

**AGREEMENT****between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services**

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN,

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

NOTING that provisions of the bilateral air service agreements between Member States of the European Community and the Republic of Azerbaijan, which are not contrary to European Community law, do not need to be amended or replaced;

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 the Republic of Azerbaijan, to affect the balance between Community air carriers and air carriers of the Republic of Azerbaijan, 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 the Republic of Azerbaijan, 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 Azerbaijan 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 and shall continue to be owned directly or through majority ownership 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, and shall at all times be effectively controlled by such States and/or such nationals.
3. The Republic of Azerbaijan 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 Azerbaijan 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 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 Azerbaijan under the safety provisions of the Agreement between the Member State that has designated the air carrier and the Republic of Azerbaijan 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 Azerbaijan 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.
3. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex II(d) shall prevent the Republic of Azerbaijan 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 that operates between a point in the territory of the Republic of Azerbaijan and another point in the territory of the Republic of Azerbaijan.

#### Article 5

##### **Tariffs for carriage within the European Community**

1. The provisions in paragraph 2 of this Article shall complement the articles listed in Annex II(e).
2. The tariffs to be charged by the air carrier(s) designated by the Republic of Azerbaijan 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 the Republic of Azerbaijan 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**

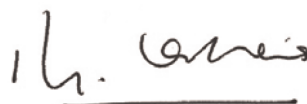
1. In the event that an Agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the Agreement listed in Annex I concerned shall terminate at the same time.

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 Strasbourg in duplicate, on 7 July 2009 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 Azerbaijani languages.

Za Evropskú spoločnosť  
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  
Ghall-Komunitá Ewropea  
Voor de Europese Gemeenschap  
W imieniu Wspólnoty Europejskiej  
Pela Comunidade Europeia  
Pentru Comunitatea Europeană  
Za Európske spoločenstvo  
Za Evropsko skupnost  
Euroopan yhteisön puolesta  
För Europeiska gemenskapen  
**Avropa Birliyi adından**



За правителството на Република Азербайджан  
Por el Gobierno de la República de Azerbaiyán  
Za vládu Ázerbájdžánskou republiky  
For Republikken Aserbajdsjans regering  
Für die Regierung der Republik Aserbajdschan  
Aserbaidžaaani Vabariigi valitsuse nimel  
Για την Κυβέρνηση της Δημοκρατίας του Αζερμπαϊτζάν  
For the Government of the Republic of Azerbaijan  
Pour le gouvernement de la République d'Azerbaïdjan  
Per il governo della Repubblica dell'Azerbaijan  
Azerbaidžānas Republikas valdības vārdā  
Azerbaidžano Vyriausybės Respublikos vardu  
Az Azerbajdzsáni Köztársaság Kormánya részéről  
Ghall-Gvern tar-Repubblika tal-Azerbajġan  
Voor de regering van de Republiek Azerbeidzjan  
W imieniu Rządu Republiki Azerbejdżańskiej  
Pelo Governo da República do Azerbaijão  
Pentru Guvernul Republicii Azerbaidjan  
Za vládu Azerbajdzánskej republiky  
Za vlado Azerbajdzánske republike  
Azerbaidžanin tasavallan hallituksen puolesta  
För Republiken Azerbajdzjans regering  
**Azərbaycan Respublikası Hökuməti adından**



## ANNEX I

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

- (a) Air service agreements between the Government of the Republic of Azerbaijan 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 Austria and the Government of the Republic of Azerbaijan relating to Air Services done at Vienna on 4 July 2000, hereinafter referred to 'Azerbaijan — Austria Agreement' in Annex II,
- Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Azerbaijan relating to Air Services done at Baku on 13 April 1998, hereinafter referred to 'Azerbaijan — Belgium Agreement' in Annex II,
- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Azerbaijan concerning Air Services between their respective territories and beyond done at Sofia on 29 June 1995, hereinafter referred to 'Azerbaijan — Bulgaria Agreement' in Annex II,
- Agreement between the Government of the Kingdom of Denmark and the Government of the Republic of Azerbaijan relating to Air Services initialled at Copenhagen on 27 April 2000, hereinafter referred to 'Azerbaijan — Denmark Agreement' in Annex II.

Last modified by Exchange of Letters 1 March 2004 and 17 December 2004,

- Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of the Azerbaijan Republic done at Baku at 28 July 1995, hereinafter referred to 'Azerbaijan — Germany Agreement' in Annex II.

