

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

THE EUROPEAN COMMUNITY

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE (hereinafter referred to as Singapore)

of the other part

(hereinafter referred to as the Contracting Parties)

NOTING that the European Court of Justice has found that certain provisions of bilateral agreements entered into by several Member States with third countries are incompatible with European Community law,

NOTING that a number of bilateral air services agreements have been concluded between several Member States of the European Community and Singapore containing similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the EC Treaty,

NOTING that the European Community has exclusive competence with respect to a number of 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 that Member State 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 consistency between European Community law and provisions of bilateral air service agreements between Member States of the European Community and Singapore will provide a viable means to ensure continuity and development of air services between the European Community and Singapore,

NOTING that provisions of the bilateral air services agreements between Member States of the European Community and Singapore, which are not inconsistent with European Community law, do not need to be affected by this Agreement,

NOTING that it is not a purpose of the European Community in this Agreement to increase the total volume of air traffic between the European Community and Singapore, to affect the balance between Community air carriers and air carriers of Singapore, or to prevail over the interpretation of 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; 'Contracting Party' shall mean a contracting party to this Agreement; 'party' shall mean the contracting party to the relevant bilateral air services agreement; 'air carrier' shall also mean airline; 'territory of the European Community' shall mean territories of the Member States to which the Treaty establishing the European Community applies.

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, authorisation and revocation

1. The provisions in paragraphs 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by the Member State concerned, its authorisations and permissions granted by Singapore, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. The provisions in paragraphs 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by Singapore, its authorisations and permissions granted by the Member State concerned, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively, if the relevant Member State affirms the application of the provisions in paragraphs 3 and 4 of this Article.

3. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for operating authorisations and technical permissions, each party shall, subject to paragraphs 4 and 5 grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) in the case of an air carrier designated by a Member State:

- (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 from a Member State 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 has its principal place of business in the territory of the Member State from which it has received the valid operating licence; and
- (iv) the air carrier is owned directly or through majority ownership and 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.

(b) in the case of an air carrier designated by Singapore:

(i) Singapore has and maintains effective regulatory control of the air carrier; and

(ii) it has its principal place of business in Singapore.

4. Either party may refuse, revoke, suspend or limit the operating authorisation or technical permissions of an air carrier designated by the other party where:

(a) in the case of an air carrier designated by a Member State:

(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 from a Member State 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 does not have its principal place of business in the territory of the Member State from which it has received its operating licence; or

(iv) the air carrier is not owned directly or through majority ownership and 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; or

(v) it can be demonstrated that by exercising traffic rights under this Agreement on a route that includes a point in another Member State, including the operation of a service which is marketed as, or otherwise constitutes a through service, the air carrier would in effect be circumventing restrictions on traffic rights imposed by an agreement between Singapore and that other Member State; or

(vi) the air carrier holds an air operator's certificate issued by a Member State and there is no bilateral air services agreement between Singapore and that Member State and it can be demonstrated that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the designated air carrier(s) of Singapore.

(b) in the case of an air carrier designated by Singapore:

(i) Singapore is not maintaining effective regulatory control of the air carrier; or

(ii) it does not have its principal place of business in Singapore.

5. In exercising its right under paragraph 4, and without prejudice to its rights under paragraph 4(a)(v) and (vi) of this Article, Singapore shall not discriminate between air carriers of Member States 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 (the first Member State) has designated an air carrier whose regulatory control is exercised and maintained by a second Member State, the rights of Singapore under the safety provisions of the agreement between the first Member State that has designated the air carrier and Singapore shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that second Member State and in respect of the operating authorisation of that air carrier.

Article 4

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the articles listed in Annex II(d).

2. The tariffs to be charged by the air carrier(s) designated by Singapore under an Agreement listed in Annex I containing a provision listed in Annex II(d) for carriage wholly within the European Community shall be subject to European Community law. European Community law is applied on a non-discriminatory basis.

