

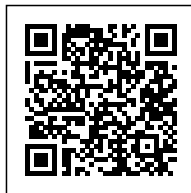
THE SKY'S THE LIMIT - BROSETA

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The ongoing claims and litigation against the Spanish airport operator AENA is no barrier to its planned privatisation

Las tensiones entre AENA y los controladores aéreos han provocado renunciadas, huelgas y juicios que involucran a aerolíneas y colectivos de pasajeros, explica Jesús Avezuela, de Broseta.

Ongoing tensions between the Spanish airport operator AENA and Air Traffic Controllers have prompted walkouts, strikes and chaotic scenes at many airports over the past year. The result has been litigation involving, the state, airlines and the air traffic controllers, says Jesús Avezuela, Director of the Madrid office of Broseta.

"The Controllers, through their Union USCA, rejected various attempts to change their working practices prompting the Government ultimately to force the changes on them through legislation. The most dramatic outcome to which was a mass walkout on one of the busiest bank holiday

weekends of the year."

On December 3rd Controllers massively abandoned their posts which led to the Government to close Spanish air space, which led to hundreds of flight cancellations.

"Airlines are claiming for the cancellation of flights, the need to compensate passengers for the cost of their tickets and expenses, having to move empty aircraft and the cost of having to reconcile schedules affected by the cancellations, as well as their own costs of handling complaints," says Avezuela, who is advising a number of airlines.

AENA, overseen by the Ministerio de Fomento, has immediate responsibility for air traffic control thus companies are entitled to make claims against it. It in turn, can seek compensation from the controllers, already subject to claims by passenger groups.

Such actions come as the Government has now however begun the process of the privatisation of AENA, and separately of the country's two largest airports, Madrid Barajas and Barcelona El Prat. But such actions are unlikely to affect the private entities that will ultimately gain an interest in them, believes Avezuela.

"Privatisation should not affect the actions or the liability of those involved. The ongoing claims relate to prior events and it is ultimately the public administration that currently has responsibility for airport management."