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Proposal for a

COUNCIL DECISION

**on the signature of the Agreement on certain aspects of air services between the
European Union and the Republic of Turkey**

EXPLANATORY MEMORANDUM

1. Context of the proposal

- **Grounds for and objectives of the proposal**

Following the judgements of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with an agreement at Union level¹ (the “horizontal mandate”). The objectives of such agreements are to give all European Union air carriers non-discriminatory access to routes between the European Union and third countries, and to bring bilateral air service agreements between Member States of the European Union and third countries in line with the law of the European Union.

- **General context**

International aviation relations between Member States of the European Union and third countries have traditionally been governed by bilateral air services agreements between Member States of the European Union and third countries, the Annexes to such agreements and other related bilateral or multilateral arrangements.

Traditional designation clauses in Member States’ bilateral air services agreements infringe the law of the European Union. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State of the European Union but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against European Union carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 49 of the Treaty on the Functioning of the European Union which guarantees nationals of Member States of the European Union who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

There are further issues, such as aviation fuel taxation or tariffs introduced by third country air carriers on intra-EU routes, where compliance with the law of the European Union should be ensured through amending or complementing existing provisions in bilateral air services agreements between Member States of the European Union and third countries.

- **Existing provisions in the area of the proposal**

The provisions of the Agreement supersede or complement the existing provisions in the twenty six bilateral air services agreements between Member States of the European Union and the Republic of Turkey.

- **Consistency with the other policies and objectives of the Union**

¹ Council Decision 11323/03 of 5 June 2003 (restricted document)

The Agreement will serve a fundamental objective of the external aviation policy of the European Union by bringing existing bilateral air services agreements in line with the law of the European Union.

2. Consultation of interested parties and impact assessment

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Member States of the European Union as well as the industry were consulted throughout the negotiations.

Summary of responses and how they have been taken into account

Comments made by Member States of the European Union and the industry have been taken into account.

3. Legal elements of the proposal

- **Summary of the proposed action**

In accordance with the mechanisms and directives in the Annex to the "horizontal mandate", the Commission has negotiated an agreement with the Republic of Turkey that replaces certain provisions in the existing bilateral air services agreements between Member States of the European Union and the Republic of Turkey. Article 2 of the Agreement replaces the traditional designation clauses with an EU designation clause, permitting all European Union carriers to benefit from the right of establishment. Article 4 deals with the taxation of aviation fuel, a matter which has been harmonised by Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and in particular Article 14 (2) thereof. Article 5 resolves potential conflicts with the competition rules of the European Union.

- **Legal basis**

TFEU Treaty Art. 100(2), 218(5)

- **Subsidiarity principle**

The proposal is entirely based on the "horizontal mandate" granted by the Council taking into account the issues covered by the law of the European Union and bilateral air services agreements.

- **Proportionality principle**

The Agreement will amend or complement provisions in bilateral air services agreements only to the extent necessary to ensure compliance with the law of the European Union.

- **Choice of instruments**

The Agreement between the European Union and the Republic of Turkey is the most efficient instrument to bring all existing bilateral air services agreements between Member States of the European Union and the Republic of Turkey into conformity with the law of the European Union.

4. Budgetary implication

The proposal has no implication for the budget of the European Union.

5. Additional information

- **Simplification**

The proposal provides for simplification of legislation.

The relevant provisions of bilateral air services agreements between Member States of the European Union and the Republic of Turkey will be superseded or complemented by provisions in one single agreement of the European Union.

- **Detailed explanation of the proposal**

In accordance with the standard procedure for the signature and conclusion of international agreements, the Council is asked to approve the decisions on the signature and on the conclusion of the Agreement on certain aspects of air services between the European Union and the Republic of Turkey and to designate the persons authorised to sign the Agreement on behalf of the European Union.

