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K. PYSDEN / S. PEREZ-GOLDZVEIG

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The case of President Morales and Mr. Snowden.

The EU has stated to the press that under the Chicago Convention it is up to each Member State to decide whether or not to refuse authorisation for an aircraft to enter its national airspace. We would like to point out few issues to be reviewed:

1. Under the Chicago Convention Art. 3(a) it is stated that ***“This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft”*** The EU is not clarifying whether or not the airplane involved was a civil or state aircraft.
2. It should be wrong to deny authorisation into national airspace based on a “supposition” of a breach of EU Member State national legislation. Each EU Member State should report as soon as possible the legal position under their respective national laws.
3. The acts by the EU Member States involved in refusing entry to airspace of the airplane in which the Bolivian President Mr. Evo Morales was travelling, seem to be based on a response not to their respective rights under the Chicago Convention but under the Open Sky Agreement which treats the actions of EU Member States as the European Community and not on an individual basis.

We invite the EU and the Member States concerned to clarify their respective positions given the apparent potential infractions committed against President Morales in refusing entry of the airplane he was in to their airspace.

We at Pysdens Solicitors make every effort to keep our expenses to a minimum in order to pass our savings to our clients. Our fees are very competitive which, in times of economic difficulties, is important to consider. Our policy is to resolve disputes early rather than to litigate.

Disclaimer: This is not legal advice. We cannot advise any party to act based on this report without first consulting a specialised solicitor. The opinions in this report are those of the writers.

Note: In producing this press release by Pysdens Solicitors, the model published in the book entitled "GUIDELINES TO CONSIDERATION IN RESPECT OF COMMERCIAL DEALINGS" by S. Perez-Goldzweig and K.Pysden forming part of the research and development programme "COMMERCIAL GUIDE INITIATIVE" by S. Perez-Goldzweig and K.Pysden being part of "TheHouseofBranchofGold" was used with the authorisation of the authors.

Artwork by Pysdens Solicitors and PGB Artistic Productions.

Contact: sam.perez@pysdens.com

Pysdens Solicitors

108 Fenchurch Street

Third Floor

ECRM 5JR

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