

**ADMINISTRATIVE ARRANGEMENT BETWEEN THE UNITED KINGDOM, IN
RESPECT OF GIBRALTAR, AND SPAIN ON HOW SCHENGEN BORDER CHECKS
AND BORDER SURVEILLANCE WILL BE CONDUCTED**

The United Kingdom of Great Britain and Northern Ireland, in respect of Gibraltar (the "United Kingdom, in respect of Gibraltar"), and the Kingdom of Spain ("Spain"), together "the Participants" and in singular "the Participant",

NOTING that "Agreement" refers to the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as published in the OJ EU L..., 14.07.2026 (not yet published);

NOTING that this administrative arrangement (the "Arrangement") sets out the practical arrangements referred to in Article 33 of the Agreement and is made pursuant to and is subject to the principles set out in the EU-UK Agreement and, in particular, to Article 2 thereof;

RECALLING that Spain, as the neighbouring Schengen Member State, will be responsible, as a matter of Union Law, for the implementation of Schengen border entry and exit checks at the port and airport;

RECALLING additionally that Spain is responsible, under the Schengen Borders Code, for preventing unauthorised border crossings at the Schengen border;

NOTING the common interests of the Participants in preventing unauthorised border crossings and recognising that cooperation can contribute to preventing unauthorised crossings;

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

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NOTING, additionally, that this Arrangement or arrangements related to this Arrangement, and any measures or instruments or conduct taken in application or as a result thereof or pursuant thereto, is without prejudice to, and will not otherwise affect the respective legal positions of the Kingdom of Spain or of the United Kingdom of Great Britain and Northern Ireland with regard to sovereignty and jurisdiction and will not constitute the basis for any assertion or denial of sovereignty including in legal proceedings or otherwise.

HAVE DECIDED as follows:

PART 1: OPERATIONAL ARRANGEMENTS

- 1.1 Arrangements with respect to operational cooperation between the relevant law enforcement agencies for the purposes of applying the arrangements set out in this Arrangement will be set out in an operational understanding agreed between the law enforcement agencies concerned. These arrangements will be in line with relevant respective domestic legislation.

PART 2: SCHENGEN BORDER CHECKS

SECTION 1: SCHENGEN BORDER CHECKS AT THE AIRPORT

- 2.1.1 As a general rule, Schengen entry and exit first-line checks will take place, in accordance with the design at Annex A, either:
 - a. at the Schengen immigration booths or
 - b. at Schengen e-gates,
- 2.1.2 The Second Line Checks Area will be a shared working space designed and built in accordance with the design at Annex A.
- 2.1.3 Schengen entry and exit first-line checks will be carried out at the airport in two different ways:



- a. Schengen border checks on persons covered by Article 29(4) of the Agreement over the age of eligibility to use e-gates, and third-country nationals registered in the EU Entry/Exit System, will be conducted via e-gates;
- b. Schengen border checks on all other passengers, who are not eligible for or are unable to undergo automated border control, will take place via staffed Schengen immigration booths.

2.1.4 As a general rule, Spanish officials present at the airport outside the Second Line Checks Area will be present in two ways:

- a. Within the Schengen immigration booths: officers within the immigration booths may be in uniform.
- b. Outside of the Schengen immigration booths: a Spanish officer may be present to supervise the e-gates and escort passengers, where necessary, from the first line Schengen check (either e-gates or staffed immigration booths) to the Second Line Checks Area. Officials of the United Kingdom, in respect of Gibraltar, may accompany them. Any Spanish official outside of the Second Line Checks Area or Schengen immigration booths will be in civilian clothes but suitably identified.

2.1.5 The Participants will consult on the design of the Schengen immigration booths.

2.1.6 Second line checks and certain other decisions related to the application of Schengen legislation on border checks will take place in the Second Line Checks Area.

SECTION 2: SCHENGEN BORDER CHECKS AT THE PORT

2.2.1 Where the conditions in Article 29(3) of the Agreement are met, all passengers and crew members arriving at the port who are required to undergo Schengen entry checks will be transported to the airport by the United Kingdom, in respect of Gibraltar, and Spain to undergo these checks. All passengers and crew members departing from the port who are required to undergo Schengen exit


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checks will present themselves at the airport and, once they have completed the check, will be transported by the United Kingdom, in respect of Gibraltar, and Spain to the port. All passengers and crew members will be transported in vehicles provided and driven by the authorities of the United Kingdom, in respect of Gibraltar. For these purposes, Spanish officials will be in civilian clothes but suitably identified. The United Kingdom, in respect of Gibraltar, will ensure that no cruise liners call into Gibraltar directly from third countries other than from the United Kingdom.

