

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.3.2007
COM(2007) 134 final

2007/0052 (CNS)

Proposal for a

COUNCIL DECISION

on the signature and provisional application of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Following the judgements of the Court of Justice in the so-called "Open Skies" cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with a Community agreement[1] (the "horizontal mandate"). The objectives of such agreements are to give all EU air carriers non-discriminatory access to routes between the Community and third countries, and to bring bilateral air service agreements between Member States and third countries in line with Community law.

- **General context**

International aviation relations between Member States and third countries have traditionally been governed by bilateral air services agreements between Member States and third countries, the Annexes to such agreements and other related bilateral or multilateral arrangements.

Traditional designation clauses in Member States' bilateral air services agreements infringe Community law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against Community carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 43 of the Treaty which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

There are further issues, such as aviation fuel taxation or tariffs introduced by third country air carriers on intra-Community routes, where compliance with Community law should be ensured through amending or complementing existing provisions in bilateral air services agreements between Member States and third countries.

- **Existing provisions in the area of the proposal**

The provisions of the Agreement supersede or complement the existing provisions in the bilateral air services agreements between Member States and the United Arab Emirates.

- **Consistency with the other policies and objectives of the Union**

The Agreement will serve a fundamental objective of the Community external aviation policy by bringing existing bilateral air services agreements in line with Community law.

---

[1] Council Decision 11323/03 of 5 June 2003 (restricted document)

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Member States as well as the industry were consulted throughout the negotiations.

Summary of responses and how they have been taken into account

Comments made by Member States and the industry have been taken into account.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

In accordance with the mechanisms and directives in the Annex to the ”horizontal mandate”, the Commission has negotiated an agreement with the United Arab Emirates that replaces certain provisions in the existing bilateral air services agreements between Member States and the United Arab Emirates. Article 2 of the Agreement replaces the traditional designation clauses with a Community designation clause, permitting all Community carriers to benefit from the right of establishment. Article 3 the Agreement address safety in the context of Community designation. Article 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and in particular Article 14 (2) thereof. Article 5 (Pricing) resolves conflicts between the existing bilateral air services agreements and Council Regulation No 2409/92 on fares and rates for air services which prohibits third country carriers from being price leaders on air services for carriage wholly within the Community. Article 6 resolves potential conflicts with the EC competition rules.

- **Legal basis**

EC Treaty Art. 80(2), 300(2)

- **Subsidiarity principle**

The proposal is entirely based on the “horizontal mandate” granted by the Council taking into account the issues covered by Community law and bilateral air services agreements.

- **Proportionality principle**

The Agreement will amend or complement provisions in bilateral air services agreements only to the extent necessary to ensure compliance with Community law.

- **Choice of instruments**

The Agreement between the Community and the United Arab Emirates is the most efficient instrument to bring all existing bilateral air services agreements between Member States and the United Arab Emirates into conformity with Community law.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **Simplification**

The proposal provides for simplification of legislation.

The relevant provisions of bilateral air services agreements between Member States and the United Arab Emirates will be superseded or complemented by provisions in one single Community agreement.

- **Detailed explanation of the proposal**

In accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and on the conclusion of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services and to designate the persons authorised to sign the Agreement on behalf of the Community.

Proposal for a

COUNCIL DECISION

on the signature and provisional application of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission[2],

Whereas:

(1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,

(2) On behalf of the Community, the Commission has negotiated an Agreement with the United Arab Emirates on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,

(3) Subject to its possible conclusion at a later date, the Agreement negotiated by the Commission should be signed and provisionally applied,

HAS DECIDED AS FOLLOWS:

Sole Article

1. Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person or persons empowered to sign on behalf of the Community the Agreement between the European Community and the United Arab Emirates on certain aspects of air services.

2. Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the parties have notified each other of the completion of the necessary procedures for this purpose. The President

[2] OJ C , , p. .

of the Council is hereby authorised to make the notification provided in Article 9(2) of the Agreement.

3. The text of the Agreement is annexed to this decision.

Done at Brussels,

For the Council
The President

2007/0052 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission[3],

Having regard to the opinion of the European Parliament[4],

Whereas:

(1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,

(2) On behalf of the Community, the Commission has negotiated an Agreement with the United Arab Emirates on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,

(3) The Agreement was signed on behalf of the Community subject to its possible conclusion at a later date, in conformity with Decision …/…/EC of the Council on [5],

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and the United Arab Emirates on certain aspects of air services is approved on behalf of the Community.

