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Commission Statement Contains Very Positive Recommendations

Her Majesty's Government of Gibraltar notes that the EU Commission has said it has "found no evidence" during its one day visit to the Gibraltar land frontier with Spain that the frontier checks being carried out by Spain are contrary to EU treaty requirements. This finding flies in the face of the reality being experienced by commuters and travelers and will serve only to encourage the sort of bullying tactics that have characterised the past four months at the frontier. The Gibraltar Government joins the British Government in considering that the recent increased checks are unlawful and politically motivated.

The Government nonetheless welcomes the fact that, beyond the headline issue of illegality, the EU Commission statement today has also included a series of recommendations which in effect require Spain to change the way it administers checks at this frontier.

It will be recalled that the Commission agreed to become involved as a result of a call from UK Prime Minister David Cameron to Commission President Mr Barosso.

This was the first time that the Commission had involved themselves in a Gibraltar matter, having previously preferred to simply refer to issues as simply "bilateral" between the UK and Spain.

In its representations to the EU Commission and the meetings in Gibraltar, the Government sought practical solutions to frontier flow issues.

The Commission findings now pursue the position of the Gibraltar Government in asking Spain to stop random border checks, which are the cause of the excessive and abusive queues which are building up at the frontier. The Commission has told Spain that it should move to intelligence based / risk assessed checks.

In addition, the Commission has also required Spain to implement practical changes at the frontier to create more lanes and provide more space for passage of vehicles in order to reduce queuing times.

The Commission has confirmed that it will be reviewing Spain's implementation of these recommendations in six months. The Government of Gibraltar welcomes this time-limit imposed by the EU Commission and their reservation of rights to allow them to review their decisions of today in that period if recommendations are not implemented.

These are hugely important practical recommendations that will ease frontier flow if implemented and which are exactly what Her Majesty's Government of Gibraltar was seeking from the Commission. It is the first time since Spain joined the EU in 1985 - since when there have been regular periods of abusive queues - that the Commission has intervened to tell Spain how it should improve its practices at the frontier.

The Commission has also made recommendations about the situation to Gibraltar dealing with tobacco related issues. These come about after engagement and discussion with the Gibraltar Government.

In order to ensure that there is full transparency on the recommendations that the EU Commission has made to Gibraltar, and by agreement with the UK, Her Majesty's Government of Gibraltar is this afternoon publishing in full the letter received from the Commission. Work had already begun to make amendments to the Tobacco Act in some respects, and this will now continue and be designed to implement the Commission recommendations where appropriate.

Chief Minister, Hon Fabian Picardo, said: "Her Majesty's Government of Gibraltar called on the Commission to recommend practical measures to ease frontier flow. That is what they have done and we welcome the fact that they have called for Spain to stop the random checks that they have been implementing. We also welcome the recommendation made on additional traffic lanes. These are the measures that we must be working on in order to deliver normal European frontier flow. That aspect of the Commission's letter to Spain is therefore hugely positive. It is nonetheless clear to the Government of Gibraltar that there are breaches of EU law in the way the Spain has behaved in these past few months. We will continue to work with the United Kingdom on the commencement of infraction proceedings directly if necessary. Nonetheless, what Gibraltar wants to see is the implementation of practical measures which deliver a better experience for those who have to cross this international frontier every day as workers or when they wish as tourists. That will require a serious approach to the implementation of the measures the Commission has recommended. To that extent, what happens in the next six months is almost more important than what has happened today. Importantly this set of recommendations to Spain to stop random checks at the frontier comes soon after Commissioner Barnier confirmed that Gibraltar fully complies with all EU rules on Financial Services and Anti-Money Laundering procedures, contrary to repeated statements from the Spanish Government. In respect of the recommendations made to Gibraltar, we will of course as always be working closely with the Commission to deliver in good time; especially as there is nothing contained in those recommendations that was not already being worked on by the Government of Gibraltar. I am particularly pleased that the Commission has pointed towards the sharing of intelligence and joint operations between police and customs on both sides of the frontier, as that is exactly what Gibraltar has consistently been trying to bring about. I trust Spain will now be more open to such co-operation as it moves from random checks to risk-based, intelligence led checks."

Ends