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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 October 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 572 annex
Subject:	ANNEX to the Amended proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Peru on certain aspects of air services

Delegations will find attached document COM(2026) 572 annex.

Encl.: COM(2026) 572 annex

EUROPEAN
COMMISSION

Brussels, 23.10.2026
COM(2026) 572 final

ANNEX

ANNEX

to the

Amended proposal for a Council Decision

on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Peru on certain aspects of air services

AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF PERU
ON CERTAIN ASPECTS OF AIR SERVICES

THE EUROPEAN UNION,

(hereinafter referred to as "the Union"),

of the one part, and

THE REPUBLIC OF PERU,

(hereinafter referred to as "Peru"),

of the other part,

(hereinafter jointly referred to as "the Parties"),

NOTING that bilateral air service agreements have been concluded between several Member States of the Union and Peru containing provisions contrary to the law of the Union;

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

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

HAVING REGARD to the agreements between the Union 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 the law of the Union;

RECOGNISING that certain provisions of the bilateral air service agreements between Member States of the Union and Peru, which are contrary to the law of the Union, must be brought into conformity with it in order to establish a sound legal basis for air services between the Union and Peru and to preserve the continuity of such air services;

NOTING that under the law of the Union air carriers may not, in principle, conclude agreements which may affect trade between Member States of the Union 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 Union and Peru 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 Union, as part of this Agreement, to increase the total volume of air traffic between the Union and Peru, to affect the balance between European Union air carriers

and air carriers of Peru, or to negotiate amendments to 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 Union and "EU Treaties" shall mean the Treaty on European Union and the Treaty on the Functioning of the European Union.

2. "CLAC Member States" shall mean Member States of the Latin American Civil Aviation Commission.

3. 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.

4. References in each of the agreements listed in Annex 1 to air carriers of the Member State that is a party to that agreement shall be understood as referring to air carriers 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 points (a) and (b) of Annex 2 respectively, in relation to the designation of an air carrier by a Member State concerned, the authorisations and permissions granted to it by Peru, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of a designation by a Member State, and of application from the designated air carrier, in the form or manner prescribed, Peru shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) the air carrier is established, under the EU Treaties, in the territory of the designating Member State and has a valid Operating Licence in accordance with the law of the Union;

(b) 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

(c) 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.

3. Peru may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier

designated by a Member State where:

(a) the air carrier is not established, under the EU Treaties, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with the law of the Union;

(b) 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

(c) 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.

In exercising its right under this paragraph, Peru shall not discriminate between European Union air carriers on the grounds of nationality.

4. The provisions in paragraphs 5 and 6 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 Peru, its authorisations and permissions granted by the Member State, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

5. On receipt of a designation by Peru, a Member State shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) the air carrier is established, in accordance with the laws and regulations, in the territory of Peru, which is carrying out the designation, and has a valid Operating Licence in accordance with Peruvian law;

(b) Peru is the State issuing the Air Operator’s Certificate, exercising and maintaining effective regulatory control of the air carrier, and its aeronautical authority is clearly identified in the designation; and

(c) the air carrier is owned and effectively controlled directly or through majority ownership by CLAC Member States and/or nationals of CLAC Member States, unless more favourable provisions have been agreed in the bilateral air services agreement between that Member State and Peru.

6. A Member State may refuse, revoke, suspend or limit the authorisation or permissions of an air carrier designated by Peru where:

(a) the air carrier is not established, in accordance with the laws and regulations, in the territory of Peru, which is carrying out the designation, and does not have a valid Operating Licence in accordance with Peruvian law;

(b) Peru is not the State issuing the Air Operator's Certificate, exercising and maintaining effective regulatory control of the air carrier, and its aeronautical authority is not clearly identified in the designation; or

(c) the air carrier is not owned and effectively controlled directly or through majority ownership by CLAC Member States and/or nationals of CLAC Member States, unless more favourable provisions have been agreed in the bilateral air services agreement between that Member State and Peru.