Proposal for a

COUNCIL DECISION

on the signature of the Agreement on certain aspects of air services between the European Union and the Republic of Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission²,

Whereas:

- (1) By its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level,
- (2) On behalf of the Union, the Commission has negotiated an Agreement with the Republic of Turkey on certain aspects of air services (hereinafter "the Agreement") in accordance with the mechanisms and directives in the Annex to the Council Decision of 5 June 2003,
- (3) The Agreement negotiated by the Commission should be signed and provisionally applied subject to its conclusion at a later date.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and the Republic of Turkey on certain aspects of air services is hereby approved on behalf of the Union, subject to the conclusion of the Agreement.

The text of the Agreement is attached to this Decision.

² OJ C , , p . .

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union subject to its conclusion.

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the parties have notified each other of the completion of the necessary procedures for this purpose³.

Article 4

The President of the Council is hereby authorised to make the notification provided for in Article 8(2) of the Agreement.

Article 5

This Decision shall enter into force on the date of its adoption.

Article 6

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

³ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Union and the Government of the Republic of Turkey

on certain aspects of air services

THE EUROPEAN UNION

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

(hereinafter referred to as ‘Turkey’)

of the other part

(hereinafter referred to as ‘the Parties’)

HAVING REGARD to Council Decision 64/732/EC of 23 December 1963 on the conclusion of the Agreement establishing an Association between the European Economic Community and Turkey, and Decision 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union, which constitute the legal basis of Turkey's association with the EU,

HAVING REGARD to the adoption at the Luxembourg Intergovernmental Conference of 3 October 2005 of the Negotiating Framework and in particular its Articles 1, 2 and 6,

HAVING REGARD to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey and the 2008 National Programme of Turkey for the Adoption of the EU Acquis in which Turkey accepts and is prepared to implement the full "Acquis" in relation to air transport matters upon accession to the EU,

NOTING that, until such accession, this Agreement will open the way towards Turkey's participation in European Union civil aviation projects, in particular the Single European Sky, in order to assist Turkey in the adoption of the "Acquis",

NOTING that the European Court of Justice has found that certain provisions of bilateral air services agreements concluded between several Member States of the European Union and third countries are incompatible with the law of the European Union,

NOTING that bilateral air services agreements concluded between several Member States of the European Union and Turkey contain similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the law of the European Union,

NOTING that the European Union has exclusive competence with respect to several aspects that may be included in bilateral air services agreements between Member States of the European Union and third countries,

NOTING that under the law of the European Union 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 Union and third countries,

HAVING REGARD to the agreements between the European Union 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 the law of the European Union,

RECOGNISING that consistency between the law of the European Union and the provisions of the bilateral air services agreements between Member States of the European Union and Turkey will provide a sound legal basis for air services between the European Union and Turkey and preserve the continuity of such air services,

NOTING that under European Union law air carriers may not, in principle, conclude agreements which may affect trade between Member States of the European Union and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air services agreements concluded between Member States of the European Union and Turkey 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 Union, as part of these negotiations, to increase the total volume of air traffic between the European Union and Turkey, to affect the balance between Community air carriers and air carriers of Turkey, or to negotiate amendments to the provisions of existing bilateral air services agreements concerning traffic rights,

NOTING that nothing in this Agreement shall be deemed to confer on the air carrier of a Designating Member State the privilege of taking advantage of unused frequencies between

Turkey and other Member States before the procedures regarding designation have been duly completed between the designating Member State and Turkey,

NOTING that the principle of fair and equal opportunity laid down in the relevant bilateral Air Services Agreements for Turkish and Community air carriers will be fully respected.

HAVE AGREED AS FOLLOWS:

ARTICLE 1

General provisions

1. For the purposes of this Agreement, ‘Member States’ shall mean Member States of the European Union, and “EU Treaties” shall mean the Treaty on European Union and the Treaty on the functioning of the European Union.
2. References in each of the agreements listed in Annex 1 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 Union.
3. References in each of the agreements listed in Annex 1 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.
4. The granting of traffic rights will continue to be carried out through bilateral agreements and arrangements on air services.

