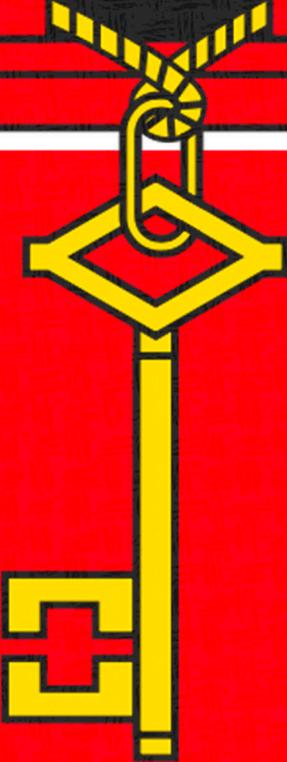




GUIDANCE TO CITIZENS

No UK-EU treaty
on the future relationship of Gibraltar



GET READY



HM Government
of Gibraltar

Contents

The possibility of a Non-Negotiated Outcome - [page 1](#)

Purpose - [page 3](#)

The movement of persons- [page 4](#)

The movement of goods - [page 7](#)

Cross-border healthcare - [page 9](#)

Driving in Spain and the EU - [page 10](#)

Social security coordination, workers' rights & recognition of professional qualifications - [page 11](#)

Students - [page 12](#)

Mobile roaming - [page 12](#)

Technical Notices:

The movement of people across the land border between Gibraltar and Spain - [page 14](#)

Trade in goods - [page 18](#)

Passports and travel documents - [page 21](#)

Studying in the UK, the EU and Gibraltar - [page 23](#)

The non-commercial movement of pet animals - [page 26](#)

Crossing the border with goods intended for personal consumption - [page 28](#)

European health insurance cards and healthcare - [page 31](#)

Mobile roaming - [page 33](#)

Driving in Spain and in Europe - [page 35](#)

Preparing for the possibility of a “Non-Negotiated Outcome”



Gibraltar is no longer part of the EU. On 31 December 2020, the Transition Period under the EU-UK Withdrawal Agreement came to an end. The end of the Transition Period brought a conclusion the position prior to 1 January 2021 whereby Gibraltar, its citizens and its businesses, enjoyed EU rights and benefits that accrued from the terms of the UK and Gibraltar’s membership of the EU.

The public will also be aware that, on 31 December 2020, the UK, together with Gibraltar, and Spain agreed a framework for a UK-EU legal instrument to govern Gibraltar’s future relationship with the EU. This framework set out a political understanding. It is not a legal agreement.

However, it was not until 5 October 2021 that the EU Commission received its negotiating mandate from the European Council authorising the start of negotiations. The UK and Gibraltar made it clear at the time that the mandate did not follow the framework agreed with Spain in certain important respects and that it may not be possible to arrive at a treaty on the basis of that mandate.

On 11 October 2021, the UK, together with Gibraltar, started formal negotiations with the EU in order to establish whether it was possible to secure

a legally binding international treaty.

Five formal rounds of negotiations have taken place so far, with further rounds programmed to take place in the first quarter of 2022. A technical team from the EU Commission visited the Gibraltar and Spanish sides of the border on 18-19 January 2022 as part of this process.

Negotiations have taken place in a constructive and cooperative atmosphere and, whilst progress has been made, discussions need to resume in order for the parties to attempt to resolve the complex issues which remain outstanding.

Until this treaty is negotiated and until it enters into force Gibraltar will be treated as a third-country with respect to the EU for all intents and purposes. However, the full effect of this is currently tempered by a number of time-limited bridging measures which govern Gibraltar's relationship with Spain in specific areas.

The Government remains committed to the framework agreement concluded together with the United Kingdom and Spain as the way forward. However, since the UK or Gibraltar would never accept an agreement which would sacrifice fundamentals or put Gibraltar's future prosperity in jeopardy, we must also be ready to walk away.

Therefore we must plan for an agreement and for no agreement at the same time.

This means that we all have a duty to prepare Gibraltar for the possibility of a "Non-Negotiated Outcome" (or "NNO").



The Chief Minister
The Hon Fabian Picardo QC MP



The Deputy Chief Minister
The Hon Dr Joseph Garcia CMG MP

Purpose

The purpose of this Notice is to remind the public, and further update the public, on steps which the Government has taken to prepare for a NNO. This document, which focuses specifically on issues affecting citizens, will refer the public to previous Technical Notices issued in relation to a broad range of areas which have been, or will be, affected by the UK and Gibraltar's withdrawal from the EU.

It is of fundamental importance for citizens, on the basis of the guidance provided, to prepare themselves for the possibility of NNO. This will mitigate the consequences of not being able to agree a treaty to the greatest extent possible. **It will clearly be impossible to mitigate those effects completely because in many cases the new situation will simply reflect life outside the EU.**

In many areas, given that an agreement with the EU is not yet in place, Gibraltar has already adapted to this new situation and is already operating in the legal framework which would apply in a NNO.



The movement of persons

The Government has maintained, throughout the Brexit process which commenced over five years ago, that the impact of EU exit would be most felt at the land border between Gibraltar and Spain. It is for this reason that chief amongst the Government's priorities in the negotiations is to conclude an arrangement which would enhance fluidity to the maximum extent possible for all persons crossing the land border.

In a NNO situation, this arrangement would not be secured. Therefore, in a NNO, the parties would revert to the default position (i) under EU law with respect to controls on persons entering Spain from Gibraltar and persons exiting Spain into Gibraltar; and (ii) under Gibraltar law with respect to controls on persons entering Gibraltar from Spain and exiting Gibraltar into Spain.

With respect to the above, in a Technical Notice published on 18 September 2020 (page 14), the Government advised the public on the legal and practical effect of a NNO on the movement of persons across the border. For further details, the public should refer to that Technical Notice.

The Government would reiterate, for the purposes of this Notice, that because of the systematic and thorough nature of the controls which would need to be carried out on all persons crossing in or out of the Schengen Area, long border delays are to be expected. These delays will be worse during peak crossing times.

