Spain would need to implement at the border with Gibraltar if there were no agreement on different arrangements. The potential implementation of EES at the border was viewed as having a highly damaging impact on Gibraltar given the delays this would have caused to the thousands of frontier workers crossing the border each day. EES had been repeatedly delayed but was [finally launched in October 2025](#), with implementation phased in over a six-month period. Although EU legislation required that EES be fully implemented by 10 April 2026, it was still not fully operational across all EU/Schengen area border crossings by this date.⁴²

Following the publication of the draft agreement on 26 February 2026, Chief Minister Picardo said the UK and Gibraltar were working towards

26 February 2026; Politics Home, [The post-Brexit deal for Gibraltar is not 'betrayal' – it is a triumph](#), 4 March 2026

³⁸ [HC Deb 26 February 2026 c487-488](#)

³⁹ [HC Deb 16 July 2026 c1124-1125](#)

⁴⁰ [HC Deb 16 July 2026 c1128](#)

⁴¹ Gibraltar Chronicle, [Spain and Gibraltar press for rival treaty proposals as EU border changes loom](#)

⁴² The Independent, [From 'EES minus' to 'EES plus' – this is the inconsistent reality of Europe's border lottery](#), 10 April 2026

implementation of the agreement by 10 April.⁴³ The European Commission’s explanatory memorandum on the agreement also said that the EU intended to notify the UK of its intention to apply the agreement on a provisional basis from 10 April 2026. It said that the provisional application of the agreement was “a matter of special urgency” in “exceptional circumstances” given the intention of the agreement to remove all physical barriers between the EU and Gibraltar and the scheduled full implementation of EES on 10 April 2026 which would require “fully-fledged border control” to be put in place between the EU and Gibraltar if the UK-EU agreement in respect of Gibraltar was not in place by then.⁴⁴

However, on 1 April 2026, a Council of EU press release said that the UK-EU agreement on Gibraltar was expected to be provisionally applied from 15 July 2026 (see also section 3.1 below).⁴⁵ The Gibraltar Government said it had received assurances that EES would not apply to Gibraltar residents.⁴⁶

For further details on the EU Entry/Exit system, see the Commons Library briefing [The EU Entry/Exit system and EU travel authorisation system](#).

⁴³ Government of Gibraltar, [Motion on Support for the UK-EU Treaty on Gibraltar - Chief Minister’s Parliamentary Speech \(Transcript\)](#) (PDF), 4 March 2026

⁴⁴ See the Explanatory Memorandum in the European Commission’s [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

⁴⁵ Council of EU, Press Release, [EU-UK relations: member states greenlight EU-UK deal on Gibraltar](#), 1 April 2026

⁴⁶ Gibraltar Chronicle, [‘Certainty and breathing space’ as EU ‘greenlights’ Gib treaty and sets July 15 for provisional application](#), 1 April 2026

2

The agreement

The main text of the agreement is in seven parts of varying length, covering 336 articles. The parts are as follows:

1. Part One: Common and Institutional Provisions. This includes general principles and provisions setting out an institutional framework for the agreement.
2. Part Two: Circulation of Persons. This includes provisions relating to border checks, rules on entry to Gibraltar, and law enforcement and judicial cooperation.
3. Part Three: Economy and Trade. This includes provisions establishing a Gibraltar–EU customs union and provisions to ensure a level playing field in matters such as state aid, taxation, labour and environmental standards. It also includes chapters on aviation and transport.
4. Part Four: Frontier Workers. This sets out rules for equal treatment and employment rights for people travelling across the Spain–Gibraltar border to work.
5. Part Five: Financial Provisions. This sets up a joint UK–EU fund to promote economic development in Gibraltar and the bordering Spanish region.
6. Part Six: Dispute Settlement. This sets out procedures for dealing with disputes between the UK and the EU, including an independent arbitration mechanism and penalties for non-compliance.
7. Part Seven: Final Provisions. This covers entry into force, review and possible termination of the agreement.

There are 30 annexes to the agreement, with additional appendices, together with a protocol on social security coordination with additional annexes. The annexes, appendices and protocol set out further detail on how the agreement will function in practice. The main text, annexes, appendices and protocol together total more than 900 pages in the final version of the treaty published as a UK Government Command Paper (CP 1645). This also comes with a contents table which sets out the seven parts, and the titles and chapters within them.⁴⁷

⁴⁷ See UK Government, [UK/EU and EAEC: Agreement in respect of Gibraltar \[MS No.9/2026\]](#), 14 July 2026

2.1

Part One: Common and Institutional Provisions.

Part One includes general provisions and principles, provisions setting out the basis for cooperation, and provisions setting out an institutional framework for the agreement.

General provisions

Article 1 sets out the objective of the agreement to establish a “mutually cooperative relationship” between the EU and the UK, promoting “shared prosperity and close and constructive relations” in respect of Gibraltar and the adjacent area of Spain, known as the “Campo de Gibraltar”.

Article 2 states that the agreement is “without prejudice to”, and will not affect the legal positions of, the UK and Spain with regard to sovereignty and jurisdiction over Gibraltar “and shall not constitute the basis for any assertion or denial of sovereignty including in legal proceedings or otherwise”.

The UK Government explanatory memorandum states that in practical terms, this means that “cooperation under these arrangements cannot be relied upon, in legal proceedings or otherwise, to challenge positions on sovereignty, jurisdiction or Gibraltar’s constitutional status”.⁴⁸

Article 3 (3) sets out definitions of terms used in the agreement and clarifies that references in the agreement to the UK shall be understood as referring to the UK as the state responsible for the external relations of Gibraltar.

Article 4 states that the UK and EU can conclude other bilateral agreements between themselves in respect of Gibraltar, which would constitute “supplementing agreements” to this agreement and come under the governance structures established by this agreement.

Article 7 sets out the general principle that all physical barriers between Spain and Gibraltar will be removed, based on an implementation plan contained in an administrative arrangement between the UK, in respect of Gibraltar, and Spain. Several treaty articles refer to a requirement for and administrative arrangement to be agreed by the UK and Spain, and Article 336 in the final provisions provides that all administrative arrangements set out in the agreement must be in place before the agreement itself can apply,

⁴⁸ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

even on a provisional basis. These were all published on 14 July 2026 on the same day as the final version of treaty.⁴⁹

Basis for cooperation and essential elements

Articles 8 to 16 in Title II of Part One set out general shared principles that are the basis of cooperation between the UK and EU. These are similar to those set out in Articles 763 to 771 in Title II of Part Six of the Trade and Cooperation Agreement (TCA).

These include respect for the rule of law, democracy and human rights (including international human rights treaties) (Article 8); the fight against climate change, including through respect for the 2015 United Nations agreement on climate change ([the Paris Agreement](#)) (Article 9); countering proliferation of weapons of mass destruction (Article 10); other arms control principles (Article 11); addressing the most serious international crimes, including through the International Criminal Court (Article 12); cooperation on preventing and combatting international terrorism (Article 13); alignment by the UK, in respect of Gibraltar, with EU personal data protection principles, including the General Data Protection Regulation (GDPR) (Article 14 and annex 3); and global cooperation on issues of shared economic, environmental and social interest (Article 15).

The UK government summary of the February 2026 draft agreement explains that the provisions covering the protection of personal data will enable the free flow of data across all sectors between Gibraltar and the EU, “without the need for a data ‘adequacy’ decision for Gibraltar”, in return for Gibraltar’s continued alignment with key EU data protection rules.⁵⁰

Similarly to the TCA, the principles set out in Articles 8 to 10 are described as “essential elements of the agreement”. Article 16 (2) provides that if either Party considers that there has been a serious and substantial failure by the other Party to fulfil any of the obligations, then they may decide to terminate or suspend the operation of the Agreement or any supplementing agreement “in whole or in part”. Before taking this step, the Party invoking this Article should first request that the joint UK-EU Cooperation Council set up under the agreement (see below) meet immediately to seek a “mutually agreeable solution”. If no mutually agreeable solution is found within 30 days of this request being made, then they can then go ahead with the suspension/termination.

Measures taken under Article 16 should respect international law and be “proportionate”. Article 16 (5) clarifies that for a situation to constitute a serious and substantial failure to fulfil the essential elements “its gravity and nature would have to be of an exceptional sort that threatens peace and security or that has international repercussions”. It specifies that this would

⁴⁹ See UK Government, [Administrative Arrangements in relation to the UK-EU Agreement in respect of Gibraltar](#), 14 July 2026

⁵⁰ UK Government, [UK-EU Agreement in respect of Gibraltar - Summary](#) (PDF), February 2026

include “an act or omission which materially defeats the object and purpose of the Paris Agreement”.

Civil nuclear cooperation

Article 17 (Title III) covers civil nuclear cooperation. The UK and EU commit to working together to improve international nuclear safety standards, and to not weaken standards of protection applying to Gibraltar.

Interpretations and definitions

Title IV sets out interpretations and definitions, with Article 18 stating the agreement’s provisions will be interpreted in good faith and in accordance with customary rules of international law.

Article 19 requires Gibraltar to apply through equivalent measures in its domestic law a number of EU laws referred to in the agreement or listed in its annexes. Article 19 also provides that where the EU updates these laws or adopts a new EU law relating to the same subject matter, this legislation needs to be given effect in the UK’s domestic law in respect of Gibraltar.

Article 19 (3) provides that within 30 days of notification by the EU that a relevant act has been adopted, the UK shall notify the EU of its decision as to whether to accept and implement the EU act in respect of Gibraltar. If the UK does not notify that it will be accepting the act within 30 days, and implementing the act within six weeks, then the entire agreement will be terminated unless the Cooperation Council decides otherwise. A Cooperation Council decision not to terminate will need to be taken within 90 days. If there is no decision against termination, then the agreement will be terminated three months after the end of the 90 day period.

Article 20 provides that the application by the UK, in respect of Gibraltar, of the EU acts referred to in Article 19, should be in accordance with principles of EU law, and to the relevant caselaw of the Court of Justice of the EU (CJEU).