2.2.2 The conditions in Article 29(3) of the Agreement will be considered to have been met where:

- a. in the case of ferries, no direct ferry connections exist between Gibraltar and a port outside of the Schengen Area;
- b. in the case of cruise ships, no cruise ships start or end their itineraries at Gibraltar.

2.2.3 Where the conditions in Article 29(3) of the Agreement are not met and it is necessary for Spanish officials to be present in the port to carry out first line Schengen border checks, they will notify the United Kingdom, in respect of Gibraltar in advance, if possible, in writing. As a general rule, when Spanish officials are in the port, they will be in the immigration booth. The authorities of the United Kingdom, in respect of Gibraltar, will accompany the Spanish officials to and from the port and whilst they are at the port.

2.2.4 The competent authorities of Spain will exempt from visa requirements under Union law civilian sea crew members who hold a seafarer's identity document issued in accordance with the International Labour Organisation Conventions No 108 of 13 May 1958 or No 185 of 19 June 2003 or the International Maritime Organization Convention on Facilitation of International Maritime Traffic of 9 April 1965 when they land to board a ship or go ashore to transit to another country.

SECTION 3: ARRANGEMENTS FOR HOW FIRST-LINE SCHENGEN BORDER CHECKS WILL BE CONDUCTED IN EXCEPTIONAL CIRCUMSTANCES

- 2.3.1 If justified, in exceptional cases and upon confirmation by the competent Spanish immigration authorities, first-line Schengen border checks, other than control of passengers arriving at the airport and port, may take place in the Second Line Checks Area.
- 2.3.2 If justified on the basis of an assessment made by Spain of the risk related to internal security or illegal migration, Schengen border checks may be carried out at the border crossing points outside of the Schengen immigration booths. Spanish authorities will inform the authorities of the United Kingdom, in respect of Gibraltar, in advance. The authorities of the United Kingdom, in respect of Gibraltar, may accompany Spanish officials outside the Schengen immigration booths.

SECTION 4: PROCESS FOR ARREST IN THE COURSE OF BORDER CHECKS

- 2.4.1 In all cases where a person is arrested or detained in accordance with Article 34 of the Agreement, the person must be provided with “appropriate procedural safeguards” in accordance with Article 34(10) of the Agreement which will include, but are not limited to, the right to:
- a. the provision of adequate information relating to the person's situation and intended follow-up action;
 - b. interpretation and translation;
 - c. be assisted by a lawyer;
 - d. conditions reasonably suited to the needs of the person, such as access to food, water and sanitation and medical assistance;
 - e. adequate time for the person to make a decision.
- 2.4.2 Where arrest is required in line with the provisions of Article 34(5) of the Agreement, the following procedures will apply:
- a. In the course of border entry checks:
 - i. Where there is an alert on the Gibraltar databases or information systems only for arrest and the person has objected to arrest or

detention and therefore chosen to be refused entry, they will be refused entry, and either be returned to their point of origin or exit to Spain in accordance with the individual's choice.

- ii. Where there is an alert on the Spanish databases or information systems for arrest and the person has objected to arrest or detention and therefore chosen to be refused entry, they will be refused entry and be returned to their point of origin or exit to Spain in accordance with the individual's choice.

b. In the course of border exit checks:

- iii. Where there is an alert on the Gibraltar databases only for arrest and the person has objected to arrest or detention and therefore chosen to be required to exit, that person will exit either to Spain or to their intended destination in accordance with the individual's choice.
- iv. Where there is an alert on the Spanish databases for arrest and the person has objected to arrest or detention and therefore chosen to be required to exit, they will exit to Spain or to their intended destination in accordance with the individual's choice.

2.4.3 If, following the provision of the safeguards in paragraph 2.4.1, the individual raises a human rights concern about their arrest, detention or removal from the Second Line Checks Area, or where there is a conflicting international obligation concerning extradition, the authorities of the United Kingdom, in respect of Gibraltar, will request a stay of removal until the matter has been resolved by the relevant judicial authorities. This will take place via a fast-track process.

