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Gibraltar: The New EU Territory? - Analysing the Historic 2025 Agreement

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ABSTRACT:

This paper analyses the transformative 2025 political agreement redefining Gibraltar's relationship with the European Union (EU) in the post-Brexit era. Historically a British Overseas Territory with strategic significance, Gibraltar has long occupied a unique legal and geopolitical position. The new agreement, negotiated by the United Kingdom, Spain, the EU, and Gibraltar, introduces a hybrid governance model that integrates Gibraltar into the Schengen Area and a bespoke customs union while preserving British sovereignty. This arrangement eliminates physical border controls with Spain, enhances economic connectivity, and introduces dual border checks at Gibraltar's port and airport. Drawing on historical treaties, legal frameworks, demographic data, and economic indicators, the study explores the implications of this model for sovereignty, identity, and European integration. Gibraltar's evolving identity—marked by strong Gibraltarian, British, and European affiliations—underscores the territory's complex sociopolitical landscape. Economically, the agreement opens new opportunities in trade, tourism, and financial services, while also presenting challenges related to sovereignty sensitivities and implementation logistics. The Gibraltar model exemplifies differentiated integration and offers a potential template for managing complex territorial arrangements in Europe. This study contributes to broader debates on flexible sovereignty, small-state resilience, and the future of EU external relations.

KEYWORDS:

Gibraltar, European Union Integration, Post-Brexit Governance, Differentiated Integration, Border Governance

AUTHOR

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Introduction

The geopolitical and legal status of Gibraltar has long been a subject of international interest, shaped by centuries of historical developments and evolving supranational frameworks. Captured by British forces in 1704 and formally ceded by Spain under the Treaty of Utrecht in 1713, Gibraltar has since functioned as a British Overseas Territory with strategic significance at the entrance to the Mediterranean Sea. Its unique position has led to complex interactions with both the United Kingdom and the European Union (EU), particularly in the context of Brexit.

This paper examines the transformative implications of the 2025 political agreement between the United Kingdom, Spain, the EU, and Gibraltar, which redefines Gibraltar's relationship with the EU. The agreement introduces a novel governance model that integrates Gibraltar into key EU frameworks—such as the Schengen Area and a bespoke customs union—while preserving British sovereignty. This hybrid arrangement challenges traditional notions of territoriality, sovereignty, and EU membership, offering a case study in differentiated integration.

The analysis draws on historical treaties, legal frameworks, demographic data, and economic indicators to contextualize Gibraltar's evolving identity and strategic role. It also explores the broader implications of the agreement for European integration, border governance, and small-state economic resilience. By situating Gibraltar within contemporary debates on sovereignty and supranational cooperation, this study contributes to a deeper understanding of how flexible institutional arrangements can address complex territorial disputes in a post-Brexit Europe.

Historical Context: From Utrecht to Brexit

Gibraltar's unique status stems from its capture by British forces in 1704 during the War of Spanish Succession. The Spanish Crown formally ceded the territory in perpetuity to the British Crown in 1713 under Article X of the Treaty of Utrecht. This treaty established British sovereignty over the area within the 1704 City Wall and provided that Spain would have the first option of ownership if Britain ever decided to alienate the territory (Bullard, 2017; Gold, 2005; Grocott & Stockey, 2012; Plank, 2013).

For over three centuries, Gibraltar has remained a British Overseas Territory, serving as a strategic military base at the mouth of the Mediterranean Sea (Brandtjen, 2021). The territory's relationship with Spain has been complicated, particularly during Francisco Franco's dictatorship when Spain closed the border in 1969, cutting off many Gibraltarians from their Spanish relatives (Martínez Del Campo, Canessa, & Orsini, 2019; Orsini, Canessa, & Martínez Del Campo, 2019).