---

[3] OJ C , , p. .
[4] OJ C , , p. .
[5] OJ C , , p. .

2. The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is authorised to designate the person empowered to make the notification provided in Article 9(1) of the Agreement.

Done at Brussels,

For the Council
The President

ANNEX

AGREEMENT

between the European Community and the United Arab Emirates

on certain aspects of air services

THE EUROPEAN COMMUNITY

of the one part, and

THE UNITED ARAB EMIRATES ('the UAE')

of the other part

(hereinafter referred to as 'the Contracting Parties')

NOTING that the European Court of Justice has found that certain provisions of bilateral agreements entered into by several Member States with third countries are incompatible with European Community law,

NOTING that a number of bilateral air services agreements have been concluded between several Member States of the European Community and the UAE containing similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the EC Treaty,

NOTING that the European Community has exclusive European Community competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to agreed air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that consistency between European Community law and provisions of bilateral air service agreements between Member States of the European Community and the UAE will preserve the continuity and development of air services between the European Community and the UAE,

NOTING that under European Community law air carriers may not, in principle, conclude agreements which may affect trade between Member States of the European Community and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air service agreements concluded between Member States of the European Community and the UAE which i) require or favour the

adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition between air carriers on the relevant routes; or ii) reinforce the effects of any such agreement, decision or concerted practice; or iii) delegate to air carriers or other private economic operators the responsibility for taking measures that prevent, distort or restrict competition between air carriers on the relevant routes may render ineffective the competition rules applicable to undertakings,

NOTING that it is not a purpose of the European Community, as part of this Agreement, to increase the total volume of air traffic between the European Community and the UAE, to affect the balance between Community air carriers and air carriers of the UAE, or to prevail over the interpretation of the provisions of existing bilateral air service agreements concerning traffic rights.

HAVE AGREED AS FOLLOWS:

ARTICLE 1

General provisions

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community, 'Contracting Party' shall mean a contracting party to this Agreement; 'Party' shall mean the party to the relevant bilateral air services agreement.

2. References in each of the agreements listed in Annex 1 to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.

3. References in each of the agreements listed in Annex 1 to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.

ARTICLE 2

Designation

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of an air carrier by the Party concerned, its authorisations and permissions granted by the other Party, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for operating authorisations and

technical permissions, each Party shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) in the case of an air carrier designated by a Member State:

i. the air carrier is established in the territory of the designating Member State under the Treaty establishing the European Community and has a valid Operating Licence granted by a Member State in accordance with European Community law; and

ii. effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and

iii. the air carrier has its principal place of business in the territory of the Member State from which it has received the valid Operating Licence*;* and

iv. the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex 3 and/or nationals of such other states.

(b) in the case of an air carrier designated by the UAE:

i. the air carrier is established in the territory of the UAE and is licensed in accordance with the applicable law of the UAE; and

ii. the UAE has and maintains effective regulatory control of the air carrier.

3. Either party may refuse, revoke, suspend or limit the operating authorisations or technical permissions of an air carrier designated by the other party where:

(a) in the case of an air carrier designated by a Member State:

i. the air carrier is not established in the territory of the designating Member State under the Treaty establishing the European Community or does not have a valid Operating Licence granted by a Member State in accordance with European Community law; or

ii. effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operator's Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or

iii. the air carrier does not have its principal place of business in the territory of the Member State from which it has received its Operating Licence; or

iv. the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of

Member States, and/or by other states listed in Annex 3 and/or nationals of such other states; or

v. the air carrier holds an Air Operator's Certificate issued by another Member State and it can be demonstrated that by exercising traffic rights under this Agreement on a route that includes a point in that other Member State, including the operation of a service which is marketed as, or otherwise constitutes a through service, it would in effect be circumventing restrictions on traffic rights imposed by a bilateral air services agreement between the United Arab Emirates and that other Member State; or

vi. the air carrier holds an Air Operator's Certificate issued by a Member State and there is no bilateral air services agreement between the United Arab Emirates and that Member State, and it can be demonstrated that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the air carrier(s) designated by the United Arab Emirates.

