



Council of the European Union  
General Secretariat

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**LIMITE**

**UK**

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Terms of reference on the U.K.-EU negotiations for the future EU-U.K. agreement on Gibraltar and agenda for 1st round of negotiations

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In view of the Working Party on the U.K. meeting on 8 October please find attached Terms of reference on the U.K.-EU negotiations for the future EU-U.K. agreement on Gibraltar and agenda for 1st round of negotiations.

## **TERMS OF REFERENCE ON THE UK-EU FUTURE NEGOTIATIONS ON GIBRALTAR**

1. The United Kingdom in respect of Gibraltar and the European Commission, representing the EU, agree that the following elements guide the negotiations on their future relationship.

### **Negotiating parties**

2. The European Commission leads the negotiations on behalf of the European Union. On the European Commission side, the negotiations are led by the Commission's Chief Negotiator. S/He is supported by a Deputy Chief Negotiator.

3. On the United Kingdom side, the negotiations are led by the UK's Chief Negotiator. S/He is supported by a Deputy Chief Negotiator.

### **Negotiating groups**

4. The two Parties may agree as appropriate to create negotiating groups, which will work under the guidance of the Chief Negotiators. Each negotiating group will be led by a Lead Negotiator designated by each Party.

### **Negotiating rounds**

5. Full negotiating rounds will, in principle take place every two or three weeks, unless agreed otherwise between the Parties.

6. Negotiation rounds and its organisation will alternate between London and Brussels. The Parties may agree to have hybrid meetings.

7. Delegation lists for each full round will be exchanged prior to each round and lists can be updated as necessary during each round. An agenda for each full round will be established in advance, and can be amended with the agreement of both Parties. The Parties will exchange delegation lists and agree on the agenda for each negotiation round 5 calendar days in advance of the start of the relevant negotiation round.

8. Informal discussions between the Parties may occur, as necessary, between rounds.

9. The first round will take place in Brussels in the week beginning 11 October 2021. Further timings for the following rounds and events have been agreed and are outlined in the Annex to these terms of reference.

### **Documentation**

10. When either Party shares with the other negotiating positions, written documents (including draft texts, non-papers, requests and offers), joint documents, notes of meetings or supporting data and information:

- the sending Party will issue these documents at least 24 hours in advance of the relevant meetings;
- the receiving Party will not share this material outside of negotiating teams without the consent of the other Party. Unless explicitly indicated otherwise by the sending Party,

material received may nevertheless be shared to the extent necessary for each Party to fulfil its institutional practice or constitutional obligations in the context of the negotiations, subject to appropriate confidentiality arrangements.

- each Party may share joint documents to fulfil its institutional practice or constitutional obligations.

11. Documents will not be made public without the consent of the originator Party, and in the case of joint documents without the consent of both Parties.

12. Both Parties will ensure the appropriate confidentiality arrangements are in place in respect of the above materials.

### **Language**

13. Negotiations shall be conducted in English only.

### **Transparency**

14. The European Commission and the United Kingdom will pursue negotiations transparently. This is without prejudice to the Parties reporting separately on the outcome of the rounds in accordance with their practices, including with regard to any written report that the Parties may wish to publish.

15. Any disclosure by either the European Commission or the United Kingdom of documents originating from the other Party will be subject to prior consultation of the originating Party. Public release of any joint document should be subject to the agreement of both Parties.

### **Communication**

16. During the negotiation process, the two Parties will seek to coordinate their public statements.

## **ANNEX**

**Negotiating Rounds** - the parties agree to the following rounds with further rounds to be mutually agreed:

Rounds 2021	Dates
Round 1	Week of 11 October
Visit to Gibraltar	Week of 18 October (tbc)
Round 2	Week of 8 November
Round 3	Week of 29 November
Round 4	Week of 13 December

## **Negotiations for an EU-UK agreement on Gibraltar**

### **First round**

**11-12 October 2021 (Brussels)**

#### Monday 11 October

13h30-14h30 General introduction by the EU

14h30-15h30 General introduction by the UK

15h30-16h Break

16h-17h30 Q&A

#### Tuesday 12 October

10h30-11h30 Mobility of persons: the EU model – presentation (including on asylum, short term and long term visas and residence permits)

11h30-12h30 Q&A on the EU model for mobility for persons

12h30-13h30 Lunch break

13h30-14h30 Mobility of persons: the UK model – presentation (including on asylum, short term and long term visas and residence permits)

14h30-15h30 Q&A on the UK model for mobility for persons

15h30-16h00 Break

16h00-16h45 Workers' rights – general discussion

16h45-17h15 Conclusion