Under the Lisbon Treaty, Gibraltar was considered part of the European Union (EU) due to Article 335 of the Treaty on the Functioning of the European Union (TFEU) and Declaration 55, which extend the treaty's application to European territories whose external relations are managed by an EU member state. As the United Kingdom (UK) was responsible for Gibraltar's external affairs, EU law applied to Gibraltar. (Ferdinand, Oostindie, & Veenendaal, 2020) However, the UK's accession treaty to the EU included specific exemptions for Gibraltar. While its residents were treated as EU nationals and its government was required to implement EU policies, Gibraltar was excluded from the EU Customs Union and the Common Agricultural Policy. This created a unique legal status: Gibraltar's territory was not part of the EU, but its people and institutions were integrated into the EU framework. Consequently, Gibraltar's borders functioned as external EU borders in economic terms. (Brandtjen, 2021) The UK joined the European Communities (EC) in 1973, and Spain followed in 1986 after negotiations beginning in 1979. The UK supported Spain's accession, and over time, bilateral agreements and NATO membership helped reduce Spanish restrictions on Gibraltar. (Gold, 2005) During the 2016 Brexit referendum, Gibraltar participated in the vote alongside eligible UK citizens. Despite a 95.9% vote in favour of remaining in the EU, Gibraltar was compelled to exit the EU following the UK's decision to leave. (The Electoral Commission, 2019; Sturm, 2017) Brexit created new challenges, as Gibraltar was not covered by the UK-EU Trade and Cooperation Agreement, leaving its future relationship with the EU uncertain (Brandtjen, 2022; Canessa, 2019).

On June 11, 2025, a historic political agreement was reached in Brussels that fundamentally transforms Gibraltar's relationship with the European Union (Foreign, Commonwealth & Development Office, 2025). After nearly four years of complex negotiations involving the United Kingdom, Spain, the European Union, and Gibraltar itself, this breakthrough agreement addresses one of the most significant unresolved issues stemming from Brexit (Tidey, 2025; Morton, 2025). The deal promises to eliminate physical barriers at the Gibraltar-Spain border while maintaining the territory's British sovereignty, raising questions about whether Gibraltar is becoming a de facto "new EU territory" despite remaining under British control.

The 2025 Agreement: Key Provisions

The Gibraltar agreement represents an innovative approach to European integration that transcends traditional sovereignty arrangements. For the EU, the agreement demonstrates flexibility in managing complex post-Brexit relationships. It provides a model for addressing the unique circumstances of territories that straddle EU borders while maintaining distinct sovereign arrangements. (Stone, 2025; Foreign, Commonwealth & Development Office, 2025; AFP, 2025) In the following the key provisions as Border Arrangements, Customs Union and Trade, Sovereignty aspects and Gibraltar's Identity are displayed.

BORDER ARRANGEMENTS AND MOVEMENT OF PEOPLE

The most significant aspect of the agreement is the establishment of a fluid border between Gibraltar and Spain (Foreign, Commonwealth & Development Office, 2025; Tidey, 2025). The deal eliminates all physical barriers, checks, and controls on people crossing between Gibraltar and La Línea, the Spanish border town (Foreign, Commonwealth & Development Office, 2025; Reyes, 2025). Instead, dual border control checks will be implemented at Gibraltar's port and airport, carried out by both Gibraltar and Spanish officials (Morton, 2025; Europa Press, 2025; Baker, 2025).

This arrangement mirrors the system used at London's St Pancras station for Eurostar passengers, where French police conduct border checks on British territory (Home Office news team, 2017; Foreign, Commonwealth & Development Office, 2025). Spanish officials will be responsible for ensuring the integrity of the Schengen Area, while Gibraltar authorities maintain control over immigration and law enforcement within the territory (Reyes, 2025; Europa Press, 2025).

The significance of this arrangement cannot be overstated. In 2018, Gibraltarians are the nationality with the most workers in all sectors, followed by Spaniards and other British nationalities. Frontier workers in that year can be of any nationality and make up a total of 13,653. (Brandtjen, 2021) Today, approximately 15,000 people—over half of Gibraltar's workforce—cross the land border between Spain and Gibraltar daily (Tidey, 2025; Foreign, Commonwealth & Development Office, 2025) This represents a substantial portion of Gibraltar's population and demonstrates the economic interdependence between the territory and the surrounding Spanish region.

