



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.00 p.m. – 5.43 p.m.

Gibraltar, Thursday, 23rd May 2024

Contents

Procedural – Addressing Members through the Chair	2
Questions for Oral Answer	2
Chief Minister	2
Q467/2024 Disability benefit – Applications from 2019 to date.....	2
Q468-71/2024 Customs – Policy re ongoing training processes	3
Q467/2024 Disability benefit applications from 2019 to date – Supplementary questions....	4
Q472/2024 Gibraltar Regiment Act 1988 – Date for reading of Bill to enable amendments ..	5
Q473/2024 Smoking ban for individuals born in or after 2009 – Plans to introduce legislation	5
Q474/2024 Eastside project – Whether going ahead	6
Q475/2024 Senior officer, Housing Department – Whether position opened as a vacancy ...	6
Q476/2024 Former Attorney General Reginald Rhoda QC– Whether currently engaged by Government.....	7
Q477-80/2024 Gibraltarian status – Applications pending; applications granted over last 10 years; policy re length of validation of red ID cards; red cards issued to former holders of civil registration cards.....	8
Q481/2024 Money recovered in state aid – Location	10
Q482-83/2024 Treaty on new relationship with the EU – Current state of negotiations; House of Commons European Scrutiny Committee	12
Answers to Written Questions.....	15
Adjournment.....	15
<i>The House adjourned at 5.43 p.m.</i>	15

The Gibraltar Parliament

The Parliament met at 5 p.m.

[MADAM SPEAKER: Hon. Judge K Ramage GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Procedural – Addressing Members through the Chair

Madam Speaker: Before we continue with questions this afternoon, just a gentle reminder that hon. Members should address other hon. Members through the Chair. It is wrong to address another Member as 'you'. In the course of this session, since Tuesday, there have been offenders aplenty on both sides, so with regard to the use of 'you', I ask hon. Members to be aware.

Questions for Oral Answer

CHIEF MINISTER

Q467/2024

Disability benefit – Applications from 2019 to date

Clerk: Chief Minister's questions. Question 467/2024. The Hon. the Leader of the Opposition on behalf of the Hon. A Sanchez.

Hon. Dr K Azopardi: Madam Speaker, with your leave, I am going to ask this question, as my colleague had a family thing at lunchtime and she will be a bit later today. Sorry?

Madam Speaker: I was amused by the family 'thing'. It is a wide-ranging adjective, so I shall not ask for further and betters. Let's carry on.

Hon. Dr K Azopardi: Yes, indeed, it was used deliberately.
Madam Speaker, can the Government provide the following information regarding disability benefit applications for the year 2019 to the present date: (a) the total number of applications; (b) the total number of rejected applications; and (c) the rejection rate as a ratio percentage to the total number of applications made for disability benefit?

20

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I now hand over a thing with the information request at (a) and (b). The request at (c) simply asks that public servants should do the hon. Member's work for her.

25

Madam Speaker: Let's move on to the next question and allow supplementaries to follow once the hon. Members have had a look at the schedule.

Q468-71/2024
Customs –
Policy re ongoing training processes

Clerk: Question 468. The Hon. J Ladislaus.

30 **Hon. J Ladislaus:** Madam Speaker, can the Hon. the Chief Minister outline the policy in respect of ongoing training processes to be undertaken by Customs?

Clerk: Answer, the Hon. the Chief Minister.

35 **Hon. Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Questions 469 to 471.

Clerk: Question 469. The Hon. J Ladislaus.

40 **Hon. J Ladislaus:** Madam Speaker, what policies and procedures are in place to deal with individuals who fail ongoing training requirements within Customs?

Clerk: Question 470. The Hon. J Ladislaus.

45 **Hon. J Ladislaus:** Madam Speaker, when will reformation works commence at the Frontier and what has been put in place in the interim to ensure the health and safety of customs officers on shift at the Frontier post?

Clerk: Question 471. The Hon. J Ladislaus.

