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Technical Notice – No Deal Brexit – Unilateral Spanish contingency measures

In November, the European Union and the United Kingdom concluded the terms of an agreement for the orderly departure of the UK from the European Union. Gibraltar was part of that agreement. The Withdrawal Agreement includes a transitional phase until the end of 2020, which also covers Gibraltar.

This agreement is subject to ratification by the UK Parliament and by the European Parliament.

In the meantime, planning continues for the eventuality that the UK and Gibraltar leave the European Union without this agreement on 29 March 2019.

Contingency measures announced in Spain

The Government of the Kingdom of Spain announced a series of unilateral contingency measures yesterday which will take effect in the event of a no deal Brexit in respect of the United Kingdom and Gibraltar. The legislation is expected to be approved by the Spanish Council of Ministers on Friday and then by the Parliament.

The statement issued by the Spanish Presidency makes it clear that these measures will apply to “British nationals and economic operators established in Gibraltar.” This will serve to protect the close economic relationship between Gibraltar and the Campo de Gibraltar. It will serve to provide a degree of reassurance to citizens and businesses in Gibraltar and in Spain.

The legislation will be unilateral and of a temporary nature, given that the future relationship will be defined once the United Kingdom becomes a third country.

It covers a number of different areas.

1. RESIDENCY

The residency rights acquired by British nationals and their families who live in Spain prior to the date of withdrawal will be safeguarded.

2. FRONTIER WORKERS



British frontier workers who work in Spain but live elsewhere will have their rights protected.

3. RECOGNITION OF QUALIFICATIONS

There will be continued recognition of professional qualifications obtained in the UK by British and Spanish nationals who are in Spain prior to the date of withdrawal.

4. EXEMPTION FOR PUBLIC EMPLOYMENT

UK nationals will continue to be exempt from nationality requirements in the field of public employment, provided that they are already practicing a profession in Spain at the date of withdrawal.

5. SOCIAL SECURITY COORDINATION

Measures dealing with social security coordination will be applied to complement those adopted at EU level.

6. ACCESS TO HEALTHCARE

This will continue as at present for British nationals who live in Spain or who travel to Spain, including holidaymakers, until the end of 2020.

7. ACCESS TO SPANISH UNIVERSITIES

There will be continued access to Spanish universities for students from the education system in the UK and Gibraltar on the same basis as before EU exit for the academic years 2019-2020 and 2020-2021.

8. ECONOMIC MEASURES

(a) Financial Services

Financial services measures aimed to support those already adopted at EU level providing for contracts to remain in force.

(b) Customs

Measures relevant to the UK's departure from the Customs Union.

Possibility of bringing forward certain Customs procedures in order to avoid congestion in the first few days after the UK's EU exit.

A simplified procedure for goods that would require to go through a Border Inspection point or Phytosanitary inspection point.

(c) Continued application of EU public procurement rules for British bidders participating in Spanish procurement procedures initiated before the date of withdrawal.

9. DRIVING LICENCES



Matters related to authorisations and licenses. Specifically in relation to driving licences these will continue to be recognised as valid in Spain for a period of 9 months. For those touring on holiday in Spain after that period, licenses will be recognised in accordance with applicable international conventions.

10. ROAD TRANSPORT

Measures concerning road transport to complement those that the EU proposes to adopt.

11. AIR TRANSPORT

Maintaining for one year rules concerning public services and catering services applicable in the EEA for flights to the UK.

12. JUDICIAL AND POLICE COOPERATION

Measures facilitating the handling of ongoing procedures in respect of European Arrest Warrants, the surrender and transfer of prisoners.

13. GIBRALTAR

In general terms, these measures will apply also to British nationals and established economic operators based in Gibraltar.

It is expected that the full text and detail of the measures covered by the announcement will be published shortly.