Last modified by Protocol Correcting and Supplementing the Air Transport Agreement of 28 July 1995 between the Government of the Federal Republic of Germany and the Government of the Azerbaijan Republic done at Baku at 29 June 1998,

- Agreement between the Government of the French Republic and the Government of the Republic of Azerbaijan relating to Air Services done at Paris on 19 June 1997, hereinafter referred to 'Azerbaijan — France Agreement' in Annex II,
- Agreement between the Government of the Hellenic Republic and the Government of the Republic of Azerbaijan relating to Air Services initialled at Athens on 5-6 June 1995, hereinafter referred to 'Azerbaijan — Greece Agreement' in Annex II,
- Agreement between the Government of the Italian Republic and the Government of the Republic of Azerbaijan relating to Air Services done at Rome on 25 September 1997, hereinafter referred to 'Azerbaijan — Italy Agreement' in Annex II,
- Agreement between the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Azerbaijan relating to Air Services initialled at Baku on 3 July 2001, hereinafter referred to 'Azerbaijan — Luxembourg Agreement' in Annex II,
- Agreement between the Kingdom of the Netherlands and the Republic of Azerbaijan relating to Air Services done at Baku on 11 July 1996, hereinafter referred to 'Azerbaijan — Netherlands Agreement' in Annex II,
- Agreement between the Government of the Republic of Poland and the Government of the Azerbaijan Republic concerning Civil Air Transport done at Warsaw on 26 August 1997, hereinafter referred to 'Azerbaijan — Poland Agreement' in Annex II,
- Agreement between the Government of Romania and the Government of the Republic of Azerbaijan concerning Air Services done at Baku on 27 March 1996, hereinafter referred to 'Azerbaijan — Romania Agreement' in Annex II,
- Agreement between the Government of the Slovak Republic and the Government of the Republic of Azerbaijan relating to Air Services initialled at Baku on 27 October 2000, hereinafter referred to 'Azerbaijan — Slovak Republic Agreement' in Annex II,

— Agreement between the Kingdom of Spain and Republic of Azerbaijan relating to Air Services initialled at Madrid on 18 November 2004, hereinafter referred to 'Azerbaijan — Spain Agreement' in Annex II,

— Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Azerbaijan relating to Air Services initialled at Copenhagen on 27 April 2000, hereinafter referred to 'Azerbaijan — Sweden Agreement' in Annex II.

Last modified by Exchange of Letters 1 March 2004 and 17 December 2004,

— Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Azerbaijan relating to Air Services done at London on 23 February 1994, hereinafter referred to 'Azerbaijan — United Kingdom Agreement' in Annex II.

Amended by Exchange of Notes done at Baku on 20 June and 23 December 1996.

Last modified by Memorandum of Understanding done at Baku on 3-4 July 2000;

(b) Air service agreements and other arrangements initialled or signed between the Republic of Azerbaijan 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 Transport Agreement between the Government of the Czech Republic and the Government of the Republic of Azerbaijan initialled at Prague on 3 December 1998, hereinafter referred to 'Azerbaijan — Czech Republic Agreement' in Annex II,

— Air Services Agreement between the Government of the Republic of Azerbaijan and the Government of the Republic of Estonia initialled in Tallinn on 8 November 2002, hereinafter referred to 'Azerbaijan — Estonia Agreement' in Annex II,

— Agreement between the Government of the Republic of Finland and the Government of the Republic of Azerbaijan relating to Air Services initialled at Baku on 29 September 2000, hereinafter referred to 'Azerbaijan — Finland Agreement' in Annex II.

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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 3, paragraph 5 of the Azerbaijan — Austria Agreement,
- Article 3, paragraph 5 of the Azerbaijan — Bulgaria Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Czech Republic Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Denmark Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Estonia Agreement,
- Article 3, paragraph 4, of the Azerbaijan — Germany Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Greece Agreement,
- Article 4, paragraph 3 of the Azerbaijan — France Agreement,
- Article 4, paragraph 4 of the Azerbaijan — Italy Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Luxembourg Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Netherlands Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Poland Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Romania Agreement,
- Article 4, paragraph 4 of the Azerbaijan — Slovak Republic Agreement,
- Article 3, paragraph 4 of the Azerbaijan — Sweden Agreement,
- Article 4, paragraph 4 of the Azerbaijan — United Kingdom Agreement;

