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Government expresses concern at special border regime that Spain wants to create

The Government has told the European Commission that it is very concerned at the decree issued by the Spanish Government last week which purports to create a separate and different regime for workers crossing the frontier between Gibraltar and Spain. The Government has made the point that this creates special rights and privileges for one category of EU nationals over all the others.

This means other categories of EU nationals who are not workers like residents on both sides of the border, tourists, children, the elderly and the infirm will be denied the same rights under the special regime that Spain proposes to put in place. The system is moreover unworkable in practice. It means that for vehicles there would have to be a red channel on the Gibraltar side which extends all the way back down the loop, sometimes down Winston Churchill Avenue and Devil's Tower Road, in order to cater for this new channel. This is clearly not going to happen.

Moreover, the reality is that all that Spain has to do to improve the flow of people and traffic across the border is to operate a red and green channel in a way which adheres to accepted international practice and standards. The delays are generated when the flow of traffic across the border is reduced by exhaustive controls which have no clear objective other than to make life a misery for persons crossing it. The key indicator is not the volume of traffic but the flow rate of cars allowed into Spain. This has been known to range from 1.5 cars a minute to 13 cars a minute within a short time-frame on the same day. This figure should be constant. The fact that it is not constant is evidence of the policy of continued politically motivated delays.

The point has been made to the Commission that a number of workers and business organisations in Gibraltar and Spain are also concerned at this latest development.

The Government has supplied the European Commission with the frontier data for July which shows that there was an outgoing queue every day of the month except on the 1st and on the 2nd. The 1 July was when the Minister for Europe David Lidington visited Gibraltar and the 2nd July was the second visit by EU inspectors to the border. This reinforces the Government's view that there should be a permanent EU monitoring station at the frontier.

The longest delay of outgoing traffic was 178 minutes on 17 July. There was 138 minutes of incoming delay on 22 July and 66 minutes on 24 July. An incoming 30 minute delay on 16 July was caused by the Spanish frontier authorities stopping practically every car coming into Gibraltar over a period of time and asking the occupants to show how much money they were carrying. It will be recalled that in their letter to Spain of 15 November 2013, the European Commission declared that "the intensity of these controls are unjustifiable and should be reduced".

Commenting on the matter, the Deputy Chief Minister Dr Joseph Garcia said:

"We continue to supply monthly updates to the European Commission which show the maximum queueing time. In this latest information pack we have also included data showing the flow rate of cars on 17 July which was when the delays peaked for that month. Relevant press cuttings showing the reaction of different organisations on both sides of the border to the latest announcement have also been included.

It is unacceptable that Spain should seek to discriminate against EU nationals who are not workers. There are people who have to cross the border every day in order to procure services on either side who cannot be discriminated against, an important such category are persons undergoing medical treatment. What Spain cannot do is pretend that it is all right to subject children, the elderly, residents and tourists to delays by fast-tracking workers only.

The Government will continue to keep a close eye on the latest developments as the situation unfolds."