The new controls would include the systematic stamping of passports, checks with respect to the number of days being spent in the Schengen area and enquiries which could lead to deeper interrogation by border guards. This is the position at all the external borders of the Schengen zone.

In this eventuality, it is important for the thousands of persons who cross the border on a daily or almost daily basis to factor in these expected delays in their day to day planning. This could have a detrimental impact on, for example, your ability to get to work, your ability to mind for children or your ability to interact with the opposite side of the border in the way that you have become used to interacting until this point.

Frontier workers who live in Spain and work in Gibraltar are encouraged to discuss any anticipated difficulties with employers in advance so that the effect of any delays can be mitigated to the maximum extent possible. This could involve structuring shift patterns in order to avoid peak crossing times.

In the event of a NNO the Government will require every frontier worker to comply with equivalent requirements to those imposed on Gibraltar residents to cross to Spain. This is the principle of 'reciprocity' which is commonly accepted in international relations.

As a result, cross frontier workers who are not covered by the Withdrawal Agreement should ensure they have passports available for inspection on entry into Gibraltar. Those who are covered by the Withdrawal Agreement will have to demonstrate this through the daily provision of valid travel and identity documents also.

In Gibraltar, the Government and the Royal Gibraltar Police have long had in place detailed traffic management plans, and the objective to potentially improve border infrastructure in the event of a NNO. However, such plans can obviously only have a mitigating effect on the Gibraltar side of the border.

In Spain, the Spanish Government would need to determine how it implements its obligations under EU law. This includes the option to amplify facilities or streamline traffic flows in order to reduce delays to the maximum extent possible. These matters are obviously outside the control of the Gibraltar Government.

In addition to the above, citizens are also asked to factor in restrictions with respect to the amount of time that UK nationals resident in Gibraltar (including British Gibraltarians), are able to spend in the Schengen Area. This applies to all third-country nationals and is limited to 90 days in any 180-day period.

It is precisely for the purposes of applying these rules that all passports of British Gibraltarians and other UK nationals resident will need to be systematically stamped. In this context, it should be noted that any time spent in the Schengen Area (whether this includes an overnight stay or not) is counted for the purposes of these rules. This requirement will mean that you will not be able to cross the border on a daily or an almost daily basis.

A logical consequence of this, for owners of property in Spain, is that you may not be able to spend as much time in a holiday home in Spain as you may have become used to. Therefore, British Gibraltarians and other residents of Gibraltar who are not EU citizens, particularly those who cross the border frequently, would be advised to use the EU Commission's online calculator to plan stays in Spain and the rest of the Schengen Area.

The Government's Technical Notice referred to above includes further information on how these rules are applied.



British Citizens who are nonetheless planning to stay longer than 90 days in a rolling 180-day period will need permission from the relevant EU Member State. This may require applying for a visa and/or permit. In respect of Spain, details of the procedure for extending stays past 90 days, for exceptional reasons, including for medical treatment, can be found at:

<http://extranjeros.inclusion.gob.es/es/InformacionInteres/InformacionProcedimientos/Ciudadanosnocomunitarios/hoja039/index.html>

Finally, the public is reminded of requirements with respect to passports and travel documents. These were explained in the Government's Technical Notice published on 28 September 2020 (page 21). In particular, the public is reminded that in a NNO, as is the case today, the Gibraltar ID card will not be recognised as a travel document.

PASSPORTS

When travelling to Schengen area countries, including Spain, British passport holders, including holders of passports issued by Gibraltar, are considered third country nationals under the Schengen Border Code.

You will be required to use your passport to travel and will no longer be able to use your ID card. You will need to have at least 6 months left on your passport from the date you need to use it. This applies to adult and child passports.

If you renewed a passport before it expired, up to 9 extra months may have been added to your new passport's expiry date. Any extra months on your passport over 10 years may not count towards the 6 months that should be remaining for travel to most countries in Europe.

Passport holders should check the entry requirements for other countries that are in the EU but not in the Schengen area.





The movement of goods

The Government's Technical Notice published on 21 September 2020 (page 18) explained that Gibraltar, unlike the UK, never formed part of the EU Customs Union. Gibraltar was therefore already treated as a third country for the purposes of all trade in goods with the EU. This was the position prior to 1 January 2021 and it has been the position since then.

Generally, the only change which has affected the importation of goods into Gibraltar has concerned UK products of animal origin. These products have, since 1 January 2021, had to be cleared at the Algeciras Border Control Post in respect of those products coming from the UK in transit via the customs territory of the EU.

Upon clearance, consignments make their way to Gibraltar by ferry. Those trucks are unloaded with the assistance of new port infrastructure and facilities which were constructed as part of the planning for a NNO. The service provided by the ferry is now privately funded by those companies which make use of it.

The public would have noticed that, during the course of 2021, as supermarkets became accustomed to new rules and logistics, there were shortages of those UK products in Gibraltar. These issues not only affected Gibraltar supermarkets but EU supermarkets offering UK products across Europe as well. However, as capabilities have improved and volumes of stock have increased, the Government expects such businesses to continue to adapt to the new situation.

Gibraltar is effectively already operating in a NNO with respect to these matters. Therefore, the Government does not anticipate any further changes to these procedures in the event that an agreement with the EU is not reached.

Finally, citizens have also been advised on (i) restrictions with respect to the carrying of products of animal origin across the border that are for personal consumption (see Technical Notice published on 9 November 2020 page 28); and (ii) matters concerning the non-commercial movement of pet animals and pet passports (see Technical Notice published on 2 November 2020 page 26).

The advice issued in these Notices reflects the position as applicable since 1 January 2021 and, again, this should not change in a NNO.



GET READY

Cross-border healthcare

It is important to recall that, at the moment, for the vast majority of Gibraltar residents, access to free medically necessary healthcare while in an EU Member State is only available in Spain.

In its Technical Notice of 18 November 2020 (page 31) the Government explained the changes that would come about as a result of Gibraltar no longer forming part of the EHIC regime.

Therefore, in order to cover your medical fees in the event of an accident or in the event that you require unexpected medical treatment in an EU Member State other than Spain, you should ensure that you have adequate private medical insurance.