(b) in the case of an air carrier designated by the UAE:

i. the air carrier is not established in the territory of the UAE or is not licensed in accordance with the applicable law of the UAE; or

ii. the UAE does not have or does not maintain effective regulatory control of the air carrier; or

iii. the air carrier is majority owned and controlled by nationals of a state other than the UAE and it can be demonstrated that by exercising traffic rights under this Agreement on a route that includes a point in that other state, including the operation of a service which is marketed as, or otherwise constitutes a through service, it would in effect be circumventing restrictions on traffic rights imposed by a bilateral air services agreement between a Member State and that other state; or

iv. the air carrier is majority owned and controlled by nationals of a state other than the UAE and there is no bilateral air services agreement between a Member State and that other state, and it can be demonstrated that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the air carrier(s) designated by the concerned Member State.

In exercising its right under this paragraph, and without prejudice to its rights under paragraph 3(a)v. and vi. of this Article, the UAE shall not discriminate between Community air carriers on the grounds of nationality.

ARTICLE 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex 2 (c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the UAE under the safety provisions of the agreement between the Member State that has designated the air carrier and the UAE shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

ARTICLE 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex 2 (d).

2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 2 (d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the UAE that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State. In such case, the UAE would have a similar right to reciprocate without discrimination the imposition of similar taxes, levies, duties, fees or charges on fuel supplied in its territory.

ARTICLE 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex 2 (e).

2. The tariffs to be charged by the air carrier(s) designated by the UAE under an agreement listed in Annex 1 containing a provision listed in Annex 2 (e) for carriage wholly within the European Community shall be subject to European Community law.

3. Notwithstanding the provisions in paragraph 2 of this Article, the air carrier(s) designated by the UAE shall be allowed to match existing prices charged by other airlines for carriage wholly within the European Community.

ARTICLE 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 1 shall (i) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent or distort competition; (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. The provisions contained in the agreements listed in Annex 1 that are incompatible with paragraph 1 of this Article shall not be applied.

ARTICLE 7

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

ARTICLE 8

Revision or amendment

The Contracting Parties may, at any time, revise or amend this Agreement by mutual consent.

ARTICLE 9

Entry into force and provisional application

1. This Agreement shall enter into force when the Contracting Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Contracting Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and the UAE which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex 1 (b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

ARTICLE 10

Termination

1. In the event that an agreement listed in Annex 1 is terminated, all provisions of this Agreement that relate to the agreement listed in Annex 1 concerned shall terminate at the same time.

2. In the event that all agreements listed in Annex 1 are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at [….] in duplicate, on this […] day of […, …] in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Arabic languages.

FOR THE EUROPEAN COMMUNITY: FOR THE UNITED ARAB EMIRATES:

ANNEX I

List of agreements referred to in Article 1 of this Agreement

(a) Air service agreements between the UAE and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally

– Agreement between **the Government of the People's Republic of Bulgaria and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Sofia on 29 November 1989, hereinafter referred to "the UAE-Bulgaria Agreement" in Annex 2;

– Air Transport Agreement between **the Austrian Federal Government and the Government of the United Arab Emirates** signed at [*place*] on [*date*], hereinafter referred to "the UAE-Austria (1.) Agreement" in Annex 2;

To be read together with the Confidential Memorandum of Understanding done at Vienna on 14 October 1987;

– Air Services Agreement between **the Government of the United Arab Emirates and the Austrian Federal Government** signed at [*place*] on [*date*], hereinafter referred to "the UAE-Austria (2.) Agreement" in Annex 2;

To be read together with the Agreed Minutes done at Abu Dhabi on 10 March 2004;

Modified by the Memorandum of Understanding done at Vienna on 31 March 2005;

Last modified by the Exchange of Letters dated 10 December 2006 and ?

– Agreement between **the Government of the Kingdom of Belgium and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 5 March 1990, hereinafter referred to "the UAE-Belgium Agreement" in Annex 2;

To be read together with the Confidential Memorandum of Understanding done at Brussels on 8 July 1986;

Last modified by the Exchange of Letters dated 30 January 2001 and 20 February 2001.

