



Foreign, Commonwealth
& Development Office

Stephen Doughty MP
Minister of State for Europe, North
America and UK Overseas Territories
King Charles Street
London
SW1A 2AH

The Honourable Mr Fabian Picardo KC
MP
Chief Minister
Gibraltar

13 July 2026

Dear Chief Minister,

As we prepare to sign the UK-EU Treaty in respect of Gibraltar, I wanted to write regarding the recent discussions on the UK-Gibraltar Concordat.

The Treaty establishes a new and unprecedented framework for Gibraltar's relationship with the European Union. Following extensive discussion over recent months, the Concordat reflects the political understanding reached between our Governments on the practical arrangements that underpin that relationship. I want to assure you that signature of the Treaty does not mark the end of the conversation between our Governments on these matters.

Firstly, there has been some discussion on the phrase that the United Kingdom Government will not "other than in the most exceptional circumstances" do certain things contrary to the wishes of Gibraltar. The phrase appears under the Cooperation, Significant Actions, Dispute Settlement and Termination/Suspension chapters of the Concordat.

This phrase reflects the shared understanding that, in relation to the exercise of powers within the Treaty, the United Kingdom Government would follow the democratically expressed wishes of Gibraltar and would not do, or omit to do, anything contrary to those wishes in all but truly exceptional circumstances. This is intended to set an extremely high threshold and is consistent with the principle that there should be "nothing about Gibraltar without Gibraltar", while also recognising the United Kingdom's constitutional responsibilities. This is the basis on which myself and ministerial colleagues have also described the arrangement in Parliament.

That is also consistent with the principle of the Double Lock, as explicitly referred to in the Concordat.

I consider it would only be in the most extreme cases, such as where there was grave impact on the United Kingdom's essential interests that we would take such action. Quite frankly, I consider it inconceivable that such circumstances would ever arise.

The above applies with particular force to the Termination/Suspension provisions of the Concordat which covers both a situation where Gibraltar were to request the United Kingdom to terminate the Agreement as well as a situation where the United Kingdom Government were minded to terminate the Agreement without it having been requested by Gibraltar.

I hope that the foregoing gives the additional reassurances you have sought. Finally, it is clear that the discussions on the Concordat have also highlighted the nature of the constitutional relationship between the United Kingdom and Gibraltar and the need to take stock of how that relationship is operating in practice.

Following signature and provisional application of the Treaty, I would welcome a structured discussion between our respective Governments on any issues that either side considers would merit further consideration in light of the new Treaty framework, to ensure it operates effectively with respect to our respective duties and competencies.

I look forward to continuing to work closely with you as we move into implementation of this historic agreement.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen Doughty', is centered on the page.

Stephen Doughty MP
Minister of State for Europe, North America and UK Overseas Territories

**CONCORDAT CONCERNING THE IMPLEMENTATION OF THE UK-EU
AGREEMENT IN RESPECT OF GIBRALTAR**

BETWEEN

**HIS MAJESTY'S GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND**

AND

HIS MAJESTY'S GOVERNMENT OF GIBRALTAR

These arrangements concern the obligations and commitments of the United Kingdom of Great Britain and Northern Ireland in the agreement in respect of Gibraltar between the United Kingdom, of the one part and the European Union and the European Atomic Energy Community, of the other part (the “Agreement”).

The obligations entered into by the United Kingdom in the Agreement have been entered into with the consent of His Majesty’s Government of Gibraltar and following its full participation in the negotiations and noting the motion of the Gibraltar Parliament of 3 March 2026 calling upon the United Kingdom to sign and ratify the Agreement. It is on this basis that the Agreement will be signed by the United Kingdom.

These arrangements are without prejudice to the UK’s responsibility for the external relations of Gibraltar.

The Agreement

The implementation of the Agreement will fully respect the constitutional arrangements in place in respect of Gibraltar and in particular the Gibraltar Constitution Order 2006 (the “Constitution”) and, in particular, the provision, at Section 47(3) that, without prejudice to the United Kingdom’s responsibility for Gibraltar’s compliance with European Union law, matters which under the Constitution are the responsibility of Ministers will not cease to be so even though they arise in the context of the European Union. The rights and obligations in the Agreement in respect of issues that fall within the Gibraltar Government’s responsibilities under the Constitution will be enjoyed by and performed by the Government of Gibraltar, and in particular the Chief Minister, other Ministers and other relevant Gibraltar competent authorities.

