



Technical Notice (4) Getting ready for the end of the Transition Period

5 October 2020

Aviation

On 31 December 2020, the Transition Period (sometimes also referred to as the “Implementation Period”) under the EU-UK Withdrawal Agreement will come to an end. The end of the Transition Period will bring an end to the current status quo whereby Gibraltar, its citizens and its business, have enjoyed EU rights. Therefore, subject to the outcome of ongoing negotiations concerning the UK and Gibraltar’s future relationship with the EU, the end of the Transition Period will bring about important changes which Gibraltar, as a whole, will need to be ready for.

Purpose.

The purpose of this Notice is to explain what the effect of those changes are on flights operated to and from Gibraltar Airport.

Existing Position.

Gibraltar Airport currently serves flights between Gibraltar and the UK and flights between Gibraltar and Morocco, although the latter are currently suspended.

Air services between Gibraltar and the UK are considered domestic flights on the basis that the UK signed the Convention on International Civil Aviation (the “Chicago Convention”) on behalf of itself, the Crown Dependencies and the Overseas Territories, including Gibraltar. During the Transition Period, the UK remains part of the EU internal market for air services. As such, flights between the UK and Gibraltar currently operate on the basis of EU legislation allowing for the free circulation of flights within EU airspace without the need for advance permission from individual national authorities.



Air services between Gibraltar and Morocco function on the basis of an Air Services Agreement agreed between the EU and Morocco. This Agreement applies to Gibraltar.

If there is no agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020.

Flights between the United Kingdom and Gibraltar

The International Air Services Transit Agreement signed in Chicago on 7 December 1944 allows for scheduled and non-scheduled international air services of the contracting states to fly through the airspace of other contracting states. The UK, Spain, France and Belgium are all signatories to this Agreement. Therefore, flights to and from the UK would still be able to continue as normal. When required, flights will also be able to be diverted to Spanish airports.

Flights between Gibraltar and Morocco

Ahead of the expiry of the Transition Period, the UK has negotiated an Air Services Agreement with Morocco. The Agreement, which will come into effect on 1 January 2021, has been extended to include flights to and from Gibraltar Airport. Flights operated between Gibraltar and Morocco would therefore be able to continue as normal.

Security

HMGoG has provided for EU Security Regulations to be retained in Gibraltar law. Therefore, passengers using Gibraltar Airport, will not note any changes to existing security arrangements.

The current security arrangements would continue to apply to mail, cargo/freight, live animals or courier mail carried in the hold of an aircraft.



Passenger rights

For air passengers on flights between the UK and Gibraltar, equivalent passenger rights as apply today will continue to apply after 31 December 2020 given that EU passenger rights legislation will be retained in UK law for passengers travelling on UK Airlines.

Implications and Mitigation

As outlined above, the end of the Transition Period should not bring about any changes to the manner in which flights are operated between Gibraltar Airport and UK and Moroccan airports.

If there is an agreement with respect to Gibraltar's future relationship with the EU by 31 December 2020.

If the UK and the EU are able to reach agreements on the future operation of air services as between themselves, and those agreements cover Gibraltar Airport, it is likely that those agreements will provide for rights for aircraft to be able to operate through respective airspace and for aircraft to be able to divert into an airport in the territory of another party. In essence, this would mean that the status quo would remain for UK operated aircraft flying between the UK and Gibraltar. The ability of EU registered airlines to operate future services to and from Gibraltar Airport will depend on the outcome of the negotiations.

Flights operated between Gibraltar and Morocco are unaffected by any potential future arrangements with the EU.

Further information

This Notice is meant for guidance only.

Further information can be sought from brexit@gibraltar.gov.gi.