

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 113/2005
21 November 2005

The Opposition condemn the exclusion of Gibraltar from the EU regulation on the blacklisting of unsafe airlines. This exclusion is in line with the policy of the Spanish Government which has successfully excluded Gibraltar from EU civil aviation measures ever since they joined Europe in 1986.

It is absolutely disgraceful that Madrid should be willing to compromise the safety of air passengers for the sake of making a point as to its claim that our airport is on Spanish and not British territory.

A package of 117 amendments to the Regulation were tabled in the European Parliament last week and this included the Gibraltar exclusion clause which was amendment number 83. It has become standard practice for this clause to be included by the Council and not the Parliament, however, the Opposition understands that all the package of amendments had already been previously negotiated between the European Parliament, the European Commission and the European Council. This means that although the Gibraltar amendment was introduced by the Parliament, it originated from the Council of Ministers for which read Spain.

Commenting on the matter, Shadow Minister for Trade and Industry with responsibility for civil aviation Dr Joseph Garcia said:

“The effect of the Gibraltar exclusion means that any airline which has been deemed to be unsafe, and which has been banned from the European Union, is nonetheless able to fly from outside the European Union to and from Gibraltar airport. The normal procedure would be for such an airline to request permission from the Civil Aviation Authority, who would refer the matter to the Gibraltar Government. In theory, a Gibraltar Government would be free to support flights to Gibraltar from, for example North Africa, by an airline which has been banned from all the airports of the European Union. This is a serious loophole in the Regulation.”

“Gibraltarians and other EU nationals who choose to fly to and from Gibraltar airport will therefore in theory be less protected than EU nationals who choose to fly from other airports of the European Union,” explained Dr Garcia.

Apart from the creation of a common blacklist, the Regulation also seeks to increase the information rights of passengers. Air travelers will have by law the right to know the identity of the operating air carrier as soon as this is established, and when this is changed after making a reservation passengers should be informed at the time of check-in or boarding at the latest. Passengers would have the right to reimbursement or re-routing if the air carrier is included on the blacklist after the reservation has been made and the flight has therefore been cancelled.

The Gibraltar exclusion clause is based on the wording agreed by the British Government in 1987 when they concluded the airport agreement. It has been

used to exclude Gibraltar from many other EU civil aviation measures ever since.

“The whole issue serves to illustrate the lengths to which the Spanish Government is prepared to go to make the point that they have a territorial claim to the land on which Gibraltar airport is situated, even if this means that there is now a serious loophole in the Regulation as a result,” said Dr Garcia.

ENDS