Under the Constitution, and Gibraltar law, they are the authorities who have responsibility for, and who are vested with the powers of implementation relevant to, the areas covered by the Agreement that fall within the Gibraltar Government’s responsibilities under the Constitution.

To this effect, where relevant, the expression “United Kingdom, in respect of Gibraltar” used throughout the Agreement is understood to refer to the Government of Gibraltar or to Gibraltar as the case may be and relevant obligations and responsibilities in the Agreement vested on the “United Kingdom, in respect of Gibraltar” are vested on the Government of Gibraltar.

The United Kingdom is ultimately responsible in international law for compliance with the Agreement. The United Kingdom and Gibraltar recognise Gibraltar’s essential role in assisting the United Kingdom to meet its obligations under international law. Gibraltar commits not to do anything which would undermine the United Kingdom’s ability to meet its international obligations.

Responsibilities

The Government of Gibraltar will be responsible for implementing and enforcing the provisions of the Agreement that fall within its responsibilities under the Constitution. To this effect, the competent authorities to be notified pursuant to Article 68 of the Agreement and pursuant to the other treaty provisions referred to in Article 68 will be the competent authorities of Gibraltar each time they refer to matters that fall within their responsibilities under the Constitution. These responsibilities include legislating for, giving effect to, operationalising and any associated costs of the following pursuant to the terms of the Agreement:

- Border checks and surveillance
- Residence, visa and asylum systems
- Customs, indirect taxation, goods regulation and tobacco traceability
- All “Level Playing Field” provisions, including for establishing the independent authority pursuant to Article 205 of the Agreement and for naming individuals to serve as panellists pursuant to Article 236 of the Agreement.
- Law enforcement cooperation
- Regulatory alignment
- Anti-money laundering measures
- Frontier workers' rights and social security coordination
- Financial mechanism

The Government of Gibraltar will also be responsible for establishing the independent consultative body under Article 248(5) of the Agreement and for constituting the joint venture company together with the Kingdom of Spain under Article 274 of the Agreement. The UK Ministry of Defence will be consulted on the terms of establishment of the joint venture company for the purposes of ensuring defence equities are out of scope.

When they concern matters that fall within the responsibilities of the Gibraltar Government under the Constitution, the Gibraltar Government will be fully involved in developing negotiation positions in future negotiations under the Agreement.

The United Kingdom will, without prejudice to the provisions of Section 47(3) of the Constitution, remain responsible for Gibraltar’s external relations with the EU and Spain. The United Kingdom will also:

- Remain responsible for Gibraltar’s external relations in negotiations and dispute resolution mechanisms under the Agreement
- Certify documents and facilitate liaison functions as required under Article 6 of the Agreement
- Remain responsible for Gibraltar’s defence, airspace control and military installations

The Governor of Gibraltar will remain responsible for their special responsibilities under the Constitution such as Gibraltar’s internal security, including the police.

Cooperation

Where the Agreement requires the establishment of dialogue, consultation or cooperation with the European Union, and where relevant for the purposes of implementation of the Agreement, the United Kingdom Government and the Government of Gibraltar will seek to develop shared and agreed positions on issues that fall within the Gibraltar Government's responsibilities under the Constitution.

The Gibraltar Government will nominate persons to participate in:

- the Cooperation Council established pursuant to Article 22 of the Agreement, alongside the relevant UK Minister; and
- each of the Specialised Committees established pursuant to Article 23 of the Agreement.

The persons nominated by the Gibraltar Government will play a leading role in such Committees on issues that fall within the Gibraltar Government's responsibilities under the Constitution and, in relation to those issues, the United Kingdom Government will not, other than in the most exceptional circumstances, adopt positions or make decisions in those bodies without the Gibraltar Government's agreement.