The public should note, in respect to Spain in particular, that temporary healthcare arrangements, unilaterally provided by Spain under the Spanish Real Decreto-ley of 29 December 2020 (as extended) and reciprocated in Gibraltar are set to expire on 30 June 2022.

There is a possibility that these arrangements will not be extended in a NNO. Therefore, in a NNO, you may also need to have in place adequate private medical insurance in order to have your medical fees covered in the event that you need to access medical treatment whilst in Spain.



Driving in Spain and the EU

In a NNO, and as a result of bilateral arrangements and the application of international conventions, Gibraltar driving licences will be recognised in Spain and across Europe (other than in Croatia, Cyprus and Italy) as they were prior to 31 December 2020 and as they have been since 1 January 2021 without the need for an international driving permit.

The UK Government remains engaged with the remaining countries listed above to ensure that, in relation to those countries, recognition arrangements covering Gibraltar driving licences are secured moving forward.

If you reside in an EU Member State, or in Norway, Liechtenstein, Iceland or Switzerland, and you drive there on the basis of your Gibraltar driving licence, the Government has previously advised that you should check the position in your country of residence as you may need to exchange your driving licence for one issued in your country of residence.

With respect to Gibraltar driving licence holders who are legally resident in Spain, the Spanish authorities will continue to recognise your Gibraltar driving licence until 28 February 2022. This grace period should allow for the negotiation of an arrangement on the automatic exchange of driving licences which should cover licences issued in the UK as well as Gibraltar and the Crown Dependencies.

You need not concern yourself with arrangements relating to exchange of driving licences if you reside in Gibraltar.

The public is also reminded of the position in relation to the use of GBZ stickers.

Further information on all these matters can be sought from the Government's Technical Notice published on 15 June 2021 ([page 35](#)). It should be noted that, since the date on which the Notice referred to was published, driving licence recognition arrangements with France have also been agreed.



Social security coordination, workers' rights and the recognition of professional qualifications

A reciprocal regime generally applies to those persons exercising EU rights on 31 December 2020 and who have exercised such rights thereafter.

Coordination on matters related to social security also continues on the basis of EU law as between the UK and Gibraltar on the one hand, and the EU Member States on the other hand, for persons covered by the EU-UK Withdrawal Agreement under the terms of that agreement.

It should be noted that persons not covered by the EU-UK Withdrawal Agreement, such as new entrants to the Gibraltar job market who took up employment in Gibraltar after 31 December 2020, continue to enjoy certain rights in Gibraltar. This is not through the application of the EU-UK Withdrawal Agreement but through Gibraltar legislation set pursuant to Government policy.

The same applies with respect to current Gibraltar legislation, applied on a unilateral basis, providing for the recognition of professional qualifications obtained in an EU Member State.

The Government has the flexibility to amend this legislation, as it applies to persons not covered by the EU-UK Withdrawal Agreement, at any point in time. The Government could decide to review this policy – for example in the event of a NNO – particularly in a scenario where EU Member States do not provide Gibraltar residents with treatment that is equivalent to that which would be enjoyed by their nationals in Gibraltar.

Separately, and as has been the case since 1 January 2021, in a NNO, residents of Gibraltar seeking to live or work in an EU Member State should check the immigration and social security rules applicable in the EU Member State concerned.



Students

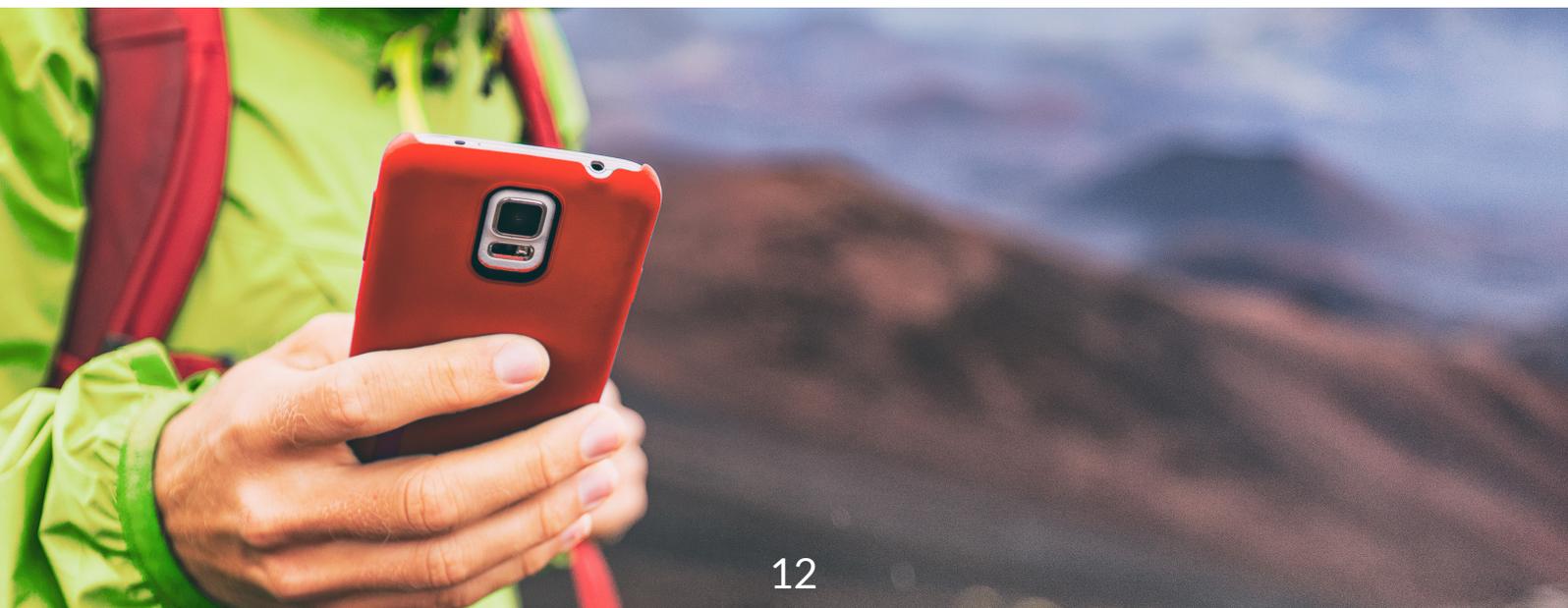
Students are referred to the Government's Technical Notice published on 13 October 2020 (page 23).

