



## Technical Notice (9)

### Getting ready for the end of the Transition Period

#### Crossing the border with goods that are intended for personal consumption or use.

9 November 2020

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.**

Gibraltar’s departure from the European Union means that certain processes and procedures will inevitably become more difficult, cumbersome and bureaucratic. It is important that citizens and businesses are aware of this and that, where possible, they plan ahead. The Government can only prepare in areas that are within its control. Even then, there will be certain areas where mitigation is not possible because the new situation simply reflects what it means to be outside the European Union.

The purpose of this Notice is to explain what the effect of those changes are on the customs controls which could be applied on citizens in possession of certain goods intended for personal consumption when crossing the land border with Spain.



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

EU customs legislation restricts the movement of certain categories of products originating in third countries across the borders of the customs territory of the EU. Such restrictions are applied at the point of entry to the customs territory of the EU. **This is the case even when such products are intended for personal consumption or use.**

As from 1 January 2021, it may no longer be possible for persons to introduce the following goods<sup>1</sup> into the EU via the customs border at La Linea de la Concepcion:

- (1) **Any quantity of meat and milk and their products** (other than powdered infant milk, infant food and special foods required for medical reasons or petfood required for animal health-related reasons);
- (2) Personal consignments of **powdered infant milk, infant food, and special foods required for medical reasons** unless their combined quantity does not exceed the weight limit of 2kg per person and: (i) the product does not require refrigeration before consumption; (ii) the product is a packaged proprietary brand product; and (iii) the packaging is unbroken unless in current use;
- (3) Personal consignments of **petfood** required for animal health-related reasons unless their combined weight does not exceed the weight limit of 2kg per person and: (i) the product does not require refrigeration before consumption; (ii) the product is a packaged proprietary brand product; and (iii) the packaging is unbroken unless in current use;
- (4) Personal consignments of **fishery products** (including fresh, dried, cooked, cured or smoked fish, and certain shellfish, such as prawns, lobsters, dead mussels and dead oysters) unless: (i) fresh fish are eviscerated; and (ii) the

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<sup>1</sup> Further particulars with respect to these products can be found in Annex I of [Commission Delegated Regulation \(EU\) 2017/625](#).



weight of the fishery products does not exceed, per person, 20 kg or the weight of one fish, whichever weight is the highest; or

- (5) Personal consignments of other **specific animal products** such as honey, live oysters, live mussels and snails unless that their combined quantity does not exceed 2 kg per person.

EU law stipulates that the goods listed above must, unless they fall into one of the described exemptions, undergo official controls at “*Border Control Posts*” (or “BCPs”). Since the border at La Linea de la Concepcion is not designated by Spain as a BCP it may no longer be possible to introduce these products into Spain via the land border. The public is advised to take note of the information contained in this Notice especially if, up to now, they have become used to crossing such goods into Spain to, for example, replenish personal stocks of goods and groceries kept at second home in Spain or if they use such goods in the context of tourism or other leisure activities in Spain.

Notwithstanding the above, it may still be possible to introduce the following goods into the EU via the customs border at La Linea de la Concepcion:

- (1) Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products containing less than 20% of processed dairy and egg products<sup>2</sup>;
- (2) Chocolate and confectionery (including sweets) containing less than 50% of processed dairy and egg products<sup>3</sup>
- (3) Food supplements packaged for the final consumer containing small amounts (in total less than 20%) of processed animal products (including glucosamine,

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<sup>2</sup> Provided such products are shelf-stable at ambient temperature or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured.

<sup>3</sup> As above.



chondroitin or chitosan, or both chondroitin and chitosan) other than meat products;

- (4) Olives stuffed with fish;
- (5) Pasta and noodles not mixed or filled with meat product containing less than 50% of processed dairy and egg products<sup>4</sup>; and
- (6) Soup stocks and flavourings packaged for the final consumer containing less than 50% of fish oils, fish powders or fish extracts<sup>5</sup>.

### **Implications and Mitigation**

The public is urged to familiarise themselves with the information contained in this Notice.

Provided that goods originate in the customs territory of the EU, nothing contained in this Notice will affect the ability of individuals to continue to bring into Gibraltar any of the goods described in this Notice. Persons will therefore be able to continue to shop for groceries in Spanish supermarkets, and bring those products into Gibraltar after exiting Spain via La Linea de la Concepcion, as is currently the case.

### **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. The preference of the Government, as has already been said, remains to remove those controls or to reduce those controls as much as possible.

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<sup>4</sup> As above.

<sup>5</sup> As above.



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](mailto:brexit@gibraltar.gov.gi).