



PRESS RELEASE

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Passage through border will change unless there is a deal

The Government has today published its first updated Technical Notice which aims to guide citizens and businesses in the event that it is not possible to conclude an agreement which covers the future relationship of Gibraltar with the European Union.

The decision to proceed with the issue of these notices was finalised yesterday at a meeting of the Brexit Strategic Group which was chaired by the Deputy Chief Minister Dr Joseph Garcia. The meeting included the Attorney General Michael Llamas, Chief Secretary Darren Grech, Police Commissioner Richard Ullger, the Collector of Customs John Rodriguez, the Captain of the Port Manuel Tirado, Chief Scientist Liesl Mesilio, Parliamentary Counsel Paul Peralta, the Civil Contingencies Coordinator Ivor Lopez, Toni Sanderson from the GHA and Ernest Francis who heads the Office of the DCM. The Director of Gibraltar House in Brussels Daniel D'Amato joined remotely.

The first Technical Notice on readiness advice covers one of the most important issues under discussion which is the movement of persons across the border once the transition period comes to an end on 31 December 2020.

The paper sets out that the legal regime which will continue to apply at the border is the Schengen Border Code. The main difference will be that UK citizens, including Gibraltarians, will become Third Country Nationals for the EU and therefore subject to a different regime of controls.

It is important to make clear that the Government will continue to work towards an agreement using its best efforts and all the political good will in the world.

However, if an agreement is not possible then there will be consequences to the mobility of persons across the border.

Those potential consequences for Gibraltarians as Third Country Nationals for the EU, subject to agreements to mitigate them, include:

- (a) the wet stamping of passports when entering or exiting the Schengen Area;
- (b) the scanning of documents against the Schengen Information System (SIS);
- (c) a limit to stays in the Schengen Area of 90 days in any 180 day period;
- (d) Third Country nationals can be questioned as to the reason for entering Schengen;
- (e) enquiries can be made of Third Country Nationals as to the conditions of their intended stay in Schengen;



- (f) checks can be made to ensure that Third Country Nationals have means of subsistence while in Schengen;
- (g) the application as from 2022 of the ETIAS travel pre-authorisation system (similar to US ESTA).

The status quo (what we have today) is not an option and the Government considers it is important for the public and individual citizens to understand these potential consequences and changes and start to plan accordingly in respect of their own personal matters if they include a requirement for cross frontier movement.

The options are either an agreement on mobility across the border or no agreement with the consequences to follow, as described above.

It is precisely in order to avoid the consequences of no agreement, that the Government continues to explore different types of association between Gibraltar and the Schengen Area which would permit greater fluidity of persons as from next year. The objective is to find and agree upon solutions which do not impinge on sovereignty, jurisdiction or control and which assure maximum fluidity. The Chief Minister has led the Gibraltar delegation to the talks which include the Deputy Chief Minister, the Attorney General, the Financial Secretary and the Director of Gibraltar House in Brussels.

The full picture on preparedness is set out in the Technical Notice entitled “The movement of people across the land border between Gibraltar and Spain.”

The Deputy Chief Minister Dr Joseph Garcia said:

“We left the European Union, together with the United Kingdom, on 31 January this year. Gibraltar and the UK are now both in a period of transition to a new relationship with the European Union. That relationship could either be governed by a Future Relationship agreement or it could be subject to no deal at all.

Discussions with the EU and with our nearest EU neighbour Spain on what that future relationship could look like are ongoing. It should be noted that the fluid movement of persons across the border is important to both Gibraltar and to Spain. Indeed, all are agreed that there should be as little disruption as possible to the lives of ordinary citizens.

However, we also need to prepare for the possibility that there is no agreement, obviously in those areas that are within our control. The Government’s readiness structures, which were set up to handle a no-deal Brexit in the context of the Withdrawal Agreement, have continued in place as we navigate towards a future relationship. Needless to say, Gibraltar continues to work closely and in partnership with the United Kingdom on readiness planning whilst we also continue, alongside the UK, to seek an agreement with the EU.”

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