The UK government summary of the agreement notes that Gibraltar’s domestic legal system will incorporate EU law where alignment is required and this will be enforced by Gibraltar’s own authorities and courts, while also stating that there is no direct application of EU law to Gibraltar through the agreement or an enforcement role for the CJEU in Gibraltar.⁵¹

Institutional framework

Article 22 establishes a ‘Cooperation Council’ comprising EU and UK representatives and supported by specialised committees, to oversee the implementation of the agreement and any supplementing agreements. This is similar to the governance structures established under the TCA. The Cooperation Council will be co-chaired by a member of the European

⁵¹ UK Government, [UK-EU Agreement in respect of Gibraltar - Summary](#) (PDF), February 2026

Commission and a UK Minister and will meet at least once a year. It can adopt decisions in relation to the implementation of the agreement and can also take decisions to amend the agreement in relation to matters specified in the agreement.

Article 23 establishes three specialised committees, comprised of EU and UK representatives and covering: circulation of persons; economy and trade; and aviation. These can adopt decisions in areas delegated by the Cooperation Council, which also has the power to establish other specialised committees.

Decisions taken by the Cooperation Council and specialised committees will be taken by mutual consent and will be binding on both the UK and EU and all bodies set up under the agreement (Article 24).

2.2

Part Two: Circulation of Persons

Part Two includes provisions applying parts of the Schengen rulebook to enable people to circulate freely between Gibraltar and the EU and to remove checks on people crossing the border between Gibraltar and Spain. It provides for the removal of the current physical border infrastructure between Gibraltar and Spain. It also includes provisions relating to issuing of resident permits, and law enforcement and judicial cooperation.

The UK government's summary explains that Gibraltar will remain outside the Schengen area, "but Schengen border rules will apply at its external border under a tailored arrangement between the UK and EU". Checks on arrivals to Gibraltar will be undertaken by both UK/Gibraltar border officers and Spanish border officers. This will ensure that people cleared on arrival into Gibraltar (usually at the airport) will be able to travel freely between Gibraltar, Spain and the wider Schengen Area.⁵²

This will also mean that time spent by non-EU/non-Schengen area citizens in Gibraltar will be calculated as part of the allowance for short stays by third country (non-EU/non Schengen area) nationals in the Schengen area. The Schengen Borders Code limits stays in the Schengen area to a total of 90 days within a rolling 180-day period.⁵³ Spanish borders officers will not be able to refuse Gibraltar residents entry to Gibraltar, and their time spent in Gibraltar will not count towards the 90/180 day allowance. There are however separate arrangements to exempt UK military personnel and family members from Schengen border checks when entering Gibraltar.

Schengen checks and the application of the Schengen 90/180 rule will also apply to UK citizens when visiting Gibraltar. Following the statement by Stephen Doughty on 26 February 2026, the Conservative shadow foreign

⁵² UK Government, [UK-EU Agreement in respect of Gibraltar - Summary](#) (PDF), February 2026

⁵³ Article 6 of [Regulation \(EU\) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders \(Schengen Borders Code\)](#)

affairs minister Wendy Morton asked the minister about UK citizens being subject to this rule when visiting Gibraltar. The Minister said that there had been “misunderstandings” about the rights UK citizens hitherto had to stay in the British Overseas Territories, and that “British citizens are not free at the moment just to turn up in Gibraltar without going through immigration checks; they are already subject to a 90-day rule”.⁵⁴ A similar point was made by Lord Cameron, then Foreign Secretary under the Conservative Government, when questioned by the European Scrutiny Committee in May 2024 on the likelihood of Schengen rules applying to UK citizens when entering and staying in Gibraltar.⁵⁵

The then Conservative Minister for Europe, Leo Docherty, had written to the European Scrutiny Committee in March 2024 to update on the negotiations and explained that it was negotiating arrangements with the EU that would involve dual Gibraltar- Schengen border checks for arrivals into Gibraltar in order to ensure “fluid movement of people” across the Spain-Gibraltar border.⁵⁶ In his evidence to the European Scrutiny Committee in May 2024, Lord Cameron said these arrangements stemmed from the Gibraltar government’s desire, which he endorsed, for a frictionless border.⁵⁷

Media reports of key elements of the draft agreement in December 2025, including the role played by Spanish border guards in checking arrivals into Gibraltar and potentially preventing UK citizens from entering, included criticisms by Conservative MPs.⁵⁸ Chief Minister Picardo responded to these criticisms by stressing that the agreement was welcomed in Gibraltar and that these elements of the agreement had been supported in negotiations by both the previous Conservative government and the current Labour government.⁵⁹ He said he looked forward to cross-party support for the agreement.⁶⁰

The Chief Minister responded in a similar way to criticisms of the draft agreement by Conservative and Reform party MPs when it was published in February 2026 and said that reporting suggesting Spanish border forces would be “patrolling Gibraltar” were “totally inaccurate and mischaracterise the proposed legal position and the operational reality”.⁶¹

⁵⁴ [HC Deb 26 February 2026 c489](#)

⁵⁵ European Scrutiny Committee, [Oral evidence: UK’s new relationship with the EU, HC 167](#), 20 May 2024, Q290. See also [Brexit row as Cameron admits EU could soon be policing British tourists at Gibraltar border](#), The Independent, 21 May 2024

⁵⁶ FCDO, [Letter from Leo Docherty, Minister for Europe, to Sir William Cash, Chair of the European Scrutiny Committee](#) (PDF), 8 March 2024

⁵⁷ European Scrutiny Committee, [Oral evidence: UK’s new relationship with the EU, HC 167](#), 20 May 2024, Q290-291. See also [Brexit row as Cameron admits EU could soon be policing British tourists at Gibraltar border](#), The Independent, 21 May 2024

⁵⁸ The Telegraph, [Starmers ‘Brexit betrayal’ after handing Gibraltar border controls to EU](#), 18 December 2025

⁵⁹ Gibraltar Chronicle, [Picardo tells Tory Brexiteers they are ‘wrong’ on Gibraltar treaty](#), 19 December 2025

⁶⁰ Fabian Picardo (@FabianPicardo), [X \(Twitter\)](#), 18 December 2025 [accessed 31 July 2026]

⁶¹ The Telegraph, [Spanish border force to patrol Gibraltar under Brexit deal](#), 26 February 2026; Politics Home, [The post-Brexit deal for Gibraltar is not ‘betrayal’ – it is a triumph](#), 4 March 2026

Border controls and general principles

Title I of Part Two sets out general principles and objectives for the Part Two provisions, and Title II sets out arrangements for establishment of border controls.

Article 25 establishes that the cooperation provided for in Part Two of the agreement is underpinned by democracy, the rule of law and respect for human rights, highlighting the importance of the European Convention on Human Rights and of “giving effect to the rights and freedoms in that Convention domestically”.

Article 28 states that all physical barriers related to the circulation of persons between the EU and Gibraltar shall be removed.

Article 29 provides for the establishment by the UK, in respect of Gibraltar, and by Spain, of dual border checks at Gibraltar port and airport (the two entry points to Gibraltar from outside the EU/Schengen area). People arriving at these entry points will first be subject to Gibraltar entry controls by the UK/Gibraltar authorities, and then subsequently to Schengen area entry controls by Spanish border authorities. Border checks on people exiting Gibraltar will be carried out first by the Spanish authorities and then by the UK/Gibraltar authorities. A new facility will be built at Gibraltar airport to handle these entry and exit checks.⁶²

In evidence to the Foreign Affairs Committee on 20 April 2026, Chief Minister Picardo said that the Spanish border authorities would be located in a new “second-line checks area” within Gibraltar airport, and that this had been a proposal from the Government of Gibraltar approved by the then Conservative government early in the negotiations.⁶³

Article 29 (3) provides for a derogation whereby passengers and crew members arriving at Gibraltar port will be transported to the airport for entry checks. The arrangements for doing so would be set out in an administrative arrangement between the UK and Spain (published on 14 July 2026⁶⁴). Chief Minister Picardo said in announcing the draft agreement in February 2026 that this derogation will be applied in practice, with people arriving at the port taken to the airport for these checks and traffic at the Port restricted to quantities that can be handled properly at the Airport facility alone.⁶⁵

⁶² HM Government of Gibraltar, [Chief Minister’s Statement on the Publication of the Draft Agreement in Respect of Gibraltar - 119/2026](#), 26 February 2026

⁶³ House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q4

⁶⁴ UK Government, [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on How Schengen Border Checks and Border Surveillance Will Be Conducted](#) (PDF), 14 July 2026.

⁶⁵ HM Government of Gibraltar, [Chief Minister’s Statement on the Publication of the Draft Agreement in Respect of Gibraltar - 119/2026](#), 26 February 2026. See also House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q7

Under Article 29 (7) the UK undertakes to align entry conditions in respect of Gibraltar, with the EU/Schengen area entry conditions.

Article 30 provides that the UK and EU will also ensure that people travelling between Gibraltar and all member states of the Schengen area can do so without border checks being carried out. However, this obligation can be suspended by either the UK, in respect of Gibraltar, or a Schengen area member state for time limited periods up to six months as a “last resort” where there is a serious threat to public policy, public health or internal security.

Under Article 32, the UK/Gibraltar authorities will carry out border checks on arrivals to Gibraltar in accordance with Gibraltar legislation. Where the UK/Gibraltar border authorities intend to refuse entry to a person they will inform the Spanish border authorities, who will be able to authorise entry of that person to the Schengen area if that person is viewed as in compliance with the Schengen Borders Code (unless the UK authorities need to take a coercive action in relation to the person, such as detention or arrest). If that person has free movement rights under EU law, or the right of a residence in a Schengen member state, then the UK/Gibraltar authorities shall allow the person to enter Spain or another Schengen area state.

Under Article 33, Spanish border officers are responsible for performing functions required for border control as set out in the Schengen Borders Code. This includes refusal of entry to Gibraltar to non-Gibraltar residents who do not meet the entry conditions set out in the Schengen Borders Code, such as involve ensuring compliance with the Schengen area limit on short stays of a total of 90 days in a rolling 180-day period (see below). Gibraltar residents are exempt from the requirement to comply with Schengen Borders Code entry conditions.