ARTICLE 2

Designation, Authorisation and Revocation

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by Turkey, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively. The provisions in paragraphs 4 and 5 of this Article shall supersede the corresponding provisions in the articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of an air carrier by Turkey, its authorisations and permissions granted by the Member State, 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, Turkey shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that
 - i. the air carrier is established, under the EU Treaties, in the territory of the designating Member State and has a valid Operating Licence in accordance with the law of the European Union; and
 - 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, or by other states listed in Annex 3 and/or nationals of such other states, and shall at all times be effectively controlled by such states and/or such nationals.
3. Turkey 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 EU Treaties, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with the law of the European Union; or
 - 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 and effectively controlled directly or through majority ownership by Member States and/or nationals of Member States, or by other states listed in Annex 3 and/or nationals of such other states; or
 - iv. the air carrier is already authorised to operate under a bilateral agreement between the Republic of Turkey and another Member State and Turkey demonstrates that, by exercising traffic rights under this Agreement on a route that includes a point in that other Member State, it would be circumventing restrictions on traffic rights imposed by a bilateral agreement between Turkey and that other Member State; or
 - v. the air carrier holds an Air Operators Certificate and Operating Licence issued by a Member State with which the Republic of Turkey does not have a bilateral air services agreement, and the necessary traffic rights or related commercial opportunities to that Member State are not reciprocally available to the designated air carriers of the Republic of Turkey.

In exercising its right under this paragraph, Turkey shall not discriminate between Community air carriers on the grounds of nationality.

4. On receipt of a designation by Turkey, a Member State shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- i. the air carrier is established in Turkey; and
- ii. Turkey has and maintains effective regulatory control of the air carrier and is responsible for issuing its Air Operators Certificate; and
- iii. the air carrier is owned and effectively controlled directly or through majority ownership by Turkey and/or nationals of Turkey.

5. A Member State may refuse, revoke, suspend or limit the authorisation or permissions of an air carrier designated by Turkey where:

- i. the air carrier is not established in Turkey; or
- ii. effective regulatory control of the air carrier is not exercised or not maintained by Turkey or Turkey is not responsible for issuing its Air Operators Certificate; or
- iii. the air carrier is not owned and effectively controlled directly or through majority ownership by Turkey and/or nationals of Turkey.

ARTICLE 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the articles listed in Annex 2 (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 Turkey under the safety provisions of the agreement between the Member State that has designated the air carrier and Turkey 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 2 (d).

2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 2 (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 Turkey 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

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 1 shall (i) require or favour the adoption of agreements between 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 1 that are incompatible with paragraph 1 of this Article shall not be applied.

ARTICLE 6

Annexes to the Agreement

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

ARTICLE 7

Consultation, revision or amendment

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

2. The Parties shall monitor and regularly review the implementation of this Agreement. Such reviews shall in particular assess any unforeseen effects of the Agreement, as perceived by either Party.

3. If requested by either Party, the Parties shall hold consultations not later than 60 days in order to discuss appropriate responses to such effects following which the Agreement may be revised or amended.

ARTICLE 8

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. Agreements and other arrangements between Member States and Turkey 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 1 (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 1 is terminated, all provisions of this Agreement that relate to the agreement listed in Annex 1 concerned shall terminate at the same time.

2. In the event that all agreements listed in Annex 1 are terminated, this Agreement shall terminate at the same time.

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

Done at [...] in duplicate, on this [...] day of [..., ...] 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 Turkish languages, all texts being equally authentic.

FOR THE EUROPEAN UNION: FOR THE GOVERNMENT OF THE REPUBLIC OF
TURKEY:

List of agreements referred to in Article 1 of this Agreement

(a) Air services agreements between Turkey and Member States of the European Union which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally, as modified subsequently