ARTICLE 3

Safety

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

8. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of Peru under the safety provisions of the agreement between the Member State that has designated the air carrier and Peru 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

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

10. Notwithstanding any other provision to the contrary, nothing in any of the agreements listed in point (d) of Annex 2 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 Peru 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.

11. Notwithstanding any other provision to the contrary, nothing in any of the agreements listed in point (d) of Annex 2 shall prevent Peru 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 carrier of a Member State that operates between two points in the territory of Peru.

ARTICLE 5

Compatibility with competition rules

12. The Parties shall apply their respective Competition Laws.

13. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 1 shall (i) require or favour the adoption of agreements between undertakings, decisions

by associations of undertakings or concerted practices that prevent, distort or restrict 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.

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

ARTICLE 6

Annexes to the Agreement

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

ARTICLE 7

Revision or amendment

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

16. The Parties shall monitor and regularly review the implementation of this Agreement. Such reviews shall in particular assess any unforeseen negative effects of the Agreement, as perceived by either Party.

17. If requested by either Party, the Parties shall hold consultations in order to discuss appropriate responses to such unforeseen negative effects following which the Agreement may be revised or amended. Such consultations shall take place within 60 days of the request of either Party.

ARTICLE 8

Entry into force

18. Each Party shall send through diplomatic channels to the other Party the notification confirming that its internal procedures necessary for the entry into force of this Agreement have been completed.

19. This Agreement shall enter into force on the first day of the second month following the month during which the last notification provided for in paragraph 1 has been received.

20. Notifications provided for in paragraph 1 shall be sent to the General Secretariat of the Council of the European Union and to the Ministry of Foreign Affairs of Peru or their respective successors.

21. Agreements and other arrangements between Member States and Peru 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, point (b). Upon entry into force, this Agreement shall apply to all such agreements and arrangements once they enter into force or start to be applied provisionally.

ARTICLE 9

Termination

22. Each Party may at any time give notice in writing through diplomatic channels of its decision to terminate this Agreement. In such case the Agreement shall terminate six months after the date of receipt of the notice by the other Party, unless the notice to terminate is withdrawn before the expiry of this period.

23. In the event that an agreement listed in Annex 1 is terminated, the provisions of this Agreement cease to apply to that agreement as from the date of such termination. References in this Agreement to the terminated agreement shall be deemed null and void as from that date

24. In the event that all agreements listed in Annex 1 are terminated, this Agreement shall terminate on the date of the termination of the last such agreement.

Done at …. in duplicate, on this … day of … … in the Bulgarian, Czech, Croatian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish languages, all texts being equally authentic.

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

For the European Union

For the Republic of Peru

ANNEX 1

List of agreements referred to in Article 1 of this Agreement

(a) Agreements and other arrangements between Peru and Member States which, at the date of signature of this Agreement, have entered into force or are being applied provisionally, as amended:

- Bilateral Air Transport Agreement between the Government of the Kingdom of Denmark and the Government of the Republic of Peru of 22 June 1960, hereinafter referred to as "Peru – Denmark Agreement" in Annex 2;

- Transport Agreement between the French Republic and the Republic of Peru of 23 April 1959, hereinafter referred to as "Peru – France Agreement" in Annex 2;

- Agreement between the Federal Republic of Germany and the Republic of Peru on air transport of 30 April 1962, hereinafter referred to as "Peru – Germany Agreement" in Annex 2;

- Agreement on Air Transport between the Portuguese Republic and the Republic of Peru of 26 February 2019, hereinafter referred to as “Peru-Portugal Agreement” in Annex 2;

- Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Peru related to air services between their respective territories and beyond of31 March 1954, hereinafter referred to as "1954 Peru – Spain Agreement" in Annex 2;

- Bilateral Air Transport Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Peru of 14 July 1960, hereinafter referred to as "Peru – Sweden Agreement" in Annex 2;

- Bilateral Air Transport Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Peru of 22 September 1952, hereinafter referred to as "1952 Peru – Netherlands Agreement" in Annex 2.

