



PRESS RELEASE

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Government will mobilise all its options to counter any EU exclusion

The Government is not surprised by the reference to Clause 24 in a footnote to the draft legal text on the Withdrawal Agreement published by the EU27 today. However, it nonetheless constitutes a disgraceful affront to a small British country that voted by 96% to remain in the European Union.

The footnote says the following:

“It is recalled that the territorial scope of the Withdrawal Agreement, including as regards the transition period, should fully respect paragraphs 4 and 24 of the European Council guidelines of 29 April 2017, notably as regards Gibraltar.”

Clause 24 purports to give Spain a veto on the application to Gibraltar of the transitional period and of the future UK- EU relationship agreement.

The text is only a draft at this stage and it represents the views of the European Union and not the view of the United Kingdom, still less of the Government of Gibraltar. Indeed, it will be recalled that the Prime Minister herself has told the House of Commons that both the transitional period and the future relationship agreement will include Gibraltar. The Government will also strongly urge our many friends in the United Kingdom Parliament, across all the political parties, who would have to approve the Withdrawal Agreement, not to do so unless Gibraltar is included.

The Government considers that, by its very definition, transition is a continuation of the existing European Union legal order. This legal order includes the application of the relevant treaties to Gibraltar. Therefore the exclusion of Gibraltar would run contrary to the established policy of the EU27 itself in this regard. It would mark a degree of political and legal discrimination against a small territory which is unknown in modern European history.

It should also be made clear that the Government will mobilise all options available if any attempt is made to activate the Clause and exclude Gibraltar, whatever the consequences might be for the wider progress of Brexit. The Government has already taken detailed legal advice from the top lawyers in the United Kingdom.

Moreover, the truth is that nobody stands to gain anything at all by excluding Gibraltar from the transition or from the future relationship agreement. All that Spain will accomplish, with the complicity of the other Member States, is to generate uncertainty among many thousands of ordinary



citizens and their families who live on both sides of the border. There are over 13,000 people who live in Spain and who work in Gibraltar. This includes some 8000 Spanish nationals but it also includes citizens of every other Member State of the European Union. It makes no sense whatsoever for Spain to seek to exclude them from the acquired rights they would otherwise have under the transition period.

The existing threatening language of vetos and exclusions is an unnecessary provocation in what is already a tense environment as the United Kingdom prepares to leave the European Union. It is in the interests of both Gibraltar and Spain that there should be a sensible Brexit going forward which put the interests of citizens and businesses in this area first.