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Contrary to a number of statements recently made by the Opposition, Spain has not designated more British Gibraltar Waters for EU Environmental Protection purposes. The waters affected remain only those proposed by Spain in 2008, and listed by the EU Commission in its existing decision which is the subject of a legal challenge by the Gibraltar Government.

What is happening now, as the Chief Minister said in his speech in Parliament on the occasion of the Swearing-in of the Governor, is that the EU is up-dating the list in a new decision. That new decision updating the list of sites of Community importance again includes the site proposed by Spain in 2008. In other words the EU Commission has chosen not to take this opportunity to remove from the list the site in British Gibraltar Waters which it had listed before.

Because this constitutes a new decision by the EU, the time deadlines for legally challenging it starts to run again. This gives the UK a further opportunity to bring its own legal challenge to this new decision.

It is important that the UK does so. It will be recalled that the UK did not challenge the first offensive listing decision because, by the time the issue was spotted, the deadline for a legal challenge to be brought by the UK had expired. Only the Gibraltar Government could bring a legal action, and it did so. The UK then joined into the GOG's action in support of our position.

However, the EU Commission, supported by Spain, are challenging the admissibility of the Gibraltar Government's legal action against the existing decision on the grounds that the Government does not have the right to bring it.

The Government does not believe that this challenge to its right to bring the existing action will succeed, but if it does succeed the Government's case will be struck out, and the matter will remain in its present unacceptable state forever. That is why a direct legal challenge by the UK Government to this new Commission Decision is important, since it will protect Gibraltar and UK from the serious sovereignty consequences of GOG's action being ruled inadmissible.