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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the entry into force of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver

The Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver entered into force on 1 January 2010, the procedure provided for in Article 8 of the Agreement having been completed on 30 November 2009.

Information relating to the entry into force of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver

The Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver will enter into force on 1 April 2010, the procedure provided for in Article 8 of the Agreement having been completed on 4 February 2010.

Information relating to the entry into force of the Agreement between the European Community and Barbados on the short-stay visa waiver

The Agreement between the European Community and Barbados on the short-stay visa waiver entered into force on 1 March 2010, the procedure provided for in Article 8 of the Agreement having been completed on 7 January 2010.

Information relating to the entry into force of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver

The Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver entered into force on 1 March 2010, the procedure provided for in Article 8 of the Agreement having been completed on 28 January 2010.

REGULATIONS

COMMISSION REGULATION (EU) No 189/2010

of 5 March 2010

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	155,3
	JO	61,0
	MA	130,1
	TN	152,1
	TR	101,8
	ZZ	120,1
0707 00 05	EG	211,5
	JO	143,3
	MK	134,1
	TR	154,5
	ZZ	160,9
0709 90 70	MA	144,4
	TR	80,0
	ZZ	112,2
0709 90 80	EG	40,8
	ZZ	40,8
0805 10 20	CL	52,4
	EG	47,3
	IL	55,1
	MA	49,6
	TN	52,9
	TR	54,4
	ZZ	52,0
0805 50 10	EG	76,3
	IL	76,3
	MA	65,7
	TR	60,2
	ZZ	69,6
0808 10 80	CA	96,6
	CN	67,7
	MK	24,7
	US	106,2
	ZZ	73,8
0808 20 50	AR	74,7
	CL	158,9
	CN	65,8
	US	95,6
	ZA	82,5
	ZZ	95,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 190/2010**of 5 March 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 184/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 53, 4.3.2010, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 6 March 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	38,91	0,00
1701 11 90 ⁽¹⁾	38,91	3,23
1701 12 10 ⁽¹⁾	38,91	0,00
1701 12 90 ⁽¹⁾	38,91	2,93
1701 91 00 ⁽²⁾	43,35	4,46
1701 99 10 ⁽²⁾	43,35	1,33
1701 99 90 ⁽²⁾	43,35	1,33
1702 90 95 ⁽³⁾	0,43	0,26

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EU) No 191/2010**of 5 March 2010****fixing the import duties applicable to certain husked rice from 6 March 2010**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 137 thereof,

Whereas:

- (1) Based on the information provided by the competent authorities, the Commission notes that import licences for husked rice falling within CN code 1006 20, other than import licences for basmati rice, were issued in respect of 168 643 tonnes for the period from 1 September 2009 to 28 February 2010. The import

duty for husked rice falling within CN code 1006 20 other than basmati rice should therefore be adjusted.

- (2) The applicable duty must be fixed within 10 days of the end of the period mentioned above. This Regulation should therefore come into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The import duty for husked rice falling within CN code 1006 20 shall be EUR 30 per tonne.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

COMMISSION REGULATION (EU) No 192/2010**of 5 March 2010****fixing the import duties applicable to semi-milled and wholly milled rice from 6 March 2010**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 139 thereof,

Whereas:

- (1) Based on the information provided by the competent authorities, the Commission notes that import licences for semi-milled and wholly milled rice falling within CN code 1006 30 have been issued in respect of 207 074 tonnes for the period from 1 September 2009 to 28 February 2010. The import duty for semi-

milled and wholly milled rice falling within CN code 1006 30 must therefore be adjusted.

- (2) As the applicable duty must be fixed within 10 days of the end of the period mentioned above, this Regulation should come into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The import duty for semi-milled and wholly milled rice falling within CN code 1006 30 shall be EUR 175 per tonne.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

DECISIONS

COMMISSION DECISION

of 3 March 2010

exempting certain services in the postal sector in Austria from the application of Directive 2004/17/EC of the European Parliament and of the Council

(notified under document C(2010) 1120)

(Only the German text is authentic)

(Text with EEA relevance)

(2010/142/EU)

THE EUROPEAN COMMISSION,

services in Austria. The services concerned are described as follows in the request:

Having regard to the Treaty on the Functioning of the European Union,

(a) standard consumer parcel services (consumer to consumer (C2C), consumer to business (C2B)), both domestic and international;

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(5) and (6) thereof,

(b) standard business to business (B2B) parcel services, both domestic and international;

Having regard to the request submitted by Österreichische Post AG (hereinafter referred to as 'Post') by e-mail received on 10 September 2009,

(c) standard business to consumer (B2C) parcel services, both domestic and international;

After consulting the Advisory Committee for Public Contracts,

(d) domestic express parcel services;

Whereas:

(e) combined freight services, i.e. freight services relating to consignments consisting of individual parcels and palletised small packages; and

I. FACTS

(1) On 10 September 2009, Post transmitted a request pursuant to Article 30(5) of Directive 2004/17/EC to the Commission by e-mail. In accordance with Article 30(5) first subparagraph, the Commission informed the Austrian authorities thereof by letter of 15 September 2009, to which the Austrian authorities answered by e-mail of 9 October 2009. The Commission also requested additional information of Post by e-mail of 22 October 2009, which, following a prolongation of the deadline was transmitted by Post by e-mail of 13 November 2009.

(2) The request submitted by Post concerns certain postal services as well as certain services other than postal

(f) contract logistics, defined as including the storage of goods and associated stock management, finishing and/or commissioning, marshalling goods ready for dispatch and address management for the sender.

II. LEGAL FRAMEWORK

(3) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which Directive 2004/17/EC applies shall not be subject to that Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

be unrestricted if the Member State has implemented and applied the relevant EU legislation opening a given sector or a part of it. This legislation is listed in Annex XI to Directive 2004/17/EC, which, for the postal sector, refers to Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ⁽¹⁾ as amended by Directive 2002/39/EC ⁽²⁾.

(4) Austria has implemented and applied Directive 97/67/EC as amended by Directive 2002/39/EC, using the possibility pursuant to its Article 7 to reserve certain addressed letters with a weight of up to 50 g for the designated universal service provider, Post ⁽³⁾. None of the services concerned by the present request are reserved. As Austria has reached the level of market opening provided for under the legislation listed in Annex XI to Directive 2004/17/EC, access to the market should be deemed not to be restricted in accordance with the first subparagraph of its Article 30(3). Direct exposure to competition in a particular market should be evaluated on the basis of various criteria, none of which are, per se, decisive.

