

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

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF MALDIVES (hereinafter referred to as the Maldives),

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 Maldives 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 Member States of the European Community and the Maldives, 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 the Maldives 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 Member States of the European Community and the Maldives 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 these negotiations, to increase the total volume of air traffic between the European Community and the Maldives, to affect the balance between Community air carriers and air carriers of Maldives, 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.

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 Maldives, 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 Maldives shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (i) the air carrier is established in the territory, under the Treaty establishing the European Community, of the designating Member State and has a valid Operating Licence 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 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 Maldives 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 in the territory, under the Treaty establishing the European Community, of the designating Member State or does not have a valid Operating Licence 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 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 Maldives 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 Maldives under the safety provisions of the agreement between the Member State that has designated the air carrier and Maldives 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 Maldives 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 Maldives 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. Bilateral air service agreements concluded between Member States and the Maldives shall be without prejudice to the competition rules of the Parties.
2. The provisions listed in Annex II(f) shall be deleted and shall cease to have effect.

*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.

*Article 9***Entry into force and provisional application**

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.
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. Agreement between a Member State and the Maldives which, at the date of signature of this Agreement, has not yet entered into force and is not being applied provisionally is listed in Annex I(b). The present Agreement shall apply to that Agreement upon its entry into force or provisional application.

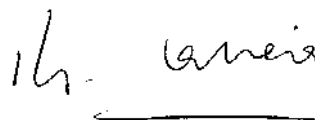
*Article 10***Termination**

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 the twenty-first day of September 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, Slovene, Spanish, Swedish and Maldivian Dhivehi 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  
 Ghall-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

Por la República de Maldivas  
 Za Maledivskou republiku  
 For Republikken Maldiverne  
 Für die Republik Maldiven  
 Maldivi Vabariigi nimel  
 Για τη Δημοκρατία των Μαλδιβών  
 For the Republic of Maldives  
 Pour la République des Maldives  
 Per la Repubblica delle Maldive  
 Maldivu Republikas vārdā  
 Ma1divuṅ Respublikos vardu  
 A Maldív Köztársaság részéről  
 Ghar-Repubblika tal-Maldivi  
 Voor de Republiek der Maldiven  
 W imieniu Republiki Malediwów  
 Pela República das Maldivas  
 Za Maledivskú republiku  
 Za Republika Maldivi  
 Malediivien tasavallan puolesta  
 För Republiken Maldiverna




---

## ANNEX I

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

(a) Air service agreements between the Maldives 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:

- Air Transport Agreement between the Austrian Federal Government and the Government of the Republic of Maldives done at Malé on 4 February 1997, hereinafter referred to as 'Maldives-Austria Agreement' in Annex II,
- Agreement between the Government of the French Republic et the Government of the Republic of Maldives relating to air services done at Malé on 5 February 2001, hereinafter referred to as 'Maldives-France Agreement' in Annex II,
- Air Transport Agreement between the Federal Republic of Germany and the Republic of Maldives done at Malé on 10 November 1993 hereinafter referred to as 'Maldives-Germany Agreement' in Annex II,
- Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Maldives for air services between and beyond their respective territories done at The Hague on 23 June 1994, hereinafter referred to as 'Maldives-The Netherlands Agreement' in Annex II,
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Maldives done at Malé on 20 January 1996, hereinafter referred to as 'Maldives-United Kingdom Agreement' in Annex II.

Modified by Memorandum of Understanding done at Malé on 7 September 2000.

(b) Air service agreement initialled or signed between the Maldives and a Member State of the European Community which, at the date of signature of this Agreement, has not yet entered into force and is not being applied provisionally:

- Agreement between the Government of the Italian Republic and the Government of the Republic of Maldives concerning air services initialled at Malé on 20 January 2000, hereinafter referred to as 'Maldives-Italy Agreement' in Annex II.

—

## ANNEX II

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

- (a) Designation by a Member State:
    - Article 3 of the Maldives-Austria Agreement,
    - Article 3 of the Maldives-France Agreement,
    - Article 4 of the Maldives-Italy Agreement,
    - Article 4 of the Maldives-The Netherlands Agreement,
    - Article 4 of the Maldives-United Kingdom Agreement;
  - (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
    - Article 4 of the Maldives-Austria Agreement,
    - Article 4 of the Maldives-France Agreement,
    - Article 5 of the Maldives-Italy Agreement,
    - Article 5 of the Maldives-The Netherlands Agreement,
    - Article 5 of the Maldives-United Kingdom Agreement;
  - (c) Safety:
    - Article 7 of the Maldives-France Agreement,
    - Article 11 of the Maldives-Italy Agreement,
    - Article 14 of the Maldives-The Netherlands Agreement;
  - (d) Taxation of aviation fuel:
    - Article 7 of the Maldives-Austria Agreement,
    - Article 10 of the Maldives-France Agreement,
    - Article 6 of the Maldives-Germany Agreement,
    - Article 6 of the Maldives-Italy Agreement,
    - Article 10 of the Maldives-The Netherlands Agreement,
    - Article 8 of the Maldives-United Kingdom Agreement;
  - (e) Tariffs for Carriage within the European Community:
    - Article 11 of the Maldives-Austria Agreement,
    - Article 14 of the Maldives-France Agreement,
    - Article 10 of the Maldives-Germany Agreement,
    - Article 8 of the Maldives-Italy Agreement,
    - Article 6 of the Maldives-The Netherlands Agreement,
    - Article 7 of the Maldives-United Kingdom Agreement;
  - (f) Compatibility with competition rules:
    - Article 11 (2-6) of the Maldives-Austria Agreement,
    - Article 14 (3-5) of the Maldives-France Agreement,
    - Article 8 (3 and 6) of the Maldives-Italy Agreement,
    - Article 6 (2-5) of the Maldives-The Netherlands 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).
-