



## Technical Notice (25)

### End of the Transition Period – New Arrangements

4 January 2021

#### REMINDER:

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

The Transition Period (sometimes also referred to as the “Implementation Period”) under the EU-UK Withdrawal Agreement has now come to an end. The end of the Transition Period brought an end to the status quo as it applied to Gibraltar as part of the European Union.

On 31 December 2020, HM Government of Gibraltar announced that it had reached an in principle agreement with the United Kingdom and Spain for a proposed framework for a UK-EU Agreement on Gibraltar’s future relationship with the EU. Until that Agreement is reached, and unless the Government expressly advises the public of specific transitional measures which may apply until that negotiation ends, things will not be as they were. That was the inevitable consequence of leaving the EU. The Government had warned businesses and individuals of this, and advised of the steps which could be taken to mitigate for this, through its series of Technical Notices published ahead of the end of the Transition Period.

#### **Purpose.**

The purpose of this Notice is to remind the public of the current customs regime which will be applied to citizens in possession of certain goods intended for personal consumption when crossing the land border with Spain. **This repeats the advice already published by the Government on 9 November 2020.**



### **Current Position.**

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.**

Therefore, it is no longer 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 is no longer possible to introduce these products into Spain via the land border.

The public, through the Government’s [Technical Notice \(9\)](#) of 9 November 2020, had been advised to take note of this information especially if, up to 31 December 2020, persons had 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 used such goods in the context of tourism or other leisure activities in Spain.

The public is again reminded that, notwithstanding the above, it should 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>

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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.



- (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 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.

The public is again reminded that, 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.

The Government is presently in discussions with Spain and the United Kingdom to discuss certain transitional or “bridging” measures which could be introduced whilst negotiations for an agreement on Gibraltar’s future relationship with the EU continue. As part of these discussions, it is possible that these issues with respect to goods that are intended for personal consumption or use could be tackled. However, unless there

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<sup>4</sup> As above.

<sup>5</sup> As above.



is a further update from the Government with respect to the above, the position as articulated in this Notice will apply.

**The Future EU-UK Agreement with respect to Gibraltar's Future Relationship with the EU.**

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 address the difficulties raised in this Notice on a permanent basis moving forwards.

**Further information**

This Notice is meant for guidance only.

Further information can be sought from [brexit@gibraltar.gov.gi](mailto:brexit@gibraltar.gov.gi).