– Air Services Agreement between **the Government of the Republic of Cyprus and the Government of the United Arab Emirates** signed at Abu Dhabi on 7 December 1999, hereinafter referred to "the UAE-Cyprus Agreement" in Annex 2;

To be read together with the Agreed Minutes done at Abu Dhabi on 7 December 1999;

Supplemented by the Memorandum of Understanding done at Nicosia on 23 February 2001;

Modified by the Memorandum of Understanding done at Dubai on 16 October 2002.

– Air Transport Agreement between **the Government of the Czech Republic and the Government of the United Arab Emirates** signed at Abu Dhabi on 15 December 2002, hereinafter referred to "the UAE-Czech Republic Agreement" in Annex 2;

To be read together with the Agreed Minutes done at Prague on 24 November 1999.

– Air Services Agreement between **the Government of the Kingdom of Denmark and the Government of the United Arab Emirates** signed at (…) on (…), hereinafter referred to "the UAE-Denmark Agreement" in Annex 2;

To be read together with the Memorandum of Understanding done at (…) on (…).

– Air Services Agreement between **the Government of the Republic of Finland and the Government of the United Arab Emirates** initialled at Helsinki on 6 April 2004, hereinafter referred to "the UAE-Finland Agreement" in Annex 2;

To be read together with the Agreed Minutes done at Helsinki on 6 April 2004;

To be read together with the Confidential Memorandum of Understanding done at Helsinki on 6 April 2004.

– Agreement between **the Government of the French Republic and the Government of the United Arab Emirates** concerning air services between and beyond their respective territories signed at Paris on 9 September 1991, hereinafter referred to "the UAE-France Agreement" in Annex 2;

Supplemented by the Memorandum of Understanding done at Abu Dhabi on 19 September 2001;

Modified by the Memorandum of Understanding done at Paris on 16 September 2004;

Last modified by the Memorandum of Understanding done at Abu Dhabi on 13 December 2006.

– Air Transport Agreement between **the Federal Republic of Germany and the United Arab Emirates** signed at Abu Dhabi on 2 March 1994, hereinafter referred to "the UAE-Germany Agreement" in Annex 2;

Modified by the Memorandum of Understanding done at Bonn on 15 June 2000.

– Agreement between **the Government of the Hellenic Republic and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 16 December 1991, hereinafter referred to "the UAE-Greece Agreement" in Annex 2;

Modified by the Memorandum of Understanding done at Athens on 11 February 1998.

– Agreement between **the Government of Ireland and the Government of the United Arab Emirates** on air transport signed at (…) on (…), hereinafter referred to "the UAE-Ireland Agreement" in Annex 2.

– Agreement between **the Government of the Italian Republic and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 3 April 1991, hereinafter referred to "the UAE-Italy Agreement" in Annex 2;

Modified by the Memorandum done at Rome on 10 September 1991;

Modified by the Memorandum of Understanding done at Rome on 8 November 1999;

Modified by the Memorandum of Understanding done at Rome on 4 June 2003;

Modified by the Memorandum of Understanding done at Dubai on 30 March 2004;

Last modified by the Memorandum of Understanding done at Rome on 13 December 2005.

– Air Services Agreement between **the Government of the Republic of Latvia and the Government of the United Arab Emirates** initialled at Riga on 13 September 2005, hereinafter referred to "the UAE-Latvia Agreement" in Annex 2;

To be read together with the Memorandum of Understanding done at Riga on 13 September 2005.

– Agreement between **the Government of the United Arab Emirates and the Government of the Republic of Lithuania** for air services between and beyond their respective territories initialled at … on …, hereinafter referred to "the UAE-Lithuania Agreement" in Annex 2.

– agreement between **the Government of the Grand Duchy of Luxembourg and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories initialled at Luxembourg on 28 November 1986, hereinafter referred to "the UAE-Luxembourg Agreement" in Annex 2;

To be read together with the Confidential Memorandum of Understanding done at Luxembourg on 28 November 1986.

– Agreement between **the Government of Malta and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories initialled at Abu Dhabi on 26 November 1991, hereinafter referred to "the UAE-Malta Agreement" in Annex 2;

To be read together with the Confidential Memorandum of Understanding done at Abu Dhabi on 26 November 1991;

Modified by the Memorandum of Understanding done at Malta on 24 September 2003.