Costs

Recognising the shared interest in the successful implementation of the Agreement, the United Kingdom Government and Government of Gibraltar will each bear the costs for their respective areas of responsibilities (as detailed above). In case of internal security, both sides will keep to the current practice. In case of joint responsibilities, financial costs will in principle be met by the United Kingdom Government and the Government of Gibraltar in an equitable manner.

Significant Actions

The UK will, other than in the most exceptional circumstances, seek prior agreement of the Government of Gibraltar before taking any significant actions under the Agreement at the Party level in areas of the Gibraltar Government's responsibilities under the Constitution. Such significant actions include in particular:

- (a) any amendments to be made to the Agreement;
- (b) entering into, amending or terminating any supplementing agreements referred to in Article 4 of the Agreement;
- (c) entering into, amending or terminating any of the Administrative Arrangements referred to in the Agreement.

Dispute resolution

The United Kingdom Government and the Gibraltar Government will work closely together in every aspect, and at every stage, of the dispute settlement procedure established under Part 6 of the Agreement.

Whenever a dispute concerns an issue that falls within the Gibraltar Government's responsibilities under the Constitution, the United Kingdom will, other than in the most exceptional circumstances, fully consult the Gibraltar Government and follow its wishes and views in relation to every aspect of the dispute settlement procedure set out in Part 6 of the Agreement including, but not limited to, the initiation of a dispute settlement procedure, the nature of compliance and temporary measures, the suspension and termination of arbitration proceedings and the nature of mutually agreed solutions.

The Gibraltar Government will nominate individuals willing to serve as members of an arbitration tribunal pursuant to the sub-list to be established pursuant to Article 319(1)(b) of the Agreement.

Termination and Suspension

Consistently with the principle that the United Kingdom Government has adhered to throughout the negotiations – “nothing about Gibraltar without Gibraltar”- and consistently with the principle of the Double Lock, the United Kingdom Government will exercise its powers on the termination of the Agreement pursuant to Article 66 or Article 334 of the Agreement only following full consultation with the Government of Gibraltar. In any event, the United Kingdom Government will not, other than in the most exceptional circumstances, take the necessary steps with a view of terminating the Agreement unless termination is supported by:

- (a) a motion carried by a majority of at least three-quarters of the total number of Members of the Gibraltar Parliament; or
- (b) a simple majority of the votes cast in a referendum of all persons entitled to vote in elections to the Gibraltar Parliament;

The United Kingdom Government will only exercise its powers in relation to the suspension of obligations pursuant to Article 67 of the Agreement following full consultation with the Government of Gibraltar and will take its opinion duly into account.

Governance

A UK-Gibraltar Joint Implementation Committee will be established to monitor progress on implementation, resolve operational issues and review cost-sharing arrangements annually.

Alongside Gibraltar's future relationship with the EU, the United Kingdom Government and the Government of Gibraltar also reaffirm their intention to ensure that the valued

and historic links between the United Kingdom and Gibraltar grow, deepen and endure.

Signed at Brussels on 14 July 2026.

STEPHEN DOUGHTY MP

**MINISTER OF STATE FOR EUROPE,
NORTH AMERICA AND UK
OVERSEAS TERRITORIES**

**For His Majesty's Government of the
United Kingdom of Great Britain and
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HON FABIAN PICARDO KC MP

CHIEF MINISTER

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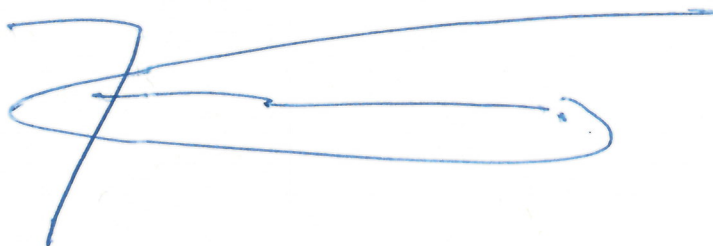
Signed at Brussels on 14 July 2026.

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STEPHEN DOUGHTY MP

**MINISTER OF STATE FOR EUROPE,
NORTH AMERICA AND UK
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**For His Majesty's Government of the
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HON FABIAN PICARDO KC MP

CHIEF MINISTER

**For His Majesty's Government of
Gibraltar**