



Foreign &
Commonwealth
Office

Europe Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

08 November 2017

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 943-17

Thank you for your email of 10 October 2017 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

"I am writing to you under the Freedom of Information Act 2000 to request the following information from the FCO:

- 1. A list of illegal incursions into British Gibraltar Territorial Waters showing the date, the nationality of the vessel and the type (e.g. merchant, naval etc.) and class of vessel, for the following time period: 01/01/2015 - date*

Please provide the information in an Excel spreadsheet. Failing that, I would be happy to come in and inspect the record. If not all the information is available, then please provide me with the parts of it that are.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, by email or phone, under your Section 16 obligations, as to how I can refine my request to be included in the scope of the Act.

Likewise, if you identify ways in which my request could be refined please provide further advice and assistance to indicate this, also under Section 16."

On 20 October 2017, we wrote to explain that the search of our files resulted in a significant number of files, and we judged that the time needed to go through these files would take us beyond the cost of compliance limit outlined in Section 12 of the Freedom Of Information Act. We therefore suggested that you might like us to narrow the search to incursions by one or two specific States. You responded on 22 October, asking us to:

"Please limit my request to Spanish vessels."

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request.

We have compiled a list of all passages by Spanish State vessels into British Gibraltar Territorial Waters from 1 January 2015 to 10 October 2017 (the date of your request) which HMG judges to be incompatible with the meaning of innocent passage as defined by the UN Convention on the Law of the Sea, and, as such, has protested with the Spanish authorities. We have provided the vessel's name, type and responsible agency on each occasion. The FCO does not hold records of vessel class.

Yours sincerely,

Europe Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.