- Air Transport Agreement between **the Austrian Federal Government and the Government of the Republic of Turkey** signed at Vienna on 31 October 1967, hereinafter referred to “Turkey – Austria Agreement” in Annex 2;
 - Modified by the Protocol done at Ankara on 11 March 2008;
 - Last modified by the Memorandum of Understanding done at Istanbul on 30 September 2009;
- Air Transport Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Turkey signed at Ankara on 28 April 1972, hereinafter referred to “Turkey – Belgium Agreement” in Annex 2;
- Air Transport Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey done at Ankara on 18 April 1966, as replaced by the Air Transport Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey signed in Ankara on 21 April 2004, hereinafter referred to "Turkey – Bulgaria Agreement" in Annex 2;
 - Modified by the Memorandum of Understanding done at Ankara on 28 January 2010;
- Air Transport Agreement between **the Government of the Czech Republic and the Government of the Republic of Turkey** signed at Ankara on 15 April 1996, hereinafter referred to “Turkey – Czech Republic Agreement” in Annex 2;
- Agreement between **the Government of the Kingdom of Denmark and the Government of the Republic of Turkey** relating to Air Services signed at Ankara on 13 November 1970, hereinafter referred to “Turkey – Denmark Agreement” in Annex 2;
 - Modified by the Agreed Minutes done at Ankara on 12 April 1996;
 - Last modified by the Agreed Minutes done at Oslo on 6 November 2009;
- Air Transport Agreement between **the Government of the Republic of Estonia and the Government of the Republic of Turkey** signed in Ankara on 17 October 2001, hereinafter referred to “Turkey – Estonia Agreement” in Annex 2;

- Air Transport Agreement between the Government of the Republic of Finland and **the Government of the Republic of Turkey** signed at Ankara on 25 March 1975, hereinafter referred to “Turkey – Finland Agreement” in Annex 2;
- Modified by the Memorandum of Understanding done at Istanbul on 1 October 2009;
- Agreement between **the provisional Government of the Republic of France and the Government of the Republic of Turkey** relating to air services signed at Ankara on 12 October 1946, hereinafter referred to “Turkey – France Agreement” in Annex 2;
- Agreement between **the Federal Republic of Germany and the Republic of Turkey** relating to Air Services signed at Ankara on 5 July 1957, hereinafter referred to “Turkey – Germany Agreement” in Annex 2;
- Air Transport Agreement between **the Government of the Hellenic Kingdom and the Government of the Republic of Turkey** relating to Air Services signed at Ankara on 22 July 1947, hereinafter referred to “Turkey – Greece Agreement” in Annex 2;
- Modified by the Memorandum of Understanding done at Ankara on 12 June 2009;
- Air Transport Agreement between **the Government of the Hungarian People’s Republic and the Government of the Republic of Turkey** signed at Ankara on 8 June 1966, hereinafter referred to “Turkey – Hungary Agreement” in Annex 2;
- Air Transport Agreement between **the Government of Ireland and the Government of the Republic of Turkey** signed at Dublin on 24 January 1980, hereinafter referred to “Turkey – Ireland Agreement” in Annex 2;
- Agreement between **the Government of the Republic of Italy and the Government of the Republic of Turkey** relating to Air Services signed at Ankara on 25 November 1949, hereinafter referred to “Turkey – Italy Agreement” in Annex 2;
- Air Transport Agreement between **the Government of the Republic of Latvia and the Government of the Republic of Turkey** signed at Ankara on 15 September 1995, hereinafter referred to “Turkey – Latvia Agreement” in Annex 2;
- Air Transport Agreement between **the Government of the Republic of Lithuania and the Government of the Republic of Turkey** signed at Vilnius on 11 July 1994, hereinafter referred to “Turkey – Lithuania Agreement” in Annex 2;
- Agreement between **the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Turkey** relating to Air Services signed at Ankara on 12 October 1988, hereinafter referred to “Turkey – Luxembourg Agreement” in Annex 2;
- Agreement between **the Republic of Malta and the Republic of Turkey** for air services between and beyond their respective territories signed at Malta on 8 August 1985, hereinafter referred to “Turkey – Malta Agreement” in Annex 2;