(5) In respect of the markets concerned by this Decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. Another criterion is the degree of concentration on those markets. As the conditions vary for the different activities that are concerned by this Decision, the examination of the competitive situation should take into account the different situations on different markets.

(6) Although narrower market definitions might be envisaged in certain cases, the precise definition of the relevant market can be left open for the purposes of this Decision as far as a number of the services listed in the request submitted by Post are concerned to the extent that the result of the analysis remains the same whether it is based on a narrow or a broader definition.

(7) This Decision is without prejudice to the application of the rules on competition.

⁽¹⁾ OJ L 15, 21.1.1998, p. 14.

⁽²⁾ OJ L 176, 5.7.2002, p. 21.

⁽³⁾ Austria has also recently adopted legislation to implement Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3). This will, as of 1 January 2011, abolish the abovementioned reservations.

III. ASSESSMENT

Services to which Article 30(1) of Directive 2004/17/EC is not applicable

Standard consumer parcel services (C2C and C2B), domestic and international

(8) Standard consumer parcel services must be considered apart, as they satisfy different needs of demand (universal postal service) in relation to commercial parcels, where the technological process of providing this service usually differs significantly. In respect of these services, Post's market position is quite strong with an estimated market share that has remained stable over the period 2006-2008 at the order of 91-93 % by volume ⁽⁴⁾. While this may change in the coming years following the increase in the services provided by one of Post's competitors which is announced for 2010, it should be concluded that the category of services examined here is not directly exposed to competition in Austria. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of those activities in Austria.

Services to which Article 30(1) of Directive 2004/17/EC is applicable

B2B standard parcel services, domestic and international

(9) In respect of B2B standard parcel services, Post's market share reached 9 % by volume in 2008, compared to an aggregate market share for the two biggest competitors that year amounting to 52-62 %. These factors should therefore be taken as an indication of direct exposure to competition for B2B standard parcel services.

B2C standard parcel services, domestic and international

(10) On the international (outbound ⁽⁵⁾) market for B2C parcels, Post's market share fell from 83 % by volume in 2006 to 79 % by volume in 2008. It should be kept in mind that the aim of the present Decision is to establish whether the services concerned by the request are exposed to such a level of competition (on markets to which access is free) that this will ensure that, also in the absence of the discipline brought about by the detailed procurement rules set out in Directive 2004/17/EC, procurement for the pursuit of the activities concerned here will be carried out in a transparent, non-discriminatory manner based on criteria allowing purchasers to identify the solution which overall is the economically most advantageous one. In this context, the

⁽⁴⁾ A distinction could be envisaged between C2C and C2B parcel services; however, because of this close substitutability on the supply-side, it is appropriate to treat these services as one C2X service. This is also consistent with analysis adopted for Finland and Sweden in, respectively, Commission Decisions 2007/564/EC and 2009/46/EC.

⁽⁵⁾ Defined by Post as comprising 'the carriage of parcels where the parcels are collected from customers in Austria for onward dispatch to abroad.'

international market should not be seen in isolation, but in the framework of the overall market for B2C standard parcel services, given that the international market for B2C parcel services forms only 3 % by volume of the total market for B2C parcel services. On the latter market, Post's market share fell from 79 % by volume in 2006 to 57 % by volume in 2008. However, at 23-33 % by volume in 2008, the aggregate market share of the two biggest competitors amounts to about half of that of Post and at that level it can be considered that they would be able to exert a significant competitive pressure on Post, considering also that the biggest of the two competitors intends to strengthen his network. These factors should therefore be taken as an indication of direct exposure to competition.

Express parcel services, domestic

- (11) Post's market share of the market for domestic express parcel services (including inbound ⁽¹⁾ express parcel services) has been steadily falling over the period from 2006 to 2008, from approx. 47 % by value ⁽²⁾ in 2006, about 46 % in 2007 to around 43 % in 2008 ⁽³⁾. The aggregate market share of the two biggest competitors amounted to slightly over 28 % by value in 2008, i.e. almost two thirds of Post's market share, at which level they would be able to bring a significant competitive pressure to bear on Post ⁽⁴⁾. These factors should therefore be taken as an indication of direct exposure to competition.

Combined freight services

- (12) Post has started offering combined freight services as defined under recital 2(e) above, only towards the end of 2007. Faced with competition from big logistics companies, such as Dachser Austria GmbH, Kühne & Nagel Ges.m.b.H., Logwin-Gruppe, Schachinger Paketdienst Gesellschaft m.b.H., Schenker & Co AG and Gebrüder Weiss GmbH, Post, Post has until now not succeeded in obtaining more than a negligible market share that it estimates as being 'considerably below 1 %'. These factors should therefore be taken as an indication of direct exposure to competition.

Contract logistics

- (13) Post started offering contract logistics services as defined under recital 2(f) above, only in 2008. On this market it

is faced with competition not only from big logistics companies, such as in particular Gebrüder Weiss GmbH, Schachinger Paketdienst Gesellschaft m.b.H., Lagermax Internationale Spedition Ges.m.b.H./Lagermax Paketdienst GmbH & Co KG, CEVA Logistics Austria GmbH, Logwin-Gruppe, but also from the Austrian Federal Railways ⁽⁵⁾ and the harbours of Linz and Vienna ⁽⁶⁾. Here also, the market share obtained by Post is until now quite negligible (it is estimated as being 'considerably below 0,1 %'). These factors should therefore be taken as an indication of direct exposure to competition.

IV. CONCLUSIONS

- (14) In view of the factors examined in recitals 2 to 13, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Austria in respect of the following services:
- (a) standard B2B parcel services, both domestic and international;
 - (b) standard B2C parcel services, both domestic and international;
 - (c) domestic express parcel services;
 - (d) combined freight services; and
 - (e) contract logistics.
- (15) Since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the services listed in points (a) to (e) of recital 14 to be carried out in Austria, nor when design contests are organised for the pursuit of such an activity in Austria.
- (16) This Decision is based on the legal and factual situation as of May to November 2009 as it appears from the information submitted by Post and the Republic of Austria. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met,

⁽¹⁾ Defined by Post as comprising 'the carriage of parcels where the parcel is collected from the customer abroad or where the parcel is collected by foreign parcel service providers for delivery within Austria — e.g. on the basis of bilateral agreements and/or under the Universal Postal Union Convention'.