50 **Hon. J Ladislaus:** Madam Speaker, is the Customs complement currently intact? If not, can the Hon. the Chief Minister provide a breakdown as to the number of customs officers on long-term sick leave and the number of customs officers suspended pending the conclusion of disciplinary proceedings?

55 **Clerk:** Answer, the Hon. the Chief Minister.

60 **Hon. Chief Minister:** Madam Speaker, following a strict selection process during which the applicants are assessed on their performance and only the top-scoring individuals proceed to an interview stage, the successful candidates then embark on a seven-week induction training course into HM Customs, a hugely valued and important Department of His Majesty's Government of Gibraltar that we, on this side of the House, are clear is a law enforcement agency, although the GSD insisted that they were not. This provides core knowledge for the officers to deploy wherever required in a multitude of roles in the enforcement division or the commercial and administrative division of the Department.

65 Officers who do not achieve the required standard will not be allowed to perform a particular task and the opportunity given to someone else. When in the case of specialised work, the officer may be removed from a particular section and lose any allowance, if applicable.

70 Refurbishment works – the Reformation happened many centuries ago – at Four Corners Station will commence at the earliest opportunity. Maintenance work has occurred in order to

ensure that health and safety of all staff working in the building, including BCA, Tourist Board and Taxi Association staff, are well protected. This will continue as and when required before the major project begins.

75 Madam Speaker, there are currently six vacant posts at HM Customs. Additionally, one officer has been on long-term sick leave and there are no officers suspended on disciplinary matters. As hon. Members will know, the complement of HM Customs has increased by 58, from 113 to 171, under this administration.

80 **Madam Speaker:** Next question.

Clerk: Question, 472. The Hon. E J Reyes.

Q467/2024

**Disability benefit applications from 2019 to date –
Supplementary questions**

Hon. Dr K Azopardi: With your leave, Madam Speaker, I am ready to go back to the supplementaries on the previous question, if that is okay.

85 **Madam Speaker:** Although Question 472 has been called, we will revert to Question 467 with supplementaries.

Hon. Dr K Azopardi: I am grateful, Madam Speaker. I am in your hands if you would prefer to go to Question 472.

90

Madam Speaker: No, let's finish with Question 467.

Hon. Dr K Azopardi: I note the rather unhelpful answer given by the Chief Minister in relation to (c), which says, 'We are not going to give you that because you can work it out.' Of course, the hon. Lady who posed the question could have worked it out if she had the information, but she did not have the information – that is why she was asking it. Now that we have at least (a) and (b), of course we can work it out, so we are grateful, at least, to that extent.

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100 The column of applications received clearly totals a significantly larger number than the applications disallowed. Does that imply that everything else has been allowed? Does the Chief Minister have a figure, of those applications, how many are still pending?

100

Hon. Chief Minister: Madam Speaker, I do not think I have been unhelpful at all because, as the hon. Gentleman has said, once (a) and (b) have been provided, (c) can be worked out. I am sure he will agree with me that it is not in the interest of the taxpayer, that public servants simply be required to work out percentages for hon. Members opposite. They are entitled to information. They have had the information and then they can, with that information, work out the percentages. I, therefore, do not accept that we are being unhelpful.

105

Madam Speaker, the information I have suggests that those that have not been disallowed have been allowed.

110

Madam Speaker: Next question.

Q472/2024

**Gibraltar Regiment Act 1988 –
Date for reading of Bill to enable amendments**

Clerk: Question 472. The Hon. E J Reyes.

115 **Hon. E J Reyes:** Madam Speaker, when does Government intend to read in Parliament Bill 07/2024 in order to, hopefully, then enact amendments to the Gibraltar Regiment Act 1988?

Clerk: Answer, the Hon. the Chief Minister.

120 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Bill is on the Order Paper ready to be read. I envisage no delay in it being taken.

125 **Hon. E J Reyes:** I am grateful, Madam Speaker. The deadline for posing questions was actually before the Agenda Notice was issued by the Clerk, so I had to pose this... I did notice on receiving the Agenda Paper, although it is on the Order Paper. Does the Chief Minister have, at least, some inclination whether it will be taken this session or next month? The reason why I ask, if I may explain, is it has sections that affect pensions and so on, and for those who have either just retired or are about to retire the enactment date does have a financial impact on the outcome, hence why I am putting it forward. The members of the Regiment are our constituents and have expressed that concern to me.

