

AGREEMENT
BETWEEN THE REPUBLIC OF ARMENIA AND THE EUROPEAN
COMMUNITY
ON CERTAIN ASPECTS OF AIR SERVICES

THE REPUBLIC OF ARMENIA,

of the one part, and

THE EUROPEAN COMMUNITY,

of the other part,

(hereinafter referred to as "the Parties")

NOTING that bilateral air service agreements have been concluded between the and several Member States of the European Community containing provisions contrary to Community law,

NOTING that the European Community has exclusive 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 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 certain provisions of the bilateral air service agreements between the Republic of Armenia and Member States of the European Community, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the Republic of Armenia and the European Community and to preserve the continuity of such air services,

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 the Republic of Armenia and Member States of the European Community 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 this Agreement to increase the total volume of air traffic between the Republic of Armenia and the European Community, to affect the balance between air carriers of the Republic of Armenia and Community air carriers, or to make 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 European Community.
2. References in each of the Agreements listed in Annex I 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 I 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 by a Member State

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by the Republic of Armenia, 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, the Republic of Armenia shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:
 - (i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) 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 III and/or nationals of such other states.

 3. The Republic of Armenia may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:
 - (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
 - (iii) 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 III and/or nationals of such other states.
- In exercising its right under this paragraph, the Republic of Armenia 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 II(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 Republic of Armenia under the safety provisions of the Agreement between the Member State that has designated the air carrier and the Republic of Armenia 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 II(d).
2. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex II(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 Republic of Armenia 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.

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 II(e).
2. The tariffs to be charged by the air carrier(s) designated by the Republic of Armenia under an Agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

ARTICLE 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex I shall:
 - (i) require or favour the adoption of agreements between air services 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 I 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 Parties may, at any time, revise or amend this Agreement by mutual consent. Such amendments shall be made in the form of separate protocols, which, upon entry into force according to the provisions prescribed in Article 9 of this Agreement, shall constitute an integral part of this Agreement.

ARTICLE 9

Entry into force

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

2. Agreements and other arrangements between the Republic of Armenia and Member States which, at the date of signature of this Agreement, have not yet entered into force and are not being applied are included in Annex I. This Agreement shall apply to all such Agreements and arrangements upon their entry into force.

ARTICLE 10

Termination

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

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

Done at Brussels in duplicate, on this 9 day of December, 2008 in the Armenian, Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish languages.

ANNEX I

List of Agreements referred to in Article 1 of this Agreement

Air service Agreements between the Republic of Armenia and Member States of the European Community:

- Agreement between the Government of the Republic of Armenia and the Government of Austria relating to Air Services initialled at Vienna on 25 August 1993, hereinafter referred to as the "Armenia-Austria Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of Belgium relating to Air Services signed at Brussels on 7 June 2001, hereinafter referred to as the "Armenia-Belgium Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria relating to Air Services signed at Sofia on 10 April 1995, hereinafter referred to as the "Armenia-Bulgaria Agreement" in Annex 2;
- Agreement between the Government of the Republic of Armenia and the Government of the Republic of Cyprus relating to Air Services signed at Yerevan on 11 September 1998, hereinafter referred to as the "Armenia-Cyprus Agreement" in Annex 2;
- Air Transport Agreement between the Government of the Republic of Armenia and the Government of the Czech Republic initialled at Prague on 8 February 2002, hereinafter referred to as the "Armenia-Czech Republic Agreement" in Annex II.;
- Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark relating to Air Services signed at Stockholm on 25 October 2000, hereinafter referred to as the "Armenia-Denmark Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Republic of Estonia relating to Air Services signed at Tallinn on 17 March 2000, hereinafter referred to as the "Armenia-Estonia Agreement" in Annex II,
- Air Transport Agreement between the Government of the Republic of Armenia and the Government of the Federal Republic of Germany signed at Bonn on 4 May 1998, hereinafter referred to as the "Armenia-Germany Agreement" in Annex II,

- Agreement between the Government of the Republic of Armenia and the Government of the French Republic relating to Air Services initialled at Paris on 12 February 2002, hereinafter referred to as the "Armenia-France Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Hellenic Republic relating to Air Services signed at Athens on 16 December 1994, hereinafter referred to as the "Armenia-Greece Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Italian Republic relating to Air Services signed at Yerevan on 18 July 2002, hereinafter referred to as the "Armenia-Italy Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Grand Duchy of Luxembourg relating to Air Services initialled at Luxembourg on 21 November 2000, hereinafter referred to as the "Armenia-Luxembourg Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of the Netherlands relating to Air Services signed at Yerevan on 26 November 1999, hereinafter referred to as the "Armenia-Netherlands Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Republic of Poland concerning civil air transport signed at Warsaw on 27 January 1998, hereinafter referred to as the "Armenia-Poland Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of Romania concerning Air Services signed at Erevan on 25 March 1996, hereinafter referred to as the "Armenia-Romania Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden relating to Air Services signed at Stockholm on 25 October 2000, hereinafter referred to as the "Armenia-Sweden Agreement" in Annex II,
- Agreement between the Government of the Republic of Armenia and the Government of the United Kingdom of Great Britain and Northern Ireland relating to Air Services signed at London on 9 February 1994, hereinafter referred to as the "Armenia-United Kingdom Agreement" in Annex II.