(b) Agreements and other arrangements between Peru and Member States which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally, as amended:

- Air Services Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Peru of 29 December 1967, hereinafter referred to as "1967 Peru – Belgium Agreement" in Annex 2;

- Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Peru of 28 May 2009, hereinafter referred to as “2009 Peru – Belgium Agreement” in Annex 2;

- Bilateral Air Transport Agreement between the Government of the Italian Republic and the Government of the Republic of Peru of 17 March 1964, hereinafter referred to as "Peru – Italy Agreement" in Annex 2;

- Air Services Agreement between the Republic of Finland and the Republic of Peru of 3 February 2023, hereinafter referred to as “Peru - Finland Agreement” in Annex 2;

- Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Peru, initialled as Annex B to the Memorandum of Understanding of 27 June 2001, hereinafter referred to as "2001 Peru – Netherlands Agreement" in Annex 2;

- Air Transport Agreement between the Kingdom of Spain and the Republic of Peru, initialled as Annex II to the Agreed Record of 6 April 2005, hereinafter referred to as "2005 Peru – Spain Agreement" in Annex 2;

ANNEX 2

List of articles in the agreements listed in Annex 1
and referred to in Articles 2 to 4 of this Agreement

(a) Designation:

- Article 3 of the 1967 Peru – Belgium Agreement;
- Article 3 of the 2009 Peru – Belgium Agreement;
- Article 3 of the Peru – Denmark Agreement;
- Article 3 of the Peru – Finland Agreement;
- Articles 8 and 9 of the Peru – France Agreement;
- Article 3(4) of the Peru – Germany Agreement;
- Article 3(1) of the Peru – Italy Agreement;
- Article 3 of the 2001 Peru – Netherlands Agreement;
- Article 3 of the 1952 Peru – Netherlands Agreement;
- Article 3 of the Peru – Portugal Agreement;
- Article 4 of the 1954 Peru – Spain Agreement;
- Article 3 of the 2005 Peru – Spain Agreement;
- Article 3 of the Peru – Sweden Agreement.

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

- Article 5 of the 1967 Peru – Belgium Agreement;
- Article 5 of the 2009 Peru – Belgium Agreement;
- Article 7 of the Peru – Denmark Agreement;
- Article 4 of the Peru – Finland Agreement;
- Article 5 of the Peru – France Agreement;
- Article 3(4) and 4(1) second sentence of the Peru – Germany Agreement;
- Article 4(1) of the Peru – Italy Agreement;
- Article 4 of the 2001 Peru – Netherlands Agreement;
- Article 7 of the 1952 Peru – Netherlands Agreement;
- Article 4 of the Peru – Portugal Agreement;
- Article 11 of the 1954 Peru – Spain Agreement;
- Article 4 of the 2005 Peru – Spain Agreement;

- Article 7 of the Peru – Sweden Agreement.

(c) Safety:

- Article 7 of the 2009 Peru – Belgium Agreement;
- Article 12 of the Peru – Finland Agreement;
- Article 15 of the 2001 Peru – Netherlands Agreement;
- Article 15 of the Peru – Portugal Agreement;
- Article 12 of the 2005 Peru – Spain Agreement.

(d) Taxation of aviation fuel:

- Article 6 of the 1967 Peru – Belgium Agreement;
- Article 11 of the 2009 Peru – Belgium Agreement;
- Article 4 of the Peru – Denmark Agreement;
- Article 6 of the Peru – Finland Agreement;
- Article 2 of the Peru – France Agreement;
- Article 6 of the Peru – Germany Agreement;
- Article 5 of the Peru – Italy Agreement;
- Article 10 of the 2001 Peru – Netherlands Agreement;
- Article 4 of the 1952 Peru – Netherlands Agreement;
- Article 6 of the Peru – Portugal Agreement;
- Article 5 of the 1954 Peru – Spain Agreement;
- Article 5 of the 2005 Peru – Spain Agreement;
- Article 4 of the Peru – Sweden Agreement.

ANNEX 3

List of other States referred to in Article 2 of this Agreement

(a) The Republic of Iceland (under the Agreement on the European Economic Area);

(b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);

(c) The Kingdom of Norway (under the Agreement on the European Economic Area);

(d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).