

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

7.05.2007

NOTICE TO MEMBERS

Petition 0273/2006 by Mr Gordon Nelson (British), on behalf of the Gibraltar Local Disability Movement, on the non-applicability to Gibraltar of the EC's proposal for a Regulation concerning the rights of persons with reduced mobility when travelling by air

1. Summary of petition

The petitioner, acting on behalf of the Gibraltar Local Disability Movement, maintains that the non-applicability to Gibraltar of the European Commission's proposal for a Regulation concerning the rights of persons with reduced mobility when travelling by air breaches the EC Treaty in particular Article 3(2) and Article 17(2), but also Article 230. The petitioner asks the European Parliament to intervene in order to have the proposal reviewed.

2. Admissibility

Declared admissible on 3 August 2006. Information requested from the Commission under Rule 192(4).

3. Commission reply, received on 7 May 2007.

The EC's proposal for a Regulation concerning the rights of persons with reduced mobility when travelling by air has been adopted by the Council and European Parliament on 5 July 2006 (Regulation 1107/2006).

Application of EU legislation in the field of aviation (including Regulation 1107/2006) to Gibraltar airport is understood to be without prejudice of the respective legal positions of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland with regard to the dispute over sovereignty over the territory in which the airport is situated.

As recalled in Recital 21 and Article 1(7) of Regulation 1107/2006, application of the Regulation to Gibraltar airport remains suspended until the arrangements included in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom

of Great Britain and Northern Ireland on 2 December 1987 enter into operation. At the date of adoption of Regulation 1107/2006, such arrangements had yet to enter into operation.

On 18th September 2006, the Kingdom of Spain, the United Kingdom of Great Britain and Northern Ireland and the government of Gibraltar signed the so-called "Córdoba Tripartite Dialogue Forum Ministerial meeting Joint Statement" (the "Córdoba Statement"), which includes provisions on Gibraltar Airport.

In accordance with the terms of the Córdoba Statement, there will be a lifting of Gibraltar Airport's suspension from all EU aviation measures; consequently, Gibraltar Airport will be bound by, comply with and benefit from all applicable EC Regulations and Directives. In this context, as regards existing EC legislation, the application to Gibraltar Airport of Regulation 1107/2006 is currently suspended. The Kingdom of Spain will join the United Kingdom of Great Britain and Northern Ireland in notifying the formal lifting of Gibraltar Airport's suspension from the application of all EC Aviation measures currently in force. From the date of such notification, there will be a lifting of Gibraltar Airport's suspension from all EU aviation measures. Gibraltar Airport will be bound by, comply and benefit from all applicable EC Regulations and Directives, including Regulation 1107/2006.

Therefore, the Commission concludes that the content of the letter sent on 4 September 2006 to the petitioner on behalf of the Committee of Transport and Tourism was valid at the time, but that new elements have changed the situation.