130

Hon. Chief Minister: Madam Speaker, the hon. Gentleman did not have to wait for the Agenda to be published to calculate when the six weeks since publication had elapsed and that, therefore, the Bill would be on the Order Paper.

135 I have been very concerned to bring this Bill as soon as possible. I have answered questions on it in the past and I have said in the past that as soon as we were able to take it, we would. Nothing has changed.

Madam Speaker: Next question.

Q473/2024

**Smoking ban for individuals born in or after 2009 –
Plans to introduce legislation**

140 **Clerk:** Question 473. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government have any plans to introduce legislation similar to that being pursued in the UK in relation to the smoking ban for those individuals born in or after 2009?

145 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, as I have already said in this House and outside it, further information will be announced at the Budget debate later this year.

150 **Madam Speaker:** Supplementaries? You don't have to. *(Laughter)*

Hon. D J Bossino: *[Inaudible]* Could the Hon. the Chief Minister – *(Interjection)* Madam Speaker, it is 5 p.m.

Madam Speaker: It is the Speaker's fault.

155 **Hon. D J Bossino:** By way of provision of further information, can he give an indication as to where his or his Government's thinking is in relation to this? Is it more likely to introduce a similar ban to what I think has already been introduced in the UK, or less likely? Is he able to provide any further information?

160 **Hon. Chief Minister:** Madam Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Madam Speaker: Next question.

Q474/2024
Eastside project –
Whether going ahead

Clerk: Question 474. The Hon. D J Bossino.

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Hon. D J Bossino: Please advise whether the current Eastside project is going ahead.

Clerk: Answer, the Hon. the Chief Minister.

170 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Government is not the developer of any aspect of the current Eastside project.

Hon. D J Bossino: This is a matter of public interest and I have had semi-reliable information to the effect that the current investor has pulled out. Does he have any information that he can provide – he is sniggering and laughing, which I think is slightly disrespectful, but never mind – across the floor of the House?

175

Hon. Chief Minister: Madam Speaker, I have no such information but it is probably information which is as reliable as most of the information that he seems to rely on these days.

180

Madam Speaker: Next question.

Q475/2024
Senior officer, Housing Department –
Whether position opened as a vacancy

Clerk: Question 475. The Hon. D J Bossino.

185 **Hon. D J Bossino:** Was the position of senior officer at the Housing Department, which has recently been filled, opened up as a vacancy?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, no.

190 **Hon. D J Bossino:** Why not?

Hon. Chief Minister: Madam Speaker, they never are.

195 **Hon. D J Bossino:** I have never been in Government myself but I thought that positions of this nature are opened up as vacancies in order to give the opportunity to other civil servants to make an application for that post. That is my understanding. Is he telling me that my understanding is incorrect?

200 **Hon. Chief Minister:** Yes, Ma'am.

Madam Speaker: Next question.

Q476/2024

**Former Attorney General Reginald Rhoda QC—
Whether currently engaged by Government**

Clerk: Question 476. The Hon. D J Bossino.

205 **Hon. D J Bossino:** Is the former Attorney General, Mr Rhoda, being employed or otherwise engaged by the Government; and, if so, on what terms?

Clerk: Answer, the Hon. the Chief Minister.

210 **Chief Minister (Hon. F R Picardo):** Madam Speaker, Mr Rhoda is not being employed by the Government. 'Engaged' has no legal meaning in employment law.

215 **Hon. D J Bossino:** The Hon. the Chief Minister says, 'the Government'. Is it possible if one expanded that remit to include the GDC or other possible entities, where somehow Mr Rhoda is walking into government premises and providing a service to the Government in its widest possible terms and receiving remuneration for it?

220 **Hon. Chief Minister:** Madam Speaker, yes, the answer applies to all aspects of the Government, but what the hon. Gentleman has described is not just what happens in the context of employment, which is what his question was about.