⁽²⁾ When measured by volume, Post's market share in 2006 was of the order of approx. 23 %.

⁽³⁾ The figures for 2007 and 2008 are also percentages by value.

⁽⁴⁾ This is, *mutatis mutandis*, the reasoning applied in previous Decisions, see e.g. recital 17 of Commission Decision 2009/46/EC of 19 December 2008 exempting certain services in the postal sector in Sweden from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 19, 23.1.2009, p. 50).

⁽⁵⁾ Österreichische Bundesbahnen.

⁽⁶⁾ Respectively, Linz AG and Wiener Hafen GmbH & Co KG/Wien Holding GmbH.

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable the following services to be carried out in Austria:

- (a) standard business to business parcel services, both domestic and international;
- (b) standard business to consumer parcel services, both domestic and international;
- (c) domestic express parcel services;

(d) combined freight services; and

(e) contract logistics.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 3 March 2010.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 5 March 2010

on a financial contribution from the Union towards emergency measures to combat swine vesicular disease in Italy in 2009*(notified under document C(2010) 1192)***(Only the Italian text is authentic)**

(2010/143/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the Union's financial contribution towards specific veterinary measures, including emergency measures. Pursuant to Article 3(2) of that Decision, Member States shall obtain a financial contribution on the condition that measures are applied to eradicate swine vesicular disease.

(2) Swine vesicular disease is an infectious viral disease of pigs which is clinically indistinguishable from foot-and-mouth disease and causing therefore disturbance to trade within the Union and export to third countries.

(3) Outbreaks of swine vesicular disease occurred in Italy in 2009. The recrudescence of that disease represents a serious risk to the Union's livestock population. Italy took measures, in accordance with Article 3(2) of Council Decision 90/424/EEC ⁽²⁾, to combat those outbreaks.

(4) In the event of an outbreak of swine vesicular disease, there is a risk that the disease agent might spread to other pig holdings within that Member State, but also to other Member States and to third countries through trade in live pigs or their products.

(5) Commission Decision 2005/779/EC of 8 November 2005 concerning animal health protection measures against swine vesicular disease in Italy ⁽³⁾ lays down animal health rules as regards swine vesicular disease for regions of Italy that are recognized as free from swine vesicular disease and those not recognized as free from that disease. The Italian authorities complied with the information requirements foreseen in Article 11 of that decision.

(6) Article 3(6), first indent of Decision 2009/470/EC lays down rules on the percentage of certain costs incurred by the Member State that may be covered by the Union's financial contribution.

(7) The payment of a Union financial contribution towards emergency measures to eradicate swine vesicular disease is subject to the rules laid down in Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽⁴⁾.

(8) Italy has fully complied with its technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 6 of Regulation (EC) No 349/2005.

(9) On 21 May 2009 and 10 June 2009, Italy submitted an estimate of the costs incurred in taking measures to eradicate swine vesicular disease.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 224, 18.8.1990, p. 19.

⁽³⁾ OJ L 293, 9.11.2005, p. 28.

⁽⁴⁾ OJ L 55, 1.3.2005, p. 12.

HAS ADOPTED THIS DECISION:

Article 1

Financial contribution from the Union to Italy

A financial contribution from the Union may be granted to Italy towards certain costs incurred by that Member State in taking measures pursuant to Article 3(2) of Decision 2009/470/EC to combat swine vesicular disease in 2009.

Article 2

Addressee

This Decision is addressed to the Italian Republic.

Done at Brussels, 5 March 2010.

For the Commission

John DALLI

Member of the Commission

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

Information concerning the declarations by the Republic of Cyprus and Romania on their acceptance of the jurisdiction of the Court of Justice of the European Union to give preliminary rulings on the acts referred to in Article 35 of the Treaty on European Union

The Republic of Cyprus and Romania have declared that they accept the jurisdiction of the Court of Justice of the European Union in accordance with the arrangements laid down in Article 35(2) and (3)(b) of the Treaty on European Union.

Accordingly, the state of the declarations concerning acceptance of the jurisdiction of the Court of Justice of the European Union to give preliminary rulings on the validity and interpretation of the acts referred to in Article 35 of the Treaty on European Union is as follows:

- the Kingdom of Spain has declared that it accepts the jurisdiction of the Court of Justice of the European Union in accordance with the arrangements laid down in Article 35(2) and (3)(a) ⁽¹⁾,
- the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia, the Republic of Finland and the Kingdom of Sweden have declared that they accept the jurisdiction of the Court of Justice of the European Union in accordance with the arrangements laid down in Article 35(2) and (3)(b) ⁽²⁾,
- when making the above mentioned declarations, the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, Romania and the Republic of Slovenia reserved the right to make provision in their national law that when a question concerning the validity or interpretation of an act referred to in Article 35(1) is raised in a case pending before a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal is obliged to bring the matter before the Court of Justice of the European Union.

⁽¹⁾ Notice of the declaration by the Kingdom of Spain was published in OJ L 114, 1.5.1999, p. 56 and OJ C 120, 1.5.1999, p. 24.

⁽²⁾ Notice of the declaration by the Czech Republic was published in OJ L 236, 23.9.2003, p. 980. Notice of the declaration by the French Republic was published in OJ L 327, 14.12.2005, p. 19 and OJ C 318, 14.12.2005, p. 1. Notice of the declaration by the other Member States mentioned, with the exception of the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary and the Republic of Slovenia, was published in OJ L 114, 1.5.1999, p. 56 and OJ C 120, 1.5.1999, p. 24. Notice of the declaration by the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary and the Republic of Slovenia, was published in OJ L 70, 14.3.2008, p. 23 and OJ C 69, 14.3.2008, p. 1.

COUNCIL DECISION**of 30 March 2009****on the signing and provisional application of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services**

(2010/144/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

The signature of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services is hereby approved on behalf of the Community, subject to its conclusion at a later date.

Having regard to the proposal from the Commission,

The text of the Agreement is attached to this Decision.

Article 2

Whereas:

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community subject to its conclusion at a later date.

Article 3

(1) On 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 a Community agreement.

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 purpose.