Article 5

Annexes to the Agreement

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

Article 6

Revision or amendment

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

Article 7

Entry into force

1. This Agreement shall enter into force when the Contracting 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 Contracting Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and Singapore 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 8

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 Luxembourg in duplicate, on this ninth day of June 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, and Swedish languages. In case of any dispute the English text shall prevail over the other language texts.

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 el Gobierno de la República de Singapur
 Za vládu Singapurské republiky
 For Republikken Singapores regering
 Für die Regierung der Republik Singapur
 Singapuri Vabariigi valitsuse nimel
 Για την κυβέρνηση της Δημοκρατίας της Σιγκαπούρης
 For the Government of the Republic of Singapore
 Pour le gouvernement de la République de Singapour
 Per il governo della Repubblica di Singapore
 Singapūras Republikas valdības vārdā
 Singapūro Respublikos Vyriausybės vardu
 A Szingapúri Köztársaság Kormánya részéről
 Ghall-Gvern tar-Repubblika ta' Singapor
 Voor de regering van de Republiek Singapore
 W imieniu Rządu Republiki Singapuru
 Pelo Governo da República de Singapura
 Za vládu Singapurskej republiky
 Za vlado Singapurske republike
 Singaporen tasavallan hallituksen puolesta
 För Republiken Singapores regering

ANNEX I

List of agreements referred to in Article 1 of this Agreement

- (a) Air services agreements between the Republic of Singapore 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 Austrian Federal Government and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 8 August 1978, as amended (hereinafter referred to as Singapore-Austria Agreement),
 - Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 29 May 1967, as amended (hereinafter referred to as Singapore-Belgium Agreement),
 - Air Services Agreement between the Government of the Republic of Singapore and the Government of the Republic of Cyprus, done at Nicosia on 27 January 1989 (hereinafter referred to as Singapore-Cyprus Agreement),
 - Agreement between the Czechoslovak Socialist Republic and the Republic of Singapore for Air Services between and beyond their respective territories, signed at Singapore on 7 September 1971, in respect of which the Czech Republic declared that it considers itself to be bound by the provisions thereof, as amended (hereinafter referred to as Singapore-Czech Republic Agreement),
 - Agreement between the Government of the Kingdom of Denmark and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 20 December 1966, as amended (hereinafter referred to as Singapore-Denmark Agreement),
 - Draft Air Services Agreement between the Government of the Kingdom of Denmark and the Government of the Republic of Singapore, initialled at Singapore on 21 October 1998 and given provisional effect (hereinafter referred to as Draft Revised Singapore-Denmark Agreement),
 - Agreement between the Government of the Republic of Finland and the Government of the Republic of Singapore for air services between and beyond their respective territories, done at Singapore on 19 January 1984, as amended (hereinafter referred to as Singapore-Finland Agreement),
 - Agreement between the Government of the Republic of France and the Government of the Republic of Singapore relating to Air Services between and beyond their respective territories, done at Singapore on 29 June 1967, as amended (hereinafter referred to as Singapore-France Agreement),
 - Agreement between the Federal Republic of Germany and the Republic of Singapore for air services between and beyond their respective territories, done at Singapore on 15 February 1969, as amended and supplemented by the Supplementary Memorandum of Understanding, signed in Bonn on 7 June 2000 (hereinafter referred to as Singapore-Germany Agreement),
 - Agreement between the Government of the Kingdom of Greece and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 21 August 1971, as amended (hereinafter referred to as Singapore-Greece Agreement),
 - Air Transport Agreement between the Government of the Republic of Hungary and the Government of the Republic of Singapore, done at Singapore on 9 March 1990 (hereinafter referred to as Singapore-Hungary Agreement),
 - Agreement between the Government of the Italian Republic and the Government of the Republic of Singapore for air services between and beyond their respective territories, done at Singapore on 28 June 1985, as amended (hereinafter referred to as Singapore-Italy Agreement),
 - Agreement between the Government of Ireland and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 20 February 1981 (hereinafter referred to as Singapore-Ireland Agreement),