Spanish border authorities will also have the right to arrest, search or detain persons seeking entry to Gibraltar, where justified in the course of border control, and to accept applications for international protection (asylum) from third country nationals or stateless persons (Article 33 (4)).

Provisions covering the following-up of border checks by the UK/Gibraltar and Spanish authorities and coordination between the two, where alerts on their respective information system require coercive action such as arrest or detention, are set out in Article 34.

As provided for in (Article 33 (6)), the practical arrangements enabling the Spanish authorities to undertake their border control duties for arrivals into Gibraltar were set out in an administrative arrangement agreed by the UK, in respect of Gibraltar, and Spain and published on 14 July 2026.⁶⁶

⁶⁶ UK Government, [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on How Schengen Border Checks and Border Surveillance Will Be Conducted](#) (PDF), 14 July 2026.

UK military personnel, civilian staff of UK armed forces and visiting personnel from the armed forces of third countries will be exempt from Schengen border checks and passport and visa regulations that otherwise apply under the agreement if they enter and remain in Gibraltar, providing they present their military identification cards or other documents certifying their status. Family members of UK armed forces personnel are also exempt (Article 38).

Residence in Gibraltar, Visas and Visa-Free travel

Part Two, Title III of the agreement sets out the safeguards which the UK in respect of Gibraltar and the EU have agreed to apply to maintain security and preserve the integrity of the Schengen free movement area following the removal of physical barriers, checks and controls on the movement of people at the land border between Gibraltar and Spain.⁶⁷

Chapter 1 of Title III of Part Two includes provisions for visa free travel to Gibraltar, and the issuing of short-stay visas and residence permits in Gibraltar.

Article 41 provides that EU citizens and their family members and third country nationals legally residing in EU Schengen area countries can enter and stay in Gibraltar without a visa for periods of up to 90 days in any 180-day period. Similarly, residents of Gibraltar will be able to stay in EU Schengen area member states for periods of up to 90 days in any 180-day period. The absence of border checks between Gibraltar and Spain may however make these time limits difficult to enforce.⁶⁸ A visa requirement may be imposed by EU member states for Gibraltar residents, and by the UK in respect of Gibraltar for EU citizens, where travel is for work purposes.

Gibraltar residents will be exempt from the requirements of the EU entry/exit system and the forthcoming EU travel authorisation system (Article 42). They will also not be subject to border checks to ensure compliance with the Schengen 90/180 day time limit, when entering Gibraltar (Article 43). Gibraltar residents will also be permitted to transit through other EU member states in order to reach Gibraltar, even when not in compliance with the 90/180 day limit (Article 44).

Where nationals of a third country require a short-stay visa to enter the EU, they will also need one to enter Gibraltar. Short-stay Schengen visas issued by EU Member States will be valid for entry to Gibraltar. Where the main purpose of the visa is to stay in Gibraltar, the visa will be issued by Spain. The UK/Gibraltar will be able to object to the issuing of a short-stay visa, in which case Spain can issue a visa valid for the Schengen area which does not entitle

⁶⁷ See Section 3 of the Explanatory Memorandum in the European Commission's [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

⁶⁸ This was acknowledged by Chief Minister Picardo in his statement in support of the draft agreement to the Gibraltar Parliament on 4 March 2026. See Government of Gibraltar, [Motion on Support for the UK-EU Treaty on Gibraltar - Chief Minister's Parliamentary Speech \(Transcript\)](#) (PDF), 4 March 2026

the holder to enter and stay in Gibraltar (Article 47). The UK/Gibraltar authorities may exceptionally issue a visa to individuals on humanitarian grounds for Gibraltar only for a time limited period (Article 48). Long stay visas for Gibraltar will not be issued (Article 49).

The UK/Gibraltar authorities will remain responsible for issuing or renewing residence permits in respect of Gibraltar. However, the UK/Gibraltar authorities will inform their Spanish counterparts of the residence application, and where the Spanish authorities object the residence permit will not be issued. The objection from Spain should be on the basis of a threat to public policy, internal security, public health or the international relations of any of the EU member states, including on the basis of alerts issued by the Schengen Information System (SIS). The Spanish authorities can also request that the UK/Gibraltar authorities withdraw a Gibraltar residence permit on the same grounds. Where the Spanish authorities do not object to a residence permit, but there has been an alert in SIS in relation to the holder of the permit, the individual will not have the right to enter EU member states (Article 50).

Asylum claims

Chapter 2 of Title III of Part Two covers applications for international protection (asylum) claims. The UK/Gibraltar authorities will remain responsible for considering asylum claims made in Gibraltar but will need to inform the Spanish authorities of the application and consider information or objections from the Spanish authorities. Standards for processing the application should be equivalent to those applicable in the EU. Where the UK/Gibraltar authorities grant asylum, the person granted asylum will be issued with a residence permit valid for Gibraltar only. Asylum claims can also be made during border checks, and these can be made either to the UK/Gibraltar authorities or to the Spanish authorities (Article 53).

Police cooperation

Chapter 3 of Title III includes specific provisions on cross-border police cooperation.

Information exchange

Article 54 establishes arrangements for the exchange of information which largely replicate those found in Part Three of the UK/EU Trade and Cooperation Agreement. Information may be exchanged between the competent law enforcement authorities in Gibraltar and in Spain (or any other EU member state) in accordance with conditions set out in their domestic law and for the following purposes:

- the prevention, investigation, detection or prosecution of criminal offences;
- the execution of criminal penalties;

- preventing and safeguarding against threats to public safety; and
- preventing and combating money laundering and the financing of terrorism.

Cross-border surveillance and pursuit

Articles 55 and 56 permit law enforcement authorities in Gibraltar and Spain to continue surveillance of an individual suspected of committing a criminal offence (as listed in annex 8 to the agreement) or to continue their pursuit of an individual “caught in the act” of committing such a crime if they cross from one jurisdiction to the other. Officers may also pursue an individual who has escaped from custody. The agreement requires the authorities in Spain and Gibraltar to maintain direct means of communication between their police and customs services to ensure that information can be shared in a timely manner (Article 57).

Cross-border surveillance and pursuit must be carried out “in line with” the rules and conditions set out in the [Schengen Convention](#). The Convention establishes the legal framework for the removal of checks at internal land borders within the Schengen free movement area and includes provisions on cross-border police cooperation.⁶⁹ The UK/Gibraltar and Spain were also required to agree administrative arrangements governing the operational aspects of cross-border surveillance and pursuit. This agreed administrative arrangement was published on 14 July 2026.⁷⁰

Joint operations

Article 58 provides for the possibility of joint patrols and other joint operations involving law enforcement officials from Gibraltar and other EU countries working together to maintain public order and security and prevent criminal offences. Cooperation would be based on conditions agreed by the parties involved which establish the operational powers that officers from another jurisdiction would be able to exercise and the law that would apply. Any operation which would involve officers from one jurisdiction operating on the ground in another would require explicit prior authorisation. Spanish or other EU officers participating in a joint operation in Gibraltar under these arrangements would have access to their own national, EU and international databases where permitted by their domestic law. UK/Gibraltar officers participating in a joint operation in an EU member state would have access to their own domestic and international databases (Article 59).

⁶⁹ [Articles 40 and 41 of the Schengen Convention](#), as amended by [Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40\(1\) and \(7\) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders](#), set out the rules governing cross-border surveillance and pursuit. See also the [Manual on cross-border operations](#), 16 December 2020

⁷⁰ UK Government, [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Continued Surveillance and Uninterrupted Pursuit](#) (PDF), 14 July 2026

Enhanced police checks

To prevent crime and irregular migration, the agreement provides for “enhanced police checks” to be carried out where these are justified by a risk assessment. These checks would be carried out by Gibraltar police officers in Gibraltar and by Spanish police officers in the “contiguous frontier zone” – the municipalities forming part of the Campo de Gibraltar in Spain (Article 62).

Passenger Name Record data

Article 61 requires UK authorities to ensure that carriers operating flights to Gibraltar transfer Passenger Name Record (PNR) data to the Spanish authorities on the same basis as applies to carriers operating flights to the EU under the [EU’s PNR Directive](#). Similar requirements apply under the UK/EU Trade and Cooperation Agreement to passenger flights between the UK and the EU.⁷¹

Applicable EU law

Article 63 provides that the EU laws listed in Annex 9 to the agreement underpin its provisions on police cooperation. Article 19 of the agreement applies, meaning that the UK is required to ensure that these laws apply in Gibraltar in the same way as in the EU by enacting equivalent provisions in its domestic law and updating domestic law to reflect subsequent changes to EU law. If the UK does not update its domestic law to reflect changes made by the EU to the laws listed in Article 9, the agreement may be terminated. The EU laws cover EU rules to prevent unauthorised entry and residence, the illicit manufacturing of and trafficking in firearms, controls on the acquisition and possession of weapons, the marketing and use of explosives precursors, and offences relating to trafficking in drugs and drug precursors.

Implementation of Part Two provisions

Title IV of Part Two sets out provisions on the implementation, evaluation and enforcement of the Part Two provisions.

Article 65 provides for an evaluation of Part Two of the agreement to be undertaken by the Specialised Committee on the Circulation of Persons at the latest four years after this part of the agreement has come into effect. The Committee will produce an evaluation report addressed to the Cooperation Council. Article 66 provides that either the UK or the EU may terminate the agreement following the completion of the evaluation. Where one party has notified that it intends to terminate the agreement, the termination will take effect on the first day of the twelfth month following the notification.

Article 66 (2) states that if Spain requests that the EU terminate the agreement, the EU will “take the necessary steps in accordance with its internal procedures, with a view to terminating [the agreement]”.

⁷¹ Part Three, Title III of the UK/EU Trade and Cooperation Agreement

Article 67 provides that either party can temporarily suspend the implementation of their obligations under Part Two “in case of serious non-respect of commitments” or where either party considers that it is “exposed to a serious and persistent threat to internal security” as a result of the absence of border controls between Gibraltar and the EU. This would follow consultation between the parties. A suspension of Part Two obligations would involve border controls being reinstated between the EU and Gibraltar.