Article 4

(2) On behalf of the Community, the Commission has negotiated an Agreement with the West African Economic and Monetary Union on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

The President of the Council is hereby authorised to make the notification provided for in Article 9(2) of the Agreement.

Done at Brussels, 30 March 2009.

(3) Subject to its possible conclusion at a later date, the Agreement should be signed and provisionally applied,

For the Council

The President

P. BENDL

AGREEMENT**between the European Community and the West African Economic and Monetary Union on certain aspects of air services**

THE EUROPEAN COMMUNITY

of the one part, and

THE WEST AFRICAN ECONOMIC AND MONETARY UNION

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 of the West African Economic and Monetary Union (WAEMU), respectively which contain provisions contrary to Community law, as noted in the decisions of the Court of Justice of the European Communities in November 2002,

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 and WAEMU 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 governing designation contained in the bilateral air service agreements between Member States of the European Community and of the WAEMU respectively, which are contrary to Community law, must be brought into line with it in order to establish a sound legal basis for air services between the European Community and the WAEMU and to preserve the continuity of such services,

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

RECOGNISING that provisions contained in bilateral air service agreements concluded between Member States of the European Community and of the WAEMU respectively, 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 application of the competition rules applicable to undertakings,

NOTING that it is not an aim of the Parties, as part of these negotiations, to increase the total volume of air traffic between the European Community and the WAEMU, to affect the balance between Community air carriers and air carriers of the WAEMU, or to negotiate amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

NOTING that air links between the Member States of WAEMU and those of the European Community represent more than 80 % of their international air routes, links which have been traditionally governed by bilateral air agreements,

WHEREAS Decision No 08/2002/CM/WAEMU of 27 June 2002 adopted the Joint Air Transport Programme of the Member States and WAEMU,

WHEREAS Directive No 08/2006/CM/WAEMU of 16 December 2006, granted the Commission of the WAEMU, assisted by the representatives of the Member States of WAEMU, a mandate to open and lead negotiations with the European Commission with a view to introducing a Community designation clause in air agreements between Member States of the European Community and Member States of the WAEMU,

NOTING the European Commission's proposal to use the opportunity offered to it under European legislation and the provisions of the West African Economic and Monetary Union Treaty to carry out group-with-group negotiations on the introduction of a Community designation clause into air agreements signed between Member States of the WAEMU and those of the European Community,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

General provisions

1. For the purposes of this Agreement, the terms and expressions below shall mean the following:

(i) WAEMU: West African Economic and Monetary Union;

(ii) EC: European Community.

2. For the purposes of this Agreement, 'EC Member States' shall mean the Member States of the European Community, 'WAEMU Member States' shall mean the Member States of the West African Economic and Monetary Union and 'African States' shall mean the Member States of the African Union and Morocco, respectively.

3. In each of the bilateral agreements listed in Part A of the Annexes to this Agreement, the references made to nationals of the EC Member State and nationals of the WAEMU Member State shall be understood to mean nationals of the EC Member States or WAEMU Member States.

4. In each of the bilateral agreements listed in Part A of the Annexes to this Agreement, the references made to carriers or airlines of the EC Member State and of the WAEMU Member State which are parties to this Agreement shall be understood to be references to carriers or airlines designated by these States.

Article 2

Designation and authorisation

1. The provisions set out in paragraph 2 of this Article shall supersede the corresponding provisions in the articles listed in point (a) of Part B of the Annexes to this Agreement, in relation to the designation of an air carrier, and the licences and permits granted to it.

2. On receipt of a designation by a Member State of one of the Parties, the State of the other Party shall grant the appropriate licences and permits with minimum procedural delay, provided that:

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

(i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating EC 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 EC Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation;

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

(i) the air carrier is established in the territory of the WAEMU Member State which has designated it and has received a valid air carrier's approval in accordance with WAEMU legislation; and

(ii) effective regulatory control of the air carrier is exercised and maintained by the WAEMU Member State responsible for issuing its Air Operating Certificate in accordance with the relevant Annexes (in particular Annexes 1, 6 and 8) to the Chicago Convention, and the competent aeronautical authority is clearly identified in the designation; and

(iii) either:

- (a) the air carrier is owned directly or through majority ownership and is effectively controlled by WAEMU Member States and/or nationals of WAEMU Member States, or by other African States and/or nationals of such other African States; or
- (b) the services operated by the certified air carrier in accordance with WAEMU legislation mainly depart from or arrive at one or more airports in a WAEMU Member State and its operational technical and management staff is comprised mainly of nationals of WAEMU Member States, if the EC Member State concerned confirms the application of the provisions contained in this point (b).

Article 3

Refusal, revocation, suspension or limitation

1. The provisions set out in paragraph 2 of this Article shall supersede the corresponding provisions in the articles listed in point (b) of Part B of the Annexes to this Agreement, in relation to the refusal, revocation, suspension or limitation of the licences or permits of an air carrier.
2. Each Member State may refuse, revoke, suspend or limit the licences or permits of an air carrier designated by a Member State of the other Party where one of the following conditions is fulfilled:

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

- (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating EC 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 EC Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation;

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

(i) the air carrier is not established in the territory of the WAEMU Member State which has designated it or does not have a valid air carrier's approval in accordance with WAEMU legislation; or

(ii) effective regulatory control of the air carrier is not exercised or maintained by the WAEMU Member State responsible for issuing its Air Operating Certificate in accordance with the relevant Annexes (in particular Annexes 1, 6 and 8) to the Chicago Convention, or the competent aeronautical authority is not clearly identified in the designation; or

(iii) either:

(a) the air carrier is not owned directly or through majority ownership and is not effectively controlled by WAEMU Member States and/or nationals of WAEMU Member States, or by other African States and/or nationals of such other African States; or

(b) the services operated by the certified air carrier in accordance with WAEMU community law do not mainly depart from or arrive at one or more airports in a WAEMU Member State or its operational technical and management staff is not comprised mainly of nationals of WAEMU Member States.

3. In exercising its rights under this Article, the Member State concerned shall not discriminate between air carriers of the other Party on grounds of nationality.

Article 4

Rights with regard to effective regulatory control

1. The provisions set out in paragraphs 2 and 3 of this Article shall complement the Articles listed in point (c) of Part B of the Annexes to this Agreement.

