



Technical Notice (2) Getting ready for the end of the Transition Period

21 September 2020

Trade in Goods

On 31 December 2020, the Transition Period (sometimes also referred to as the “Implementation Period”) under the EU-UK Withdrawal Agreement will come to an end. The end of the Transition Period will bring an end to the current status quo whereby Gibraltar, its citizens and its business, have enjoyed EU rights. Therefore, subject to the outcome of ongoing negotiations concerning the UK and Gibraltar’s future relationship with the EU, the end of the Transition Period will bring about important changes which Gibraltar, as a whole, will need to be ready for.

Purpose.

The purpose of this Notice is to explain what the effect of those changes are on the movement of goods between Gibraltar and the EU Customs Union.

It is important that business and citizens are aware of the possible changes and that they take appropriate action to mitigate these where necessary. The Government can only prepare in areas that are within its control.

Existing Position.

Gibraltar, unlike the UK, has never formed part of the EU Customs Union and it does not form part of the customs territory of the EU. Gibraltar is therefore already treated as a third country for the purposes of all trade in goods with the EU. It is for this reason that there are customs controls carried out on the movement of goods between Gibraltar and Spain and other parts of the EU Customs Union. At the land border, these controls are carried out by the Spanish Customs Authorities, in accordance with



relevant EU customs legislation laying down general rules and procedures applicable to goods taken out of and into the customs territory of the EU.

If there is no agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020.

The fact that there may be no agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020 would not alter the EU legal framework governing customs controls on goods traded between Gibraltar and the EU Customs Union. This would mean the following with respect to the products outlined below:

1. Imports of products originating in the EU.

There will be no change to the customs processes applied to the importation of products originating in the EU Customs Union. This includes products originating in Spain or other parts of the EU Customs Territory. This applies equally to all products including products of animal origin, food of non-animal origin, plants and plant products and medicinal products.

2. Imports of products originating in third countries.

Once the UK leaves the EU Customs Union on 31 December 2020, goods imported into Gibraltar from the UK would be treated as goods originating in a third country. The application of EU customs legislation would therefore change with respect to **certain** UK goods brought to Gibraltar via the customs territory of the EU.

Imports of products of animal origin originating in the UK, or other third countries, and brought to Gibraltar after transiting the customs territory of the EU.



With respect to products of animal origin¹ originating in third countries, EU law stipulates that for the transit to take place the transit must previously be authorised at the “**border control post**” (or “**BCP**”) where the consignment first arrives in the EU Customs Territory. For example, this would mean that for relevant products passing from the UK to France, en route to Gibraltar via Spain, those products would first have to enter French territory via a BCP. For the products to then leave the EU Customs Territory from Spain to Gibraltar, **EU law would require those products to also exit Spanish territory via a BCP**. It is imperative for Gibraltar based operators to study the lists of products which would be caught by these procedures².

Imports of plants, plant products, and other objects specified in relevant EU lists originating in the UK, or other third countries, and brought to Gibraltar after transiting the customs territory of the EU

With regard to imports of plants, plant products and other objects (specified in relevant EU lists³) originating in the UK, or other third countries, such products will need to be presented for transit at the BCP of entry to the EU accompanied by a relevant phytosanitary certificate. **Such products can then transit to Gibraltar under seal and exit Spain via the Commercial Gate at La Linea de la Concepcion as normal.** The same procedure would apply to listed food and feed of non-animal origin from certain third countries which are subject to emergency measures⁴.

Imports of medicinal products from the UK, or other third countries, and brought to Gibraltar after transiting the customs territory of the EU

¹ This includes animals, products of animal origin, germinal products, animal by-products derived products, hay and straw and composite products.

² The European Commission has listed the animals and goods that shall be subject to official controls at border controls posts in accordance with Regulation (EU) 2017/625 in [Commission Implementing Regulation \(EU\) 2019/2007](#). The European Commission has listed the composite products that are subject to official controls at border control posts (and those that are exempt from controls) in accordance with Regulation (EU) 2017/625 in [Commission Decision 2007/275/EC](#). These lists refer to the Combined Nomenclature used to categorise products in the context of the Common Customs Tariff.

³ Part A of Annex XI of [Commission Implementing Regulation \(EU\) 2019/2072](#).

⁴ Annex I of [Commission Implementing Regulation \(EU\) 2019/1793](#).



Medicines produced in the United Kingdom that are to transit through the EU to be sold in Gibraltar can continue to be imported into Gibraltar as normal.

Implications and Mitigation

As outlined above, the effect of the UK's departure from the EU Customs Union on 31 December 2020 should only have an impact on the manner in which, traditionally, products of animal origin (as particularised above) sourced from the UK have been cleared for entry to Gibraltar. With regard to these products, consignments would have to exit Spain via a BCP if they originate in the UK or any other third country. Operators would also be advised to plan for the possibility that products may be held up at the BCP of entry into the EU Customs Union.

Since the border at La Linea de la Concepcion is not currently designated as a BCP, this would mean that products of animal origin, originating in the UK or any other third country, would have to be cleared for exportation to Gibraltar at another exit point that is designated as a BCP. The nearest BCP is in the Port of Algeciras.

There are on-going negotiations with a number of ferry operators that are interested in providing a regular daily service from Algeciras to Gibraltar for this specific purpose. One ferry already successfully carried out a trial run on 28 October 2019. The intention is that this ferry would operate a triangular route between Gibraltar, Algeciras and Tangier. This would allow for the use of the Algeciras BCP. The different ferry options that have been explored involve operations from Morocco and Algeciras. The last resort, in so far as the products affected are concerned, would be for them to be transported directly to Gibraltar from the UK without transiting the customs territory of the EU.

HMGoG remains engaged in discussions with all parties concerned in order to ensure that any alternative arrangements that may be established appropriately address all issues concerned.



If there is an agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020.

The Spanish border authorities presently exercise controls on persons and controls on goods at the land border with Gibraltar. Those controls have led to disproportionate delays at the border in the past.

The Government, as has already been said, is exploring a range of different options some of which are designed to suppress those controls or to reduce those controls as much as possible.

Therefore as part of the negotiations concerning Gibraltar's future relationship with the EU, HMGoG is discussing potential new arrangements on goods.

Those arrangements may also address some of the difficulties raised in this Notice.

The guidance provided herein may also be affected by the terms of any future UK-EU arrangements on goods which are yet to be agreed. HMGoG will therefore amend this guidance as necessary should a need to do so arise in future.

Further information

This Notice is meant for guidance only.

Further information can be sought from brexit@gibraltar.gov.gi.