Hon. D J Bossino: Is there any other form of contractual relationship which the Government has entered into, or any other agency – GDC and all the rest of it – with Mr Rhoda, such that he is providing services to it?

225 **Hon. Chief Minister:** Yes, Madam Speaker, exactly the same terms as on which we have services provided to us by TSN.

230 **Hon. D J Bossino:** Can he provide any further information as to that contractual relationship – in other words, the duration, what payments he receives and what services Mr Rhoda is providing in exchange?

Hon. Chief Minister: Instructions on a legal matter, Madam Speaker.

235 **Hon. D J Bossino:** Without, of course, divulging the detail of that, can he provide us with information which does not breach any confidentiality but at least provides us with some information as to what that legal matter is?

Hon. Chief Minister: I would have to take advice on that, Madam Speaker.

240 **Madam Speaker:** Next question.

Q477-80/2024

Gibraltarian status –

**Applications pending; applications granted over last 10 years;
policy re length of validation of red ID cards;
red cards issued to former holders of civil registration cards**

Clerk: Question 477. The Hon. the Leader of the Opposition.

245 **Hon. Dr K Azopardi:** Madam Speaker, how many applications for Gibraltarian status were pending on 13th May 2024?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Questions 478 to 480.

250 **Clerk:** Question 478. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many people have applied and been granted Gibraltarian status under the Gibraltarian Status Act over the last 10 calendar years, broken down by each calendar year?
255

Clerk: Question 479. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: What is the policy on the length of issue and validity of red ID cards?

260 **Clerk:** Question 480. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Of the red ID cards granted for the first time to persons who had previously held civil registration cards in the years 2016-23, how many were granted to former holders of blue, magenta or green civil registration cards in the years 2016-23, broken down by each calendar year and by the number of former holders of blue, magenta or green civil registration cards by each of those years?
265

Clerk: Answer, the Hon. the Chief Minister.

270 **Hon. Chief Minister:** Madam Speaker, as at 13th May 2024 there are no pending applications for Gibraltarian status at the CSRO. The Department is, however, currently processing the following number of applications, which are at various stages of the formal administrative process: section 9 applications – we have 125 in process; section 5 applications – we have 29 in process.

275 With respect to Questions 478 and 480, I now hand over a schedule with the information requested.

Answer to Question 478/2024

	Under Section 5 (Descent)	Under Section 9 (10 years)
2014	618	60
2015	670	113
2016	570	115
2017	497	49
2018	448	111
2019	393	91
2020	219	1
2021	487	117
2022	592	234
2023	302	45
2024	88	0

Answer to Question 480/2024

	Blue to Red	Green to Red	Magenta to Red
2016	243	127	0
2017	247	115	0
2018	197	121	0
2019	193	71	0
2020	202	108	0
2021	361	80	0
2022	701	99	5
2023	569	94	9

Madam Speaker, in relation to Question 479, I can confirm to the House that there is no policy which is relevant.

280 **Hon. Dr K Azopardi:** I see. May I just ask on Question 479, while I get that schedule: if there is no policy that is relevant in relation to the length of issue and validity of red ID cards, can he let me know what is the length of issue and validity? Is it a standard length of issue, or is it not a standard length of issue?

285 **Hon. Chief Minister:** Madam Speaker, hon. Members say that we are unhelpful, but they are expected to know certain basic rules. The EID Card Regulations 2015 provide, in section 10, that an identity card will be valid from the date of issue for a period of 10 years. That is 10(1)(a). It is a legal provision and I never suggest that the hon. Gentleman is anything other than a very competent member of the legal profession.

290 **Hon. Dr K Azopardi:** I am aware of that, but that is why I phrased the question as to whether there was a policy on the length of issue and validity of red ID cards, because I am certainly aware of cases where red ID cards have not been issued for 10 years. I have seen a number. Using a very home example, in my own case, my latest red ID card is for 10 years but the one before that was for three, so I thought that might have been a policy issue and that is why I phrased the question
295 in that way. If there has not been, then I assume that maybe that was just a simple administrative error.

