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LIMITE

UK 33

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

COUNCIL DECISION (Euratom) 2026/...

of ...

**approving the conclusion, by the European Commission,
on behalf of the European Atomic Energy Community,
of the Agreement in respect of Gibraltar between the European Union
and the European Atomic Energy Community, of the one part,
and the United Kingdom of Great Britain
and Northern Ireland, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101, second paragraph, thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The United Nations General Assembly resolutions on the decolonisation of the territory of Gibraltar ('Gibraltar') list Gibraltar as a 'Non-Self-Governing Territory Administered by the United Kingdom of Great Britain and Northern Ireland' in application of Chapter XI of the Charter of the United Nations.
- (2) On 5 October 2021, the Council authorised the Commission to open negotiations for an agreement with the United Kingdom in respect of Gibraltar. Following negotiations, the Parties agreed at negotiators' level the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'Agreement').
- (3) The Agreement covers matters falling under the scope of the Treaty establishing the European Atomic Energy Community (the 'Euratom Treaty'), namely the provisions on civil nuclear cooperation. The Agreement should therefore also be concluded on behalf of the European Atomic Energy Community (the 'Community') as regards matters falling under that Treaty.
- (4) The conclusion of the Agreement, by the Commission, acting on behalf of the Community, as regards matters falling under the Euratom Treaty, should be approved.

- (5) The Agreement, or any activity or measure taken in application or as a result thereof, does not imply any modification of the legal position of the Kingdom of Spain with regard to sovereignty and jurisdiction in relation to Gibraltar.
- (6) As the authorities of Gibraltar have a local character and exercise exclusively internal competences, any participation of those authorities in the application of the Agreement should be considered to be conducted exclusively within the internal competences of Gibraltar, unless otherwise specifically provided for.
- (7) The Agreement covers both matters falling under the scope of the Treaty on the Functioning of the European Union (TFEU) and matters falling under the scope of the Euratom Treaty. For matters falling under the scope of the TFEU, the Agreement is intended to apply on a provisional basis as from 15 July 2026. For the sake of consistency, the part of the Agreement covering matters falling under the scope of the Euratom Treaty should also apply on a provisional basis from the same date.
- (8) The signing, provisional application and conclusion of the Agreement on behalf of the Union is subject to a separate procedure,

HAS ADOPTED THIS DECISION:

Article 1

The conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the ‘Agreement’), including its provisions on provisional application, is hereby approved, as regards matters falling under the Treaty establishing the European Atomic Energy Community (the ‘Euratom Treaty’), subject to the conditions set out in Article 2 of this Decision¹.

Article 2

Prior to its conclusion and subject to reciprocity, the Agreement, as regards matters falling under the Euratom Treaty, shall be signed and, provided that the conditions set out in Article 336(2) of the Agreement are fulfilled, shall be applied on a provisional basis as from 15 July 2026, pending its entry into force.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President

¹ The text of the Agreement is published in OJ L, ..., ELI: ...