



Parliamentary questions

14 November 2013

E-012946-13

**Question for written answer
to the Commission**
Rule 117
Ashley Fox (ECR)

► **Subject: Free movement of goods in Gibraltar**

 Answer(s)

A recent announcement in the Spanish press warned that the Spanish Government may seek to interrupt vessels carrying building materials to Gibraltar.

Could the Commission clarify whether such a move would contravene the free movement of goods, as enshrined in the European Treaties?

OJ C 231, 17/07/2014

Last updated: 4 December 2013

[Legal notice](#)



Parliamentary questions

4 February 2014

E-012946/2013

Answer given by Mr Tajani on behalf of the Commission

The Court of Justice of the European Union ruled in *Commission v United Kingdom (Gibraltar)*⁽¹⁾ that the exclusion of Gibraltar from the customs territory of the Union implies that the Treaty rules on free movement of goods are not applicable to it. The Court stated that 'under Title I of the third part of the Treaty on the Functioning of the European Union (TFEU), concerning free movement of goods, Article 28(2) TFEU provides that Article 30, which prohibits customs duties and charges having equivalent effect, and the whole of Chapter 2 of that title, which concerns the prohibition on quantitative restrictions between Member States, apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States. As products originating in Gibraltar fall within neither of those categories, they are not covered by the Treaty rules on free movement of goods and, in particular, those prohibiting quantitative restrictions between Member States'.

⁽¹⁾ Case C-30/01 *Commission v United Kingdom (Gibraltar)* [2003] ECR I-9481, paras 58-59.

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