300 **Hon. Chief Minister:** Madam Speaker, I checked and the information that I have is that nobody can point to any red ID card having been granted for any shorter period other than in the context of children, for example, where sometimes those are for different periods, but not in respect of adults.

305 **Hon. Dr K Azopardi:** I have in my hand my expired ID card. I will show it to him behind the Speaker's Chair, if he wishes. It was issued in 2021 and expired a few weeks ago. I have obtained a new one for 10 years, but this one was a three-year card. If the officials are saying there are no examples, I know of several and indeed it happened to me. I am happy to show it to him so that he can check. I am here on my feet in questions and answers, and I have to ask a question. I think what he is saying is that certainly he is not aware that there has been any issue and that certainly if that has happened it is not a deliberate policy of the Government. That is right, I think, isn't it?

310 **Hon. Chief Minister:** Madam Speaker, not a deliberate policy and not something that we recognise. I do wonder whether the hon. Gentleman is confusing aspects of this. I do not know his personal circumstances, but the card that he may have had for three years may be one that he was granted, for example, because he changed address seven years into the validity of another card and he has had it with the new address for the remainder of the three years. But nobody at
315 the CSRO is able to identify any policy whatsoever or the grant of any such shorter-period red ID cards. I will read him the message: 'The team has confirmed that never, even before my time here. Have checked with [X] and he has been here since these Regulations were enacted and can confirm that no card has been given with a different validity.'

320 **Hon. Dr K Azopardi:** I certainly have not changed my address in the last three years. Be that as it may, I have my card and I am happy to show it to him behind the Speaker's Chair. I appreciate that at this stage we are not getting any further. I think at least we have clarified that there has been certainly not a policy change altering what is the regulation which he himself has quoted for me.
325

Madam Speaker: Does the hon. Member require some time to study the schedule before posing a supplementary?

330 **Hon. Dr K Azopardi:** Perhaps just a couple of minutes.

Madam Speaker: We will move on to the next question and revert to this one.

Q481/2024
Money recovered in state aid –
Location

Clerk: Question 481. The Hon. the Leader of the Opposition.

335 **Hon. Dr K Azopardi:** Madam Speaker, can the Government advise what has become of the £24 million recovered in state aid in September 2022 that the Chief Minister stated in his 2023 Budget reply was kept on deposit at the time, and whether it has been used for any purpose wholly or in part, and, if spent or transferred, to what purpose or entity?

Clerk: Answer, the Hon. the Chief Minister.

340 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the £23,454,019.50 received on
30th September 2022 represents funds received in favour of His Majesty's Government of
Gibraltar pursuant to the judgment issued by the European Union's General Court on 6th April
2022 in relation to Commission Decision EU219/700 19th December 2018 on the state aid stated
345 case 349142013/C implemented by the United Kingdom as regards the Gibraltar corporate income
tax regime. As at 31st March 2024, an amount of £9 million has been transferred from the funds
received to revenue on the advice of the Commissioner of Income Tax. The remaining balance will
be held on deposit until the investigation by the EU Commission has concluded.

350 **Hon. Dr K Azopardi:** In his Budget speech, the Hon. the Chief Minister said that it had been
placed on deposit and not taken into revenue because there was, to quote him, some doubt as to
whether this will be challenged. I think what he has indicated in his answer is that the risk of
challenge is not over, because the rest of it has been kept on deposit until that possibility of a
challenge is over, but that they have still, nonetheless, transferred £9 million into revenue. Can I
understand why there has been a change of position there, given what he said in the Budget?

355 **Hon. Chief Minister:** I do not think there has been a change of position, Madam Speaker. What
I said in the Budget related to us not taking the full amount, but I did say that it was very likely
that we will be able to keep the lion's share of that amount. The lion's share would be more than
£12 million. We have been advised to take £9 million into revenue on the basis that the likelihood
360 is that that amount, at least, will not be, ever, the subject of an order that we should pay it over
again. That is the advice of the Commissioner of Income Tax in relation to that case.

365 **Hon. Dr K Azopardi:** And does he have advice also as to the likelihood of the timescale that the
rest of it would need to stay in deposit until the challenge is over? Does he have an expectation
as to when that challenge would be over?

