



**MEMORANDUM OF UNDERSTANDING
ON CITIZENS' RIGHTS**

***Notes for Interpretation of all Memoranda agreed between the Spain, the UK
and Gibraltar on 29th November 2018***

In order to properly understand the effect of the Memoranda, and the proper interpretation to put on the terms used therein, it is important to bear in mind some of the essential, underlying principles involved. These are best summarised below.

Sovereignty

*The Memoranda, or any activity or measure taken in application or as a result of them, does not imply any modification of the respective legal positions of the UK or Spain on sovereignty or jurisdiction. This is expressly spelt out in each of the Memoranda. **The Memoranda make no concessions on sovereignty, jurisdiction or control.***

Interpretation

Throughout the Protocol on Gibraltar which refers to the Memoranda, as a result of the definition in Article 3 of the Withdrawal Agreement (and unless otherwise provided for) the term "United Kingdom" includes "Gibraltar" throughout the text.

For a proper interpretation of the Memoranda they should be read in light of the Concordat between the UK and Gibraltar, also published alongside. This Concordat preserves the balance of the 2006 Gibraltar Constitution. It was approved by the Prime Minister, Theresa May, and the Chief Minister, Fabian Picardo, in Downing Street on the 15th November.

Signature

It is important to remember that the Memoranda are only signed by the United Kingdom as a result of the UK being the State responsible for Gibraltar's external relations. This is expressly spelt out in each of the Memoranda.

Commencement & Duration

It should be noted that the Memoranda only come into effect if there is a Withdrawal Agreement entered into by the UK. Additionally, the Memoranda cease to have effect in December 2020 unless we agree to extend them.

MEMORANDUM OF UNDERSTANDING ON CITIZENS' RIGHTS

CONSIDERING that, for the purposes of this Memorandum, the United Kingdom acts as the State responsible for Gibraltar's external relations,

NOTING that the present Memorandum, or any activity or measure taken in application or as a result thereof, do not imply any modification of the respective legal positions of the Kingdom of Spain or of the United Kingdom with regard to sovereignty and jurisdiction in relation to Gibraltar,

A Joint Coordinating Committee (hereinafter the "Committee") will be formed by the United Kingdom and Spain in accordance with Article 1(3) of the Protocol on Gibraltar included in the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the "Withdrawal Agreement").

The purpose of the Committee will be to ensure that the provisions contained in article 1 of the Protocol on Gibraltar, concerning citizens' and workers' rights, are correctly applied. In this regard, the competent labour authorities will ensure compliance with the said provisions. All social benefits will be extended to workers on both sides, under current and future arrangements, in full respect of the principle of non-discrimination.

Each Party will appoint members of the Committee to represent them, in such a way that the Committee will have an equal number of members from Spain and from the United Kingdom. Each Party will appoint a maximum of seven members, and will inform the other Party of said appointments, as well as of any possible changes thereto.

On behalf of Spain, the Committee will include:

- Four representatives from the General State Administration, with competencies in the areas stipulated in article 1; the Committee will include at least one representative from the Ministry of Foreign Affairs, the European Union and Cooperation.
- Two representatives from the regional administration, proposed by the Regional Government of Andalusia.
- One representative from the local administration.

On behalf of the United Kingdom, the Committee will include:

- One representative appointed by the United Kingdom Government.

- Six representatives appointed by the competent Gibraltarian authorities.

The Committee will meet at least quarterly; it may also hold ad hoc meetings at the formal request of either of the Parties. The Committee meetings will be held alternately in the District of Campo de Gibraltar and in Gibraltar.

For the purpose of administrative organization and management of the Committee's activities, each Party will appoint a focal point; the two focal points will coordinate in advance to prepare the agenda for Committee meetings. At its first meeting, the Committee will approve, by agreement between its members, the working methods for performing its functions.

The United Kingdom and Spain will facilitate the procedures for recognition of rights and benefits to workers and frontier workers. Particularly, registration of job seekers will be ensured.

If either of the Parties in the Committee considers that the other Party is not fulfilling all her obligations under article 1 of the Protocol on Gibraltar, the matter may be submitted for discussion by the Committee, which will assess the situation and may make recommendations. If, after three months have elapsed, one of the Parties considers that the failure has not been adequately addressed, the matter may be submitted to the Committee established by article 165 of the Withdrawal Agreement and whose role is further explained in article 6 of the Protocol on Gibraltar.

Signed in duplicate in London on 28 November 2018 and Madrid on 29 November 2018, in the English and Spanish languages, both texts having equal validity.

For the United Kingdom

For the Kingdom of Spain

The Rt Hon David Lidington

H.E. Josep Borrell Fontelles

Minister for the Cabinet Office
and Chancellor of the Duchy
of Lancaster

Minister of Foreign Affairs,
European Union and
Cooperation