CUSTOMS UNION AND TRADE RELATIONS

The agreement establishes the framework for a bespoke customs union between the EU and Gibraltar. (HM Government of Gibraltar, 2025)Even before the Brexit and according to the former Accession Agreement with the UK, Gibraltar took never part in the customs union not the common agriculture policy. (European Communities, 1972) This arrangement will provide for strong cooperation between customs authorities and remove checks on goods crossing the border (HM Government of Gibraltar, 2025). The parties have also agreed on principles of indirect taxation to be applied in Gibraltar, including adjustments to tobacco duties that have historically created trade distortions (Reyes, 2025). While Gibraltar remains firmly under British sovereignty, its effective integration into EU economic and mobility frameworks creates a unique hybrid model. (Stone, 2025; EU Insider, 2025)

Gibraltar's economic relationship with the UK remains substantial, with total trade in goods and services reaching £7.3 billion in 2024 (Department for Business & Trade, 2025). The territory serves as the UK's 37th largest trading partner, with services accounting for the vast majority of trade flows (Department for Business & Trade, 2025). The new EU agreement is expected to complement rather than replace these existing economic ties.

SOVEREIGNTY AND MILITARY AUTONOMY

A crucial aspect of the agreement is the explicit clause stating that the final treaty does not impact sovereignty. (Foreign, Commonwealth & Development Office, 2025) For international legal and political science, the status of Gibraltar is clear. The UN has declared Gibraltar to be a Non-Self-Governing Territory. In 1946, the UN listed 74 territories of which 17 are still currently on that list. Today the administrative powers of those territories number just four: France, New Zealand, the UK and the USA. Non-Self-Governing Territories are those “whose people have not yet attained full measure of self-government”. (United Nations, 2020) According to Gibraltar itself; Gibraltar “is a self-governing community […], at least as far as internal affairs are concerned.” (Archer, 2006) In 2006, Gibraltar held a referendum about whether to have a Gibraltarian constitution. The result was that 60.24% of the respondents voted for this constitutional text. However, this is not a constitution leading to full independence for Gibraltar. Great Britain remains with power over Gibraltar’s defence policy, foreign policy, internal security and general governance. (Gibraltar parliament, 2006) Due to Article X of the Treaty of Utrecht, if Great Britain wishes to give up its sovereignty over Gibraltar, the UK has to offer this sovereignty to the Spanish crown first. (del Valle Gálvez, 2013; Gold, 2005) The Spanish government argues that by the Treaty of Utrecht, Gibraltar remains a British colony. The Gibraltarians argue they are not living in a British colony because almost all Spaniards left the territory after the occupation of the Rock in 1704. They moved to a city a few kilometres inside Spain, called San Roque. This makes the people of Gibraltar descendants of immigrating groups, from different places, mostly Great Britain. (Archer, 2006; Oda Ángel, 2019)

Finally, both the UK and Spain maintain their respective legal positions regarding sovereignty and jurisdiction over Gibraltar. The agreement guarantees full operational autonomy for UK military facilities in Gibraltar, which play a vital role in regional security. (Reyes, 2025; HM Government of Gibraltar, 2025)

GIBRALTAR'S DEMOGRAPHICS AND IDENTITY

Gibraltar's population in 2023 of approximately 38,471 people reflects the territory's unique multicultural heritage (World Bank Group, 2025). The demographic composition demonstrates the complex identity that has evolved over three centuries of British rule. In a survey that has been conducted annually since 2019 and has already been partially published, participants were asked about their sense of identity. Until 2023, participants had the option of selecting a single identity, but since 2024, they have been able to select multiple identities. Figure 1 shows that, when only one identity could be selected, Gibraltar identity was chosen more often over the years. However, British identity also remained relatively stable. Among the responses for 'other' identities, the combination of British and Gibraltarian identity was chosen most frequently, followed by Spanish, which was often equated with Iberian, and then Moroccan. (Brandtjen, 2022; CIA - Central Intelligence Agency, 2025)