2.4.4 Whilst it remains practicable, the individual will remain in the Second Line Checks Area for the duration of this process. If it is not possible to do so either because of the length of time the process will take or the specific needs of the individual, they will be transferred to the custody of the authorities of the United Kingdom, in respect of Gibraltar. The authorities of the United Kingdom, in respect of Gibraltar, will provide the Spanish authorities with frequent updates of the progress of the case, and both sides will cooperate to ensure that the case is resolved as quickly as possible.



- 2.4.5 In the event of a conflict between an alert existing in the databases and information systems operated by the competent authorities of Spain and an extradition alert existing in the databases operated by the competent authorities of the United Kingdom, in respect of Gibraltar, the decision as to which alert takes precedence will be taken by the competent authority of the executing actor with due consideration of all the circumstances, especially the relative seriousness of the offences and place of the offences, the respective dates of the requests and whether they have been issued for the purposes of prosecution or for the execution of a custodial sentence or detention order, and of legal obligations of the Participants deriving from international or Union law.
- 2.4.6 Matters relating to a person's arrest or detention in line with Article 34(7) of the Agreement may be challenged in the domestic courts of United Kingdom, in respect of Gibraltar, or Spain, as applicable, in line with domestic, Union and international law.
- 2.4.7 In all cases, and in particular where the person is refused entry or required to exit, the participants will cooperate in line with the relevant provisions of the Agreement, including in accordance with Chapter 4 of Title V of Part 2 (Surrender) and Article 54 and, where applicable, the UK-EU Trade and Cooperation Agreement, where necessary to prevent, detect, investigate, or prosecute criminal offences and terrorism.
- 2.4.8 Where a person is refused entry in accordance with Article 33(4)(a)(ii) or Article 35(2) and (3) of the Agreement, that person will be held in a secure facility in the Second Line Checks Area pending their onward transportation in accordance with the obligations of carriers referred to in Article 36 of the Agreement. Subject to those provisions, the person will be escorted to the carrier in accordance with the following procedure:
- a. the escort will be conducted jointly by officers from the United Kingdom, in respect of Gibraltar, and Spain;
 - b. the escort will take place through a secure corridor established for this purpose;

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- c. the escort will take place in accordance with such operational cooperation as may be established between the relevant law enforcement agencies referred to in paragraph 1.

PART 3: BORDER SURVEILLANCE

SECTION 1: GENERAL PRINCIPLES

- 3.1.1 The Participants will cooperate on border surveillance in accordance with Article 33 of the Agreement, thus supporting work to prevent unauthorised border crossings, to counter cross-border criminality, and to take measures against persons who have crossed the external Schengen border illegally.

SECTION 2: BORDER SURVEILLANCE

- 3.2.1 Spain will perform border surveillance activity in accordance with the Schengen Borders Code and with Article 33 of the Agreement.
- 3.2.2 For the purposes of the cooperation referred to in paragraph 3.1.1 at sea, the competent authorities of the Participants will conduct joint maritime patrols in jointly crewed law enforcement vessels at the borders of both Gibraltar and the surrounding area of Spain.
- 3.2.3 Spain and the United Kingdom, in respect of Gibraltar, will each be responsible for the appointment of law enforcement officers as members of the joint border surveillance maritime patrol. As set out in paragraph 3.3.3(d), issues concerning the appointment, conduct and discipline of such officers will be subject to consultation in the Working Group on border surveillance.
- 3.2.4 The responsibility for providing the vessels for these patrols will alternate on a weekly basis between the Participants. For these purposes, each Participant will provide a vessel that is neutrally branded and which will be marked with the European flag or other agreed visible insignia or wording showing it is performing a Schengen border surveillance function. The Participants will



design a working schedule to ensure the permanent nature of the border surveillance activities.

- 3.2.5 If it is necessary to arrest or detain an individual during the course of border surveillance, this should be done by the competent authority of the territory where the person has been apprehended and in accordance with the laws of that territory.

