

Technical Reference Guide to Treaty Residency Provisions

1. Entry Into Force

Triggers:

- Two-year migration window for existing documents.
 - Activation of notification procedure for new permits.
-

2. Transitional Period (Up to Two Years)

Existing residence documents valid until expiry or two-year cap.

Notification to Spain of holders.

Possible Schengen screening during migration.

3. Identity Cards vs Residence Permits

Identity cards: proof of status.

Residence permits: treaty-compliant documents issued following notification procedure.

Third-country nationals receive EU-format permits.

4. Notification and Objection Procedure

Before issuance/renewal:

- Gibraltar notifies Spain.
 - 28 days (extendable by 14).
 - Silence = approval.
 - Objection binds issuance decision.
-

5. Appeal and Remedies

Refusal decisions subject to Gibraltar courts.

EU law interpretation may be relevant where Schengen concepts apply.

State-level disputes escalate to arbitration and potentially CJEU interpretation on EU law questions.

6. Future Amendments

Gibraltar retains competence to legislate domestically.

Material changes must remain treaty-compatible.

Joint/Specialised Committee oversees implementation, not domestic policymaking.