It is relevant to recall that since 1 January 2021, there have been no changes for British Gibraltarians studying in UK universities. This is expected to remain the case whether or not there is a NNO. However, British Gibraltar students looking to study in EU universities, including during a year abroad, should check the immigration requirements (including residency and visa rules) of the country in which they plan to study.



Mobile roaming

As stated in the Government's Technical Notice of 25 November 2020 (page 33), Gibtelecom customers have, since 1 January 2021, been able to continue to enjoy surcharge-free roaming when travelling in Europe. These arrangements will not be affected by a NNO. In the event that this position changes in the future, Gibtelecom have informed the Government that they will provide their customers with advance warning.



Additional Information

The Technical Notices which follow were issued in 2020 and 2021.

They are included here again for ease of reference.

Technical Notices:

The movement of people across the land border
between Gibraltar and Spain - [page 14](#)

Trade in goods - [page 18](#)

Passports and travel documents - [page 21](#)

Studying in the UK, the EU and Gibraltar - [page 23](#)

The non-commercial movement of pet animals - [page 26](#)

Crossing the border with goods intended for
personal consumption - [page 28](#)

European health insurance cards and healthcare - [page 31](#)

Mobile roaming - [page 33](#)

Driving in Spain and in Europe - [page 35](#)

More information is available on the “Brexit” section of the

Gibraltar Government website:

www.gibraltar.gov.gi

or email

brexit@gibraltar.gov.gi

Technical Notice (1)

Getting ready for the end of the Transition Period

The movement of people across the land border between Gibraltar and Spain

On 31 December 2020, the Transition Period (sometimes also referred to as the “Implementation Period”) under the EU-UK Withdrawal Agreement came 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 persons across the land border between Gibraltar and Spain in a scenario where there is no negotiated outcome in place with respect to Gibraltar’s future relationship with the EU by 31 December 2020.

Existing Position

Gibraltar, like the UK, is currently not a part of the Schengen Area. Therefore, the border between Gibraltar and Spain is treated as an external border of the Schengen Area for the purposes of the Schengen Border Code (Regulation (EU) 2016/399) (the “Code”). The Code sets out different rules for (1) persons enjoying the right of free movement under EU law (“EU Citizens”) and (2) third-country nationals; with respect to entry conditions and border checks on exit and entry to and from the Schengen Area which includes Spain.

Currently, the overwhelming majority of persons who cross the land border in either direction are EU citizens. That is the case with respect to residents of Gibraltar, residents of the neighbouring area of Spain, frontier workers and indeed many of the tourists who visit Gibraltar.

Entry conditions

In terms of entry conditions into Spain, and thereby the rest of the Schengen Area, EU citizens are broadly not subject to any condition other than the requirement to be in possession of a valid identity card or passport. The position is different in relation to third-country nationals who are in turn required to satisfy the entry conditions stipulated in the Code (discussed further below).

In terms of entry conditions into Gibraltar, this is a matter for HMGoG subject to the requirements of EU law. In essence, EU citizens can enter Gibraltar on the production of a valid identity card or passport. Third-country nationals are subject to such further requirements (e.g. visa requirements) as may apply depending on the country of nationality.

Border checks

With respect to border checks, the default position under the Code obliges Member State authorities to carry out “systematic checks” on EU citizens and “thorough checks” on third-country nationals. With respect to both categories of persons, these checks are to be conducted both on entry and exit.

In addition to the immigration controls summarised above, Spanish Authorities conduct customs controls on persons crossing the border by virtue of the fact that Gibraltar is outside of the Customs Union.

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

Since Gibraltar has never been part of the Schengen Area, 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 border controls on entry and exit to and from Spain.

Likewise, if there is no negotiated solution in place by 31 December 2020, there should be no change to the nature of the customs controls that Spanish Authorities can carry out on all persons irrespective of nationality.

However, what would change is that, as from 1 January 2021, all UK nationals will lose their status as EU Citizens. This means that when crossing the border, UK nationals would be subjected to the Code’s rules as applicable to all other third-country nationals and not EU Citizens as is the case today. Note that whenever “UK nationals” are mentioned in this document that includes British Gibraltarians. What does this mean?

Entry conditions

In practice, losing EU citizenship would mean that UK nationals would have to satisfy the entry conditions that the Code places on third-country nationals in order to enter Spain and thereby the rest of the Schengen Area. These are broadly as follows:

- a. With respect to visa requirements, it is likely that, even in a scenario where there is no future deal, reciprocal arrangements will be put in place between the UK and the EU providing for visa-free travel. These arrangements would mean that UK nationals would not have to obtain a visa in order to enter Spain. HMGoG will confirm the position definitively once those arrangements are agreed as expected.
- b. Separately, the Code sets limitations with regard to the amount of time that a third-country national can remain in the Schengen Area – namely 90 days in any 180 day period. **For these purposes, passports enabling third-country nationals, including UK nationals, to cross the border will be stamped.** In order to plan stays in Spain (or the rest of the Schengen Area), third-country nationals can use the European Commission’s online calculator to assist.² It is

1. The EU’s new Entry/Exit System (established under Regulation (EU) 2017/2225), which is not yet ready to start operations, will eventually replace the current system of manually stamping passports with electronic systems.

2. https://ec.europa.eu/home-affairs/content/visa-calculator_en

- c. important to bear in mind that the reference to “any” 180 day period implies the application of a moving 180 day reference period looking backwards at each day of stay in the previous 180 days. For this reason, if you visit Spain very frequently, or if you have a second home in Spain at which you stay on weekends or for extended periods of time, HMGoG would recommend that you become acquainted with these rules. Spanish Authorities may also, as is the position currently with respect to any other third-country nationals, make enquiries at the border in order to verify that those crossing can justify the purpose and conditions of the intended stay in the Schengen Area and that they have sufficient means of subsistence.
- d. In future, UK nationals and all other third-country nationals would also be required to be in possession of travel authorisations granted under the EU’s ETIAS system which is yet to commence operations. The European Commission has estimated that ETIAS will become operational in 2022. Travel authorisations are valid for 3 years on payment of a 7 EUR fee.