Last modified by Memorandum of Understanding done at Yerevan on 19 June 1998.

ANNEX II

List of Articles in the Agreements listed in Annex I and referred to in Articles 2 to 5 of this Agreement

(a) Designation by a Member State:

- Article 3 of the Armenia-Austria Agreement,
- Article 4 of the Armenia-Belgium Agreement,
- Article 3 of the Armenia – Bulgaria Agreement,
- Article 3 of the Armenia-Czech Republic Agreement,
- Article 4 of the Armenia – Cyprus Agreement,
- Article 3 of the Armenia-Denmark Agreement,
- Article 3 of the Armenia-Germany Agreement,
- Article 3 of the Armenia-Estonia Agreement,
- Article 3 of the Armenia-France Agreement,
- Article 3 of the Armenia-Greece Agreement,
- Article 4 of the Armenia-Italy Agreement,
- Article 3 of the Armenia-Luxembourg Agreement,
- Article 4 of the Armenia-Netherlands Agreement,
- Article 3 of the Armenia-Poland Agreement,
- Article 3 of the Armenia-Romania Agreement,
- Article 3 of the Armenia-Sweden Agreement,
- Article 4 of the Armenia-United Kingdom Agreement;

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

- Article 4 of the Armenia-Austria Agreement,

- Article 5 of the Armenia-Belgium Agreement,
- Article 4 of the Armenia – Bulgaria Agreement,

- Article 4 of the Armenia-Czech Republic Agreement,
- Article 5 of the Armenia – Cyprus Agreement,
- Article 4 of the Armenia-Denmark Agreement,
- Article 4 of the Armenia-Germany Agreement,
- Article 4 of the Armenia-Estonia Agreement,
- Article 4 of the Armenia-France Agreement,
- Article 4 of the Armenia-Greece Agreement,
- Article 5 of the Armenia-Italy Agreement,
- Article 4 of the Armenia-Luxembourg Agreement,
- Article 5 of the Armenia-Netherlands Agreement,
- Article 4 of the Armenia-Poland Agreement,
- Article 4 of the Armenia-Romania Agreement,
- Article 4 of the Armenia-Sweden Agreement,
- Article 5 of the Armenia-United Kingdom Agreement;

(c) Safety:

- Article 8 of the Armenia-Czech Republic Agreement,
- Article 14 of the Armenia-Denmark Agreement,
- Article 12 of the Armenia-Germany Agreement,
- Article 12 of the Armenia-Estonia Agreement,
- Article 8 of the Armenia-France Agreement,
- Article 10 of the Armenia-Italy Agreement,

- Article 6 of the Armenia-Luxembourg Agreement,
- Article 14 of the Armenia-Sweden Agreement,
- Article 9a of the Armenia-United Kingdom Agreement;

(d) Taxation of aviation fuel:

- Article 7 of the Armenia-Austria Agreement,
- Article 10 of the Armenia-Belgium Agreement,
- Article 7 of the Armenia – Bulgaria Agreement,
- Article 9 of the Armenia-Czech Republic Agreement,
- Article 7 of the Armenia – Cyprus Agreement,
- Article 6 of the Armenia-Denmark Agreement,
- Article 6 of the Armenia-Germany Agreement,
- Article 6 of the Armenia-Estonia Agreement,
- Article 10 of the Armenia-France Agreement,
- Article 9 of the Armenia-Greece Agreement,
- Article 6 of the Armenia-Italy Agreement,
- Article 8 of the Armenia-Luxembourg Agreement,
- Article 10 of the Armenia-Netherlands Agreement,
- Article 6 of the Armenia-Poland Agreement,
- Article 9 of the Armenia-Romania Agreement,
- Article 6 of the Armenia-Sweden Agreement,
- Article 8 of the Armenia-United Kingdom Agreement;

(e) Tariffs for carriage within the European Community:

- Article 11 of the Armenia-Austria Agreement,

- Article 13 of the Armenia-Belgium Agreement,
- Article 9 of the Armenia – Bulgaria Agreement,
- Article 13 of the Armenia-Czech Republic Agreement,
- Article 14 of the Armenia – Cyprus Agreement,
- Article 10 of the Armenia-Denmark Agreement,
- Article 10 of the Armenia-Germany Agreement,

- Article 10 of the Armenia-Estonia Agreement,
- Article 14 of the Armenia-France Agreement,
- Article 12 of the Armenia-Greece Agreement,
- Article 8 of the Armenia-Italy Agreement,
- Article 10 of the Armenia-Luxembourg Agreement,
- Article 6 of the Armenia-Netherlands Agreement,
- Article 10 of the Armenia-Poland Agreement,
- Article 8 of the Armenia-Romania Agreement,
- Article 10 of the Armenia-Sweden Agreement,
- Article 7 of the Armenia-United Kingdom Agreement.

ANNEX III

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).

The Agreement has entered into force on 12.11.2009.