

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION**

151/2009

2 November 2009

The Opposition consider that it is a matter of concern that diving companies based in Spain continue to compete unfairly against locally established businesses. This has been a visible activity at Camp Bay throughout the summer months, while bathers used the beaches, and was happening again this weekend. It is an issue that the Government must tackle with a greater degree of urgency than is being shown at present.

These diving companies simply drive in through the border, often in marked vans, which indicate that they are conducting a commercial operation. They then drive to Camp Bay, where there are sites used by local divers, and proceed to go about their business. When they finish they pack up and leave. The Opposition understands that there is a serious problem with access to the sites and that there are times when local diving businesses have been unable to operate on the sites because divers from Spain have got there first.

Moreover, local operators have drawn attention in the past to the fact that Spanish-based diving companies do not comply with Gibraltar legislation and conduct a commercial activity here without going through the same controls and regulations that apply to local businesses. This includes import duty, employment, Port regulations and tax. Therefore there is no level playing-field between such a diving company based in Spain and a diving company based in Gibraltar.

Earlier this year, the tragic death of a German diver drew attention to the wider issue of the activities being conducted in Gibraltar waters by companies based in Spain. The Opposition said at the time that this raised issues of both a political and a commercial nature.

Commenting on the matter, Shadow Minister for Commercial Affairs Dr Joseph Garcia said:

“We have been pressing the Government since 2005 on the unfair competition posed to Gibraltar companies by businesses based in Spain. They then said in Parliament that they had no plans to regulate the industry given that there were laws which already existed that prevented this kind of business from being carried out in Gibraltar. They added that if it were a case of controlling orderly access to a limited amenity then it may become desirable to convert diving into a regulated activity.

When we pressed them again four years later, the Government said that they were “reviewing the possibility” of licensing and regulating diving activities, and last month they said that they had finally decided to “license and regulate” and were currently considering options for doing so.

This matter has dragged on for so many years that the Government should now give it some urgency given the problems created locally by the unfair competition from those companies based in Spain.”

ENDS