



**MEMORANDUM OF UNDERSTANDING ON COOPERATION ON
ENVIRONMENTAL MATTERS**

***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 COOPERATION ON ENVIRONMENTAL MATTERS

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,

MINDFUL of the importance of maintaining high standards of environmental protection, that contribute to the sustainable economic and social development of and continuing good environmental practice in both Gibraltar and the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar,

RECOGNISING that cooperation between the competent authorities is essential to ensure the effective implementation of the arrangements laid down in this Memorandum of Understanding,

The parties have reached the following understanding:

In order to deliver enhanced cooperation on environmental protection and in accordance with article 4 of the Protocol, a Technical and Coordination Committee ("the TCC") will be established, composed of the competent authorities, and will commence its functions as soon as practicable after 30 March 2019. The activities of the TCC and of the competent authorities in respect of the TCC will be without prejudice to the requirements of EU law applying during the transition period.

The European Union will be invited to participate in the meetings of this Coordination Committee. The committee will report on a regular basis to the Specialised Committee of article 165 of the withdrawal agreement.

A coordinating Chair of the TCC will be established and will rotate between the competent authorities every five months. The competent authorities will perform their functions hereunder in the utmost good faith and in the sole interest of the protection and the improvement of the environment. Representatives of the central governments of both Spain and the United Kingdom will participate in all meetings of the TCC.

The TCC will provide a forum for enhanced cooperation, and for the exchange of information on request between the competent authorities, on air quality in both

Gibraltar and the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar.

The TCC will provide a forum for enhanced cooperation, and for the exchange of information on request between the competent authorities, on the assessment of the environmental impact of proposed projects in both Gibraltar and the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar (including land reclamation) that are likely to have a significant transboundary effect.

The TCC will provide a forum for enhanced cooperation between the competent authorities in respect of water quality and the protection of the marine habitat in both Gibraltar and the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar and for the sharing of related scientific data. As for the latter, scientific research vessels of EU or UK flag which intend to carry out their activities in that area will inform the TCC of their route, duration, objectives and any other matter the Committee will consider relevant with reasonable notice before the beginning of the activities. The TCC will note the information provided. The Committee will receive a copy of the findings of the research activities. The TCC will foster the fulfillment of the commitments derived from EU law.

The TCC will provide a forum for enhanced cooperation between the competent authorities in respect of the wider marine environment that is consistent with the desire to maintain high environmental standards and protection and facilitate sustainable development both in Gibraltar and in the surrounding area, in particular the territory of the municipalities that make up the Mancomunidad de Municipios del Campo de Gibraltar. The TCC will provide a forum for the discussion of fishing activities.

The TCC, alongside the Working Group on Customs referred to in the Memorandum of Understanding on Police and Customs Cooperation, will also provide a forum for enhanced cooperation in respect of solid waste and rubble crossing from Gibraltar to Spain for treatment in places other than the landfill of the Mancomunidad de Municipios del Campo de Gibraltar.

The TCC will provide a forum for promoting the highest environmental protection regarding bunkering activities.

This Memorandum will cease to have effect on the 31st December 2020 unless the Parties decide otherwise.

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