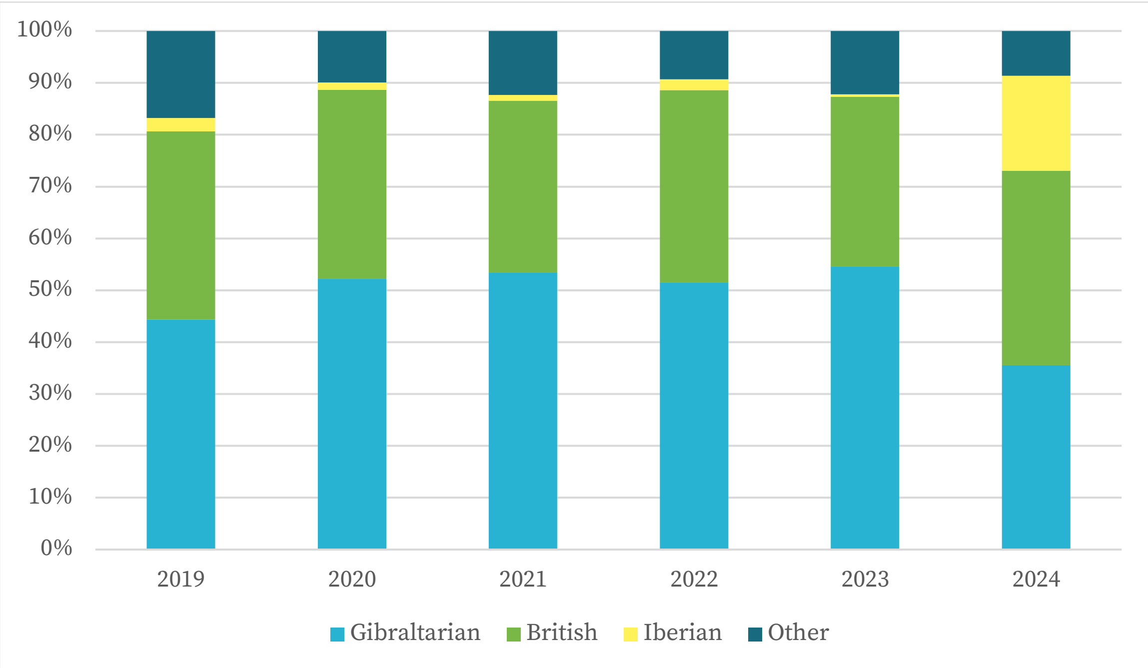

Figure 1: Identity feeling of survey participants (2019-2024) (Brandtjen, 2022; CIA - Central Intelligence Agency, 2025)

The overwhelming majority of residents identify as Gibraltarian, with other British nationals comprising 13.2% of the population. Spanish residents account a minority of the population, reflecting the historical exodus that occurred when Britain took control in 1704. This demographic reality underscores why Gibraltarians have consistently rejected Spanish sovereignty claims, including a decisive referendum in 2002 (Brandtjen, 2021).

The same survey also asked about European identity and the reputation of the EU. Figure 2 shows the results on European identity among participants from 2019 to 2023. Although support has declined slightly over the years, around 70% of participants say they feel European. (Brandtjen, 2024)

Figure 3, on the other hand, shows the results regarding the image of the EU. Over the years, around 70% of participants have viewed the EU as something positive. This demonstrates the overwhelming enthusiasm and underscores the results of the Brexit referendum in Gibraltar. (Brandtjen, 2024)

Economic Implications and Opportunities

Gibraltar is a small economy. Small economies often struggle to achieve sustainable economic growth due to their limited domestic resources and market size. Their Gross Domestic Product, or GDP, is heavily reliant on foreign trade, particularly through foreign direct investment and foreign portfolio investment, as well as the balance of exports over imports. Without robust international trade, these countries are largely confined to consuming only what they produce themselves, which restricts economic expansion. (Mankiw & Taylor, 2012; Krugman & Wells, 2010)