- Air Transport Agreement between **the Government of the Kingdom of the Netherlands and the Government of the Republic of Turkey** signed at Ankara on 17 September 1971, hereinafter referred to “Turkey – Netherlands Agreement” in Annex 2;
- Modified by the Memorandum of Understanding done at Ankara on 01 February 1983;
- Modified by the Memorandum of Understanding done at Hague on 10 June 1988;
- Modified by Agreed Minutes done at Ankara on 22 January 1997;
- Air Transport Agreement between **the Government of the Polish People’s Republic and the Government of the Republic of Turkey** signed at Ankara on 25 August 1967, hereinafter referred to “Turkey – Poland Agreement” in Annex 2;
- Air Transport Agreement between **the Government of the Republic of Portugal and the Government of the Republic of Turkey** signed at Lisbon on 13 March 1992, hereinafter referred to “Turkey – Portugal Agreement” in Annex 2;
- Modified by the Agreed Records done at Istanbul on 30 September 2009.
- Civil Air Transport Agreement between **the Government of the Socialist Republic of Romania and the Government of the Republic of Turkey** signed at Ankara on 2 May 1966, hereinafter referred to "Turkey – Romania Agreement" in Annex 2;
- Modified by the Memorandum of Understanding done at Bucharest on 28 May 1997;
- Last modified by the Memorandum of Understanding done at Ankara on 29 April 1998;
- Air Transport Agreement between **the Government of the Republic of Slovakia and the Government of the Republic of Turkey** signed at Ankara on 2 April 1997, hereinafter referred to “Turkey – Slovakia Agreement” in Annex 2;
- Air Transport Agreement between **the Government of the Republic of Slovenia and the Government of the Republic of Turkey** signed at Ljubljana on 3 April 1997, hereinafter referred to “Turkey – Slovenia Agreement” in Annex 2;
- Air Transport Agreement between **the Government of State of Spain and the Government of the Republic of Turkey** signed at Madrid on 15 July 1975, hereinafter referred to “Turkey – Spain Agreement” in Annex 2;
- Modified by the Memorandum of Understanding done at Ankara on 30 April 1990;
- Last modified by the Memorandum of Understanding done at Ankara on 11 June 2008;
- Air Transport Agreement between **the Government of the Kingdom of Sweden and the Government of the Republic of Turkey** signed at Ankara on 13 November 1970, hereinafter referred to “Turkey – Sweden Agreement” in Annex 2;
- Modified by the Agreed Minutes done at Ankara on 12 April 1996;
- Last modified by the Agreed Minutes done at Oslo on 6 November 2009;

- Agreement between His Majesty’s Government in the United Kingdom and the Government of the Republic of Turkey relating to Air Services signed at Ankara on 12 February 1946; Replaced by the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Turkey relating to Air Services signed at Istanbul on 14 July 2000, hereinafter referred to “Turkey – United Kingdom Agreement” in Annex 2.

List of articles in the agreements listed in Annex 1 and referred to in Articles 2 to 4 of this Agreement

(a) Designation:

- Article 3, paragraph 4 of the Turkey – Austria Agreement;
- Article 3, paragraph 4 of the Turkey – Belgium Agreement;
- Article 3, paragraph 4 of the Turkey – Bulgaria Agreement;
- Article 3, paragraph 4 of the Turkey – Czech Republic Agreement;
- Article 3, paragraph 4 of the Turkey – Denmark Agreement;
- Article 3, paragraph 4 of the Turkey – Estonia Agreement;
- Article 3, paragraph 4 of the Turkey – Finland Agreement;
- Article 3, paragraph 4 of the Turkey – Germany Agreement;
- Article 3, paragraph 3 (b) of the Turkey – Hungary Agreement;
- Article 3 , paragraph 4 of the Turkey – Ireland Agreement;
- Article 3 of the Turkey – Italy Agreement;
- Article 3, paragraph 4 of the Turkey – Latvia Agreement;
- Article 3, paragraph 4 of the Turkey – Lithuania Agreement;
- Article 3, paragraph 4 of the Turkey – Luxembourg Agreement;
- Article 3, paragraph 3 of the Turkey – Malta Agreement;
- Article 3, paragraph 4 of the Turkey – Netherlands Agreement;
- Article 3, paragraph 4 of the Turkey – Poland Agreement;

- Article 3, paragraph 5 of the Turkey – Portugal Agreement;
- Article 3, paragraph 4 of the Turkey – Romania Agreement
- Article 3, paragraph 4 of the Turkey – Slovakia Agreement;
- Article 3, paragraph 4 of the Turkey – Slovenia Agreement;
- Article 4, subparagraph (a) of the Turkey – Spain Agreement;
- Article 3, paragraph 4 of the Turkey – Sweden Agreement;
- Article 4, paragraph 4 of the Turkey – United Kingdom Agreement.

