



Foreign Affairs Committee

Stephen Doughty MP
Minister for Europe and the Overseas Territories
Foreign, Commonwealth and Development Office
King Charles Street
London SW1A 2AH

Monday, 2 March 2026

Dear Stephen,

I write following the publication by the UK and EU on 26 February of the draft UK/EU Agreement on Gibraltar, the first step towards the formal process for its ratification and entry into force.

The Foreign Affairs Committee is very supportive of an Agreement that will bring to an end the long-standing uncertainty around the continued fluidity of Gibraltar's border with Spain, which over recent decades has done so much to contribute to the prosperity of not only Gibraltar itself but also that of the Campo de Gibraltar in Cádiz. We congratulate all those involved with the negotiations on making so much progress.

To ensure that the final treaty is in the interest of both Gibraltar and the UK, Parliament must have the opportunity to scrutinise the detail and raise any issues of concern. It is clear this treaty contains several novel or indeed unique provisions relating to Gibraltar's association to the EU's Schengen area, Customs Union and Single Market for goods. Given the complexity and length of the draft agreement, which runs to over 1,000 pages, more time will be needed for Parliament to fully digest the implications of what the Government has negotiated. As the debate following your statement on 26 February showed, there are still outstanding questions on range of issues relating to the practical implementation of these new arrangements, as well as the provisions safeguarding the UK's sovereignty over Gibraltar and the autonomy of its military infrastructure there.

We note that the European Commission has indicated that the Agreement will be provisionally applied before formal ratification has taken place. We understand this would in particular prevent the significant disruption that would occur if Spain were to implement the EU's new Entry-Exit System at the Gibraltar border from 10 April, which it would be required to do under EU law in the absence of these new arrangements. The decision to avoid this outcome by having recourse to provisional application is understandable. It is nonetheless regrettable that, owing to the length of the



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negotiations and the minimal information on the technical detail of the treaty that was shared prior to publication, there will now only be an extremely truncated window for scrutiny should Parliament wish to express a view on the Agreement before it is applied.

In any event, the decision to provisionally apply the Agreement does not, and should not, preclude a meaningful parliamentary scrutiny process. We welcome the Government's confirmation that section 20 of the Constitutional Reform and Governance Act 2010 (CRAG) on ratification will apply in this case. However, as you know, the CRAG process does not in itself guarantee meaningful parliamentary scrutiny. I was disappointed that, when offered the opportunity to do so in the Chamber, you declined to affirm that the treaty will be the subject of a vote in the UK Parliament.¹ This is puzzling, given that your Department said in June that "the final Treaty will be subject to ratification by the UK and Gibraltar parliaments".² That firmly indicates a formal role was envisaged for Parliament in this process, beyond the treaty simply being laid for our information.

As our forthcoming Report on the UK-EU reset will emphasise, the Foreign Affairs Committee is firmly of the view that the House of Commons must have the opportunity to debate the detail of the Gibraltar Agreement. Given its constitutional significance, it should also be allowed to vote on its ratification. This would establish parity in that regard with our counterparts in the European Parliament, which will need to approve its ratification by the EU under Article 218(6) TFEU. As such, we are writing to seek your assurances that the Government will make time in the Commons for a debate and vote on the Agreement, ideally before the new arrangements in Gibraltar are applied but in any event before the UK formally ratifies them. We also ask that you confirm that you and your officials will make themselves available to the Committee to discuss the substance of the Agreement during the scrutiny period under the Constitutional Reform and Governance Act 2010.

I am copying this letter to the House of Lords International Agreements Committee.

Yours,

Dame Emily Thornberry
Chair, Foreign Affairs Committee

¹ HC Deb 26 February 2026

² FCDO, [Agreement protects sovereignty and economic security of Gibraltar](https://www.gov.uk/government/news/foreign-secretary-announces-uk-gibraltar-agreement), gov.uk, 11 June 2025