In terms of entry conditions into Gibraltar, this will continue to be a matter for HMGoG

Border checks

With regard to border checks, UK nationals and all other third-country nationals would have to undergo “thorough checks” in accordance with the provisions of the Code both on entry into and exit from Spain. These checks will include checks on all UK nationals crossing the border to:

- a. Verify the identity and nationality of the person crossing the border and the authenticity and validity of the travel document used for crossing the border;
- b. Verify that the entry conditions listed above have been satisfied; and
- c. Verify that the person intending to cross the border is not a security risk.

This will involve the scanning of travel documents as against EU databases including the Schengen Information System and other security databases.

Derogations

It would be open to the Spanish Authorities, at their discretion, to apply some limited derogations contained within the Code which would allow for the border to be operated in the best possible manner. In particular, the Code allows for derogations from its rules for persons who are regular cross-border commuters. This, however, is a matter that is in Spain’s discretion.

Implications

It is clear that if HMGoG is unable to agree a negotiated solution to the future operation of the land border this would have a severely detrimental effect on border fluidity. In this worst case scenario, citizens should prepare for the long delays which will become inevitable when crossing the border in either direction. This is well-known and it is something which HMGoG has warned of throughout the Brexit process. Indeed all parties, including the current Spanish Government, recognise the importance of avoiding the worst effects of the above by safeguarding fluidity at the border for the benefit of all residents of the area and for the benefit

of the shared prosperity of the region.

HMGoG remains engaged in constructive discussions with all parties concerned in order to reach a permanent solution which would be of critical importance to Gibraltar and the Campo de Gibraltar. In this context, one of the solutions being explored is the possibility of Gibraltar becoming associated with the Schengen Area in a manner which would not cross red lines on sovereignty, jurisdiction or control. HMGoG remains confident that a pragmatic and sensible arrangement can and will be found. Nevertheless, in the event that negotiations break down, it is important to underline that the default position which would apply on 1 January 2021 would be that as outlined in this Notice.

Further information

This Notice is meant for guidance only.

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

Technical Notice (2)

Getting ready for the end of the Transition Period

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 procedures.²

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 lists)³ 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 measures.⁴

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

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

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.*

Published on 28 September 2020

Technical Notice (3)

Getting ready for the end of the Transition Period

Passports and Travel Documents

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 requirements with respect to passports and travel documents for travel to the Schengen Area (including Spain) after 31 December 2020.

It is important that citizens are aware of these requirements so that they can plan ahead and organise themselves. The Government can only prepare in areas that are within its control. Whenever a reference is made in this document to UK nationals that reference shall be deemed to include British Gibraltarians.

Existing Position

As EU citizens, UK nationals have had the right to enter the territory of EU Member States with a passport or valid identity card. Since identity cards issued to British Gibraltarians (the red ID card) is recognised as a valid travel document within the EU,

British Gibraltarians have to date been able to enter the territory of EU Member States on the production of this card. This will continue to be the case up to 31 December 2020.

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

After 31 December 2020, UK nationals (including British Gibraltarians) will no longer be treated as EU citizens. As third-country nationals, UK nationals residing in Gibraltar will need to satisfy different conditions for entry into the Schengen Area. With respect to travel documents and other documentation, these conditions are the following:

1. UK nationals must be in possession of a valid passport. For the passport to be valid, the passport must, on the day of travel, have at least 6 months left and be less than 10 years old (even if it has 6 months or more left). The public is advised to use the service provided on the following UK Government website to check if you need to renew your passport before travelling to the Schengen Area as from 1 January 2021:
<https://www.gov.uk/check-a-passport-travel-europe-1-january-2021>.
2. As from 1 January 2021, it may no longer be possible for British Gibraltarians to travel to the Schengen Area with their Gibraltar identity card alone. For this reason, British Gibraltarians are advised to ensure that they are in possession of a valid passport if they

intend to travel to the Schengen Area after 31 December 2020.

3. As explained in Technical Notice (1) published on 17 September 2020, it is likely that, even in a scenario where there is no future deal, reciprocal arrangements will be put in place between the UK and the EU providing for visa-free travel. These arrangements would mean that UK nationals would not have to obtain a visa in order to enter the EU (including Spain). HMGoG will confirm the position definitively once those arrangements are agreed as expected.
4. As explained in Technical Notice (1), in future UK nationals and all other third- country nationals would be required to be in possession of travel authorisations granted under the EU's ETIAS system which is yet to commence operations. The European Commission has estimated that ETIAS will become operational in 2022. Travel authorisations are valid for 3 years on payment of a 7 EUR fee.
5. As explained in Technical Notice (1), as from 1 January 2021 EU Member State border authorities (including the Spanish Authorities) may make enquiries at the border in order to verify that third-country nationals (including UK nationals) can justify the purpose and conditions of the intended stay in the Schengen Area and that they have sufficient means of subsistence for the duration of the intended stay. In case such enquiries are made, UK nationals should be prepared to be able to prove the above by, for example, being able to produce booking confirmations with respect to accommodation or being able to demonstrate that they are in possession of sufficient cash or of a valid credit card.

Implications and Mitigation

In light of these new requirements, the public is advised to check that they are in possession of the above-mentioned documents if they intend to travel to the Schengen Area after 31 December 2020. For example, if passports need to be renewed, the public is advised to take steps to renew those passports as soon as possible so as to allow for new, valid passports to be produced ahead of 31 December 2020.

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

It is clear that the process of crossing the external borders of the Schengen Area (including the land border between Gibraltar and Spain) can become far more cumbersome for UK nationals as third-country nationals in the absence of an agreement. As stated previously, all parties, including the current Spanish Government, recognise the importance of avoiding the worst effects of the above by safeguarding fluidity at the border for the benefit of all residents of the area and for the benefit of the shared prosperity of the region. With this in mind, HMGoG remains engaged in constructive discussions with all parties concerned in order to reach permanent solutions. Such solutions

could inter alia provide for persons residing in Gibraltar to be exempt from having to produce the documentation outlined in this Technical Notice when crossing the border and for the continued recognition of the Gibraltar identity card as a valid travel document.