- Air Services Agreement between the Government of the Republic of Latvia and the Government of the Republic of Singapore, done at Singapore on 6 October 1999 (hereinafter referred to as Singapore-Latvia Agreement),
 - Agreement between the Government of the Grand-Duchy of Luxembourg and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, signed at Singapore on 9 April 1975, as amended (hereinafter referred to as Singapore-Luxembourg Agreement),
 - Agreement between the Government of the Republic of Malta and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at London on 19 July 1983, as amended (hereinafter referred to as Singapore-Malta Agreement),
 - Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 29 December 1966, as amended (hereinafter referred to as Singapore-Netherlands Agreement),
 - Agreement between the Government of the Polish People's Republic and the Government of the Republic of Singapore for air services between and beyond their respective territories, done at Singapore on 22 December 1979, as amended (hereinafter referred to as Singapore-Poland Agreement),
 - Air Services Agreement between the Republic of Portugal and the Republic of Singapore as annexed to the Memorandum of Understanding initialled at Singapore on 7 November 1997 (hereinafter referred to as Draft Singapore-Portugal Agreement),
 - Agreement between the Czechoslovak Socialist Republic and the Republic of Singapore signed at Singapore on 7 September 1971, in respect of which the Slovak Republic declared that it considers itself to be bound by the provisions thereof, as amended (hereinafter referred to as Singapore-Slovakia Agreement),
 - Air Services Agreement between the Government of the Slovak Republic and the Government of the Republic of Singapore, initialled at Singapore on 27 December 1996 and given provisional effect (hereinafter referred to as Draft Singapore-Slovakia Agreement),
 - Air Transport Agreement between the Kingdom of Spain and the Republic of Singapore, done at Madrid on 11 March 1992, as amended (hereinafter referred to as Singapore-Spain Agreement),
 - Agreement between the Government of the Republic of Singapore and the Government of the Kingdom of Sweden for air services between and beyond their respective territories, signed at Singapore on 20 December 1966, as amended (hereinafter referred to as Singapore-Sweden Agreement),
 - Draft Air Service Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Singapore, initialled at Singapore on 21 October 1998 and given provisional effect (hereinafter referred to as Draft Revised Singapore-Sweden Agreement),
 - Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Singapore for Air Services between and beyond their respective territories, done at Singapore on 12 January 1971 as amended (hereinafter referred to as Singapore-United Kingdom Agreement).
- (b) Air services agreements and other arrangements initialled or signed between the Republic of Singapore 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.
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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 of the Singapore-Austria Agreement,
 - Article 3 of the Singapore-Belgium Agreement,
 - Article 3 of the Singapore-Cyprus Agreement,
 - Article 3 of the Singapore-Czech Republic Agreement,
 - Article 3 of the Singapore-Denmark Agreement,
 - Article 3 of the Draft Revised Singapore-Denmark Agreement,
 - Article 3 of the Singapore-Finland Agreement,
 - Article 3 of the Singapore-France Agreement,
 - Article 3 of the Singapore-Germany Agreement,
 - Article 4 of the Singapore-Greece Agreement,
 - Article 3 of the Singapore-Hungary Agreement,
 - Article 3 of the Singapore-Ireland Agreement,
 - Article 4 of the Singapore-Italy Agreement,
 - Article 3 of the Singapore-Latvia Agreement,
 - Article 3 of the Singapore-Luxembourg Agreement,
 - Article 3 of the Singapore-Malta Agreement,
 - Article 3 of the Singapore-Netherlands Agreement,
 - Article 3 of the Singapore-Poland Agreement,
 - Article 3 of the Singapore-Portugal Agreement,
 - Article 3 of the Singapore-Slovakia Agreement,
 - Article 3 of the Draft Singapore-Slovakia Agreement,
 - Article 3 of the Singapore-Spain Agreement,
 - Article 3 of the Singapore-Sweden Agreement,
 - Article 3 of the Draft Revised Singapore-Sweden Agreement,
 - Article 3 of the Singapore-United Kingdom Agreement.
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 3 of the Singapore-Austria Agreement,
 - Article 3 of the Singapore-Belgium Agreement,
 - Article 4 of the Singapore-Cyprus Agreement,
 - Article 3 of the Singapore-Czech Republic Agreement,

