

EN

E-002104/2026

Answer given by Mr Šefčovič
on behalf of the European Commission
(4.8.2026)

1. The EU-United Kingdom Agreement in respect of Gibraltar represents the last element that completes the legal framework of the relations between the EU and the United Kingdom following Brexit. The legal basis for the conclusion of the EU-United Kingdom Agreement in respect of Gibraltar is Article 217 of the Treaty on the Functioning of the European Union (TFEU)¹, according to which the EU has competence to conclude association agreements with third countries.

The procedure for the conclusion of association agreements is foreseen in Article 218 TFEU². On this basis, the Council takes the decision authorising the signature of the agreement and its provisional application and it is also for the Council to conclude the agreement, after obtaining the consent of the European Parliament. These decisions are adopted by the Council by unanimity. The same procedure was used for the conclusion of the EU-United Kingdom Trade and Cooperation Agreement³.

2. The EU-United Kingdom Agreement in respect of Gibraltar states that it shall be without prejudice to legal positions of Spain and the United Kingdom with regard to sovereignty and jurisdiction and shall not constitute the basis for any assertion or denial of sovereignty including in legal proceedings or otherwise.

¹ https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_217/oj/eng.

² https://eur-lex.europa.eu/eli/treaty/tfeu_2008/art_218/oj/eng.

³ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.149.01.0010.01.ENG&toc=OJ%3AL%3A2021%3A149%3ATO C.