

**Question for written answer E-002487/2023  
to the Commission**

Rule 138

**Jordi Cañas** (Renew)

Subject: Serious incidents in Spanish territorial waters of the coast of Gibraltar

Three serious incidents occurred in Spanish territorial waters near the Rock of Gibraltar in August 2023. Firstly, the Panama-registered LNG tanker Gas Venus spilled fuel in Gibraltar while bunkering<sup>1</sup>, which is in breach of Royal Decree 1620/2012<sup>2</sup>. Secondly, three vessels from the UK Revenue and Customs and the Royal Navy attempted to prevent the Spanish Customs Surveillance Service vessel Colimbo II from doing its work to combat smuggling. In the latest incident, the Spanish fishing vessel *Mi Daniela* and its captain were harassed by Gibraltarian maritime police vessels in Spanish waters near the Rock.

The assets ceded to the British Crown ('the town and castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging') are set out in Article X of the 1713 Treaty of Utrecht; these do not include jurisdiction over territorial waters. This principle was reaffirmed in Spanish Supreme Court ruling 1621/2001.

In light of the above:

Will the Commission safeguard the rights over Gibraltar's Spanish territorial waters as defined in the Treaty of Utrecht of 1713 when negotiating the EU-UK Trade and Cooperation Agreement?<sup>3</sup>

Submitted: 30.8.2023

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<sup>1</sup> 'The permanent anchoring of bunkering tankers in the waters within the protected area is prohibited'.

<sup>2</sup> [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2012-14698](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2012-14698).

<sup>3</sup> [https://commission.europa.eu/strategy-and-policy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement\\_es](https://commission.europa.eu/strategy-and-policy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_es).

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E-002487/2023

E-002530/2023

Answer given by Vice-President Šefčovič  
on behalf of the European Commission  
(24.11.2023)

The Commission is aware of the incidents raised by the Honourable Member.

The Commission recalls that, in line with Articles 4(2) and 52 of the Treaty on European Union, the EU respects the territorial integrity of Member States and that the territorial scope of the Treaties is defined by reference to the territories of the Member States where EU law applies.

The Commission, on behalf of the EU and in close cooperation with Spain, is currently negotiating an agreement with the United Kingdom in respect of Gibraltar which would ensure enhanced cooperation in the area of Campo de Gibraltar and contribute towards diminishing the occurrence of similar incidents.