Further information

This Notice is meant for guidance only.

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

Published on 13 October 2020

Technical Notice (5)

Getting ready for the end of the Transition Period

Studying in the UK, the EU and Gibraltar

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 students currently enrolled in higher education programmes, or looking to enrol in higher education programmes after 31 December 2020, in the UK, the EU or Gibraltar.

Existing Position

Gibraltarian students studying in the UK have a right to reside in the UK by virtue of their UK nationality. Other EU citizens have a right to reside in the UK pursuant to EU rules on the free movement of persons.

EU citizens studying in Gibraltar have a right to reside in Gibraltar in accordance with the same EU rules. EU law also prevents discrimination on the basis of nationality. Therefore, Gibraltarians and other EU citizens studying in the UK have the same rights as UK home students. As such, Gibraltarian students and EU students pay the same fees as UK home students. The same applies to UK students or students of other EU nationalities studying in Gibraltar.

Specific advice for students currently studying in the UK or the EU or for students who are about to enrol on higher education programmes in either the UK or the EU starting in the 20/21 academic year.

UK nationals studying in the UK

After 31 December 2020, UK nationals (including Gibraltarians) studying in the UK will continue to have a right to reside in the UK by virtue of their UK nationality. Tuition fees paid with respect to the 20/21 academic year will not change.

EU citizens, recipients of HMGoG Scholarships, studying in the UK

After 31 December 2020, EU citizens studying in the UK will become third-country nationals vis-à-vis the UK. However, those currently in the UK, or those going to the UK before 31 December 2020, will be covered by the personal scope of the EU-UK Withdrawal Agreement. EU citizens who are recipients of HMGoG Scholarships and are currently studying in the UK will therefore have to apply to the UK’s EU Settlement Scheme to be able to continue to live in

the UK. Further information on this can be sought from the UK Government's guidance which can be accessed here: "Studying in the UK: guidance for EU students" www.gov.uk/guidance/studying-in-the-uk-guidance-for-eu-students.

UK nationals, recipients of HMGoG Scholarships, studying in the EU

The limited number of UK nationals (including Gibraltarians) currently studying in the EU who are recipients of HMGoG Scholarships, or those going to study in an EU Member State ahead of 31 December 2020 who are recipients of HMGoG Scholarship, will also be covered by the personal scope of the EU-UK Withdrawal Agreement.

In order to be able to live, or continue to live in the EU Member State concerned after 31 December 2020, students may need to take proactive steps now to establish their residence status. Individual EU Member States have adopted different procedures with respect to the above and students are encouraged to check the position in their EU Member State of residence as soon as possible. If students require assistance this can be sought from the UK Embassy in the relevant EU Member State. With respect to tuition fees, and since these may change as from the 21/22 academic year for students studying in EU universities, potentially affected students have been asked by HMGoG to provide written confirmation of their fee schedule for their entire programme as a pre-condition to funding being made available.

Specific advice for students currently studying at the University of Gibraltar or for students who are about to enrol on higher education programmes with the University of Gibraltar starting in the 20/21 academic year.

HMGoG will legislate for all foreign students, irrespective of nationality, currently studying at the University of Gibraltar to be able to continue to reside in Gibraltar. With respect to courses started prior to 31 December 2020, the University of Gibraltar will honour the tuition fees quoted at the commencement of the course notwithstanding that courses may end in academic years extending beyond 20/21.

Specific advice for students planning to enrol on higher education programmes in either the UK or the EU after 31 December 2020 in case there is no agreement with respect to UK and Gibraltar's future relationship with the EU by 31 December 2020.

UK nationals intending to study in the UK

After 31 December 2020, UK nationals (including Gibraltarians) studying in the UK will continue to have a right to reside in the UK by virtue of their UK nationality. With respect to tuition fees, it should be recalled that, following the HMGoG-UK Joint Ministerial Council of 8 March 2018, the UK Government announced that all British Citizens resident in Gibraltar would continue to be eligible for higher education home fee status at English Institutions after 31 December 2020.

HMGoG is pursuing similar tuition fee arrangements with the Governments of Scotland, Wales and Northern Ireland for those looking to study in Scottish, Welsh or Northern Irish institutions.

These arrangements will not cover EU citizens resident in Gibraltar.

UK nationals, who intend to apply for HMGoG Scholarships, for the purposes of an intention to study in the EU in future

In case there is no future agreement between the UK and the EU covering the mobility of

students post-31 December 2020, UK nationals (including Gibraltarians) intending to study in an EU Member State in a programme commencing after 31 December 2020 will need to check immigration and residency requirements prior to their arrival in the EU Member State where they intend to study.

With respect to funding for students intending to study in an EU Member State in future, HMGoG has taken a policy decision to cap scholarship grants at the rate of the equivalent entitlement for students proposing to study in the UK. Exemptions will be made for Medical Degrees and other programmes on a case by case basis depending on the circumstances.

Foreign students intending to study at the University of Gibraltar in future

Even in a case where there is no future agreement between the UK and the EU covering the mobility of students post-31 December 2020, HMGoG will legislate for all foreign students, irrespective of nationality, to be able to reside in Gibraltar. With respect to tuition fees, the University will, at least in the short to medium term and depending on commercial considerations going forwards, apply the same tuition fees to EU nationals as compared to UK nationals.

Implications and Mitigation

Students (and prospective students) are advised to consider the information in this Technical Notice in detail so that they can plan ahead and make necessary arrangements for every eventuality concerning their studies.

Specific advice for students planning to enrol on higher education programmes in either the UK or the EU after 31 December 2020 if there is an agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020.

UK nationals intending to study in the UK in future.

With respect to UK nationals (including Gibraltarians) intending to study in the UK after 31 December 2020, the guidance outlined above with respect to the position that would apply in case there is no UK-EU Agreement would apply in case there is a UK- EU Agreement. Nothing contained in any future UK-EU Agreement would have an effect on arrangements made between the UK and Gibraltar on matters that are relevant to this Technical Notice.