Article 69 states that none of the provisions set out in Titles I to IV of Part Two prevent the UK, Gibraltar or EU member states from taking measures to protect their national security (Article 69).

The agreement’s termination and suspension provisions are further discussed in section 2.7 below. UK-Gibraltar arrangements for implementing these provisions are covered by a UK-Gibraltar concordat signed on 14 July. See section 3.5 for further discussion of the concordat.

Law enforcement and criminal justice cooperation

Part Two, Title V of the agreement establishes a framework for law enforcement and judicial cooperation between EU member states and agencies, such as Europol and Eurojust, on the one hand, and the UK in respect of Gibraltar on the other. It covers broadly the same areas as Part Three of the TCA and the wording of many of the provisions is the same. Unlike the TCA, however, the UK/EU agreement in respect of Gibraltar does not include provision for the exchange of DNA profiles, fingerprints and vehicle registration data under the EU’s “Prüm” Regulation.⁷²

The Specialised Committee on Circulation of Persons is empowered to modify some of the provisions relating to law enforcement and criminal justice cooperation to reflect changes made to the equivalent provisions of the TCA or to related EU laws. The changes may relate to the forms used to request mutual assistance or execution of an arrest warrant or concern changes to the types of crime which fall within the competence of EU agencies such as Europol and Eurojust.⁷³

Cooperation with Europol

Chapter 2 of Title V of Part Two provides for cooperation between Gibraltar and Europol, the EU’s criminal law enforcement agency, on the same basis as currently exists between the UK and Europol under Part Three of the TCA.⁷⁴

⁷² Part Three, Title II of the UK/EU Trade and Cooperation Agreement. See also the EU’s [“Prüm II” Regulation](#)

⁷³ See for example Articles 75(3) and 92(3) relating to Europol and Eurojust, Articles 123(2) and 125(2) relating to arrest warrants, Article 154(3) on mutual assistance requests, and Article 184(6) and (7) on requests to freeze proceeds of crime

⁷⁴ Articles 72-88 of the UK/EU agreement in respect of Gibraltar and Part Three, Title V of the UK/EU Trade and Cooperation Agreement

The UK's National Crime Agency will act as the central point of contact between Gibraltar and Europol. Liaison officers seconded by the UK to Europol may also serve as liaison officers for Gibraltar and the [administrative and working arrangement concluded between the UK and Europol in 2021](#) may be applied in respect of Gibraltar.⁷⁵

Cooperation with Eurojust

Similarly, Chapter 3 of Title V of Part Two provides for cooperation between Gibraltar and Eurojust, the EU's criminal justice agency, on the same terms as the TCA.⁷⁶ The UK's Crown Prosecution Service will operate as the central point of contact between Gibraltar and Eurojust and liaison prosecutors seconded by the UK to Eurojust will also facilitate cooperation in respect of Gibraltar. The [working arrangement concluded between the UK and Eurojust in 2021](#) may also be applied in respect of Gibraltar.⁷⁷

Exchange of criminal record information

Chapter 4 of Title V of Part Two provides for the exchange of criminal record information between Gibraltar and EU member states on broadly the same terms as the TCA.⁷⁸ EU member states will be required to provide the UK Criminal Records Office with the details of criminal convictions recorded against UK nationals holding a valid identity card or residence permit issued in Gibraltar.

Extradition/surrender

Chapter 5 of Title V of Part Two provides for the extradition (arrest and surrender) of individuals for whom an EU member state or the UK in respect of Gibraltar has issued an arrest warrant.⁷⁹ The provisions replicate those contained in the TCA and operate in the same way.⁸⁰

A new clause in Article 68 (5) of the final signed version of the agreement (not present in the February 2026 draft) provides that the EU, acting on behalf of any of the member states, can notify by the time of signature of the agreement that certain specified provisions of this chapter will not apply in relation to the particular member states until the EU notifies that the relevant constitutional requirements for the application of those provisions in that member state have been fulfilled.

⁷⁵ Europol, [Working and Administrative Arrangement establishing cooperative relations between the competent authorities of the UK and Europol](#)

⁷⁶ Articles 89-105 of the UK/EU agreement in respect of Gibraltar and Part Three, Title VI of the UK/EU Trade and Cooperation Agreement

⁷⁷ Eurojust, [Working Arrangement between Eurojust and the Home Office UK](#), December 2021

⁷⁸ Articles 106-114 of the UK/EU agreement in respect of Gibraltar and Part Three, Title IX of the UK/EU Trade and Cooperation Agreement

⁷⁹ Articles 115-151 of the UK/EU agreement in respect of Gibraltar.

⁸⁰ Part Three, Title VII of the UK/EU Trade and Cooperation Agreement

Mutual assistance

Chapter 5 of Title V of Part Two includes provisions on mutual assistance in criminal matters which largely replicate those found in the TCA.⁸¹

Freezing and confiscation

Chapter 6 of Title V of Part Two provides for cooperation “to the widest extent possible” in identifying, tracing and securing the proceeds of crime and in any ensuing criminal proceedings to confiscate property or assets, with cooperation based on the TCA model.⁸²

Combating money laundering and terrorist financing

Part Two, Title VI of the agreement sets out the principles which underpin cooperation to combat money laundering and terrorist financing but the nature and extent of the obligations differ from those contained in the TCA.⁸³ The main substantive requirement placed on Gibraltar is a commitment to maintain and effectively apply equivalent measures to those in place in the EU, as listed in Annex 17 to the agreement. If there is a significant divergence in the measures applied in the EU and Gibraltar, leading to “distortions in the prevention of money laundering and terrorist financing”, the Committee on the Circulation of Persons may be asked to find “a mutually satisfactory resolution”. If it fails to do so, the EU or Gibraltar may take “appropriate rebalancing measures”.⁸⁴

2.3

Part Three: Economy and Trade

Part Three of the draft agreement covers the establishment of a Gibraltar-EU customs union, various level playing field provisions (such as state aid, taxation, labour and environmental standards), and transport (including aviation).

The aim of the provisions is to remove physical barriers for goods moving by land between Gibraltar and the EU, while protecting the integrity of the EU single market.⁸⁵ Since 2021, temporary arrangements have allowed the

⁸¹ Articles 152-161 of the UK/EU agreement in respect of Gibraltar and Part Three, Title VIII of the UK/EU Trade and Cooperation Agreement

⁸² Articles 162-195 of the UK/EU agreement in respect of Gibraltar and Part Three, Title XI of the UK/EU Trade and Cooperation Agreement

⁸³ Articles 196-198 of the UK/EU agreement in respect of Gibraltar and Part Three, Title X of the UK/EU Trade and Cooperation Agreement

⁸⁴ Article 198

⁸⁵ Article 238. See also Section 3 of the Explanatory Memorandum in the European Commission’s [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

continued movement of people and goods across the Gibraltar-Spain border.⁸⁶

Customs union

Arrangements on customs, indirect taxation and trade related issues are set out in Title II of Part Three. This creates a bespoke customs union between Gibraltar and the EU (Article 240), removing tariffs, duties and quotas on goods moving between the Gibraltar and the EU.⁸⁷ Subject to a decision by the Cooperation Council, a large body of EU customs law and product rules will apply to Gibraltar to enable the removal of physical barriers on the movement of goods between Spain and Gibraltar (Article 247 and Annex 20).

Goods to be imported into Gibraltar from outside the EU will first go through customs checks in Spain or Portugal (Annex 21, appendix 1). According to the UK government, “the majority of goods destined for Gibraltar will be cleared by EU customs offices in Spain so they can enter Gibraltar without further checks.” This is to achieve “fluid movement across the border”.⁸⁸ Stephen Doughty told the House of Commons in his statement on the draft treaty on 26 February 2026:

Gibraltar will align its import duty rates on goods with EU rates. That will allow people to cross the border with everyday goods, such as shopping, without declarations or additional charges, bringing an end to long queues for workers, businesses and visitors.⁸⁹

Goods circulating in Gibraltar will comply with EU rules. Imported goods will be pre-cleared in the EU before moving to Gibraltar.⁹⁰ There are some exceptions to the requirement to align, such as pharmaceuticals and locally-made food.⁹¹

An administrative arrangement between the UK, in respect of Gibraltar, and Spain, relating to the implementation of various aspects of Title II, was published on 14 July 2026.⁹²

Chief Minister Picardo told the Foreign Affairs Committee that the new arrangements would “provide a much more fluid mechanism for the arrival of goods in Gibraltar.” He also welcomed the negotiations on a UK-EU SPS agreement which would remove regulatory obstacles to the movement of agri-food goods between the UK and EU and would also make it easier for these goods to come into Gibraltar.⁹³

⁸⁶ Joël Reland, [UK-EU Divergence Tracker Q1 2026](#), 14 April 2026, UKICE, p7

⁸⁷ FCDO, [Summary: Draft UK-EU Agreement in respect of Gibraltar](#), 26 February 2026, para 18

⁸⁸ FCDO, [Summary: Draft UK-EU Agreement in respect of Gibraltar](#), 26 February 2026, para 18

⁸⁹ [HC Deb 26 February 2026 c486](#)

⁹⁰ PQ HL8435 [on [Gibraltar: UK Relations with EU](#)] 1 July 2025

⁹¹ Article 256

⁹² UK Government, [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Customs](#) (PDF), 14 July 2026

⁹³ Foreign Affairs Committee, [UK/EU Treaty on Gibraltar](#), 20 April 2026, HC 1838 2024-26, q10

The UK in a changing Europe think tank commented that alignment with the EU could be “practically challenging” and that there were questions over whether Gibraltar had sufficient “institutional capacity and experience” needed to implement EU law and maintain alignment.⁹⁴

Articles 261 to 263 cover the transfer of military technology and equipment and dual use goods for UK armed forces, the police or public authorities in Gibraltar, and include requirements for authorisation and licensing by the Spanish authorities. However, this system does not apply to military and dual use goods arriving by sea or air on UK aircraft/vessels or in official state consignments. For these goods, a separate system involving notification by the UK authorities and guarantees to safely store/track them, rather than authorisation by the Spanish authorities, applies (Article 264).