2. Where an EC Member State has designated an air carrier whose effective regulatory control is exercised and maintained by another EC Member State, the rights of the WAEMU Member State concerned under the safety provisions of the agreement between the EC Member State that has designated the air carrier and the WAEMU Member State shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other EC Member State and in respect of the operating licence of that air carrier.

3. Where a WAEMU Member State has designated an air carrier whose effective regulatory control is exercised and maintained by another WAEMU Member State, the rights of the EC Member State concerned under the safety provisions of the agreement between the WAEMU Member State that has designated the air carrier and the EC Member State concerned shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other WAEMU Member State and in respect of the Operating Licence of that air carrier.

4. For the purposes of this Agreement, the Parties agree that effective regulatory control implies at the very least that the Member State which has issued the Operating Licence or approval effectively and continuously maintains the aviation safety and security monitoring programmes by, as a minimum, applying the International Civil Aviation Organization (ICAO) standards, and ensures that the air carrier meets the criteria established by the competent authorities for the operation of international air services and operates in accordance with all applicable ICAO standards.

Article 5

Taxation of aviation fuel

1. The provisions set out in paragraphs 2 and 3 of this Article shall complement the corresponding provisions in point (d) of Part B of the Annexes to this Agreement.

2. Notwithstanding any other provision to the contrary, nothing in each of the bilateral agreements listed in point (d) of Part B of the Annexes to this Agreement shall prevent an EC Member State from imposing taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of a WAEMU Member State that operates between a point in the territory of that EC Member State and a point in the territory of another EC Member State.

3. Notwithstanding any other provision to the contrary, nothing in each of the bilateral agreements listed in point (d) of Part B of the Annexes to this Agreement shall prevent a WAEMU Member State from imposing taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of an EC Member State that operates between a point in the territory of that WAEMU Member State and a point in the territory of another WAEMU Member State.

4. If a plan is drawn up to introduce a fuel tax in accordance with this Article, the Parties agree to meet without delay to discuss the matter.

Article 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the bilateral agreements listed in Part A of the Annexes to this Agreement shall:

- (i) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict 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 bilateral agreements listed in Part A of the Annexes to this Agreement that are incompatible with paragraph 1 of this Article shall not be applied.

Article 7

Annexes to the Agreement

The Annexes attached to the Agreement shall form an integral part of this Agreement.

Article 8

Amendment

1. Either of the Parties may, at any time, request consultations with the other Party for the purposes of amending this Agreement. These consultations shall begin within sixty (60) days from the date of receipt of the request.

2. Any amendments made in this way shall enter into force when the Parties have notified each other in writing that their respective internal procedures necessary for their entry into force have been completed.

Article 9

Entry into force and provisional application

1. This Agreement will enter into force on the date of receipt of the last of the two notifications sent by the Parties to inform 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 necessary procedures.

3. The bilateral agreements and other arrangements between EC Member States and WAEMU Member States which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Part A of the Annexes to this Agreement. This Agreement shall apply to all such bilateral agreements and arrangements upon their entry into force or provisional application.

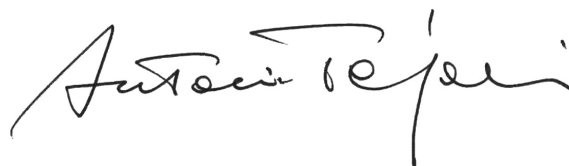
*Article 10***Termination**

1. In the event that one of the bilateral agreements listed in Part A of the Annexes to this Agreement 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 the bilateral agreements listed in Part A of the Annexes to this Agreement are terminated, this Agreement shall terminate at the same time.

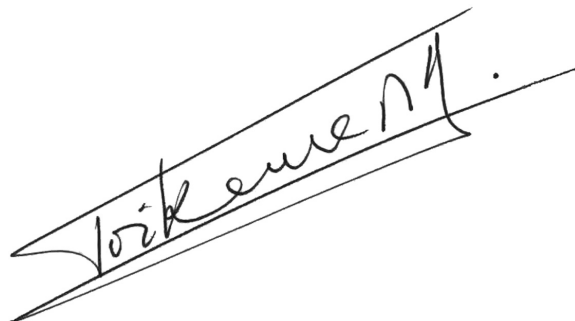
IN WITNESS WHEREOF the undersigned, being duly authorised, have signed this Agreement.

Done in duplicate at Brussels, this thirtieth day of November 2009 in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish languages, all texts being authentic. In case of divergent interpretation, the French text shall prevail.

За Европейската общност
 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
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 za Evropsko skupnost
 Euroopan yhteisön puolesta
 För Europeiska gemenskapen

За Западноафриканския икономически и валутен съюз
 Por la Unión Económica y Monetaria del África Occidental
 Za Západoafrickou hospodářskou a měnovou unii
 For den Vestafrikanske Økonomiske og Monetære Union
 Für die Westafrikanische Wirtschafts- und Währungsunion
 Lääne-Aafrika majandus- ja rahaliidu nimel
 Για τη Δυτικοαφρικανική Οικονομική και Νομισματική Ένωση
 For the West African Economic and Monetary Union
 Pour l'Union économique et monétaire Ouest-africaine
 Per l'Unione economica e monetaria dell'Africa occidentale
 Rietumāfrikas Ekonomiskās un monetārās savienības vārdā
 Vakarų Afrikos Ekonominės ir pinigų sąjungos vardu
 A Nyugat-afrikai Gazdasági és Monetáris Unió részéről
 Ghall-Unjoni Ekonomika u Monetarja tal-Afrika tal-Punent
 Voor de West-Afrikaanse Economische en Montaire Unie
 W imieniu Unii Gospodarczej i Walutowej Afryki Zachodniej
 Pela União Económica e Monetária da África Ocidental
 Pentru Uniunea Economică și Monetară a Africii de Vest
 Za Západoafrickou hospodářskou a menovú úniu
 Za Ekonomsko in monetarno unijo Zahodne Afrike
 Länsi-Afrikan talous- ja rahaliiton puolesta
 För Västafrikanska ekonomiska och monetära unionen



ANNEX I

BENIN

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the People's Republic of Benin 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 Kingdom of Belgium and the Republic of Dahomey relating to Air Transport signed at Brussels on 15 February 1971, hereinafter referred to as the 'Benin-Belgium Agreement' in Part B,
- Agreement between the Government of the People's Republic of Bulgaria and the Government of the People's Republic of Benin relating to Air Transport signed at Sofia on 16 September 1982, hereinafter referred to as the 'Benin-Bulgaria Agreement' in Part B,
- Agreement between the Republic of France and the Republic of Dahomey relating to Air Transport signed at Paris on 9 December 1963, hereinafter referred to as the 'Benin-France Agreement' in Part B,
- Agreement between the Government of the Polish People's Republic and the Government of the People's Republic of Benin relating to Civil Air Transport signed at Cotonou on 13 May 1988, hereinafter referred to as the 'Benin-Poland Agreement' in Part B.