Students intending to study in the UK, the EU or Gibraltar in future

It is possible that a future UK-EU Agreement may contain provisions facilitating the mobility of students. The public is aware that negotiations with respect to the above are ongoing. HMGoG will publish further guidance with respect to the implications of any future UK-EU Agreement on higher education if and when an agreement is reached.

Since HMGoG intends to continue to attract EU students to Gibraltar, it is possible that, even in case of an EU-UK Agreement, domestic Gibraltar legislation may unilaterally improve on the content of those potential arrangements.

Further information

This Notice is meant for guidance only.

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

Published on 2nd November 2020

Technical Notice (8)

Getting ready for the end of the Transition Period

The Non-Commercial Movement of Pet Animals.

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 non-commercial movement of pet animals from Gibraltar to Spain and to the EU.

Existing position

EU law regulates animal health requirements applicable to the non-commercial movement of pet animals into an EU Member State from third countries and sets rules with respect to the checks applicable to such movement. Notwithstanding that EU law will continue to apply to Gibraltar until 31 December 2020 it is important to highlight that, in the context of this particular strand of EU law, Gibraltar has always been treated as a third country. It is for this reason that Gibraltar is listed, in Part 1 of Annex II to Implementing Regulation (EU) No. 577/2013, as a third country referred to in Article 13(1) of Regulation (EU) No. 576/2013.

The significance of Gibraltar already being listed as such confirms that the EU considers Gibraltar to be of low-risk for the purposes of the non-commercial movement of pet animals. This is because the EU is satisfied that Gibraltar applies, by way of domestic legislation, rules which are equivalent, in terms of content and effect, to EU rules in this area. The end of the Transition Period will not have an effect on Gibraltar’s status under these EU measures and the guidance issued in this Notice would not change in case there is an agreement on Gibraltar’s future relationship with the EU.

What does this mean in practice?

The upshot of the above is that there should be no change, as from 1 January 2021, to the controls carried out on pet animals when they cross the land border into Spain and the EU.

Therefore:

1. Pet animals entering Spain from Gibraltar during a non-commercial movement will continue to be exempted from official controls at Border Control Posts. This means that owners will continue to be able to introduce their pets to Spain via the land border at La Linea de la Concepcion.
2. As usual, owners of dogs, cats or ferrets may be asked, at the request of the Spanish authorities at the border, to present relevant identification documents (referred to in this document as “Pet Passports”) and make pets available for those checks.

The above is subject to the usual conditions applicable to the non-commercial movement of pet animals from Gibraltar into Spain. These are the following:

1. Pet animals should be marked by the implantation of a responder or by a clearly readable tattoo applied before 3 July 2011;
2. Pet animals should have received an anti-rabies vaccination that complies with the usual validity requirements;
3. Pet animals should comply with any specific preventive health measures for diseases or infections other than rabies adopted by the Commission from time to time;
4. Pet animals should be accompanied by a valid Pet Passport duly completed and issued by a veterinarian; and
5. The maximum number of pet animals which may accompany the owner cannot exceed five during a single non-commercial movement unless documentary evidence can be provided substantiating that the purpose of the movement is for participation in competitions, exhibitions or sporting events or in training for such events.

Pet Passports

As part of the EU, Pet Passports issued by veterinarians in Gibraltar have thus far complied with the model of passports issued in EU Member States. Ahead of 31 December 2020, HMGoG has made arrangements for veterinarians in Gibraltar to start issuing Pet Passports, which will continue to be valid under EU law, but will be in accordance with the model of passports which will reflect Gibraltar’s status as a listed third-country. The changes to the model of passport are largely cosmetic and will mainly affect the front cover which will no longer display the EU Flag or state “European Union”.

Pet owners, who intend to cross into Spain and to the EU with their pet animals as from 1 January 2021, are encouraged to make arrangements to obtain new passports to avoid any problems at the border as of that date.

Local veterinarians will start accepting applications for new pet passports as from 9 November 2020. Subject to applications being made prior to 31 December 2020, and subject to the application being in relation to the renewal of a passport already issued under the current format, passports will be issued free of charge. The initial charge for new Pet Passports (as opposed to renewals) will be £ 20.

Further information.

This Notice is meant for guidance only.

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

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.

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 goods¹ 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;

1. Further particulars with respect to these products can be found in Annex I of Commission Delegated Regulation (EU) 2017/625.

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 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;
2. Chocolate and confectionery (including sweets) containing less than 50% of processed dairy and egg products²
3. Food supplements packaged for the final consumer containing small amounts (in total less than 20%) of processed animal products (including glucosamine, chondroitin or chitosan, or both chondroitin and chitosan) other than meat products³;
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 products⁴; and
6. Soup stocks and flavourings packaged for the final consumer containing less than 50% of fish oils, fish powders or fish extracts.⁵

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

2. *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.*

3. *As above.* 4. *As above* 5. *As above*

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.

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.

Technical Notice (12)

Getting ready for the end of the Transition Period

European Health Insurance Cards and Healthcare

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 your ability to access emergency healthcare in the EU on the basis of your European Health Insurance Card and other matters related to healthcare.

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.

If there is no agreement with respect to the UK and Gibraltar’s future relationship with the EU before 31 December 2020.

Emergency Healthcare in the EU

If there is no agreement to the contrary, European Health Insurance Cards issued in Gibraltar will, as from 1 January 2021, no longer be valid in EU Member States (including Spain) for the purposes of accessing state-provided healthcare (including emergency healthcare) during a temporary stay in the EU.

Therefore, after 31 December 2020, you may not have access to free medical treatment in the EU and you could be charged for your healthcare if you do not have health cover with your travel insurance.

In this scenario, the public is advised to ensure that, as from 1 January 2021, they have appropriate travel insurance with medical cover for any trip abroad to the European Union, including trips to Spain.

Planned Treatment in the EU

The default position, as from 1 January 2021, is that you may no longer be able to access GHA-funded healthcare in EU Member States on the basis of EU legislation establishing the “S2 Route” (where there were direct funding arrangements between the GHA and the relevant EU Member State) or the “EU Directive Route” (where you could apply to the GHA for reimbursement with respect to healthcare received in EU Member States).