– Agreement between **the Kingdom of the Netherlands and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 31 July 1990, hereinafter referred to "the UAE-Netherlands Agreement" in Annex 2;

Modified by the Confidential Memorandum of Understanding done at Abu Dhabi on 10 April 2000.

– Agreement between **the Government of the Republic of Poland and the Government of the United Arab Emirates** for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 20 November 1994, hereinafter referred to "the UAE-Poland Agreement" in Annex 2;

– Air Services Agreement between **the Portuguese Republic and the United Arab Emirates** initialled at Lisbon on 18 May 2005, hereinafter referred to "the UAE-Portugal Agreement" in Annex 2;

To be read together with the Memorandum of Understanding done at Lisbon on 18 May 2005.

– Air Services Agreement between **the Republic of Slovenia and the United Arab Emirates** initialled at Ljubljana on 16 September 2005, hereinafter referred to "the UAE-Slovenia Agreement" in Annex 2;

To be read together with the Memorandum of Understanding done at Ljubljana on 16 September 2005.

– Air Transport Agreement between **the Kingdom of Spain and the United Arab Emirates** initialled at Madrid on 17 October 2001, hereinafter referred to "the UAE-Spain Agreement" in Annex 2;

To be read together with the Memorandum of Understanding done at Madrid on 17 October 2001.

– Air Services Agreement between **the Government of the Kingdom of Sweden and the Government of the United Arab Emirates** signed at … on …, hereinafter referred to "the UAE-Sweden Agreement" in Annex 2.

– Agreement between **the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United Arab Emirates** concerning air services signed at Abu Dhabi on 2 June 2002, hereinafter referred to "the UAE-United Kingdom Agreement" in Annex 2;

Supplemented by the Memorandum of Understanding done at London and Abu Dhabi on 16 June 2003 and 29 June 2003 respectively.

(b) Air service agreements and other arrangements initialled or signed between the UAE and Member States of the European Community which, at the date of

signature of this Agreement, have not yet entered into force and are not being applied provisionally

ANNEX II

List of articles in the agreements listed in Annex 1 and referred to in Articles 2 to 6 of this Agreement

(a) Designation by a Member State:

– Article 3, Paragraph 4, of the UAE-Austria (1) Agreement;

– Article 3 of the UAE-Austria (2) Agreement**;**

– Article 4, Paragraph 4 of the UAE-Belgium Agreement;

– Article 4, Paragraph 4 of the UAE-Bulgaria Agreement;

– Article 3 of the UAE-Cyprus Agreement;

– Article 3, Paragraph 4 of the UAE-Czech Republic Agreement;

– Article 3, Paragraph 4 of the UAE-Denmark Agreement;

– Article 3, Paragraph 2 of the UAE-Finland Agreement;

– Article 4, Paragraph 4 of the UAE-France Agreement;

– Article 3 of the UAE-Germany Agreement;

– Article 4, Paragraph 4 of the UAE-Greece Agreement;

– Article 3, Paragraph 3 of the UAE-Ireland Agreement;

– Article 4 of the UAE-Italy Agreement;

– Article 3 of the UAE-Latvia Agreement;

– Article 3 of the UAE-Lithuania Agreement;

– Article 4 of the UAE-Luxemburg Agreement;

– Article 3 of the UAE-Malta Agreement;

– Article 4 of the UAE-Netherlands Agreement;

– Article 3 of the UAE-Poland Agreement;

– Article 3 of the UAE-Portugal Agreement;

– Article 3 of the UAE-Slovenia Agreement;

– Article 3 of the UAE-Spain Agreement;

– Article 3 of the UAE-Sweden Agreement;

– Article 4 of the UAE-United Kingdom Agreement.

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

– Article 4, Paragraph 1, of the UAE-Austria (1) Agreement;

– Article 4 of the UAE-Austria (2) Agreement;

– Article 5, Paragraph 1 of the UAE-Belgium Agreement;

– Article 5, Paragraph 1 of the UAE-Bulgaria Agreement;

– Article 4, Paragraph 1 of the UAE-Cyprus Agreement;

– Article 4, Paragraph 1 of the UAE-Czech Republic Agreement;

– Article 4, Paragraph 1 of the UAE-Denmark Agreement;

– Article 4, Paragraph 1 of the UAE-Finland Agreement;

– Article 5, Paragraph 1 of the UAE-France Agreement;