- Article 3 of the Singapore-Denmark Agreement,
 - Article 4 of the Draft Revised Singapore-Denmark Agreement,
 - Article 4 of the Singapore-Finland Agreement,
 - Article 3 of the Singapore-France Agreement,
 - Article 3 of the Singapore-Germany Agreement,
 - Article 5 of the Singapore-Greece Agreement,
 - Article 4 of the Singapore-Hungary Agreement,
 - Article 4 of the Singapore-Ireland Agreement,
 - Article 5 of the Singapore-Italy Agreement,
 - Article 4 of the Singapore-Latvia Agreement,
 - Article 3 of the Singapore-Luxembourg Agreement,
 - Article 4 of the Singapore-Malta Agreement,
 - Article 3 of the Singapore-Netherlands Agreement,
 - Article 3 of the Singapore-Poland Agreement,
 - Article 4 of the Singapore-Portugal Agreement,
 - Article 3 of the Singapore-Slovakia Agreement,
 - Article 4 of the Draft Singapore-Slovakia Agreement,
 - Article 4 of the Singapore-Spain Agreement,
 - Article 3 of the Singapore-Sweden Agreement,
 - Article 4 of the Draft Revised Singapore-Sweden Agreement,
 - Article 4 of the Singapore-United Kingdom Agreement.
- (c) Regulatory control:
- Article 11 of the Singapore-Cyprus Agreement,
 - Article 14 of the Draft Revised Singapore-Denmark Agreement,
 - Article 8a of the Singapore-Finland Agreement,
 - Article 9 A of Annex F to the Supplementary Memorandum of Understanding, signed in Bonn on 7 June 2000 — as applied provisionally in the framework of the Singapore-Germany Agreement,
 - Article 8 of the Singapore-Hungary Agreement,
 - Article 8 of the Singapore-Latvia Agreement,
 - Article 15 of the Singapore-Portugal Agreement,
 - Article 8 of the Draft Singapore-Slovakia Agreement,
 - Article 10 of the Singapore-Spain Agreement,
 - Article 14 of the Draft Revised Singapore-Sweden Agreement,
 - Article 11bis of the Singapore-United Kingdom Agreement.

- (d) Tariffs for carriage within the European Community:
- Article 9 of the Singapore-Austria Agreement,
 - Article 10 of the Singapore-Belgium Agreement,
 - Article 13 of the Singapore-Cyprus Agreement,
 - Article 10 of the Singapore-Czech Republic Agreement,
 - Article 10 of the Singapore-Denmark Agreement,
 - Article 10 of the Draft Revised Singapore-Denmark Agreement,
 - Article 11 of the Singapore-Finland Agreement,
 - Article 9 of the Singapore-France Agreement,
 - Article 7 of the Singapore-Germany Agreement,
 - Article 11 of the Singapore-Greece Agreement,
 - Article 12 of the Singapore-Hungary Agreement,
 - Article 11 of the Singapore-Ireland Agreement,
 - Article 8 of the Singapore-Italy Agreement,
 - Article 12 of the Singapore-Latvia Agreement,
 - Article 9 of the Singapore-Luxembourg Agreement,
 - Article 11 of the Singapore-Malta Agreement,
 - Article 10 of the Singapore-Netherlands Agreement,
 - Article 9 of the Singapore-Poland Agreement,
 - Article 18 of the Singapore-Portugal Agreement,
 - Article 10 of the Singapore-Slovakia Agreement,
 - Article 12 of the Draft Singapore-Slovakia Agreement,
 - Article 6 of the Singapore-Spain Agreement,
 - Article 10 of the Singapore-Sweden Agreement,
 - Article 10 of the Draft Revised Singapore-Sweden Agreement,
 - Article 9 of the Singapore-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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