

## **How the 90/180 rule will work**

Under the treaty, Gibraltar resident ID card holders who are not EU nationals remain subject to the standard Schengen “90 days in any 180 day” short-stay rule, calculated on a rolling basis rather than fixed periods.

Frontier workers are treated separately under the treaty and the Schengen framework: cross-border workers commuting daily between Spain and Gibraltar are not treated as short-stay visitors and therefore are not subject to the 90 / 180 day limit.

Gibraltar residents will benefit from a lack of passport stamping and no EU Entry / Exit System at the Gibraltar frontier, meaning everyday crossings will not automatically register Schengen stay days.

Because the Gibraltar–Spain frontier will operate without systematic border checks, tracking time spent in Spain itself is more difficult in practice. Monitoring will be easier when residents fly in or out of Schengen, as those journeys leave an electronic record at the point of entry / exit.

Regardless, the rule still applies legally and Schengen immigration authorities elsewhere retain the right to ask travellers where they have been and how long they have stayed.

Under Schengen rules, any calendar day spent in the area counts, meaning even a same day shopping or golf visit to Spain counts as one day, whilst a Friday to Sunday weekend trip counts as three.

The 90 day limit applies across the whole Schengen Area combined, not country by country.

In practice the rule will matter most for extended stays elsewhere in Europe rather than everyday visits across the Gibraltar–Spain frontier.

Exceeding the limit can lead to fines, refusal of entry or temporary bans from the Schengen Area.

Gibraltar residents travelling on an EU passport (eg Irish, French, Italian or others) are treated as EU citizens and are not subject to the 90 day limit.

Non-EU spouses and children travelling with an EU citizen family member benefit from EU free movement rights and are generally not subject to the Schengen 90 / 180 day limit and are entitled to stay for 90 days consecutively in any one Schengen country.

Please note that this is my interpretation of the new rules and should not be considered definitive or legal advice.

Mike Nicholls

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