



HOUSE OF LORDS

European Union Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 5864
Fax: 020 7219 6715
euclords@parliament.uk
www.parliament.uk/lords

Rt Hon Dominic Raab MP
Secretary of State for Foreign, Commonwealth and Development Affairs
Foreign, Commonwealth and Development Office
King Charles Street
London, SW1A 2AH
United Kingdom

10 February 2021

Dear Mr Raab

Brexit: Gibraltar—follow-up

The House of Lords European Union Select Committee has taken a close interest in the implications of UK withdrawal from the EU for Gibraltar since the referendum in June 2016. In March 2017, we published a report on *Brexit: Gibraltar*, drawing on evidence from the Chief Minister, Hon Fabian Picardo QC MP, and other expert witnesses. We visited Gibraltar in March 2018, when we met leading politicians, business groups, and Gibraltar police, customs, Port and Airport officials.

The Committee has met the Chief Minister a number of times since, most recently on 19 January 2021, when we discussed the proposed framework for a UK-EU legal instrument setting out Gibraltar's future relationship with the EU agreed by Gibraltar, the UK and Spain on 31 December 2020, and subsequently published in the Spanish media. I am writing to you today in the context of that agreement.

In our previous scrutiny we identified three key priorities in the Brexit negotiations:

- The fluidity of the border with Spain, and cross-border cooperation with the Campo de Gibraltar must be retained and, if possible, enhanced;
- UK-Gibraltar relations need to be maintained and enhanced post-Brexit; and
- The UK Government has a moral duty to defend and represent the interests of Gibraltar in the Brexit negotiations

In that context, we congratulate you, FCDO officials and Government of Gibraltar colleagues on the agreement reached just hours before the end of the transition period, on 31 December. We note the Chief Minister's view that the agreement presents a unique opportunity to re-set Gibraltar's relationship with Spain by removing physical barriers at the frontier, in the interests both of the people of Gibraltar and the surrounding Campo de Gibraltar, while at the same time respecting Gibraltar's red lines on sovereignty, jurisdiction and control. We also note the Chief Minister's acknowledgement of yours and the Prime Minister's key roles in ensuring that this agreement could be reached.

Nevertheless, we note that this is an in-principle agreement, and that formal negotiations with the EU on converting this into a treaty with the UK are yet to begin. Notwithstanding the welcome progress that has been made, we stress the urgency of reaching formal agreement with the EU in a treaty on Gibraltar, to provide certainty and stability for the people of Gibraltar and the neighbouring Spanish region alike. With that in mind, we would be grateful for your responses to the following questions.

1. What update can you provide on the status of dialogue with the Commission? Has it provided an initial response to the terms of the framework partnership?
2. Has the Commission indicated a willingness to seek a mandate to negotiate with the UK, and if so, when do you expect it to do so?
3. How are you engaging with the Government of Spain in supporting its request to the Commission to initiate formal negotiations?
4. When do you expect formal negotiations to commence? Do you share the expectation of the Spanish Foreign Minister and the Chief Minister of Gibraltar that the negotiations will take approximately six months?
5. What would you identify as the main issues of detail and principle that need to be negotiated with the EU, in particular in terms of the practical arrangements for the potential application of elements of the Schengen acquis to Gibraltar, and the possibility of a bespoke customs union arrangement between Gibraltar and the EU?
6. How will the Government seek in practice to work with the Commission, the Government of Spain and the Government of Gibraltar in order to bring the formal negotiations to a successful conclusion?
7. How and to what extent does the UK-EU Trade and Cooperation Agreement offer a helpful template for the forthcoming negotiations on Gibraltar? Can any lessons be learned from the productive way in which Gibraltar, the UK and Spain have engaged for other matters of contention in the UK-EU relationship, such as the Protocol on Ireland/Northern Ireland.
8. What is your assessment of the impact of the framework partnership and the TCA on Gibraltar's bilateral relationship with the UK? What steps is the Government taking to ensure that effective mechanisms for governance of, and dialogue concerning, the bilateral relationship between the UK and Gibraltar are maintained and enhanced?
9. How will the Government ensure that Gibraltarian businesses and citizens are able to avail themselves of appropriate rights of access to UK markets and services, and that Gibraltar is able to participate in UK trade agreements with third countries, as members of the 'British family'?

We would be grateful for a response to this letter by 24 February 2021.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lord Kinnoull', with a horizontal line underneath.

Lord Kinnoull
Chair of the European Union Committee