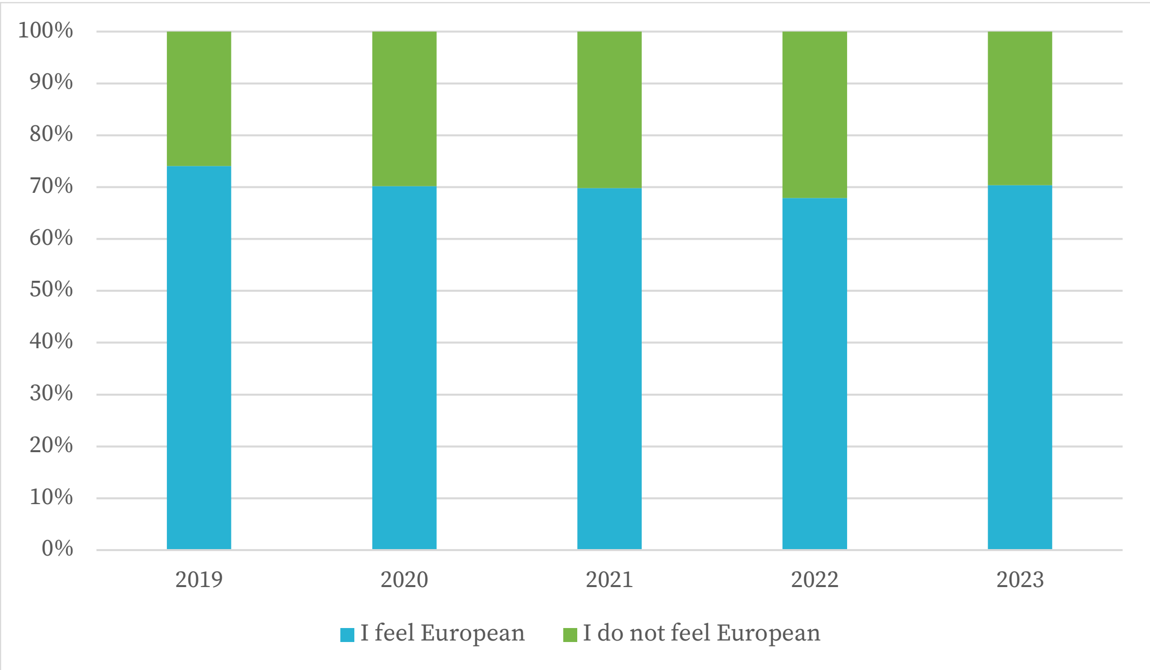

Figure 2: Do you feel European? - Survey Results (2019-2024) (Brandtjen, 2024)

One of the main challenges these economies face is geographic and political isolation. This isolation leads to high transportation costs, which act as natural trade barriers and limit access to international markets. In addition, small states often depend heavily on exports, making them vulnerable to fluctuations in global demand. If a major trading partner experiences an economic downturn, the resulting drop in demand can significantly impact the small state's GDP, especially if there are no alternative markets. (Weatherhead, 2006; Baldwin & Wyplosz, 2009)

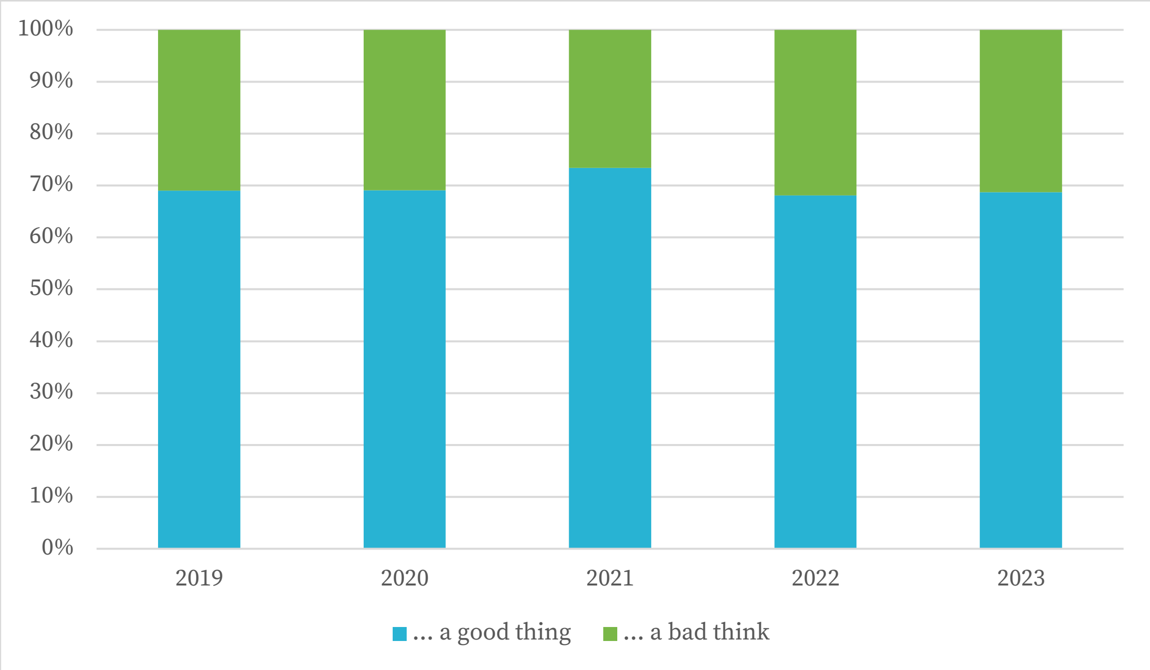

Figure 3: I think the EU is ... - Survey results (2019-2023) (Brandtjen, 2024)

