

**AGREEMENT****between the European Community and Serbia and Montenegro on certain aspects of air services**

THE EUROPEAN COMMUNITY,

of the one part, and

SERBIA AND MONTENEGRO,

of the other part,

hereinafter referred to as 'the Parties',

NOTING that bilateral air service agreements have been concluded between several Member States of the European Community and Serbia and Montenegro containing provisions contrary to European 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 provisions of the bilateral air service agreements between Member States of the European Community and Serbia and Montenegro, 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 European Community and Serbia and Montenegro and to preserve the continuity of such air services,

NOTING that it is not a purpose of the European Community, as part of these negotiations, to increase the total volume of air traffic between the European Community and Serbia and Montenegro, to affect the balance between Community air carriers and air carriers of Serbia and Montenegro, 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 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 Serbia and Montenegro, 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, Serbia and Montenegro 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 Operator's 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. Serbia and Montenegro 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 Operator's 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, Serbia and Montenegro shall not discriminate between Community air carriers on the grounds of nationality.

#### *Article 3*

#### **Rights with regard to regulatory control**

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 Serbia and Montenegro under the safety provisions of the Agreement between the Member State that has designated the air carrier and Serbia and Montenegro 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 or Serbia and Montenegro 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 a Member State or of Serbia and Montenegro that operates between two points within the respective territories of the Contracting Parties.

#### *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 Serbia and Montenegro 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*

#### **Annexes to the Agreement**

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

#### *Article 7*

#### **Revision or amendment**

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

*Article 8***Entry into force and provisional application**

1. This Agreement shall enter in force when the 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 Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.
3. Agreements and other arrangements between Member States and Serbia and Montenegro 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 I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

*Article 9***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 Salzburg in duplicate, on this fifth day of May in the year two thousand and six, in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Serbian languages.

Por la Comunidad Europea  
 Za Evropské společenství  
 For Det Europæiske Fællesskab  
 Für die Europäische Gemeinschaft  
 Euroopa Ühenduse nimel  
 Για την Ευρωπαϊκή Κοινότητα  
 For the European Community  
 Pour la Communauté européenne  
 Per la Comunità europea  
 Eiropas Kopienas vārdā  
 Europos bendrijos vardu  
 Az Európai Közösség részéről  
 Għall-Komunità Ewropea  
 Voor de Europese Gemeenschap  
 W imieniu Wspólnoty Europejskiej  
 Pela Comunidade Europeia  
 Za Európske spoločenstvo  
 Za Evropsko skupnost  
 Euroopan yhteisön puolesta  
 För Europeiska gemenskapen  
 За Европску Заједницу

Por Serbia y Montenegro  
 Za Srbsko a Černou Horu  
 For Serbien og Montenegro  
 Für Serbien und Montenegro  
 Serbia ja Montenegro nimel  
 Για τη Σερβία και Μαυροβούνιο  
 For Serbia and Montenegro  
 Pour la Serbie-Monténégro  
 Per Serbia e Montenegro  
 Serbijas un Melnkalnes vārdā  
 Serbijos ir Juodkalnijos vardu  
 Szerbia és Montenegró részéről  
 Għas-Serbja u Montenegro  
 Voor Servië en Montenegro  
 W imieniu Serbii i Czarnogóry  
 Pela Sérvia e Montenegro  
 Za Srbsko a Čiernu Horu  
 Za Srbijo in Črno goro  
 Serbia ja Montenegron puolesta  
 För Serbien och Montenegro  
 За Србију и Црну Гору

## ANNEX I

**List of Agreements referred to in Article 1 of this Agreement**

(a) Air service agreements between Serbia and Montenegro 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 relating to Air Services between the Republic of Austria and the Federative People's Republic of Yugoslavia, signed at Vienna on 11 November 1953 (hereinafter referred to as Serbia and Montenegro–Austria 1953 Agreement);

To be read together with the Memorandum of Understanding done in Vienna on 12 October 1994;

— Agreement between the Kingdom of Belgium and the Federative People's Republic of Yugoslavia relating to air services, signed at Belgrade on 24 September 1957 (hereinafter referred to as Serbia and Montenegro–Belgium Agreement);

— Air Transport Agreement between the Government of the Republic of Cyprus and the Government of the Socialist Federal Republic of Yugoslavia, signed at Nicosia on 27 February 1976 (hereinafter referred to as Serbia and Montenegro–Cyprus 1976 Agreement);

— Air Transport Agreement between the Czechoslovak Republic and the Federative People's Republic of Yugoslavia, signed at Belgrade on 28 February 1956 (hereinafter referred to as Serbia and Montenegro–Czech Republic Agreement);

— Agreement relating to air services between the French Republic and the Socialist Federal Republic of Yugoslavia, signed at Belgrade on 23 March 1967 (hereinafter referred to as Serbia and Montenegro–France Agreement);

— Air Services Agreement between the Federal Republic of Germany and the Federative People's Republic of Yugoslavia, signed at Bonn on 10 April 1957 (hereinafter referred to as Serbia and Montenegro–Germany 1957 Agreement);

— Air Services Agreement between the Government of the Federal Republic of Germany and the Federal Government of the Federal Republic of Yugoslavia, initialled and provisionally applied by the Protocol of 31 May 2001 (hereinafter referred to as Serbia and Montenegro–Germany 2001 Agreement);

— Air Services Agreement between the Government of the Hellenic Republic and the Federal Government of the Federal Republic of Yugoslavia, signed at Belgrade on 9 May 2002 (hereinafter referred to as Serbia and Montenegro–Greece Agreement);

— Air Transport Agreement between the People's Republic of Hungary and the Federative People's Republic of Yugoslavia, signed at Belgrade on 21 July 1956 (hereinafter referred to as Serbia and Montenegro–Hungary Agreement);

Amended by a note done at Budapest on 30 May 1964.

