

MEMORANDUM OF UNDERSTANDING ON CITIZENS' RIGHTS

CONSIDERING that, for the purposes of this Memorandum, the United Kingdom acts as the State responsible for Gibraltar's external relations,

NOTING that the present Memorandum, or any activity or measure taken in application or as a result thereof, do not imply any modification of the respective legal positions of the Kingdom of Spain or of the United Kingdom with regard to sovereignty and jurisdiction in relation to Gibraltar,

A Joint Coordinating Committee (hereinafter the "Committee") will be formed by the United Kingdom and Spain in accordance with Article 1(3) of the Protocol on Gibraltar included in the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the "Withdrawal Agreement").

The purpose of the Committee will be to ensure that the provisions contained in article 1 of the Protocol on Gibraltar, concerning citizens' and workers' rights, are correctly applied. In this regard, the competent labour authorities will ensure compliance with the said provisions. All social benefits will be extended to workers on both sides, under current and future arrangements, in full respect of the principle of non-discrimination.

Each Party will appoint members of the Committee to represent them, in such a way that the Committee will have an equal number of members from Spain and from the United Kingdom. Each Party will appoint a maximum of seven members, and will inform the other Party of said appointments, as well as of any possible changes thereto.

On behalf of Spain, the Committee will include:

- Four representatives from the General State Administration, with competencies in the areas stipulated in article 1; the Committee will include at least one representative from the Ministry of Foreign Affairs, the European Union and Cooperation.
- Two representatives from the regional administration, proposed by the Regional Government of Andalusia.
- One representative from the local administration.

On behalf of the United Kingdom, the Committee will include:

- One representative appointed by the United Kingdom Government.
- Six representatives appointed by the competent Gibraltar authorities.

The Committee will meet at least quarterly; it may also hold ad hoc meetings at the formal request of either of the Parties. The Committee meetings will be held alternately in the District of Campo de Gibraltar and in Gibraltar.

For the purpose of administrative organization and management of the Committee's activities, each Party will appoint a focal point; the two focal points will coordinate in advance to prepare the agenda for Committee meetings. At its first meeting, the Committee will approve, by agreement between its members, the working methods for performing its functions.

The United Kingdom and Spain will facilitate the procedures for recognition of rights and benefits to workers and frontier workers. Particularly, registration of job seekers will be ensured.

If either of the Parties in the Committee considers that the other Party is not fulfilling all her obligations under article 1 of the Protocol on Gibraltar, the matter may be submitted for discussion by the Committee, which will assess the situation and may make recommendations. If, after three months have elapsed, one of the Parties considers that the failure has not been adequately addressed, the matter may be submitted to the Committee established by article 165 of the Withdrawal Agreement and whose role is further explained in article 6 of the Protocol on Gibraltar.

Signed in duplicate in London on 29 November 2018 and Madrid on 29 November 2018, in the English and Spanish languages, both texts having equal validity.

For the United Kingdom



The Rt Hon David Lidington

Minister for the Cabinet
Office and Chancellor of the
Duchy of Lancaster

For the Kingdom of Spain



H.E. Josep Borrell Fontelles

Minister of Foreign Affairs,
European Union and
Cooperation