– Article 4 of the UAE-Germany Agreement;

– Article 5, Paragraph 1 of the UAE-Greece Agreement;

– Article 3, Paragraph 5 of the UAE-Ireland Agreement;

– Article 5 of the UAE-Italy Agreement;

– Article 4 of the UAE-Latvia Agreement;

– Article 4 of the UAE-Lithuania Agreement;

– Article 5 of the UAE-Luxemburg Agreement;

– Article 4 of the UAE-Malta Agreement;

– Article 5 of the UAE-Netherlands Agreement;

– Article 4 of the UAE-Poland Agreement;

– Article 4 of the UAE-Portugal Agreement;

– Article 4 of the UAE-Slovenia Agreement;

– Article 4 of the UAE-Spain Agreement;

– Article 4 of the UAE-Sweden Agreement;

– Article 5 of the UAE-United Kingdom Agreement.

(c) Safety:

– Article 6 of the UAE-Austria (2) Agreement;

– Article 7 of the UAE-Czech Republic Agreement;

– Article 14 of the UAE-Denmark Agreement;

– Article 12 of the UAE-Finland Agreement;

– Article 6 of the UAE-Latvia Agreement;

– Article 9 of the UAE-Lithuania Agreement;

– Article 14 of the UAE-Portugal Agreement;

– Article 14 of the UAE-Slovenia Agreement;

– Article 11 of the UAE-Spain Agreement;

– Article 14 of the UAE-Sweden Agreement;

– Article 10 of the UAE-United Kingdom Agreement.

(d) Taxation of aviation fuel:

– Article 7 of the UAE-Austria (1) Agreement;

– Article 9 of the UAE-Austria (2) Agreement;

– Article 6 of the UAE-Belgium Agreement;

– Article 6 of the UAE-Bulgaria Agreement;

– Article 6 of the UAE-Cyprus Agreement;

– Article 8 of the UAE-Czech Republic Agreement;

– Article 6 of the UAE-Denmark Agreement;

– Article 6 of the UAE-Finland Agreement;

– Article 6 of the UAE-France Agreement;

– Article 6 of the UAE-Germany Agreement;

– Article 6 of the UAE-Greece Agreement;

– Article 11 of the UAE-Ireland Agreement;

– Article 6 of the UAE-Italy Agreement;

– Article 9 of the UAE-Latvia Agreement;

– Article 6 of the UAE-Lithuania Agreement;

– Article 6 of the UAE-Luxemburg Agreement;

– Article 5 of the UAE-Malta Agreement;

– Article 6 of the UAE-Poland Agreement;

– Article 6 of the UAE-Portugal Agreement;

– Article 6 of the UAE-Slovenia Agreement;

– Article 5 of the UAE-Spain Agreement;

– Article 6 of the UAE-Sweden Agreement;

– Article 8 of the UAE-United Kingdom Agreement.

(e) Tariffs for carriage within the European Community:

– Article 9 of the UAE-Austria (1) Agreement;

– Article 12 of the UAE-Austria (2) Agreement;

– Article 11 of the UAE-Belgium Agreement;

– Article 11 of the UAE-Bulgaria Agreement;

– Article 13 of the UAE-Cyprus Agreement;

– Article 12 of the UAE-Czech Republic Agreement;

– Article 10 of the UAE-Denmark Agreement;

– Article 12 of the UAE-France Agreement;

– Article 10 of the UAE-Germany Agreement;

– Article 11 of the UAE-Greece Agreement;

– Article 6 of the UAE-Ireland Agreement;

– Article 12 of the UAE-Italy Agreement;

– Article 12 of the UAE-Latvia Agreement;

– Article 15 of the UAE-Lithuania Agreement;

– Article 11 of the UAE-Luxemburg Agreement;

– Article 10 of the UAE-Malta Agreement;

– Article 6 of the UAE-Netherlands Agreement;

– Article 7 of the UAE-Netherlands Agreement;

– Article 9 of the UAE-Poland Agreement;

– Article 18 of the UAE-Portugal Agreement;

– Article 18 of the UAE-Slovenia Agreement;

– Article 7 of the UAE-Spain Agreement;

– Article 10 of the UAE-Sweden Agreement;

– Article 7 of the UAE-United Kingdom Agreement.