Last amended by a Memorandum of Understanding signed at Belgrade on 9 February 1995;

— Agreement between the Grand Duchy of Luxembourg and the Federative People's Republic of Yugoslavia relating to Air Transport, signed at Belgrade on 9 April 1960 (hereinafter referred to as Serbia and Montenegro–Luxembourg Agreement);

— Air Transport Agreement between the Government of Malta and the Government of the Socialist Federal Republic of Yugoslavia, signed at Rome on 5 February 1975 (hereinafter referred to as Serbia and Montenegro–Malta Agreement);

— Agreement between the Kingdom of the Netherlands and the Federative People's Republic of Yugoslavia relating to scheduled air services, signed at Belgrade on 13 March 1957 (hereinafter referred to as Serbia and Montenegro–Netherlands Agreement);

- Air Services Agreement between the People's Republic of Poland and the Federative People's Republic of Yugoslavia, signed at Warsaw on 14 November 1955 (hereinafter referred to as Serbia and Montenegro–Poland 1955 Agreement);
  - Air Transport Agreement between the Government of Portugal and the Government of the Socialist Federal Republic of Yugoslavia, signed at Belgrade on 3 June 1976 (hereinafter referred to as Serbia and Montenegro–Portugal Agreement);
  - Air Services Agreement between the Government of the Republic of Slovakia and the Federal Government of the Federal Republic of Yugoslavia, signed at Bratislava on 3 October 1996 (hereinafter referred to as Serbia and Montenegro–Slovakia Agreement);
  - Agreement between the Kingdom of Sweden and the Federative People's Republic of Yugoslavia, signed at Belgrade on 18 April 1958 (hereinafter referred to as Serbia and Montenegro–Sweden Agreement);
  - Air Services Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Federal Government of the Federal Republic of Yugoslavia, initialled at London on 17 December 2002 hereinafter (referred to as Serbia and Montenegro–United Kingdom Agreement);
- (b) Air service agreements and other arrangements initialled or signed between Serbia and Montenegro 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
- Air Services Agreement between the Austrian Government and the Federal Government of the Federal Republic of Yugoslavia, initialled at Vienna on 14 November 2001 (hereinafter referred to as Serbia and Montenegro–Austria 2001 Agreement);
  - Air Services Agreement between the Government of the Republic of Cyprus and the Federal Government of the Federal Republic of Yugoslavia, initialled at Nicosia on 18 June 2002 (hereinafter referred to as Serbia and Montenegro–Cyprus 2002 Agreement);
  - Agreement between the Government of the Republic of Poland and the Federal Government of the Federal Republic of Yugoslavia on air transport, initialled at Warsaw on 17 May 2002 (hereinafter referred to as Serbia and Montenegro–Poland 2002 Agreement);
  - Air Services Agreement between the Government of the Republic of Slovenia and the Federal Government of the Federal Republic of Yugoslavia, initialled at Belgrade on 12 October 2001 (hereinafter referred to as Serbia and Montenegro–Slovenia Agreement).
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## 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 2 of the Serbia and Montenegro–Austria 1953 Agreement,
- Article 3 of the Serbia and Montenegro–Austria 2001 Agreement,
- Article 2 of the Serbia and Montenegro–Czech Republic Agreement,
- Article 3(1) of the Serbia and Montenegro–France Agreement,
- Article 4 of the Serbia and Montenegro–Germany 1957 Agreement,
- Article 3 of the Serbia and Montenegro–Germany 2001 Agreement,
- Article 3 of the Serbia and Montenegro–Greece Agreement,
- Article 1 of the Appendix to the Serbia and Montenegro–Hungary Agreement,
- Article 2 of the Serbia and Montenegro–Luxembourg Agreement,
- Article 3 of the Serbia and Montenegro–Malta Agreement,
- Article 2 of the Serbia and Montenegro–Poland 1955 Agreement,
- Article 3 of the Serbia and Montenegro–Poland 2002 Agreement,
- Article 3 of the Serbia and Montenegro–Slovak Republic Agreement,
- Article 3 of the Serbia and Montenegro–Slovenia Agreement,
- Article 4 of the Serbia and Montenegro–United Kingdom Agreement.