Transaction tax and excise duties

Gibraltar’s indirect taxation system will be aligned with the EU after a transition period.⁹⁵ Gibraltar will not introduce VAT, but it will levy its own transaction tax and excise duties.

Gibraltar will introduce a standard transaction tax rate no lower than the lowest standard VAT rate in an EU Member State (currently 17%). This may be phased in with a rate of 15% in year 1, 16% in year 2 and 17% (or the lowest rate in an EU Member State) in year 3.⁹⁶ Some exceptions to these rates are permitted, as set out in Annex 24.

Gibraltar will introduce minimum EU excise duty rates when the agreement enters into force.⁹⁷ Within three years, these rates will be set by reference to those applying in Spain.⁹⁸

Gibraltar’s tax rates for goods will be monitored to see if they distort trade with the neighbouring Spanish region. This will be done by an independent body set up by Gibraltar and Spain. Gibraltar would be expected to adjust its tax rates if trade were distorted.⁹⁹ The EU could take safeguard measures if Gibraltar failed to do so. Article 249 allows the EU to implement a safeguard measure involving the application of VAT or excise duties on particular goods where it considers that different levels of indirect taxation in Gibraltar are causing a distortion in trade.

⁹⁴ Joël Reland, [UK-EU Divergence Tracker Q1 2026](#), UK in a changing Europe, 14 April 2026, p8

⁹⁵ See also Section 3 of the Explanatory Memorandum in the European Commission’s [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

⁹⁶ Annex 24, Article 2 (3) (a)

⁹⁷ Annex 24 Article 6 (2) (a)

⁹⁸ Annex 24 Article 6 (2) (b)

⁹⁹ Article 248

Level playing field provisions

The Treaty contains various level playing field provisions to ensure “open and fair competition” in areas such as state aid, taxation, labour and environmental standards.¹⁰⁰ These include the application of EU state aid rules to Gibraltar, and commitments by the UK in respect of Gibraltar, to uphold labour and environmental standards equivalent to those of the EU. These provisions are similar to the level playing field provisions in the TCA.¹⁰¹

Similarly to the TCA, the level playing field provisions of the Gibraltar agreement include bespoke mechanisms to resolve disputes, operating separately but with some overlap with the main dispute provisions of the agreement. These involve consultations to reach a mutually satisfactory resolution, with possible recourse to an independent panel of experts to examine and deliver a report on the matter should consultations fail to resolve it. Where the report finds that one of the parties has not fulfilled their obligations in relation to the level playing provisions, the two parties will then discuss appropriate measures to address these findings (Articles 235 and 236). However, the parties can then revert to the arbitration mechanisms established under the Part Six dispute resolution provisions, and for chapters 4 (Labour and Social Standards) and 5 (Environment and Climate), this can lead to the application of measures provided for in Part Six (Article 316 and 317) allowing for a party to suspend treaty obligations where the other party does not comply with an arbitration ruling.

Other bespoke dispute provisions in the level playing title include the possibility in Article 209 of one party taking remedial measures where it considers that a state aid implemented by the other has a negative effect or risk a negative effect on trade between them.

Transport

Part Three, Title III covers transport, with chapters on aviation, road transport and maritime transport.

Gibraltar airport

The airport had earlier been a sticking point in the negotiations. Spain had proposed that it should have jurisdiction over the airport, which is on the RAF base.¹⁰² The UK Government memorandum on the signed treaty states that “RAF Gibraltar, located at the same airfield as Gibraltar Airport, is not included in the scope of the Treaty”.¹⁰³ As noted in section 1.3, UK Ministers have stressed that the UK military facilities and operations in Gibraltar remain under full UK control and that the agreement safeguards the

¹⁰⁰ Article 199

¹⁰¹ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

¹⁰² The Times, “[Gibraltar airport row threatens post-Brexit deal with Spain](#)”, 26 June 2023

¹⁰³ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

operational autonomy of UK military facilities.¹⁰⁴ With respect to the airport, the Deputy Leader of the House of Lords, Lord Collins of Highbury, said in a debate on the draft treaty in the House of Lords in March 2026 that the airfield “is run and managed by the MoD [and] the agreement does not change this one bit.”¹⁰⁵

According to the UK Government, the agreement “opens the door to direct flights between Gibraltar and EU destinations, strengthening connectivity and economic opportunities”.¹⁰⁶ Article 272 covers air traffic rights, with only air carriers based in the EU or authorised by the EU permitted to operate services between Gibraltar airport and points in EU territory, and only air carriers based in the UK or authorised by the UK permitted to provide services between Gibraltar and the UK. Certain EU aviation rules, set out in annex 25, will apply at the airport (Article 273).¹⁰⁷

A joint venture company will be established under the shared responsibility of Gibraltar and Spain. It will be constituted in an EU state other than Spain. Chief Minister Picardo told the Foreign Affairs Committee it would be established in Ireland.¹⁰⁸ The joint venture will be responsible for the selection and supervision of the commercial company in charge of the day-to-day management of the airport (Article 274).¹⁰⁹

The chapter on road transport allows for the transport of goods between Gibraltar and the EU, though within the EU this should be limited to the “contiguous” frontier zone (Article 276). It also allows for the transit of goods through the territory of EU member states and for unladen journeys, where goods are being transported from the UK to Gibraltar (Article 277). Ambulance services will also be permitted to operate across the Gibraltar-Spain border (Article 276).

The chapter on maritime transport requires the EU and the UK/Gibraltar to provide equal access to their ports and port facilities of ships flying the flag of each other (the UK/Gibraltar and the EU member states), in line with international standards (Article 286).¹¹⁰

¹⁰⁴ [HC Deb 26 February 2026 c486 -489; WS 26 \[on Signature of UK-EU Treaty in respect of Gibraltar\], 15 July 2026](#)

¹⁰⁵ [HL Deb 3 March 2026 c1158](#).

¹⁰⁶ FCDO, [Draft Treaty published to secure Gibraltar’s economic future and protect British sovereignty](#), 26 February 2026

¹⁰⁷ GBC, [Treaty text published](#), 26 February 2026

¹⁰⁸ Foreign Affairs Committee, [UK/EU Treaty on Gibraltar](#), 20 April 2026, HC 1838 2024-26, q15+

¹⁰⁹ [Article 274](#)

¹¹⁰ See also Section 3 of the Explanatory Memorandum in the European Commission’s [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

2.4

Part Four: Frontier Workers

Part Four sets out rights for frontier workers, defined as UK citizens resident in Gibraltar and employed in Spain, and EU citizens resident in Spain and employed in Gibraltar. Workers undertaking self-employed activities across the two territories are also defined as frontier workers (Article 291).

The provisions in Part Four provide for non-discrimination, equal treatment and rights to seek employment and access vocational training in Spain and Gibraltar for frontier workers (Article 292). The UK/Gibraltar and Spain can derogate from some equal treatment rights where “objectively justified” (Article 294). Family members of frontier workers are also guaranteed equal treatment in certain areas (Article 293). Posted workers (workers temporarily posted by an employer from one territory to the other) also receive equal treatment in employment rights where posted from Spain to Gibraltar and vice-versa (Article 295). The rights conferred in Part Four can be restricted for justified and proportional grounds of public policy, public security or public health (Article 297).¹¹¹

The UK government summary of the agreement states that these provisions ensure that frontier workers can enjoy a secure framework for employment, “supporting the integrated labour market between Gibraltar and the surrounding region”.¹¹²

A separate protocol to the agreement on social security coordination, set out following the annexes to the agreement, applies to workers covered by Part Four, enabling coordination of contributions, entitlements and benefits.¹¹³ An administrative arrangement relating to the implementation of the protocol was agreed by the UK, in respect of Gibraltar, and Spain and published on 14 July 2026.¹¹⁴

2.5

Part Five: Financial Provisions

Part Five consists of a single article (Article 299) and provides that the Cooperation Council will establish a financial mechanism which both the UK and the EU will provide funding for, in order to promote economic cohesion

¹¹¹ See also UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026, paragraphs 4.49 to 4.52

¹¹² FCDO, [Draft Treaty published to secure Gibraltar’s economic future and protect British sovereignty](#), 26 February 2026, para 22

¹¹³ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026, paragraph 4.53

¹¹⁴ UK Government, [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain in relation to the Protocol on Social Security Co-ordination](#) (PDF), 14 July 2026

between Gibraltar and the neighbouring Spanish region (“the contiguous frontier zone”), known as the “Campo de Gibraltar”.

2.6

Part Six: Dispute Settlement

Part Six establishes a dispute settlement mechanism, which is similar to that established under the TCA and the UK-EU Withdrawal Agreement, involving consultations if either the UK or the EU believes the other is in breach of the agreement, and an arbitration mechanism if consultation does not resolve a dispute.¹¹⁵ It also includes provisions on compliance and remedies in case of non-compliance with arbitration rulings.¹¹⁶

The dispute settlement mechanism applies to all agreement provisions, apart from some stated exceptions in Article 301 (2). Exceptions include the sovereignty clause set out in Article 2, the law enforcement and judicial cooperation provisions in Title V of Part Two, most of the level playing provisions in Title I of Part Three and the Protocol on Social Security Coordination. The dispute settlement mechanism will not apply to any disputes regarding sovereignty and jurisdiction.

The consultation and arbitration process is set out in Articles 304 and 305. Consultations can be requested by either party if they consider the other party to be in breach of an obligation under the agreement. The consultation period should last up to 45 days after the initial request but can be extended if agreed by both parties. If not resolved by consultations, the complaining party can then request the establishment of an arbitration tribunal. The arbitration tribunal is composed of three independent experts, chosen from lists of arbitrators established by the Cooperation Council on the basis of lists submitted by the UK and EU (Articles 306, 307 and 319).

The arbitration tribunal has up to 160 days to deliver a ruling, although this time limit is suspended if a ruling from the Court of Justice of the EU (CJEU) is required (Article 311). Where a dispute raises a question of the interpretation of EU law, the arbitration tribunal must refer this question to the CJEU and the CJEU’s ruling on this matter will be binding on the panel (Article 312).

