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European Union Committee

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Rt Hon David Davis MP
Secretary of State for Exiting the European Union
9 Downing Street
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22 November 2017

Dear David

Brexit: Gibraltar report – Government response

Thank you for the Government response to the Committee report on *Brexit: Gibraltar*, received on 30 October. The European Union Committee considered this document at its meeting on 21 November.

You will be aware that the Committee is undertaking an inquiry into *Brexit: deal or no deal*. What assessment has the Government undertaken of the specific implications for Gibraltar of a ‘no deal’ scenario?

We would be grateful for further clarification of a number of points raised in the response. You state that you are making good progress in negotiations with the EU on citizens’ rights, “including specifically on the issue of the frontier workers who are so important to Gibraltar’s economy.” Yet the Chief Minister of Gibraltar has written to us to state that he has expressed concern to DExEU regarding the treatment of 2,500 British nationals who are frontier workers. Can you provide more details on the discussions you have had on frontier workers thus far in the EU negotiations, and how you envisage that any agreement on this issue will play out in the Gibraltar context? How would you respond to the Chief Minister’s specific concerns? Can you also elaborate on your reference to the “range of options for maintaining a well-functioning border post-exit”?

You state that, at the July JMC, the UK and Gibraltar Governments agreed to undertake an agreed programme of work on insurance, and that the Department for International Trade committed to establish a mechanism by which it will consult Gibraltar on inclusion in future trade deals. Can you provide more detail on these pieces of work?

In his letter to us, the Chief Minister of Gibraltar has expressed confidence that “the UK Government will stand firm to entirely frustrate any attempts by Spain to try to undermine Gibraltar in the future UK-EU agreement/s, particularly in light of Clause 24 of the European Council’s Guidelines for the Withdrawal Negotiations which, we know, was introduced at the behest of Spain, and purports to grant Spain a special veto on the application of such agreement/s to Gibraltar. This has to be resisted resolutely.” How would you respond to the Chief Minister’s concerns about Clause 24 of the European Council’s Guidelines? What impact has this had on the Brexit negotiations thus far?

The Chief Minister added that “particular care will have to be taken in the future to ensure that the UK’s withdrawal from the EU does not give free rein to Spain to include British Gibraltar Territorial Waters in the designation of Spanish sites for the purposes of EU

environmental or other maritime waters.” What reassurance can you provide on the future treatment of Gibraltar’s territorial waters?

Finally, you state that “it remains the long term aim of the UK and Gibraltar to return to the Trilateral Forum, but we need to continue to work with all parties to encourage open lines of constructive communication.” What active steps are you taking to ensure that this dialogue continues, and is intensified?

We would be grateful for a response to this letter by 5 December 2017.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman, House of Lords European Union Committee