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

- Article 8 of the Serbia and Montenegro–Austria 1953 Agreement,
- Article 4 of the Serbia and Montenegro–Austria 2001 Agreement,
- Article 3 of the Serbia and Montenegro–Belgium Agreement,
- Article 6 of the Serbia and Montenegro–Cyprus 1976 Agreement,
- Article 5 of the Serbia and Montenegro–Cyprus 2002 Agreement,
- Article 3(3) of the Serbia and Montenegro–France Agreement,
- Article 5 of the Serbia and Montenegro–Germany 1957 Agreement,
- Article 4 of the Serbia and Montenegro–Germany 2001 Agreement,
- Article 4(2) of the Serbia and Montenegro–Greece Agreement,
- Article 3 of the Serbia and Montenegro–Luxembourg Agreement,
- Article 4 of the Serbia and Montenegro–Malta Agreement,
- Article 3(1) of the Serbia and Montenegro–Netherlands Agreement,
- Article 4 of the Serbia and Montenegro–Poland 2002 Agreement,
- Article 5 of the Serbia and Montenegro–Portugal Agreement,
- Article 4 of the Serbia and Montenegro–Slovak Republic Agreement,
- Article 4 of the Serbia and Montenegro–Slovenia Agreement,
- Article 3 of the Serbia and Montenegro–Sweden Agreement,
- Article 5 of the Serbia and Montenegro–United Kingdom Agreement.

## (c) Safety:

- Article 8 of the Serbia and Montenegro–Austria 2001 Agreement,
- Article 15 of the Serbia and Montenegro–Cyprus 2002 Agreement,
- Article 13 of the Serbia and Montenegro–Germany 2001 Agreement,
- Article 7 of the Serbia and Montenegro–Greece Agreement,
- Article 15 of the Serbia and Montenegro–Poland 2002 Agreement,
- Article 9 of the Serbia and Montenegro–Slovenia Agreement,
- Article 9 of the Serbia and Montenegro–United Kingdom Agreement.

## (d) Taxation on aviation fuel:

- Article 5 of the Serbia and Montenegro–Austria 1953 Agreement,
- Article 8 of the Serbia and Montenegro–Austria 2001 Agreement,
- Article 8 of the Serbia and Montenegro–Belgium Agreement,
- Article 7 of the Serbia and Montenegro–Cyprus 1976 Agreement,
- Article 7 of the Serbia and Montenegro–Cyprus 2002 Agreement,
- Article 6 of the Serbia and Montenegro–Czech Republic Agreement,
- Article 11 of the Serbia and Montenegro–France Agreement,
- Article 13 of the Serbia and Montenegro–Germany 1957 Agreement,
- Article 6 of the Serbia and Montenegro–Germany 2001 Agreement,
- Article 10 of the Serbia and Montenegro–Greece Agreement,
- Article 6 of the Serbia and Montenegro–Hungary Agreement,
- Article 8 of the Serbia and Montenegro–Luxembourg Agreement,
- Article 5 of the Serbia and Montenegro–Malta Agreement,
- Article 9 of the Serbia and Montenegro–Netherlands Agreement,
- Article 6 of the Serbia and Montenegro–Poland 1955 Agreement,
- Article 7 of the Serbia and Montenegro–Poland 2002 Agreement,
- Article 6 of the Serbia and Montenegro–Portugal Agreement,
- Article 8 of the Serbia and Montenegro–Slovak Republic Agreement,
- Article 6 of the Serbia and Montenegro–Slovenia Agreement,
- Article 8 of the Serbia and Montenegro–Sweden Agreement,
- Article 11 of the Serbia and Montenegro–United Kingdom Agreement.

## (e) Tariffs for carriage within the European Community:

- Article 4 of the Serbia and Montenegro–Austria 1953 Agreement,
- Article 4 of the Serbia and Montenegro–Austria 2001 Agreement,
- Article 7 of the Serbia and Montenegro–Belgium Agreement,
- Article 10 of the Serbia and Montenegro–Cyprus 1976 Agreement,
- Article 17 of the Serbia and Montenegro–Cyprus 2002 Agreement,
- Article 7 of the Serbia and Montenegro–Czech Republic Agreement,
- Article 9 of the Serbia and Montenegro–France Agreement,
- Article 14 of the Serbia and Montenegro–Germany 1957 Agreement,
- Article 10 of the Serbia and Montenegro–Germany 2001 Agreement,
- Article 13 of the Serbia and Montenegro–Greece Agreement,
- Article 7 of the Serbia and Montenegro–Luxembourg Agreement,
- Article 9 of the Serbia and Montenegro–Malta Agreement,

- Article 7(2) of the Serbia and Montenegro–Netherlands Agreement,
  - Article 7 of the Serbia and Montenegro–Poland 1955 Agreement,
  - Article 10 of the Serbia and Montenegro–Poland 2002 Agreement,
  - Article 9 of the Serbia and Montenegro–Portugal Agreement,
  - Article 12 of the Serbia and Montenegro–Slovak Republic Agreement,
  - Article 13 of the Serbia and Montenegro–Slovenia Agreement,
  - Article 7 of the Serbia and Montenegro–Sweden Agreement,
  - Article 14 of the Serbia and Montenegro–United Kingdom Agreement.
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*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).
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