Another significant issue is the weakness of financial systems in small economies. These systems may lack efficient institutions, face high barriers to market entry, or offer low profit expectations, all of which reduce the availability of credit and discourage investment. This situation is exacerbated by the high costs associated with non-tradable goods, which are goods and services not traded internationally due to prohibitive transportation costs. With fewer providers and limited economies of scale, the prices of these goods rise, leading to a crowding-out effect where public spending displaces private investment. (Salvatore, 2012)

Sectoral concentration also plays a role in limiting economic growth. Many small states have historically relied on agriculture, which tends to yield lower returns and attract less foreign investment. However, some have successfully shifted toward tradable services such as finance and software development, which offer better prospects for growth and investment. Countries like Luxembourg and Liechtenstein exemplify this transition, having developed strong financial and service sectors. (Yusuf & Nabeshima, 2012)

Despite these efforts, the dependence on exports introduces a source of instability. Price volatility in global markets, driven by changes in supply and demand, can have outsized effects on small economies. Mechanisms like international commodity agreements and buffer stocks can help mitigate this volatility, but their effectiveness often depends on the political integration of the small state in question. Political isolation, whether due to geography or policy, further compounds economic vulnerability by creating additional trade barriers. (Weatherhead, 2006) The Figure 4 illustrates the interconnected disadvantages faced by small economies.

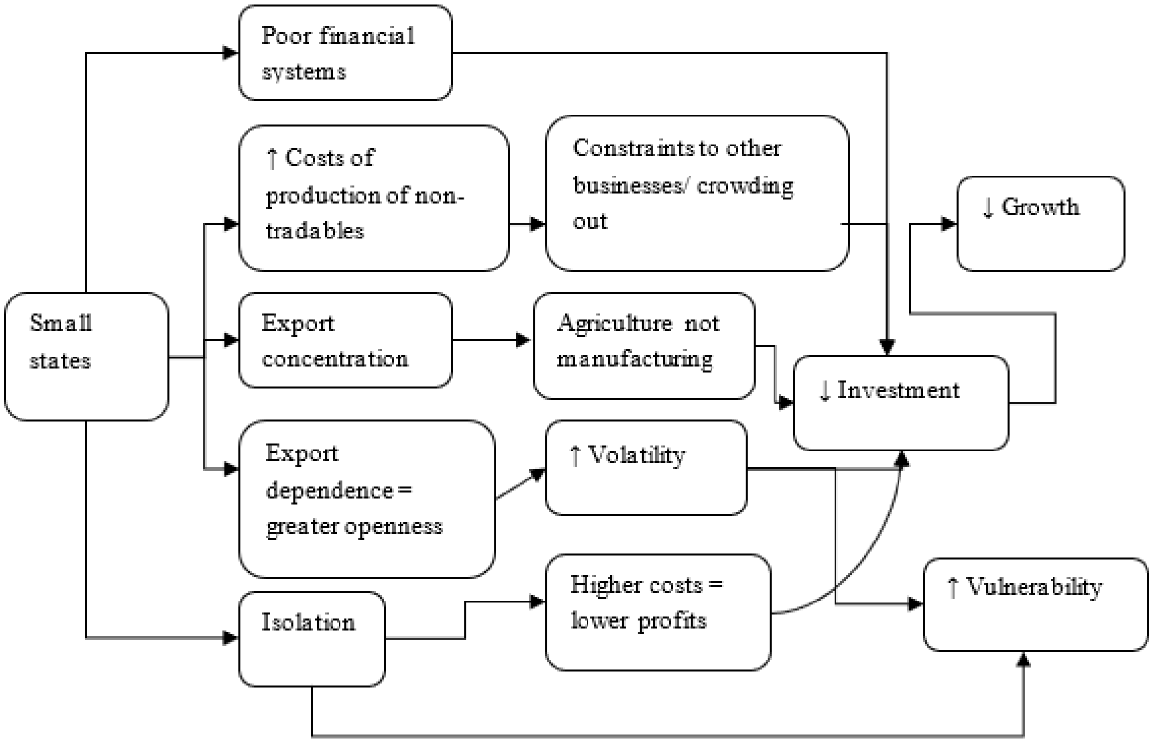

Figure 4: Interconnected Disadvantages faced by small economies (Weatherhead, 2006)