SECTION 3: WORKING GROUP

- 3.3.1 A joint working group will be established on border surveillance (the "Working Group"). The Working Group will provide a forum for enhanced cooperation, the exchange of information, and the coordination of operational collaboration relating to border surveillance. This Working Group will meet at least every three months or whenever the Participants consider appropriate.
- 3.3.2 Each Participant will have an equal number of members in the Working Group and will inform each other of the members appointed and of any possible changes. The Working Group will include representatives of the relevant competent authorities of the Participants.
- 3.3.3 The Working Group will:
- a. Adopt its rules of procedure and work by joint decision between the Participants.
 - b. Establish an encrypted radio frequency as a designated communication channel to facilitate operational collaboration. Where appropriate, communication may also take place via the stationed personnel at the Second Line Checks Area or in writing.
 - c. Designate points of contact to ensure permanent communication as needed.
 - d. Provide a forum for consultation on the appointment, conduct, and discipline of law enforcement officers participating in joint maritime patrols.

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It may consider concerns raised by either Participant and make recommendations to the Participants regarding the suspension, revocation, or withdrawal of appointments.

- 3.3.4 The Working Group may propose action guidelines for the respective competent authorities.

SECTION 4: COORDINATION AND COMMUNICATION

- 3.4.1 The competent authorities of the Participants which intend to carry out border surveillance will inform the Working Group in advance in accordance with paragraph 3.2.1, including via the encrypted radio frequency, of their route, duration, objectives and any other matter the Working Group considers relevant before commencing the activities.
- 3.4.2 To ensure safety and security, the competent authorities of the Participants engaged in border surveillance will provide the Working Group with continuous updates on location and activity via the encrypted radio frequency.
- 3.4.3 Where detailed communication and coordinated action is necessary between the Participants or for operational security reasons, this should be done via the designated contact points or stationed personnel in the Second Line Checks Area.

PART 4: FINAL PROVISIONS

- 4.1 This Arrangement will come into effect on the date of last signature and into operation from the date of entry into force of the Agreement.
- 4.2 Either Participant may terminate this Arrangement by written notification through diplomatic channels. This Arrangement will cease to be in effect on the first day of the twelfth month following the date of notification. Should the Agreement be terminated, this Arrangement will cease to be in force.

The foregoing record represents the understandings reached between the United Kingdom of Great Britain and Northern Ireland, in respect of Gibraltar, and the Kingdom of Spain, upon the matters referred to therein.

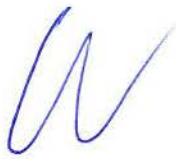
Signed at Madrid on 25th June 2026.

For the United Kingdom of Great Britain and Northern Ireland, in respect of Gibraltar:



