



PRESS RELEASE

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Brexit Technical Notice – The Implementation Period

Summary

There will be no change to the way in which citizens and businesses interact with the European Union until the Implementation Period comes to an end on 31 December 2020.

This means, for example, that Gibraltar-issued identity cards, passports, pet passports, EU Health Cards and driving licences can continue to be used in the same way as they have until now for the duration of the Implementation Period.

Ratification and Implementation of the EU-UK Withdrawal Agreement

The UK Parliament is in the process of adopting legislation providing for the implementation as a matter of domestic law of the politically endorsed agreement on the withdrawal of the UK and Gibraltar from the EU (the “Withdrawal Agreement”). The Bill introducing such legislation, namely the European Union (Withdrawal Agreement) Bill 2019-20, is on track to complete its passage through both UK Houses of Parliament in time to allow for the UK to formally ratify the Withdrawal Agreement ahead of 31 January 2020.

The EU will also complete its own formal approval processes ahead of this date

In parallel, and since the Withdrawal Agreement applies to Gibraltar, HM Government of Gibraltar has already published a Bill which will allow for the implementation of the Withdrawal Agreement in Gibraltar under Gibraltar law. This will be debated by the Gibraltar Parliament next week, prior to 31 January 2020.

Entry into force of the Withdrawal Agreement

Subject to completion of the above-described ratification procedures, the now highly likely scenario is that Withdrawal Agreement will enter into force at midnight on 31 January 2020.

The Implementation Period

Despite the above, it is important to understand that the Withdrawal Agreement provides for an Implementation Period which will start on 1 February 2020 and end on 31 December 2020. The



Implementation Period, sometimes also referred to as the transitional period or transitional phase, will apply to Gibraltar.

During the Implementation Period, EU law shall be applicable to and in Gibraltar to the same extent as EU law has been applicable to and in Gibraltar to date. Crucially, this means that until 31 December 2020 there will be a period of continuity.

Throughout this time, Gibraltar, its citizens and its businesses will, for all intents and purposes, be treated as they have done until now under EU law.

Consequentially, Gibraltar will also be required to apply and observe EU law in accordance with its status under the EU Treaties until 31 December 2020.

The only changes during the Implementation Period will affect the manner in which the UK is represented in the EU at an institutional level. Therefore, since the UK will no longer be part of the EU decision-making process after the 31 January 2020, the UK will not be represented in the EU institutions, agencies and bodies after this date. For example, this will mean that UK MEPs (including the six MEPs for the South West of England & Gibraltar) will be required to stand down as from 31 January 2020.

Practical effect of the Implementation Period

It is worth reiterating that the practical effect of the Implementation Period is that the status quo will remain until 31 December 2020. Therefore, during this time the current regime that applies to the way in which Gibraltar residents cross the land border with Spain will be the same as indeed the rights enjoyed by British Citizens in the EU and the way businesses established in Gibraltar do business with either the UK or the EU. This applies in relation to every area where EU law is engaged and applies equally to EU citizens exercising EU rights in Gibraltar.

This means that, for example, Gibraltar-issued identity cards, passports, pet passports, EU Health Cards and driving licences can continue to be used in the same way as they have until now for the duration of the Implementation Period.

What will happen during the Implementation Period?

The Implementation Period will act as a bridge to the new relationship with the EU. It will give citizens and business in the UK, Gibraltar and the EU time to prepare and make necessary adjustments in light of whatever the new relationship which may apply as from 1 January 2021 may be. The Implementation Period will also allow time for the negotiation of the future relationship in line with the Joint Political Declaration of 19 October 2019. The UK Government has provided assurances that it will negotiate the future agreements implementing the Joint Political Declaration also on behalf of Gibraltar and HM Government of Gibraltar is fully engaged with the UK Government ahead of this process.

Can the Implementation Period be extended?



The Withdrawal Agreement allows for the UK and the EU to agree to a single extension of the Implementation Period for a period of up to 1 or 2 years. A decision to extend the Implementation Period would need to be adopted prior to 1 July 2020. In this context, it should be noted that the UK Prime Minister, Boris Johnson, has stated that the UK Government does not intend to seek an extension of the Implementation Period beyond 31 December 2020.

What happens after the end of the Implementation Period?

The relationship with the EU will be governed by agreements reached on the future relationship with the EU.