The dispute settlement mechanism differs from that of the TCA and more closely resembles the Withdrawal Agreement in that it provides such a role for the CJEU in interpreting questions of EU law during the arbitration process. The CJEU does not have a role in the arbitration process in the TCA

¹¹⁵ Commons Library, [Governing the new UK-EU relationship and resolving disputes](#), 24 February 2021

¹¹⁶ FCDO, [Draft Treaty published to secure Gibraltar’s economic future and protect British sovereignty](#), 26 February 2026, para 25

dispute mechanism, but it does have a role in interpreting questions of EU law in this way in the Withdrawal Agreement.¹¹⁷

The arbitration panel may make a ruling finding the UK or EU in breach of the agreement and requesting that they take measures to remedy this (Article 313). If the party in breach (the responding party) does not do this or notify within 30 days the steps that they intend to take to comply with the ruling, the UK or EU can agree compensation or the complainant (the party that took the complaint to arbitration) can suspend relevant obligations under the agreement. The suspension of obligations should be in proportion to the “impairment” caused by the breach and the responding party can seek a ruling from the arbitration tribunal as to whether the suspension of obligations is proportional (Articles 314, 315 and 316). The suspension of obligations should be lifted where the responding party has then taken the necessary steps to comply with the ruling.

2.7

Part Seven: Final Provisions

The Part Seven final provisions include provisions on review, entry into force, and termination of the agreement.

The agreement can be implemented provisionally, provided both the UK and EU agree, ahead of formal ratification. However, the implementation plan for the removal of physical barriers referred to in Article 7, and administrative arrangements to implement other aspects of the agreement, must be in place before provisional application can take effect (Article 336). As noted above the administrative arrangements were all published on 14 July 2026.¹¹⁸

The agreement will be jointly reviewed by the UK and the EU four years after its entry into force, and regularly thereafter (Article 330).

Termination provisions

Article 334 provides that the agreement can be terminated by either the UK or the EU by written notification, with termination taking effect on the first day of the twelfth month after the notification (Article 334).

Separately to Article 334, other provisions in the agreement set out grounds for termination. As noted above, Article 19 provides for automatic termination where a relevant EU act is not implemented by Gibraltar, unless the Cooperation Council decides otherwise, and Article 66 provides that either

¹¹⁷ Commons Library research briefing, CBP-9139, [The UK-EU Trade and Cooperation Agreement: governance and dispute settlement](#); Commons Library, [Governing the new UK-EU relationship and resolving disputes](#), 24 February 2021

¹¹⁸ See UK Government, [Administrative Arrangements in relation to the UK-EU Agreement in respect of Gibraltar](#), 14 July 2026

the UK or EU may terminate the agreement after an evaluation of Part Two of the agreement.

The UK and Gibraltar government agreed a concordat, published on 14 July 2026, regarding the implementation of the agreement under which the UK commits to not exercising its powers to suspend or terminate the agreement without full consultation with the Gibraltar government. The UK will also not take steps to terminate the agreement, except in the “most exceptional circumstances”, without the support of a three-quarters of the members of the Gibraltar parliament, or a majority of Gibraltar voters in a referendum¹¹⁹ (see also section 3.5).

¹¹⁹ Government of Gibraltar, [Concordat concerning the Implementation of the UK EU Agreement in respect of Gibraltar](#) (PDF), 14 July 2026

3

Implementation and next steps

3.1

Final version and provisional application of agreement

In his statement to the House of Commons on 26 February 2026, Stephen Doughty said the UK Government was continuing to work closely with the governments of Gibraltar, the EU and Spain in moving towards signature and implementation of the agreement and was expected to lay the final text of the agreement in Parliament in March 2026.¹²⁰

However, on 1 April 2026, a Council of the EU press release stated that the agreement was expected to enter into provisional application on 15 July 2026, and that the final text of the agreement would be formally adopted as soon as checks by its lawyer-linguists were concluded. This followed a meeting of the Committee of Permanent Representatives to the EU ([Coreper](#)), which is made up of Member States' ambassadors to the EU and prepares the work of the Council, agreeing the text of the agreement and Council decisions on signature and provisional application of the agreement.¹²¹

In evidence to the Foreign Affairs Committee on 20 Apr 2026 (Q37-38) Mr Doughty said he envisaged the agreement being finalised around the time of the EU General Affairs Council ([usually attended by ministers for European affairs of the Member States](#)) meetings of either 16 June or 10 July 2026 and presented to parliament some time after that.¹²² He said the delay in presentation of the final text was “down to EU processes and some slight uncertainties”. In a separate evidence session on the same day, Gibraltar's Chief Minister, Fabian Picardo, said the delay in finalising the text related to the need for it to be translated into all EU languages.¹²³

In a Westminster Hall debate on the draft agreement held on 8 July 2026, Mr Doughty said that the final version of the agreement “will be published and signed imminently” ahead of provisional application taking place from 15 July. He also said that the text published in February remained “substantively unchanged” and that the intervening period had been used for legal

¹²⁰ [HC Deb 26 February 2026 c488](#)

¹²¹ Council of EU, press release, [EU-UK relations: member states greenlight EU-UK deal on Gibraltar](#), 1 April 2026

¹²² House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q37-38

¹²³ As above. Q17

verification, technical checks and the preparation of authentic language versions.¹²⁴

As noted in section 1.1, the final version of the agreement was published and signed on 14 July 2026 and then came into force provisionally on 15 July.¹²⁵ Changes to the treaty text from the February draft to the July signed treaty mainly related to minor changes of wording, with some additional clauses added.

Article 336 of the agreement provides for its provisional application ahead of ratification if the UK and EU agree to proceed in this way, and provided implementation plans and arrangements for aspects of the agreement are in place. The UK Government’s explanatory memorandum confirmed that the UK and EU had agreed under Article 336 (2) of the agreement, that the agreement would be provisionally applied from 15 July 2026. It noted that this would be before completing the UK parliamentary scrutiny process under Constitutional Reform and Governance Act (CRAG) 2010, but said that the publication of the draft treaty on 26 February 2026 which had allowed Parliament “to consider the substance of the treaty in detail prior to signature and provisional application”.¹²⁶

The explanatory memorandum referred to the “operational need to ensure that border arrangements are in place due to the introduction of EES” and said that the CRAG process and equivalent European Parliament processes would potentially not conclude until Autumn 2026. It said that given these factors “the most responsible course of action” was provisional application of the treaty as soon as possible after signature.¹²⁷

3.2 Legislation in the Gibraltar Parliament

The [UK uses provisional application of international treaties on an exceptional basis](#), and this requires that the passage of any domestic legislation to implement a treaty has been completed first.¹²⁸ The UK Government explanatory memorandum on the agreement confirmed that implementation of the treaty did not require domestic legislation in the UK level.¹²⁹ However, the Gibraltar Parliament needed to enact legislation to implement the

¹²⁴ [HC Deb 8 July 2026 c142-145WH](#)

¹²⁵ UK Government, [UK finalises historic treaty with EU to secure economic future of Gibraltar](#), 14 July 2026

¹²⁶ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026, paragraph 5.6

¹²⁷ As above

¹²⁸ UK Government, [Treaties and MOUs: Guidance on Practice and Procedures](#), 15 March 2022

¹²⁹ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026

agreement. Gibraltar is a self-governing territory in relation to domestic policy matters under the [Gibraltar Constitution Order 2006](#).

The legislation needed to implement the agreement, the [Treaty on Gibraltar and the European Union Bill 2026](#) (PDF), was introduced to the Gibraltar Parliament on 30 March 2026 and adopted on 31 March 2026.¹³⁰ The adopted act includes provisions to implement the agreement and give legal effect to it in Gibraltar, and also gives the Gibraltar Government the power to make implementation regulations to give further effect to the agreement and makes consequential amendments to existing legislation.¹³¹ The legislation was adopted by the Gibraltar Parliament at speed with the aim of enabling provisional application by 10 April, although the Gibraltar Chief Minister also acknowledged a likelihood that provisional application would be delayed.¹³²

3.3 Administrative arrangements for implementation of agreement

As noted above the agreement itself provides for its provisional application ahead of ratification if the UK and EU agree to proceed in this way. Article 336 states that the agreement can be provisionally applied provided the parties have notified each other that the implementation plan referred to in Article 7 (regarding the removal of physical barriers between Gibraltar and Spain) and the administrative arrangements between the UK, in respect of Gibraltar, and Spain, referred to in Articles 29, 33, 38, 55, 56, 251, 260 and 265 of the agreement and in the Protocol on Social Security Coordination are in effect and have been fully implemented. Measures described in Article 258 of the agreement, related to cooperation to fight smuggling of tobacco and additional measures related to tobacco products, also need to be in place.

Appearing alongside Stephen Doughty at the Foreign Affairs Committee evidence session on 20 April 2026, the director of EU and Gibraltar at the Foreign, Commonwealth and Development Office, Hazel Cameron, said the UK and Spanish governments were negotiating and had “virtually concluded” a set of administrative arrangements between them. These would govern some of the practical elements of the co-operation in the agreement, including on goods and customs. These would be in form of Memorandums of

¹³⁰ GBC, [Bill to give legal effect to treaty in domestic law goes before Parliament](#), 30 March 2026; GBC, [Treaty bill passed unanimously in Parliament](#), 31 March 2026

¹³¹ HM Government of Gibraltar, [Chief Minister’s Speaking Note for the Treaty on Gibraltar and the European Union Bill 2026 - 223/2026](#), 30 March 2026; [Treaty on Gibraltar and the European Union Act 2026](#) (PDF)

¹³² HM Government of Gibraltar, [Chief Minister’s Speaking Note for the Treaty on Gibraltar and the European Union Bill 2026 - 223/2026](#), 30 March 2026

Understanding and would need to be in place in order to provisionally apply the agreement.¹³³

The following finalised administrative arrangements were published on 14 July 2026¹³⁴:

- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Implementation](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on the Mobility of Certain Categories of Persons and Goods](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Environmental Matters](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on How Schengen Border Checks and Border Surveillance Will Be Conducted](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Continued Surveillance and Uninterrupted Pursuit](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain in relation to the Protocol on Social Security Co-ordination](#), (PDF)
- [Administrative Arrangement between the United Kingdom, in respect of Gibraltar, and Spain on Customs](#), (PDF).