- (b) Air service agreements and other arrangements initialled or signed between the People's Republic of Benin 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:

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of Benin initialled at London on 16 September 1999, hereinafter referred to as the 'Draft Benin-United Kingdom Agreement' in Part B.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State

Article 10 of the Benin-Belgium Agreement
Article 3 of the Benin-Bulgaria Agreement
Article 13 of the Benin-France Agreement
Article 9 of the Benin-Poland Agreement
Article 4 of the Draft Benin-United Kingdom Agreement

- (b) Refusal, revocation, suspension or limitation of licences and permits

Article 11 of the Benin-Belgium Agreement
Article 4 of the Benin-Bulgaria Agreement
Article 6 of the Benin-France Agreement
Article 10 of the Benin-Poland Agreement
Articles 4 and 5 of the Draft Benin-United Kingdom Agreement

(c) Regulatory control

Article 10 of the Benin-Belgium Agreement

Article 3 of the Benin-Bulgaria Agreement

Article 11 of the Benin-France Agreement

Article 9 of the Benin-Poland Agreement

Article 14 of the Draft Benin-United Kingdom Agreement

(d) Taxation of aviation fuel

Article 3 of the Benin-Belgium Agreement

Article 10 of the Benin-Bulgaria Agreement

Article 3 of the Benin-France Agreement

Article 3 of the Benin-Poland Agreement

Article 8 of the Draft Benin-United Kingdom Agreement

ANNEX II

BURKINA FASO

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between Burkina Faso 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 Kingdom of Belgium and the Republic of Upper Volta relating to Air Transport signed at Brussels on 15 February 1984, hereinafter referred to as the 'Burkina Faso-Belgium Agreement' in Part B,
 - Agreement between the Republic of France and the Republic of Upper Volta relating to Air Transport signed at Paris on 29 May 1962, hereinafter referred to as the 'Burkina Faso-France Agreement' in Part B.
- (b) Air service agreements and other arrangements initialled or signed between Burkina Faso 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.

PART B

List of articles in the agreements listed in Annex I and referred to in Part A and in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State
 - Article 9 of the Burkina Faso-Belgium Agreement
 - Article 13 of the Burkina Faso-France Agreement
 - (b) Refusal, revocation, suspension or limitation of licences or permits
 - Article 10 of the Burkina Faso-Belgium Agreement
 - Article 6 of the Burkina Faso-France Agreement
 - (c) Regulatory control
 - Article 9 of the Burkina Faso-Belgium Agreement
 - Article 11 of the Burkina Faso-France Agreement
 - (d) Taxation of aviation fuel
 - Article 2 of the Burkina Faso-Belgium Agreement
 - Article 3 of the Burkina Faso-France Agreement
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ANNEX III

GUINEA-BISSAU

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of Guinea-Bissau 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 Portuguese Republic and the Republic of Guinea-Bissau relating to Air Transport signed at Lisbon on 30 August 2007, hereinafter referred to as the 'Guinea-Bissau-Portugal Agreement' in Part B.
- (b) Air service agreements and other arrangements initialled or signed between the Republic of Guinea-Bissau 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.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State

Article 3 of the Guinea-Bissau-Portugal Agreement

- (b) Refusal, revocation, suspension or limitation of licences or permits

Article 4 of the Guinea-Bissau-Portugal Agreement

- (c) Regulatory control

Article 15 of the Guinea-Bissau-Portugal Agreement

- (d) Taxation of aviation fuel

Article 6 of the Guinea-Bissau-Portugal Agreement

ANNEX IV

IVORY COAST

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of the Ivory Coast 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 Federal Republic of Germany and the Republic of the Ivory Coast at Bonn on 3 October 1978, hereinafter referred to as the 'Ivory Coast-Germany Agreement' in Part B,

— Agreement between the Kingdom of Belgium and the Government of the Republic of the Ivory Coast relating to Air Transport signed at Abidjan on 21 September 1963, hereinafter referred to as the 'Ivory Coast-Belgium Agreement' in Part B,

last amended by the Memorandum of Understanding done at Abidjan on 31 August 2002,

— Agreement between the Kingdom of Denmark and the Republic of the Ivory Coast relating to Air Transport signed at Abidjan on 7 June 1966, hereinafter referred to as the 'Ivory Coast-Denmark Agreement' in Part B,

— Agreement between the Republic of the Ivory Coast and the Kingdom of Spain relating to Air Transport signed at Madrid on 15 July 1976, hereinafter referred to as the 'Ivory Coast-Spain Agreement' in Part B,

last amended by the Memorandum of Understanding done at Madrid on 17 May 1994,

— Agreement between the Republic of France and the Republic of the Ivory Coast relating to Air Transport signed at Abidjan on 19 October 1962, hereinafter referred to as the 'Ivory Coast-France Agreement' in Part B,

— Agreement between the Republic of the Ivory Coast and the Italian Republic relating to Air Transport signed at Abidjan on 19 February 1968, hereinafter referred to as the 'Ivory Coast-Italy Agreement' in Part B,

— Agreement between the Kingdom of the Netherlands and the Republic of the Ivory Coast relating to Air Transport signed at Abidjan on 9 October 1963, hereinafter referred to as the 'Ivory Coast-Netherlands Agreement' in Part B,

— Agreement between the Government of the Polish People's Republic and the Government of the Republic of the Ivory Coast relating to Civil Air Transport signed at Abidjan on 13 July 1984, hereinafter referred to as the 'Ivory Coast-Poland Agreement' in Part B,

— Agreement between the Government of the Republic of the Ivory Coast and the Portuguese Republic relating to Civil Air Transport signed at Lisbon on 16 September 1987, hereinafter referred to as the 'Ivory Coast-Portugal Agreement' in Part B,

— Agreement between the Government of the Socialist Republic of Romania and the Government of the Republic of the Ivory Coast relating to Civil Air Transport signed at Abidjan on 25 May 1979, hereinafter referred to as the 'Ivory Coast-Romania Agreement' in Part B,

— Agreement between the Kingdom of Sweden and the Republic of the Ivory Coast relating to Air Transport signed at Abidjan on 7 June 1966, hereinafter referred to as the 'Ivory Coast-Sweden Agreement' in Part B,

— Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of the Ivory Coast relating to Air Transport signed at London on 1 December 1976, hereinafter referred to as the 'Ivory Coast-United Kingdom Agreement' in Part B.