Gibraltar is economically self-sufficient and has established a successful and diversified economy. Key industries include financial services, shipping, e-gaming, and tourism. Despite a noticeable move from the public to private sector economy, government spending remains important for employment. (Brandtjen, 2022). It has managed to achieve a higher GDP per capita than the UK, the EU, Germany, France or Spain. Figure 5 shows this data from 2009 to 2023. Meanwhile the EU, the UK and France seem to have similar economic growth. Spain, however, provides a slower growth and even a decline between 2019 and 2020. Even Germany seems to provide the highest GDP per capita, Gibraltar's represent the double of it. Even though, the decline between 2019 and 2020 shows the economic interdependence between Gibraltar and its neighbour Spain, especially its neighbouring region "el Camp de Gibraltar".

Therefore, three main economic opportunities are hoped for: the Enhanced connectivity and trade growth, growth in financial services and the digital economy and the increase of tourism and cross-border commerce.

The agreement opens significant opportunities for Gibraltar's economic development. For the first time, flights will be able to operate from Gibraltar airport to EU destinations, dramatically increasing the territory's connectivity to the continental market. Currently, Gibraltar airport only operates flights to UK destinations, limiting its economic potential. (Reyes, 2025; Foreign, Commonwealth & Development Office, 2025; Gibraltar International Airport, 2025; Mirković & Sovilj, 2019; Baker, 2025)

Gibraltar's robust financial services sector, which forms a cornerstone of its economy, stands to benefit from improved EU market access. The territory has already adapted to Brexit challenges, with some fintech companies relocating to maintain EU access. The new agreement provides greater certainty for Gibraltar-based financial firms seeking to serve European clients. (Brandtjen, 2021; Cox, 2020)

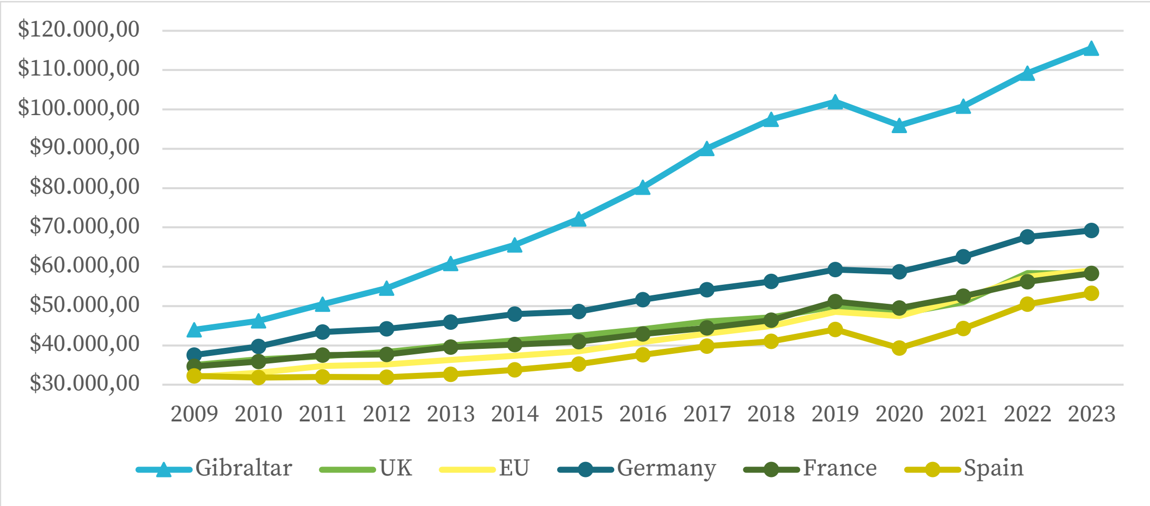

Figure 5: GDP per Capita - Comparison Gibraltar, UK, the EU, Germany, France and Spain from 2009-2023 (Government of Gibraltar, 2024; World Bank Group, 2025)