Hon. Chief Minister: Madam Speaker, that is not something which can be the subject of advice.

370 **Hon. Dr K Azopardi:** Not being a subject of advice, is there a challenge in process? Is there a
time limit for that process? Can he help this House with understanding the kind of timescale that
that money will remain where it is pending the challenge?

375 **Hon. Chief Minister:** No, I cannot, Madam Speaker, because matters like this can take a
considerable period of time or they can be resolved through settlement. Therefore, I do not want
to stand here shooting the breeze on how long it might or might not take, which is what it would
amount to.

380 **Hon. Dr K Azopardi:** But would it be fair to say that the rest of it will remain on deposit until
that is over?

Hon. Chief Minister: Madam Speaker, I cannot tell the hon. Gentleman that we might not be
advised by the Commissioner of Income Tax, as the case continues, that the scale of the potential
recovery might be reduced, and that, therefore, we are safe to take other amounts into revenue.
Therefore, I do not want to just hypothesise, because that would be what I would be doing.

385 **Hon. Dr K Azopardi:** And in relation to the £9 million transferred to revenue, is he aware
whether that money has been spent either on recurrent expenditure or somewhere else?

390 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman has been a Minister. I have told him
it has been taken into revenue. Once it is taken into revenue it goes into the Government's general
account.

Hon. Dr K Azopardi: Yes, I understand that, but he cannot help us, presumably, as to whether that money has been utilised in any way?

395 **Hon. Chief Minister:** Madam Speaker, I do not want to go back into the arguments about
money being fungible, but once the money goes into the Government's general account I can
confidently tell him that since 31st March 2024 we have spent £9 million, so that £9 million is now
part of the revenue of the Government for the period ended 31st March 2024. The hon.
Gentleman has the Budget Book. We cannot debate it until the debate on the Appropriation Bill,
400 but he will know how we ended the year and what revenue we had. This is part of the revenue for
the year.

Hon. Dr K Azopardi: Perhaps it is my fault for not asking a sufficiently precise question. When
the decision was taken to transfer the £9 million, on advice, into the Government general account,
405 was that transfer simply a consequence of that advice, or was there also, behind that transfer, the
idea that it would be used for a specific purpose because the Government needed a specific sum,
or some of that money, for a specific purpose? That is perhaps more precise.

Hon. Chief Minister: Madam Speaker, that, of course, is a completely different question, and
410 it is not what happened. What happened was that we were advised by the Commissioner of
Income Tax that we should, at this stage, take this money into revenue.

Madam Speaker: Next question.

Q482-83/2024

Treaty on new relationship with the EU – Current state of negotiations; House of Commons European Scrutiny Committee

415 **Clerk:** Question 482. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, following the recent meeting in Brussels when this
question was drafted, before the second meeting but following the recent first meeting in Brussels
on 12th April 2024 and subsequent discussions with the British Government, will the Chief
Minister update the House in respect of the current state of the negotiations towards the
420 conclusion of a treaty on a new relationship with the EU?

Clerk: Answer, the Hon. of the Chief Minister.

425 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 483.

Clerk: Question 483. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Has the Chief Minister had confirmation of a new opportunity to appear
before the House of Commons European Scrutiny Committee following their own letter to the
Parliamentary Under Secretary of State dated 8th May 2024 in respect of the UK-EU negotiations
430 on the treaty for a new relationship for Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

435 **Hon. Chief Minister:** Madam Speaker, since 12th April 2024 meeting there has been a further
high-level quadrilateral political meeting in Brussels, on 16th May 2024. As a result of these two

meetings, important progress has been made in relation to the issues that remain outstanding between the parties. These are difficult issues and the parties remain fully committed to finding solutions to each one of them. A statement was agreed between the four high-level attendants of the talks and issued at an agreed time thereafter. I also appeared on the national broadcaster to further inform the community.