Sir Alex Ellis, Ambassador to Spain and Andorra

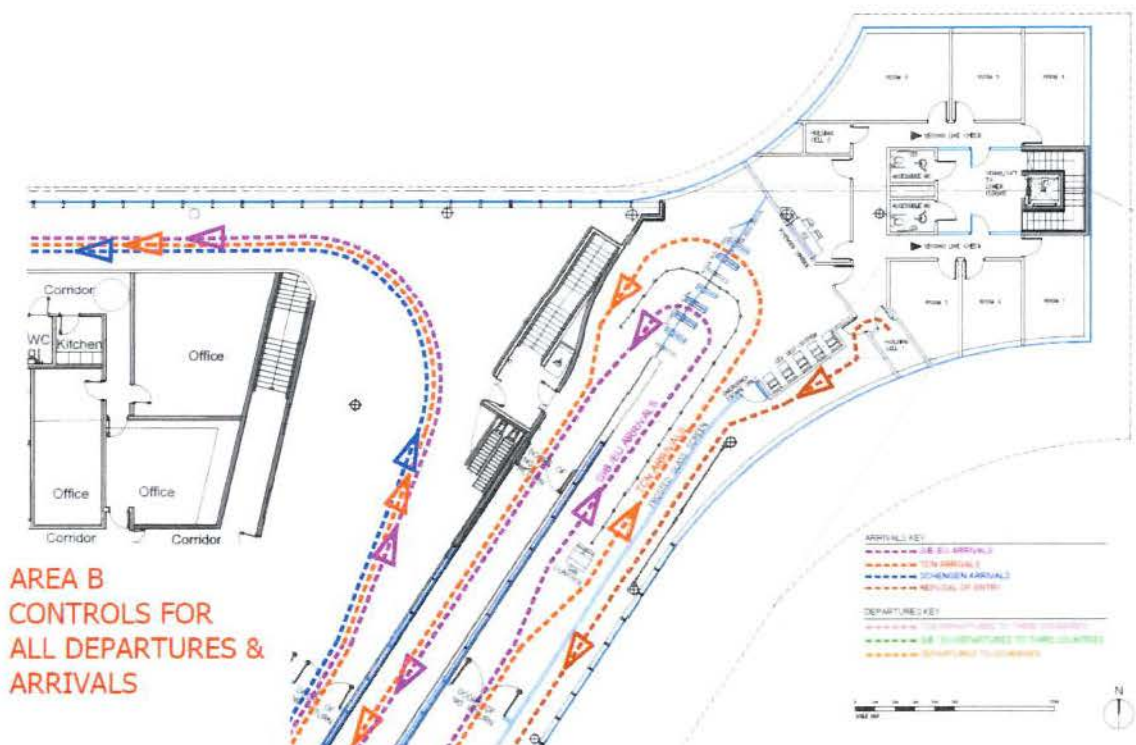
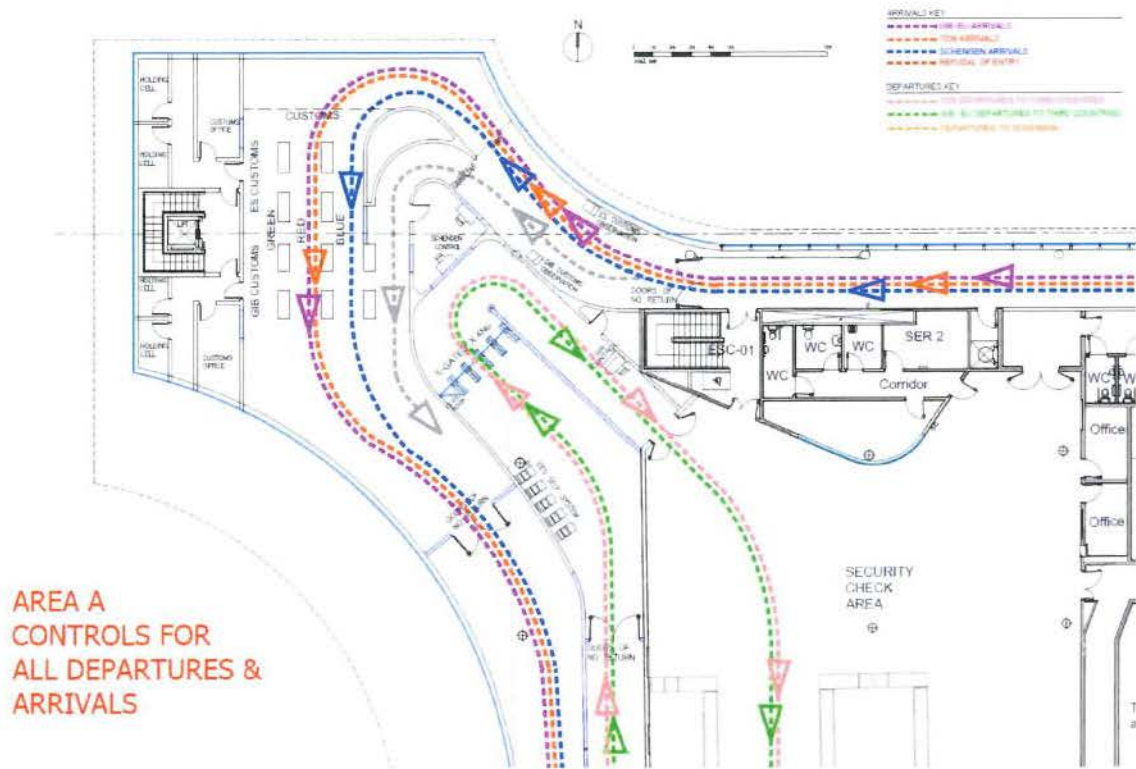
For the Kingdom of Spain:



Carlos Moreno Blanco, Secretary General for the European Union

ANNEX A

DESIGN OF THE SECOND LINE CHECKS AREA



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