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

- Article 4, paragraph 1(a) of the Azerbaijan — Austria Agreement,
- Article 5, paragraph 1(d) of the Azerbaijan — Belgium Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Bulgaria Agreement,
- Article 4, paragraph 1(b) of the Azerbaijan — Czech Republic Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Denmark Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Estonia Agreement,
- Article 4, paragraph 1(b) of the Azerbaijan — Greece Agreement,
- Article 5, paragraph 1 of the Azerbaijan — France Agreement,
- Article 5, paragraph 1(a) of the Azerbaijan — Finland Agreement,
- Article 5, paragraph 1(a) of the Azerbaijan — Italy Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Luxembourg Agreement,
- Article 4, paragraph 1(c) of the Azerbaijan — Netherlands Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Poland Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Romania Agreement,
- Article 5, paragraph 1(a) of the Azerbaijan — Slovak Republic Agreement,
- Article 4, paragraph 1(a) of the Azerbaijan — Sweden Agreement,
- Article 5, paragraph 1(a) of the Azerbaijan — United Kingdom Agreement;

## (c) Regulatory control:

- Article 6 of the Azerbaijan — Austria Agreement,
- Article 7 of the Azerbaijan — Belgium Agreement,
- Article 7 of the Azerbaijan — Czech Republic Agreement,
- Article 14 of the Azerbaijan — Denmark Agreement,
- Article 15 of the Azerbaijan — Estonia Agreement,
- Article 11a of the Azerbaijan — Germany Agreement,
- Article 6 of the Azerbaijan — Greece Agreement,
- Article 8 of the Azerbaijan — France Agreement,
- Article 13 of the Azerbaijan — Finland Agreement,
- Article 10 of the Azerbaijan — Italy Agreement,

- Article 6 of the Azerbaijan — Luxembourg Agreement,
- Article 13 of the Azerbaijan — Netherlands Agreement,
- Article 10 of the Azerbaijan — Slovak Republic Agreement,
- Article 14 of the Azerbaijan — Sweden Agreement;

(d) Taxation of aviation fuel:

- Article 7 of the Azerbaijan — Austria Agreement,
- Article 10 of the Azerbaijan — Belgium Agreement,
- Article 7 of the Azerbaijan — Bulgaria Agreement,
- Article 8 of the Azerbaijan — Czech Republic Agreement,
- Article 6 of the Azerbaijan — Denmark Agreement,
- Article 7 of the Azerbaijan — Estonia Agreement,
- Article 6 of the Azerbaijan — Germany Agreement,
- Article 9 of the Azerbaijan — Greece Agreement,
- Article 11 of the Azerbaijan — France Agreement,
- Article 6 of the Azerbaijan — Finland Agreement,
- Article 6 of the Azerbaijan — Italy Agreement,
- Article 8 of the Azerbaijan — Luxembourg Agreement,
- Article 9 of the Azerbaijan — Netherlands Agreement,
- Article 6 of the Azerbaijan — Poland Agreement,
- Article 9 of the Azerbaijan — Romania Agreement,
- Article 5 of the Azerbaijan — Spain Agreement,
- Article 9 of the Azerbaijan — Slovak Republic Agreement,
- Article 6 of the Azerbaijan — Sweden Agreement,
- Article 8 of the Azerbaijan — United Kingdom Agreement;

(e) Tariffs for carriage within the European Community:

- Article 11 of the Azerbaijan — Austria Agreement,
  - Article 13 of the Azerbaijan — Belgium Agreement,
  - Article 9 of the Azerbaijan — Bulgaria Agreement,
  - Article 12 of the Azerbaijan — Czech Republic Agreement,
  - Article 10 of the Azerbaijan — Denmark Agreement,
  - Article 13 of the Azerbaijan — Estonia Agreement,
  - Article 10 of the Azerbaijan — Germany Agreement,
  - Article 12 of the Azerbaijan — Greece Agreement,
  - Article 17 of the Azerbaijan — France Agreement,
  - Article 10 of the Azerbaijan — Finland Agreement,
  - Article 8 of the Azerbaijan — Italy Agreement,
  - Article 10 of the Azerbaijan — Luxembourg Agreement,
  - Article 5 of the Azerbaijan — Netherlands Agreement,
  - Article 10 of the Azerbaijan — Poland Agreement,
  - Article 8 of the Azerbaijan — Romania Agreement,
  - Article 8 of the Azerbaijan — Slovak Republic Agreement,
  - Article 10 of the Azerbaijan — Sweden Agreement,
  - Article 7 of the Azerbaijan — 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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