- (b) Air service agreements and other arrangements initialled or signed between the Republic of the Ivory Coast 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:

— Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of the Ivory Coast relating to Air Transport initialled at Brussels on 14 January 2009, hereinafter referred to as the 'Draft Ivory Coast-Belgium Agreement' in Part B,

- Agreement between the Republic of the Ivory Coast and the Republic of Portugal relating to Air Transport initialled at Lisbon on 12 July 1990, hereinafter referred to as the 'Draft Ivory Coast-Portugal Agreement' in Part B.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

(a) Designation by a Member State

Article 3 of the Ivory Coast-Germany Agreement
Article 10 of the Ivory Coast-Belgium Agreement
Article 4 of the Draft Ivory Coast-Belgium Agreement
Article 10 of the Ivory Coast-Denmark Agreement
Article 10 of the Ivory Coast-Spain Agreement
Article 11 of the Ivory Coast-France Agreement
Article 10 of the Ivory Coast-Italy Agreement
Article 10 of the Ivory Coast-Netherlands Agreement
Article IX of the Ivory Coast-Poland Agreement
Article 6 of the Draft Ivory Coast-Portugal Agreement
Article 8 of the Ivory Coast-Romania Agreement
Article 10 of the Ivory Coast-Sweden Agreement
Article 10 of the Ivory Coast-United Kingdom Agreement

(b) Refusal, revocation, suspension or limitation of licences or permits

Article 4, paragraph 1, first and second sentences, of the Ivory Coast-Germany Agreement
Article 11 of the Ivory Coast-Belgium Agreement
Article 5 of the Draft Ivory Coast-Belgium Agreement
Article 11 of the Ivory Coast-Denmark Agreement
Article 11 of the Ivory Coast-Spain Agreement
Article 12 of the Ivory Coast-France Agreement
Article 11 of the Ivory Coast-Italy Agreement
Article 11 of the Ivory Coast-Netherlands Agreement
Article X of the Ivory Coast-Poland Agreement
Article 21 of the Draft Ivory Coast-Portugal Agreement
Article 9 of the Ivory Coast-Romania Agreement
Article 11 of the Ivory Coast-Sweden Agreement
Article 11 of the Ivory Coast-United Kingdom Agreement

(c) Regulatory control

Article 4 of the Ivory Coast-Belgium Agreement
Article 7 of the Draft Ivory Coast-Belgium Agreement
Article 10 of the Ivory Coast-Denmark Agreement
Article 10 of the Ivory Coast-Spain Agreement
Article 11 of the Ivory Coast-France Agreement
Article 10 of the Ivory Coast-Italy Agreement
Article 10 of the Ivory Coast-Netherlands Agreement
Article IX of the Ivory Coast-Poland Agreement
Article 6 of the Draft Ivory Coast-Portugal Agreement
Article 8 of the Ivory Coast-Romania Agreement
Article 10 of the Ivory Coast-Sweden Agreement
Article 14 of the Ivory Coast-United Kingdom Agreement

(d) Taxation of aviation fuel

Article 6 of the Ivory Coast-Germany Agreement

Article 3 of the Ivory Coast-Belgium Agreement

Article 11 of the Draft Ivory Coast-Belgium Agreement

Article 3 of the Ivory Coast-Denmark Agreement

Article 3 of the Ivory Coast-Spain Agreement

Article 3 of the Ivory Coast-France Agreement

Article 3 of the Ivory Coast-Italy Agreement

Article 3 of the Ivory Coast-Netherlands Agreement

Article III of the Ivory Coast-Poland Agreement

Article 5 of the Draft Ivory Coast-Portugal Agreement

Article 2 of the Ivory Coast-Romania Agreement

Article 3 of the Ivory Coast-Sweden Agreement

Article 3 of the Ivory Coast-United Kingdom Agreement

ANNEX V

MALI

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of Mali 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 Kingdom of Belgium and the Republic of Mali relating to Air Transport signed at Brussels on 9 May 1985, hereinafter referred to as the 'Mali-Belgium Agreement' in Part B,

last amended by the Memorandum of Understanding done at [place] on 11 April 2002,
 - Agreement between the Socialist Republic of Czechoslovakia and the Republic of Mali signed at Prague on 27 November 1961, hereinafter referred to as the 'Mali-Czechoslovakia Agreement' in Part B,
 - Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Mali relating to Air Transport signed at Madrid on 5 November 1990, hereinafter referred to as the 'Mali-Spain Agreement' in Part B,
 - Agreement between the Republic of France and the Republic of Mali relating to Air Transport signed at Paris on 5 August 1961, hereinafter referred to as the 'Mali-France Agreement' in Part B,
 - Agreement between the Government of the Socialist Republic of Romania and the Government of the Republic of Mali relating to Civil Air Transport, signed at Bucharest on 21 June 1983, hereinafter referred to as the 'Mali-Romania Agreement' in Part B.
- (b) Air service agreements and other arrangements initialled or signed between the Republic of Mali 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.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State
- Article 6 of the Mali-Belgium Agreement
 - Article 2 of the Mali-Czechoslovakia Agreement
 - Article 6 of the Mali-Spain Agreement
 - Article 14 of the Mali-France Agreement
 - Article 3 of the Mali-Romania Agreement
- (b) Refusal, revocation, suspension or limitation of licences or permits
- Article 7 of the Mali-Belgium Agreement
 - Article 2 of the Mali-Czechoslovakia Agreement
 - Articles 6 and 7 of the Mali-Spain Agreement
 - Article 7 of the Mali-France Agreement
 - Article 6 of the Mali-Romania Agreement
- (c) Regulatory control
- Article 5 of the Mali-Belgium Agreement
 - Article 2 of the Mali-Czechoslovakia Agreement
 - Article 5 of the Mali-Spain Agreement
 - Article 14 of the Mali-France Agreement
 - Article 3 of the Mali-Romania Agreement

