

**STATEMENT BY THE GSLP/LIBERAL OPPOSITION
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The recent signature of an air traffic control agreement between NATS and AENA could be seen as tacit recognition that the airspace above Gibraltar is not Spanish and that there is a point at which an aircraft is leaving Spanish airspace and entering Gibraltar airspace and vice versa. There is very little information publicly available on the details of the agreement but this overriding principle is obvious given that such an agreement would not be necessary if, as Madrid claims, the airspace above Gibraltar were Spanish.

It will be recalled that last month the Gibraltar Government announced the signing of a technical level agreement between air traffic control providers in Gibraltar and in Spain. The Gibraltar signatory was National Air Traffic Services Ltd, which is actually a contractor for the Ministry of Defence and for Spain the Spanish air traffic control provider Aeropuertos Espanoles y Navagacion Area.

This followed the decision of the Spanish air traffic controllers union to taken legal action against the Spanish agency for air security (AESA) on the basis that the different manner of communicating between Gibraltar airport and the control centre at Seville posed a safety and security risk. The signature of the agreement is an attempt to close the safety risk that the air traffic controllers had identified but in so doing the existence of an agreement in itself has given de facto recognition that AENA does not control the airspace above Gibraltar.

Earlier this year senior technical officials in AENA itself confirmed that the abnormal situation which surrounded North Front airport, because of the Spanish sovereignty claim, meant that there was a lack of standardised procedures which forced Spanish air traffic controllers based at Seville to work differently when communicating with Gibraltar. It has now been established locally that what the agreement does is to make sure that controllers in Seville are fully briefed and aware of the procedures that are going to be followed when they deal with Gibraltar. None of the procedures have been changed, they have simply been written down and formalised.

It is clear that the reason for a written agreement is that it is possible that a new controller who comes in is not aware of how the handover of flights between Seville and Gibraltar should be done and in order to prevent difficulties everything has been written down. This need for the controllers to familiarise themselves with the different way of dealing with Gibraltar has been given as the reason for the delay between the signature of the agreement on the 14th July and its coming into effect yesterday on the 2nd August.

Commenting on the matter, Shadow Minister with responsibility for Civil Aviation Dr Joseph Garcia said:

“The Opposition has not seen the document so we can therefore make our own judgement based only on the limited amount of information that has been made public in Gibraltar and in Spain. It is a fact that the timing of the agreement coincided with the legal action that the Spanish air traffic controllers had initiated and it removes one of arguments that were being used in the industrial dispute with their employers. It is also a fact that in formalising the procedures that already existed between Gibraltar and Seville into a written agreement, even if the actual procedures remain the same, this provides de facto recognition that there are two separate air traffic control jurisdictions covering two separate sovereign areas. When General Franco divided the Bay along the median line, for example, the unintended consequence was to recognise British sovereignty in the other half.”