



No: 200/2019

Date: 21st March 2019

Technical Notice – No Deal Brexit – Healthcare

In November 2018, the European Union (the “EU”) and the United Kingdom (the “UK”) concluded the terms of a Withdrawal Agreement providing for the UK’s orderly departure from the EU. Gibraltar forms part of these arrangements. The Agreement includes a transition period until the end of 2020. The transition period would also apply to Gibraltar. The Agreement has been debated and voted upon at length but is still subject to ratification by the UK Parliament and the European Parliament. In the meantime, HM Government of Gibraltar (“HMGoG”) continues to plan for the eventuality that the UK and Gibraltar may leave the EU without this Agreement.

Purpose

The purpose of this Notice is to inform the public of the effect of a No-Deal Brexit on healthcare services provided to (1) EU nationals resident or working in Gibraltar; (2) Gibraltarian citizens resident or working in the EU or the UK; (3) and Gibraltarians receiving treatment in Spain, other EU Member States or the UK.

Emergency healthcare and European Health Insurance Cards

For matters related to emergency healthcare and European Health Insurance Cards, please refer to the Technical Notice published by HMGoG on 11 January 2019 (Press Release 19/2019).

Existing Position

The existing position in relation to reciprocal healthcare arrangements for Gibraltarians in the European Union and EU nationals in Gibraltar are well known.

With respect to treatment received in the UK, Gibraltar has in place certain arrangements with the UK Government providing for access for Gibraltarians to UK healthcare providers. Those arrangements also cater for the reimbursement of costs.

1. In case of a Withdrawal Agreement

If the Withdrawal Agreement enters into effect, the status quo would remain up to the end of the transition period – that being 31 December 2020.

With regard to the position in the UK, following the HMGoG-UK Joint Ministerial Council of 8 March 2018, the UK Government announced that it will maintain the current reciprocal healthcare arrangements between the UK and Gibraltar, so that Gibraltar would be able to continue to refer patients to the UK for elective treatment post-Brexit.



2. If there is no Withdrawal Agreement – No Deal Brexit

Access to healthcare in the UK would remain unaffected for the reasons explained above.

With respect to access to Spanish healthcare providers, the Spanish Government has, in its own national No-Deal Brexit contingency measures, legislated for a continuation of the status quo for a period of 21 months following the UK and Gibraltar's No-Deal exit from the EU. This is subject to the UK adopting reciprocal legislation. These measures expressly cover Gibraltarians and other persons entitled to healthcare in Gibraltar.

With respect to access to healthcare elsewhere in the EU, the UK Government has proposed to EU Member States that, in a No-Deal scenario, the same healthcare arrangements should be maintained until 31 December 2020 with the aim of minimising disruption to healthcare provision. To reciprocate, the UK Government is in the process of adopting the Healthcare (International Arrangements) Bill 2017-19. This may be renamed and passed as the Healthcare (European Economic Area and Switzerland Arrangements) Bill which will provide the UK Government with the power to fund and implement comprehensive reciprocal healthcare arrangements after the UK leaves the EU.

Gibraltar already has already published its own Healthcare (International Arrangements) Bill which is in the Order Paper of the Gibraltar Parliament.

The Government would advise potentially affected parties that the position in each EU Member State, other than Spain, should be checked individually beforehand.

More information

We will publish more information as this becomes available. We aim to give businesses and individuals as much certainty as possible as soon as we can, and to ensure that any new requirements are not unduly burdensome.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.