In light of the above, the GHA has secured individual arrangements with certain Spanish private healthcare providers to allow for the continued referral of Gibraltar patients to such hospitals to receive planned treatment where necessary.

Emergency Healthcare and Planned Treatment in the UK

With regard to the position in the UK, it should be recalled that, following the HMGoG- UK Joint Ministerial Council of 8 March 2018, the UK Government announced that it would maintain the current reciprocal healthcare arrangements between the UK and Gibraltar. Therefore, post-31 December 2020, Gibraltar will be able to continue to refer patients to the UK for elective treatment and residents of Gibraltar will be able to access UK state-provided healthcare (including emergency healthcare) during a temporary stay in the UK.

If there is an agreement with respect to the UK and Gibraltar’s future relationship with the EU before 31 December 2020

It is likely that, in the event of an agreement on the future relationship with the EU, matters with respect to healthcare will be touched upon. However, negotiations with regard to the UK and Gibraltar’s future relationship with the EU are ongoing and, at this stage, it cannot be guaranteed that agreements will be reached before 31 December 2020.

In any event, the arrangements between Gibraltar and the UK described above will remain unchanged regardless of what the future relationship with the EU will be.

Further information

This Notice is meant for guidance only.

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

Technical Notice (13)

Getting ready for the end of the Transition Period

Mobile Roaming

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 in relation to roaming on public mobile communications networks established in the EU, Norway, Iceland and Liechtenstein (collectively referred to as the “EU and the EEA”).

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

If there is no agreement with respect to the UK and Gibraltar’s future relationship with the EU, surcharge-free roaming, which is currently guaranteed under EU law until 31 December 2020, will no longer be guaranteed as from 1 January 2021 for customers of Gibraltar mobile network providers when they travel to the EU and the EEA.

However, even though this guarantee under EU law would come to an end, Gibraltar mobile network providers would still be able to preserve or renew private, commercial arrangements with providers established in the EU or the EEA to be able to continue to offer “roam like at home” arrangements for their customers post-31 December 2020. In this context, the public should note that Gibtelecom have already confirmed that they have no current plans to change their mobile roaming policies. Moreover, because of the commercial arrangements which Gibtelecom already have in place, Gibtelecom customers should not be subject to any new charges when roaming in the EU or the EEA as from 1 January 2021. Should the position change in future, Gibtelecom will provide their customers with advance warning.

The same applies with respect to the position in the UK where Gibtelecom have similar

arrangements with UK mobile network providers.

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

Negotiations with respect to the UK and Gibraltar's future relationship with the EU are ongoing. Should an agreement be reached, it is possible that this agreement may include arrangements on mobile roaming charges. HM Government of Gibraltar remains hopeful that such an agreement can be reached and the Government is working towards ensuring that any such arrangements are extended to Gibraltar.

Further information

This Notice is meant for guidance only.

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

Published on 15 June 2021

Technical Notice (3)

Driving in Spain and in Europe

On 31 December 2020, the Transition Period under the EU-UK Withdrawal Agreement came to an end. The end of the Transition Period brought an end to the what used to be the position prior to 1 January 2021 whereby Gibraltar, its citizens and its businesses, enjoyed EU rights. The end of the Transition Period brought about important changes.

Purpose

The purpose of this Notice is to update the public on latest developments concerning the effect of those changes on the recognition of Gibraltar driving licences in Europe (including Spain) and other requirements motorists should be aware of when driving abroad.

Existing position

Driving licences

The Government has previously explained that the UK Government has been engaged in discussions with individual European countries with a view to coming to arrangements on the continued recognition of driving licences on a reciprocal basis.

As a result of these ongoing discussions, it is today the case that Gibraltar driving licences need to be accompanied by relevant International Driving Permits (“IDPs”) only in the following countries in Europe:

- Croatia (1968 IDP required);
- Cyprus (1949 IDP required);
- France (1968 IDP required);
- Italy (1968 IDP required).

The UK Government remains in discussions with the above-listed countries and further updates to this Notice will be published as and when arrangements covering Gibraltar are made.

Spain – Visitors from Gibraltar

In relation to Spain, it has now been established that motorists resident in Gibraltar who hold valid Gibraltar driving licenses will not be required to hold an IDP when driving in Spain as visitors. **This is the case today and it will be the case after 30 June 2021.**

Spain – Residents in Spain who hold Gibraltar driving licences

If you are legally resident in Spain and you hold a Gibraltar driving licence you should take steps to exchange your driving licence for a Spanish one. You are advised to complete this step prior to 1 July 2021, this being the current date on which the window permitted to exchange your driving licence expires under the terms of the Spanish Real Decreto-ley of 29 December

2020.

Number plates and GBZ stickers

There is no requirement for you to change your vehicle's number plate from an EU format to a non-EU format in order to drive your vehicle in Spain and the rest of Europe. On the other hand, and whilst this does not appear to have been the case to date, it is possible that, in future, the Spanish authorities may enforce requirements with respect to Gibraltar registered vehicles having to display GBZ stickers when being driven in Spain. **The Government would therefore advise the public to err on the side of caution and display GBZ stickers on the back of their vehicles when driving in Spain.**

Required formats for these stickers are as follows:

The dimensions of the ellipse should be at least 240mm in width and 145mm in height. The letters "GBZ" should have a minimum height of 80mm and their strokes are required to have a width of 10mm. The letters should be painted in black on a white ground of elliptical form with the major axis horizontal.

For motorcycles, the dimensions of the ellipse may be reduced to 175mm in width and 115 mm in height.

Stickers can be sought from any of the Post Office counters at 104 Main Street or from any other retailer provided they comply with the above described format.

Rules with respect to the displaying of stickers differ in other European countries. In particular, stickers are not required in all European countries. However, since it is always the case that in order to drive a Gibraltar registered vehicle from Gibraltar to another European country by land you would need to transit Spain, drivers are advised to adhere to the rules applicable in Spain. These are the rules described above.

Further information.

This Notice is meant for guidance only.

Further information can be sought from the Gibraltar DVLD: Email: dvld@gibraltar.gov.gi.

Telephone: +350 20051603.



HM Government
of Gibraltar