3.4 Unilateral and joint declarations

Also on 14 July, the UK Government published two unilateral declarations in relation to the agreement, alongside two joint declarations with the EU.¹³⁵ These were as follows:

- [Joint Declaration by the Government of the UK, in respect of Gibraltar and the European Union on countering harmful tax regimes](#) (PDF)

¹³³ House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q33, Q42

¹³⁴ See all finalised administrative arrangements at UK Government, [Administrative Arrangements in relation to the UK-EU Agreement in respect of Gibraltar](#), 14 July 2026

¹³⁵ See also UK Government, [Unilateral and Joint Declarations in relation to the UK-EU Agreement in respect of Gibraltar](#), 14 July 2026

- [Joint Declaration by the Government of the UK, in respect of Gibraltar and the European Union on the interpretation of the category of persons travelling for the purpose of carrying out paid activity](#) (PDF)
- [Declaration by the Government of the UK in respect of Gibraltar on the selectivity of a taxation measure for the purposes of state aid](#) (PDF)
- [Declaration by the Government of the UK in respect of Gibraltar regarding a mirror agreement between the Schengen associates and the UK](#) (PDF).

The UK and EU also adopted a third joint declaration, regarding Article 152 (1) of the agreement.¹³⁶

3.5

UK-Gibraltar Concordat on implementation of agreement

The motion in support of the agreement tabled by the Chief Minister in the Gibraltar parliament on 3 March 2026 was amended to make this support conditional on a concordat setting out principles for the implementation of the agreement being agreed between the Gibraltar and UK governments.¹³⁷ The amendment was agreed by the Gibraltar government and opposition, and the amended motion was passed unanimously on 4 March 2026.¹³⁸

In his statement moving the motion, the Chief Minister said the UK and Gibraltar governments were working on the concordat.¹³⁹ He said this would cover issues including the role of Gibraltar representatives in bodies established by the agreement and giving Gibraltar the right to request that the UK terminate the agreement if necessary, or to apply a brake if the UK Government wishes to terminate it.¹⁴⁰

In evidence to the Foreign Affairs Committee on 20 April 2026, the Chief Minister said that Gibraltar would not accept a concordat that does not contain provisions to prevent a future UK government terminating the agreement against the wishes of the Gibraltar government.¹⁴¹

¹³⁶ This was published on 14 July 2026 with [Council of EU Decision 2026/1732 on the signing and provisional application of the Agreement](#), adopted on 1 July 2026

¹³⁷ [Proceedings of the Gibraltar Parliament, morning session, Tuesday 3rd March 2026](#) (PDF)

¹³⁸ [Proceedings of the Gibraltar Parliament, afternoon session, Wednesday 4th March 2026](#) (PDF)

¹³⁹ Government of Gibraltar, [Motion on Support for the UK-EU Treaty on Gibraltar Chief Minister's Parliamentary Speech \(Transcript\)](#) (PDF), 4 March 2026

¹⁴⁰ Gibraltar Chronicle, [Concordat will set out Gibraltar exit safeguards alongside UK/EU treaty](#), 3 March 2026

¹⁴¹ House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q24

Concordat agreed and signed

The UK-Gibraltar “Concordat concerning the implementation of the UK-EU Agreement in respect of Gibraltar” was signed in Brussels and published on 14 July 2026. Chief Minister Picardo signed on behalf of Gibraltar, and Stephen Doughty on behalf of the UK.¹⁴²

The concordat states that rights and obligations in the agreement in respect of issues that fall within the Gibraltar Government’s responsibilities under the Gibraltar Constitution will be performed by the Government of Gibraltar. To this effect, references in the agreement to the “United Kingdom, in respect of Gibraltar” and relevant obligations are understood to be to the Government of Gibraltar, although the UK is ultimately responsible in international law for compliance with the agreement. In the concordat, Gibraltar commits not to do anything which would undermine the UK’s ability to meet its international obligations.

As well as implementing the agreement, the Gibraltar government will be responsible for setting up certain bodies under the agreement. These include the joint venture company to be established with regard to the management on the airport under Article 274 of the agreement, although the Ministry of Defence will also be consulted on this.

The concordat makes clear that the UK remains responsible for Gibraltar’s external relations with the EU and Spain. The UK will remain responsible for Gibraltar’s external relations in negotiations and dispute resolution mechanisms under the agreement, certain formal communications and certification of documents under the agreement, and for Gibraltar’s defence, airspace control and military installations.

The UK and Gibraltar Governments will each bear the costs for their respective areas of responsibilities under the agreement and will share costs equally where they have joint responsibilities.

The UK and Gibraltar Governments will work to develop agreed and shared positions where the agreement requires dialogue or consultations. The Gibraltar Government will nominate persons to participate in the Cooperation Council (alongside a UK Minister) and the Specialised Committees established by the agreement. Other than “in the most exceptional circumstances”, the UK will not adopt positions or make decisions in these bodies without the Gibraltar Government’s agreement.

Similarly, the UK would “other than in the most exceptional circumstances”, fully consult the Gibraltar Government and follow its wishes and views in relation to every aspect of the dispute settlement procedure set out in Part 6 of the Agreement. The Gibraltar Government will nominate individuals willing to serve as members of an arbitration tribunal under these provisions.

¹⁴² Government of Gibraltar, [Chief Minister and ECDO Minister Sign UK-Gibraltar Concordat in Brussels - 556/2026](#), 14 July 2026

The concordat also states that “other than in the most exceptional circumstances”, the UK will seek the prior agreement of the Gibraltar Government before taking any significant actions under the agreement for example in relation to any amendments to be made to the agreement; or entering into, amending or terminating any supplementing agreements or administrative arrangements under the agreement.

Process for using termination provisions in the agreement

The concordat refers to the principle followed by the UK Government in the negotiations of “nothing about Gibraltar without Gibraltar” and states that the UK Government will exercise its powers on the termination of the Agreement as set out in Article 66 and Article 334 of the agreement only following full consultation with the Gibraltar Government of Gibraltar. The UK Government will not, “other than in the most exceptional circumstances”, take steps towards terminating the Agreement unless termination is supported by:

- a) a motion adopted with the support of at least three-quarters of the total number of Members of the Gibraltar Parliament; or
- b) a simple majority of the votes cast in a referendum of all persons entitled to vote in parliamentary elections in Gibraltar.

Similarly, the UK Government will only exercise its powers in relation to the suspension of obligations under Article 67 of the agreement following consultation with the Gibraltar Government of Gibraltar and taking its opinion into account.

A joint UK-Gibraltar committee will be established to monitor progress on implementation, resolve operational issues and review cost-sharing arrangements annually.¹⁴³

Chief Minister Picardo described the concordat as “the bedrock on which this Treaty will rest for Gibraltar” and said it delivered “in black and white”, what the Gibraltar parliament and people required as the condition of their support for the agreement, “that nothing would ever be done under the Treaty contrary to the expressed wishes of the people of Gibraltar”.¹⁴⁴

Assurances from UK Government on implementation

In announcing the concordat, the Gibraltar government also published a letter to the Chief Minister from Stephen Doughty providing additional assurances from the UK government to the Gibraltar government from the UK.

¹⁴³ Government of Gibraltar, [Concordat concerning the Implementation of the UK EU Agreement in respect of Gibraltar](#) (PDF), 14 July 2026

¹⁴⁴ Government of Gibraltar, [Chief Minister and ECDO Minister Sign UK-Gibraltar Concordat in Brussels - 556/2026](#), 14 July 2026

This referred to the use of the phrase “other than in the most exceptional circumstances” in several parts of the concordat with regard to the UK acting without the consent of the Gibraltar government in taking actions under the agreement.

Mr Doughty said that the phrase reflected the shared understanding that, in relation to the exercise of powers within the treaty, the UK Government would follow the democratically expressed wishes of Gibraltar and “would not do, or omit to do, anything contrary to those wishes in all but truly exceptional circumstances”. He said this was intended to set “an extremely high threshold” and that he would consider it to apply “in the most extreme cases, such as where there was grave impact on the United Kingdom’s essential interests” and that he considered “it inconceivable that such circumstances would ever arise”. He said this applied in particular to termination /suspension provisions of the concordat.

The Minister also said he would welcome a structured discussion between the UK and Gibraltar Governments on any issues that either side considered would merit further consideration in light of the new treaty framework, to ensure it operates effectively.¹⁴⁵

3.6

Ratification of the agreement

UK ratification of the agreement will not be able to take place until the procedure for parliamentary scrutiny set out under the Constitutional Reform and Governance (CRA) Act 2010 has been followed.

The EU procedure for conclusion of international agreements requires a consent vote in the European Parliament and a decision by the Council before formal ratification.¹⁴⁶

The Council of the EU adopted a decision on the signing and provisional application of the agreement on 1 July 2026.¹⁴⁷ This followed the European Commission’s adoption of proposals for the signing, provisional application and conclusion of the Gibraltar agreement on 17 February 2026, which were then submitted to the Council for a decision.¹⁴⁸

As well as authorising the signing of the agreement, the Council decision on 1 July provided for the European Commission to represent the EU in the Cooperation Council and specialised committees established by the agreement. The decision provides that EU member states, in particular Spain, can send representatives to accompany the Commission representative in

¹⁴⁵ Government of Gibraltar, [Letter from Minister Doughty to Chief Minister Picardo](#) (PDF), 13 July 2026

¹⁴⁶ See [Article 218 of the Treaty on the Functioning of the European Union](#)

¹⁴⁷ [Council of EU Decision 2026/1732 of 1 July 2026 on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#)

¹⁴⁸ European Commission, [Commission adopts proposals for the signing, provisional application and conclusion of EU-UK Agreement in respect of Gibraltar](#), 17 February 2026

meetings of these bodies. The Commission will adopt positions in these bodies and take decisions on behalf of the EU as provided for in the agreement, including in the dispute settlement mechanisms, but will consult Spain before taking decisions.¹⁴⁹

In announcing the signature of the agreement on 14 July, the European Commission said that following the Council decision on 1 July, the agreement had been submitted to the European Parliament for its consent, in accordance with the EU treaties. It said that once the Parliament's consent is obtained, the Council can proceed with the adoption of its decision on conclusion of the agreement.¹⁵⁰

3.7

Scrutiny in the UK Parliament

The UK government summary published alongside the draft agreement explained that it had been published to give all parliaments the opportunity to examine it on the same timeline while legal teams completed the final legal review and translation of the text.¹⁵¹

The government said that in the UK, the final version of the agreement would be laid before Parliament for scrutiny before ratification in accordance with CRAG Act. Under the CRAG Act, the Government cannot ratify a treaty unless it has first laid the signed treaty before Parliament (along with an explanatory memorandum) for 21 sitting days.