The elimination of border controls is expected to boost tourism and facilitate cross-border commerce. The agreement creates what Spanish officials describe as "an area of shared prosperity" between Gibraltar and the Campo de Gibraltar region that will benefit approximately 300,000 Andalusians in the surrounding area (Reyes, 2025; Tidey, 2025; AFP, 2025)

Challenges and Concerns

The biggest concerns are without doubt the question of sovereignty sensitivities. Despite explicit sovereignty protections, some UK Eurosceptics express concern about Spanish officials operating on British territory. The presence of Spanish border guards at Gibraltar's airport and port represents an unprecedented arrangement that could face domestic political opposition. (Baker, 2025)

The agreement is a political framework that must be transformed into a comprehensive legal treaty. This process involves translating the text into all 24 EU languages and completing various ratification procedures. Technical details regarding customs procedures, visa arrangements, and enforcement mechanisms remain to be finalized. (HM Government of Gibraltar, 2025; Reyes, 2025) this results in implementation complexities, which also take some time.

Entering into a Customs union between the EU and Gibraltar, the later might lose some economic advantages. Gibraltar has agreed to adjust its tobacco taxation policies to avoid trade distortions. This represents a significant concession for a territory that has historically leveraged tax advantages as an economic development tool. (EU Insider, 2025)

The success of this arrangement will depend on effective implementation and the willingness of all parties to make the necessary compromises. If successful, the Gibraltar model could influence future agreements involving other territories with complex European relationships, marking a new chapter in the evolution of European integration. (HM Government of Gibraltar, 2025; AFP, 2025; Reyes, 2025)

Conclusion

The 2025 Gibraltar Agreement marks a pivotal moment in the evolution of European territorial governance, offering a groundbreaking model for post-Brexit integration. While Gibraltar remains a British Overseas Territory, the agreement effectively embeds it within key European Union frameworks, including the Schengen Area and a bespoke customs union. This arrangement eliminates physical border controls with Spain, enhances economic connectivity, and preserves Gibraltar's internal autonomy and British identity. It reflects a pragmatic and flexible approach by the EU, accommodating the unique geopolitical and historical context of Gibraltar.

This development challenges traditional definitions of EU membership and sovereignty. Although Gibraltar is not formally part of the EU, its deep integration into European legal, economic, and mobility systems positions it as a de facto "new EU territory." The deal arguably makes Gibraltar more integrated with EU systems than it was as part of a formal EU member before Brexit. Through Schengen area participation, customs union membership, and regulatory alignment, Gibraltar gains many EU benefits while maintaining British sovereignty and identity. This hybrid status underscores a shift toward differentiated integration, where territories can align closely with the EU without full membership. The agreement also highlights the EU's capacity to innovate in managing complex relationships, offering a potential template for other regions with contested or special statuses. The agreement demonstrates that rigid distinctions between "inside" and "outside" the EU are increasingly obsolete in addressing complex territorial and economic realities

Looking ahead, several avenues for further research and policy development emerge. One important direction involves examining how this model might influence the EU's approach to other non-member territories or regions with unresolved sovereignty issues. The dual-border control system introduced in Gibraltar could also inform future Schengen governance, particularly in areas with high mobility and political sensitivity. Economically, Gibraltar's partial integration into the EU presents an opportunity to study the long-term effects on trade, investment, and sectoral development, especially in finance, tourism, and digital services.

The evolving identity of Gibraltar's population, which blends Gibraltarian, British, and European affiliations, offers fertile ground for sociopolitical research into how legal and institutional changes shape collective identity. Comparative studies with other small, open economies could provide insights into how political integration and economic diversification contribute to resilience and growth. Additionally, the legal and administrative processes required to implement the agreement—such as treaty ratification, translation, and enforcement—warrant close observation to assess the feasibility and replicability of such hybrid models.

In sum, the Gibraltar Agreement not only resolves a long-standing post-Brexit challenge but also opens a new chapter in the EU's approach to territorial integration. Its success will depend on effective implementation and sustained cooperation among all parties. If successful, it may well serve as a blueprint for future arrangements that balance sovereignty, identity, and integration in an increasingly interconnected world.

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