



Parliamentary questions

5 March 2014


E-002559-14

**Question for written answer
to the Commission**

Rule 117

Julie Girling (ECR)

▶ **Subject: Gibraltar's inclusion in the Common Aviation Area**

 Answer(s)

Europe's Common Aviation Area (CAA) aims to foster the gradual opening of the aviation market between the EU and its neighbours. The CAA is implemented through comprehensive air transport agreements that promote economic, trade and tourism relations. The EU has thus far concluded such agreements with the western Balkans (the ECAA Agreement), Georgia, Israel, Jordan, Moldova and Morocco.

Can the Commission confirm that:

1. Gibraltar is included under the definition of European Union 'territory', in line with the Treaty on the Functioning of the European Union, for the purposes of all ratified CAA Agreements;
2. Gibraltar will be included in future draft agreements that aim to extend the CAA;
3. the exclusion of a Member State territory from the CAA is incompatible with the application of the TFEU?

OJ C 324, 18/09/2014

Last updated: 24 March 2014

[Legal notice](#)



Parliamentary questions

23 April 2014

E-002559/2014

Answer given by Mr Kallas on behalf of the Commission

The Multilateral Agreement on the Establishment of a European Common Aviation Area⁽¹⁾ contains the following wording:

'Gibraltar airport

1. The application of this Agreement to Gibraltar airport is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.
2. The application of this Agreement to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 enter into operation.'

All the other agreements referred to in the question of the honourable Member are in essence⁽²⁾ worded as follows:

““territory” means, [...], and, for the European Union, the land areas (mainland and islands), internal waters and territorial sea in which the Treaty on European Union and the Treaty on the Functioning of the European Union is applied and under the conditions laid down in those Treaties and any successor instrument. The application of this Agreement to Gibraltar airport is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated and to the continuing suspension of Gibraltar airport from EU aviation measures existing as at 18 September 2006 as between Member States in accordance with the Ministerial Statement on Gibraltar airport agreed in Cordoba on 18 September 2006;’

Any future agreement aiming to extend the Common Aviation Area should duly take into account the situation of the Gibraltar airport.

- (1) Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, OJ L 285, 16.10.2006 p. 0003 — 0046. See Article 33.
- (2) The agreement with Morocco being prior to the entry into force of the Treaty of Lisbon, refers to the 'Community' and the 'Treaty establishing the European Community'.

OJ C 324, 18/09/2014

Last updated: 28 April 2014

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