Under the CRAG Act, if, during the 21 sitting days, the House of Commons passes a resolution that the treaty should not be ratified, another 21-sitting-day delay to ratification is triggered. This process may be repeated continuously. No such resolution not to ratify a treaty has ever been passed by the House of Commons. A House of Lords resolution against ratification does not delay ratification.¹⁵²

Given the CRAG timelines, UK ratification of the agreement prior to 10 April 2026 (the date of full implementation of EES, previously viewed also as a deadline for implementing the agreement¹⁵³) was viewed as unfeasible. This increased the likelihood of provisional application of the agreement ahead of or on this date. However, as noted above, in early April the EU said the provisional application of the agreement would take place on 15 July 2026

¹⁴⁹ [Council of EU Decision 2026/1732 of 1 July 2026 on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#)

¹⁵⁰ European Commission, [Commission and United Kingdom sign EU-UK Agreement in respect of Gibraltar](#), 14 July 2026

¹⁵¹ UK Government, [UK-EU Agreement in respect of Gibraltar - Summary](#) (PDF), February 2026

¹⁵² See Commons Library research briefing, CBP-9247, [How Parliament treats treaties](#), June 2021

¹⁵³ HM Government of Gibraltar, [Chief Minister's Statement on the Publication of the Draft Agreement in Respect of Gibraltar - 119/2026](#), 26 February 2026; Section 3 of the Explanatory Memorandum in the European Commission's [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026

and it was also confirmed that EES would not be applied to Gibraltar residents at the border in the meantime.¹⁵⁴ In explaining the need for provisional application in July 2026, the government's explanatory memorandum on 14 July referred to the need to ensure that border arrangements were in place because of EES, and noted that both the CRAG process and equivalent European Parliament processes would potentially not conclude until Autumn 2026.¹⁵⁵

Stephen Doughty said in evidence to the Foreign Affairs Committee on 20 Apr 2026 that the final text of the agreement would be presented to parliament "in the usual way" once the final version of the agreement had been approved. He also said that he would strongly convey the wishes of the Committee for a parliamentary debate on the agreement, though it was not up to him "how parliamentary business is scheduled in the months ahead" and said he had "no fear of a detailed discussion and debate about these issues".¹⁵⁶

In his written statement to the House of Commons on 15 July 2026, Stephen Doughty referred to the signature of the agreement the day on 14 July and said it had been laid before Parliament for scrutiny under CRAG. He said that the scrutiny process would be led by the House of Lords European Affairs Committee.¹⁵⁷ The first 21-day objection period under the CRAG scrutiny procedure ends on 22 October 2026.¹⁵⁸

In a Westminster Hall debate on the draft agreement held in the previous week, Mr Doughty said that the process for European Parliament consent to the agreement would take place in the autumn and that the UK would be operating under a similar timeline.¹⁵⁹

The Government's response to the Foreign Affairs Committee report on the UK-EU reset published in May 2026 stated that there was an expectation that the UK and EU will be able to ratify the agreement in respect of Gibraltar in early 2027.¹⁶⁰

For further information on the CRAG process and parliamentary scrutiny of treaties post-Brexit, see the Commons Library briefings [How Parliament treats treaties](#) and [Treaty-making and parliamentary scrutiny: recent developments](#).

¹⁵⁴ Council of EU, Press Release, [EU-UK relations: member states greenlight EU-UK deal on Gibraltar](#), 1 April 2026

¹⁵⁵ UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026, paragraph 5.6

¹⁵⁶ House of Commons Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar](#), HC 1838, Q37-38

¹⁵⁷ [WS 26 \[on Signature of UK-EU Treaty in respect of Gibraltar\]](#), 15 July 2026

¹⁵⁸ UK Parliament, [Treaty CP 1645 - Timeline](#) [accessed 31 July 2026]

¹⁵⁹ [HC Deb 8 July 2026 c142-145WH](#)

¹⁶⁰ House of Commons Foreign Affairs Committee, [The UK-EU reset: rebuilding a strategic partnership in uncertain times](#), Appendix: Government Response, published 21 May 2026

4 Further reading

4.1 UK–EU Agreement on Gibraltar

- UK Government, [UK/EU and EAEC: Agreement in respect of Gibraltar \[MS No.9/2026\]](#), 14 July 2026.
- UK Government, [Draft UK–EU Agreement in respect of Gibraltar](#), 26 February 2026

For Administrative Arrangements and declarations see:

- UK Government, [Administrative Arrangements in relation to the UK–EU Agreement in respect of Gibraltar](#), 14 July 2026
- UK Government, [Unilateral and Joint Declarations in relation to the UK–EU Agreement in respect of Gibraltar](#), 14 July 2026

4.2 UK Government documents and statements

- UK Government, [Explanatory memorandum: UK/EU and EAEC: Agreement in respect of Gibraltar](#), 14 July 2026
- UK Government, [UK-EU Agreement in respect of Gibraltar - Summary \(PDF\)](#), February 2026
- UK Government, [Draft Treaty published to secure Gibraltar’s economic future and protect British sovereignty](#) (26 February 2026)
- UK Government, [UK finalises historic treaty with EU to secure economic future of Gibraltar](#), 14 July 2026

For ministerial statements on the agreement see:

- WS 26 [\[on Signature of UK-EU Treaty in respect of Gibraltar\]](#), 15 July 2026
- [HC Deb 16 July 2026](#) and [HC Deb 26 February 2026](#)
- See also the Minister’s statement in the Westminster Hall debate on the agreement on 8 July 2026, [HC Deb 8 July 2026 c145WH](#)

The FCDO Minister, Stephen Doughty, and the Gibraltar Chief Minister, Fabian Picardo, provided further information on the agreement and next steps in

relation to implementation in evidence sessions with the House of Commons Foreign Affairs Committee on 20 April 2026: Foreign Affairs Committee, [Oral evidence: UK/EU Treaty on Gibraltar, HC 1838](#), 20 April 2026.

4.3 EU documents

- European Commission, [Commission and United Kingdom sign EU-UK Agreement in respect of Gibraltar](#), 14 July 2026
- [Council of EU Decision 2026/1732 of 1 July 2026 on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#)
- Council of EU, Press Release, [EU-UK relations: member states greenlight EU-UK deal on Gibraltar](#), 1 April 2026

For the European Commission's explanatory memorandum on the draft agreement and proposal for a decision of the Council of EU on signing and provisional application of agreement, see the European Commission's [Proposal for a Council Decision on the signing and provisional application of the Agreement in respect of Gibraltar between the EU and UK](#) (PDF), February 2026.

4.4 Gibraltar Government and Parliament

For statements by the Gibraltar First Minister and Gibraltar Government on the agreement, see:

- Government of Gibraltar, [UK and EU Sign Historic Treaty on Gibraltar's Future Relationship with the EU - 557/2026](#), 14 July 2026
- Government of Gibraltar, [Chief Minister's Statement on the Publication of the Draft Agreement in Respect of Gibraltar](#), 26 February 2026
- Government of Gibraltar, [Motion on Support for the UK-EU Treaty on Gibraltar - Chief Minister's Parliamentary Speech \(Transcript\)](#) (PDF), 4 March 2026
- Government of Gibraltar, [Legal Opinions Confirm: No Sovereignty Concessions](#), 1 March 2026

For the legal opinions obtained by the Gibraltar Government on the effect on Gibraltar's sovereignty, see Gibraltar Parliament, [Meeting of Parliament](#), 4 March 2026 (under 'Papers Laid').

For the Gibraltar legislation needed to implement the agreement, see the [Treaty on Gibraltar and the European Union Bill 2026](#) (PDF). See also the

details of the sittings of the Gibraltar Parliament on [30 March](#) and [31 March 2026](#) and the [Chief Minister's speaking note for the Bill](#).

UK-Gibraltar Concordat concerning implementation of the agreement

- Government of Gibraltar, [Chief Minister and ECDO Minister Sign UK-Gibraltar Concordat in Brussels - 556/2026](#), 14 July 2026
- Government of Gibraltar, [Concordat concerning the Implementation of the UK EU Agreement in respect of Gibraltar](#) (PDF), 14 July 2026
- Government of Gibraltar, [Letter from Minister Doughty to Chief Minister Picardo](#) (PDF), 13 July 2026

4.5 Background on UK–EU negotiations on Gibraltar

- Commons Library briefing, [UK-EU negotiations on Gibraltar-EU relations](#), November 2024
- Commons Library briefing, [UK–EU agreement on Gibraltar: What has been agreed?](#) (covering the statement on political agreement in June 2025)

For an overview of Gibraltar's constitutional status and potential impacts following the UK's decision to leave the EU, see the Commons Library briefing, [Brexit and Gibraltar](#) (May 2017)

For further details on the EU Entry/Exit system, see the Commons Library briefing [The EU Entry/Exit system and EU travel authorisation system](#)

4.6 UK ratification and parliamentary scrutiny of treaties

- Commons Library briefing, [How Parliament treats treaties](#)
- Commons Library briefing, [Treaty-making and parliamentary scrutiny: recent developments](#)
- Foreign, Commonwealth and Development Office, [Treaties and MOUs: Guidance on Practice and Procedures](#), updated August 2025.

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