(b) Refusal, Revocation, Suspension or Limitation of Authorisations or Permissions:

- Article 4, paragraph 1 (a) of the Turkey – Austria Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Belgium Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Bulgaria Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Czech Republic Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Denmark Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Estonia Agreement;
- Article 6 of the Turkey – France Agreement;
- Article 4, paragraph 1 (second sentence) of the Turkey – Germany Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Finland Agreement;
- Article 6 of the Turkey – Greece Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Hungary Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Ireland Agreement;
- Article 9 of the Turkey – Italy Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Latvia Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Lithuania Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Luxembourg Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Malta Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Netherlands Agreement;

- Article 4, paragraph 1 (a) of the Turkey – Poland Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Portugal Agreement;
- Article 5, paragraph 1 (a) of the Turkey – Romania Agreement;
- Article 4 , paragraph 1 (a)of the Turkey – Slovakia Agreement;
- Article 4, paragraph 1 (a)of the Turkey – Slovenia Agreement;
- Article 5, paragraph 1 (a)of the Turkey – Spain Agreement;
- Article 4, paragraph 1 (a) of the Turkey – Sweden Agreement;
- Article 5, paragraph 1 (a) of the Turkey – United Kingdom Agreement.

(c) Safety:

- Article 15 bis of the Turkey – Austria Agreement;
- Article 13 of the Turkey – Bulgaria Agreement;
- Article on safety as provided for in the Memorandum of Understanding done in Oslo on 6 November 2009;
- Article 13 of the Turkey – Estonia Agreement;
- Article relating to safety as provided for in Appendix IV to the Agreed Minutes signed at Bonn on 20 November 1997 amending the Turkey – Germany Agreement;
- Article 7 bis-a of the Turkey –Finland Agreement;
- Article 13 of the Turkey – Romania Agreement;
- Article 7 (bis-a) of the Turkey – Spain Agreement;
- Article 14 of the Turkey – United Kingdom Agreement.

(d) Taxation of Aviation Fuel:

- Article 5 of the Turkey – Austria Agreement;
- Article 5 of the Turkey – Belgium Agreement;
- Article 5 of the Turkey – Bulgaria Agreement;
- Article 6 of the Turkey – Czech Republic Agreement;
- Article 5 of the Turkey – Denmark Agreement;

- Article 6 of the Turkey – Estonia Agreement;
- Article 5 of the Turkey – Finland Agreement;
- Article 3 of the Turkey – France Agreement;
- Article 7 of the Turkey – Germany Agreement;
- Article 3 of the Turkey – Greece Agreement;
- Article 6 of the Turkey – Hungary Agreement;
- Article 5 of the Turkey – Ireland Agreement;
- Article 6 of the Turkey – Italy Agreement;
- Article 6 of the Turkey – Latvia Agreement;
- Article 6 of the Turkey – Lithuania Agreement;
- Article 5 of the Turkey – Luxembourg Agreement;
- Article 5 of the Turkey – Malta Agreement;
- Article 5 of the Turkey – Netherlands Agreement;
- Article 5 of the Turkey – Poland Agreement;
- Article 6 of the Turkey – Portugal Agreement;
- Article 6 of the Turkey – Romania Agreement;
- Article 8 of the Turkey – Slovakia Agreement;
- Article 6 of the Turkey – Slovenia Agreement;
- Article 8 of the Turkey – Spain Agreement;
- Article 5 of the Turkey – Sweden Agreement;
- Article 8 of the Turkey – United Kingdom Agreement.

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)