As the Chairman of the European Scrutiny Committee stated on 20th May 2024 when taking evidence from the Foreign Secretary, Lord Cameron, I was due to appear before the Committee again in the very near future. The session had been set for early July. That will now have to be vacated given that there is a general election currently on foot in the United Kingdom and the dissolution of Parliament. It is not clear if the new Parliament, to be constituted after 4th July, will include the European Scrutiny Committee as one of the Select Committees of the House of Commons given that the UK has now left the European Union. A different remit may be established for a Select Committee to review matters related to the operation of the TCA and the Windsor Framework.

Hon. Dr K Azopardi: Madam Speaker, in relation to Question 483, yes, of course, the calling of the general election in the UK yesterday does have an effect on all that, and I suppose that we will have to await developments on that.

Before I leave Question 483 – because it is now academic, perhaps, for those reasons: first of all, the Chief Minister cannot appear before the ESC in July as had been programmed; and it is unclear whether there will be an ESC going forward, and that will be inevitably impacted by whoever wins the election and so on – can I give him the opportunity to comment? He will have seen the lengthy letter of the European Scrutiny Committee, and I know that he has commented outside of this House in respect of matters relating to the ESC, but I want to give him the opportunity, if he wishes, to comment on that letter, in case he wishes to communicate anything to people listening to this House.

Hon. Chief Minister: Madam Speaker, I think I have been clear in the way that I have responded to the letter that I saw that Sir Bill had sent to the Rt Hon. David Rutley, and I expressed very clearly my views as to why I did not believe that the issues that were being considered by the Committee to be problematic were problematic in the way that the Committee was suggesting.

The United Kingdom left the European Union, as we know, as a result of a vote which was procured, in many instances, with a view as to sovereignty which is not the view that the people of Gibraltar have taken as to sovereignty in the European context. That is to say when the United Kingdom votes to leave the European Union in June 2023, in great measure because of the arguments put by Sir Bill Cash and people who think like Sir Bill – like David Jones etc. – all of whom are great friends of Gibraltar, of course, they look at sovereignty through the filter, for example, of whether the Court of Justice, being the final court that determines the interpretation of European measures, means that because that is not a British court, or not an exclusively British court – it only has, potentially, one English judge – that that is a cession of sovereignty.

The people of Gibraltar did not take that view in relation to membership of the European Union and what it meant: 96% of the people of Gibraltar voted to remain in the European Union. Nobody can pretend to me to be a stauncher guardian of the sovereignty of Gibraltar than the people of Gibraltar themselves. Indeed, as I have been given to recall, there have been instances when Conservative Governments have been less stalwart guardians of the sovereignty of Gibraltar – for example, in the 1984 Brussels Agreement; for example, in the 1987 London Agreement on the Airport – and so I believe that the sovereignty filter of the Gibraltarians is more and better attuned to the issues that matter in relation to the sovereignty of Gibraltar than the sovereignty filters of those who have considered in the past that membership of the European Union, which we were all very happy with, resulted in, somehow, a cession of sovereignty which was unacceptable to them, because it was clearly acceptable to us. That is why I think that it is important that when it comes to the issue of Gibraltar and the issues of Gibraltar, it is Gibraltar's representatives in the

490 negotiation that have to be the ones that determine whether issues are or are not capable of being acceptable to the people of Gibraltar as safe and beneficial for Gibraltar.

Hon. Dr K Azopardi: Madam Speaker, I certainly agree with him and adopt a lot of those remarks, and that the filter for sovereignty should definitely be the people of Gibraltar and not anybody else.

495 In relation to the state of negotiations, obviously the UK elections have been called now and he has made comments that the process will continue, notwithstanding the calling of the election, but in terms of how close things were ... Of course, big expectations were raised when Foreign Secretaries meet. They met twice in short succession with the Chief Minister in Brussels. That increases the tempo and the expectation that things are very close. The Chief Minister himself
500 was quoted as saying that they were within kissing distance the first time they met. In terms of the expectation of closing something, while the discussions will take place, as he has assured people already, and he made remarks in this House yesterday, is it possible to close those discussions even though the UK elections are still pending?

