

EU-UK agreement in respect of Gibraltar

2026/0058(NLE) - 15/07/2026 - Legislative proposal

PURPOSE: to conclude, on behalf of the Union, the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Trade and Cooperation Agreement concluded between the European Union and the United Kingdom was signed on 30 December 2020, applied provisionally from 1 January 2021 and entered into force on 1 May 2021. The Trade and Cooperation Agreement does not include nor has any effect on Gibraltar.

On 31 December 2020, Spain and the United Kingdom agreed on a political framework for a future agreement concerning Gibraltar between the European Union and the United Kingdom. On 5 October 2021, the Council adopted the decision authorising the opening of negotiations for an agreement with the United Kingdom of Great Britain and Northern Ireland concerning Gibraltar. The negotiations concluded on 12 December 2025.

CONTENT: the draft Council decision concerns the approval, on behalf of the Union, of the agreement concerning Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, with regard to matters other than those covered by the Treaty establishing the European Atomic Energy Community.

The agreement aims to **remove all physical barriers to the free movement of people and goods between the territory of the Union and Gibraltar** and covers cooperation in areas necessary for the establishment of an area of shared prosperity. It is without prejudice to the positions of Spain and the United Kingdom on sovereignty and jurisdiction.

More specifically, the agreement:

- outlines the essential elements of the relationship: the safeguard of human rights and fundamental freedoms, democratic principles and the rule of law, including the UK's continued commitment to respecting the European Convention on Human Rights, support for non-proliferation and the fight against climate change;
- contains provisions ensuring that the United Kingdom gradually aligns itself with Union rules on the protection of personal data;
- provides for rules applicable to civil nuclear cooperation between the parties;
- contains two important horizontal principles: the removal of all barriers to the movement of goods and people, and communication with Gibraltar via the United Kingdom, given that Gibraltar remains a non-self-governing territory;

- defines the procedure allowing the United Kingdom to progressively apply Union law where the agreement so provides, as well as the institutional provisions relating to a general governance framework covering all areas of cooperation;
- establishes a governing body (cooperation council) responsible for managing and supervising the implementation and application of the agreement, as well as facilitating the settlement of disputes, and establishes specialised committees responsible for the movement of people, the economy and trade, and aviation;
- provides for a bespoke model that defines the rules relating to the removal of the existing border and controls on the movement of people between Gibraltar and the Schengen area;
- provides for the removal of current physical infrastructure between Gibraltar and Spain;
- provides for a series of additional safeguard measures such as rules relating to the issuance of residence permits in Gibraltar, rules relating to visas, rules relating to the examination of applications for international protection, rules relating to security and cooperation in law enforcement matters, rules relating to judicial cooperation in criminal matters;
- establishes, with regard to the economy and trade, provisions aimed at ensuring the removal of existing physical barriers between Gibraltar and the Union while guaranteeing open and fair competition and contains provisions relating to road, air and maritime transport;
- establishes a customs union between the Union and the United Kingdom, with regard to Gibraltar, which should allow the removal of physical barriers (including any related formalities for goods moving between Gibraltar and the Union after the open-ended transition period) while protecting the integrity of the Union's Single Market and the Union's financial interests;
- includes provisions relating to the transport of goods and passengers by road similar to those of the trade and cooperation agreement;
- establishes provisions guaranteeing the rights of frontier workers;
- contains provisions relating to a financial mechanism attached to the agreement, as well as provisions relating to dispute settlement and fulfilment of obligations, supervision and enforcement.

The Commission will represent the Union in the Cooperation Council and specialised committees. Each Member State will be allowed to send a representative to accompany the Commission representative at meetings of the Cooperation Council and specialised committees.

The Commission must ensure that the Council is fully informed so that it can carry out its policy-making, coordination, and decision-making functions in accordance with the Treaties. The Council will also be informed in a timely manner of the deliberations and outcomes of the meetings of the Cooperation Council and the specialised committees. The Commission will inform the European Parliament, where appropriate.

Any decision by the Union to take the following measures under the agreement will be taken by the Commission, including the suspension of the implementation of obligations, the application of remedial or rebalancing measures and use of the safeguard procedure.