



Foreign, Commonwealth
& Development Office

Wendy Morton MP
Minister for the European
Neighbourhood and the Americas

King Charles Street
London
SW1A 2AH

Tel: 0207 008 5000

Email:
fcdo.correspondence@fcdo.gov.uk

www.gov.uk/fcdo

Sir William Cash MP
Chair, European Scrutiny Committee
House of Commons
London
SW1A 0AA

Our ref:
Your ref:

2 July 2021

Dear Bill,

Negotiations with the European Union in respect of Gibraltar

I am writing to update your Committee on the forthcoming negotiations between the European Union (EU) and the UK in respect of Gibraltar.

As you will recall, on 31 December 2020, the UK Government, together with the Government of Gibraltar, reached a political agreement (the Framework) with the Kingdom of Spain on how a future agreement between the UK and the European Union in respect of Gibraltar would function in the interests of all parties.

The Framework set out a pragmatic model to secure the future prosperity of the people of Gibraltar, and the surrounding region, while respecting the United Kingdom's legal position on territorial sovereignty and jurisdiction. This Framework, whilst not legally binding, set out agreed expectations and a mutual understanding from the UK and Spain that this would provide a clear foundation for a UK-EU treaty.

At the UK-Gibraltar Joint Ministerial Council held in Gibraltar on 29 March 2021, the Foreign Secretary, the Rt Hon Dominic Raab MP and the Chief Minister of Gibraltar, the Hon Fabian Picardo QC agreed our joint approach to the upcoming negotiations on a treaty between the EU and the UK in respect of Gibraltar. They were clear that Gibraltar's British identity, and the UK's sovereignty, must be preserved, and that the operation of front line border checks in Gibraltar by Spanish officials would not be acceptable.

On 20 July, the European Commission published its draft guidelines for the negotiations. These draft guidelines are extremely problematic and the Foreign Secretary has commented that:

“The UK, with Gibraltar, and Spain carefully agreed a pragmatic Framework Agreement, in full consultation with the EU Commission. The Commission's proposed mandate, published today, directly conflicts with that Framework. It seeks to undermine the UK's sovereignty over Gibraltar, and cannot form a basis for negotiations.

We have consistently showed pragmatism and flexibility in the search for arrangements that work for all sides, and we are disappointed that this has not been reciprocated. We urge the EU to think again.”

The draft guidelines diverge from the commitments made by Spain in the Framework on a number of critical parts of the deal. They do not reflect the agreed role for Frontex in carrying out border checks, they propose an unacceptable role for Spain in Gibraltar in various different areas – for example on visas, residence permits, asylum, law enforcement, customs and SPS checks - and they take a wholly disproportionate approach on application of EU law and the role of the CJEU, across the mobility and the trade provisions.

The Foreign Secretary spoke to European Commission Vice President Maroš Šefčovič to make clear that the Framework must be respected and that there can be no compromise on UK sovereignty. The Foreign Secretary has also spoken to the new Spanish Foreign Minister Jose Manuel Albares, who will visit the UK on his first trip overseas today. Foreign Minister Albares reiterated Spain’s commitment to the Framework agreed in December, and in particular provided assurances that Spain will seek assistance from Frontex as per the Framework.

The UK Government, together with the Government of Gibraltar, remains committed to seeking an agreement that serves the interests of the people of Gibraltar and the surrounding region. But we will not compromise on issues of sovereignty, and the careful balance set out in the Framework must be preserved.

I will provide a further update after the summer recess. I would also be happy to meet and discuss the mandate in more detail. In the meantime, the UK Government will continue to work closely with the Government of Gibraltar to ensure we are in the best position for negotiations, while also prepared for any eventuality. I shall be visiting Gibraltar in September for talks with the Chief Minister and his team to demonstrate further our support to the Government and people of Gibraltar.

Yours ever



Wendy Morton MP
Minister for the European Neighbourhood and the Americas