505 **Hon. Chief Minister:** Madam Speaker, it depends whether or not there is political agreement. If there is political agreement, then it is not impossible to close those discussions, in my view. Whether we will reach political agreement or not after the necessary technical work that needs to be done will, of course, depend on the availability of politicians, and with election campaigns on in Europe and in the United Kingdom that is less likely to be possible.

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Hon. Dr K Azopardi: I see. So, he has not had an indication from the UK government that, as they have gone into a caretaker administration, the Ministers are not able, at this stage, to enter into political agreements. Is that right? Is that the indication he has got?

515 **Hon. Chief Minister:** Madam Speaker, the reality is that this is not an agreement for the United Kingdom; it is an agreement for Gibraltar. Gibraltar's election happened, and people made the choice that they made here knowing what we were going to go to negotiate. The reality also is, of course, that there is cross-party support for these arrangements in the United Kingdom. We have ensured that we have kept Labour shadow members of the Cabinet completely in touch with what
520 is happening, so that it is understood that there is that cross-party support for Gibraltar – this is not a controversial issue in the United Kingdom at the level of the two front benches – and so that any counterparty does not, for one moment, believe that there would be a different position that would apply in the event of there being a change of government in the United Kingdom. So, in my view, it is not impossible to see a situation where you could, potentially, have political agreement
525 even during the period of the general election campaign in the United Kingdom.

In the end, this is a treaty and, therefore, it needs ratification by the United Kingdom Parliament. That process of ratification will not start until this Parliament indicates it is satisfied with the agreement. What you could not have in the absence of a Parliament in the United Kingdom is ratification of a treaty, but you could, potentially, have politicians who are relevant to
530 the decision-making process saying, 'We think we have done it; we have reached the stage where we have that agreement and it can be submitted for ratification,' which is all it would be.

When we say that we have agreed, in effect what is happening is that the process of ratification is going to kick off, which is going to bring it to the Cabinet first, as I have said, then to this Parliament, and from this Parliament then seeking ratification from the United Kingdom
535 Parliament. Of course, there would not be a process of each of the 28 parliaments of the member states having to ratify, because it would not be a mixed agreement, but it would require ratification from the European Parliament. So, until you have a European Parliament, you can have whatever political agreement you like but you are not going to ratify the treaty. I think that is why there is no difficulty with continuing with the technical work. It is possible but unlikely that you
540 are going to have all the relevant politicians available in the period of the general elections in

Europe and the United Kingdom which would enable us to declare that agreement, but it is not impossible to do it, and thereafter you would need to have the two ratifying Parliaments back before the treaties themselves can go hard.

545 **Hon. Dr K Azopardi:** I certainly understand the point that, of course, you cannot ratify if there is no UK Parliament and there is not a European Parliament. I had not thought that the UK caretaker government could enter into a treaty, even subject to ratification, being a caretaker administration, but if he has different advice, I suppose that is good, that talks can continue even to that point.

550 May I ask a slightly different point? Are we still, Gibraltar, involved in a process aimed at unblocking the principles and ending up with a political declaration that unblocks the principles, or are we involved in a process, when he talks about being within kissing distance, which is intended to land the treaty as the next step? Or is it a two-stage process still, political declaration and then, perhaps, further drafting towards a treaty which then, in a third phase, gets ratified?

555 **Hon. Chief Minister:** The former, Madam Speaker, still two stages.

Madam Speaker: Does the Hon. the Leader of the Opposition have any supplementaries on Questions 477 or 478?

560 **Hon. Dr K Azopardi:** No, Madam Speaker. I am going to digest the statistics and I may come back at a subsequent House with questions, just to understand those a bit better.

Answers to Written Questions

Clerk: Answers to Written Questions.

565 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to table the answers to Written Questions W29/2024 to W70/2024 inclusive.

Adjournment

570 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I move now that the House should adjourn to Tuesday at 4 p.m.

Madam Speaker: I now propose the question, which is that this House do now adjourn to Tuesday at 4 p.m.

575 I now put the question, which is that this House do now adjourn to Tuesday at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday at 4 p.m.

The House adjourned at 5.43 p.m.