(d) Taxation of aviation fuel

Article 9 of the Mali-Belgium Agreement

Article 4 of the Mali-Czechoslovakia Agreement

Article 9 of the Mali-Spain Agreement

Article 3 of the Mali-France Agreement

Article 8 of the Mali-Romania Agreement

ANNEX VI

NIGER

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of Niger 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 Kingdom of Belgium and the Republic of Niger relating to Air Transport signed at Niamey on 19 August 1963, hereinafter referred to as the 'Niger-Belgium Agreement' in Part B,
 - Agreement between the Republic of France and the Republic of Niger relating to Air Transport signed at Paris on 28 May 1962, hereinafter referred to as the 'Niger-France Agreement' in Part B.
- (b) Air service agreements and other arrangements initialled or signed between the Republic of Niger 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.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State
- Article 10 of the Niger-Belgium Agreement
 - Article 13 of the Niger-France Agreement
- (b) Refusal, revocation, suspension or limitation of licences or permits
- Article 11 of the Niger-Belgium Agreement
 - Article 6 of the Niger-France Agreement
- (c) Regulatory control
- Article 10 of the Niger-Belgium Agreement
 - Article 11 of the Niger-France Agreement
- (d) Taxation of aviation fuel
- Article 3 of the Niger-Belgium Agreement
 - Article 3 of the Niger-France Agreement
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ANNEX VII

SENEGAL

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of Senegal 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 Federal Republic of Germany and the Republic of the Senegal signed at Bonn on 29 October 1964, hereinafter referred to as the 'Senegal-Germany Agreement' in Part B,
- Agreement between the Federal Republic of Austria and the Government of the Republic of Senegal relating to Air Transport signed at Dakar on 4 February 1987, hereinafter referred to as the 'Senegal-Austria Agreement' in Part B,
- Agreement between the Kingdom of Belgium and the Republic of Senegal relating to Air Transport signed at Dakar on 25 November 1966, hereinafter referred to as the 'Senegal-Belgium Agreement' in Part B,

last amended by the Memorandum of Understanding done at Dakar on 4 June 2002,

- Agreement between the People's Republic of Bulgaria and the Republic of Senegal relating to Air Transport signed at Sofia on 21 October 1969, hereinafter referred to as the 'Senegal-Bulgaria Agreement' in Part B,
- Agreement between the Socialist Republic of Czechoslovakia and the Republic of Senegal relating to Air Transport signed at Prague on 20 June 1962, hereinafter referred to as the 'Senegal-Czechoslovakia Agreement' in Part B,
- Agreement between the Republic of Senegal and the Kingdom of Spain relating to Air Transport signed at Dakar on 26 June 1968, hereinafter referred to as the 'Senegal-Spain Agreement' in Part B,

last amended by the Memorandum of Understanding done at Dakar on 22 February 2006,

- Agreement between the Republic of France and the Republic of Senegal relating to Air Transport signed at Paris on 16 September 1974, hereinafter referred to as the 'Senegal-France Agreement' in Part B,
- Agreement between the Italian Republic and the Republic of Senegal relating to Air Transport signed at Rome on 20 April 1972, hereinafter referred to as the 'Senegal-Italy Agreement' in Part B,

last amended by the Memorandum of Understanding done at Rome on 21 July 2004,

- Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Senegal relating to Air Transport signed at Dakar on 27 July 1977, hereinafter referred to as the 'Senegal-Netherlands Agreement' in Part B,
- Agreement between the Government of the Polish People's Republic and the Government of the Republic of Senegal relating to Air Transport signed at Dakar on 1 August 1969, hereinafter referred to as the 'Senegal-Poland Agreement' in Part B,
- Agreement between the Government of Portugal and the Government of the Republic of Senegal relating to Air Transport signed at Lisbon on 21 February 1977, hereinafter referred to as the 'Senegal-Portugal Agreement' in Part B,
- Agreement between the Government of the Socialist Republic of Romania and the Government of the Republic of Senegal relating to Air Services signed at Dakar on 25 February 1977, hereinafter referred to as the 'Senegal-Romania Agreement' in Part B.

- (b) Air service agreements and other arrangements initialled or signed between the Republic of Senegal 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:

- Agreement between the Government of Senegal and the United Kingdom of Great Britain and Northern Ireland initialled at Dakar on 21 June 2006, hereinafter referred to in Part B as the 'Draft Senegal-United Kingdom Agreement'.

PART B

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 14 of the Senegal-Germany Agreement
Article 8 of the Senegal-Austria Agreement
Article 10 of the Senegal-Belgium Agreement
Article 12 of the Senegal-Bulgaria Agreement
Article 10 of the Senegal-Czechoslovakia Agreement
Article 11 of the Senegal-France Agreement
Article 5 of the Senegal-Italy Agreement
Article 7 of the Senegal-Netherlands Agreement
Article 3 of the Senegal-Poland Agreement
Article VIII of the Senegal-Portugal Agreement
Article 8 of the Senegal-Romania Agreement
Article 3 of the Senegal-Spain Agreement
Article 4 of the Draft Senegal-United Kingdom Agreement

(b) Refusal, revocation, suspension or limitation of licences or permits

Article 7 of the Senegal-Germany Agreement
Articles 8 and 9 of the Senegal-Austria Agreement
Article 11 of the Senegal-Belgium Agreement
Article 13 of the Senegal-Bulgaria Agreement
Article 5 of the Senegal-Czechoslovakia Agreement
Article 6 of the Senegal-France Agreement
Article 6 of the Senegal-Italy Agreement
Article 9 of the Senegal-Netherlands Agreement
Article 3 of the Senegal-Poland Agreement
Article X of the Senegal-Portugal Agreement
Article 9 of the Senegal-Romania Agreement
Article 4 of the Senegal-Spain Agreement
Article 5 of the Draft Senegal-United Kingdom Agreement

(c) Regulatory control

Article 8 of the Senegal-Austria Agreement
Article 4 of the Senegal-Belgium Agreement
Article 12 of the Senegal-Bulgaria Agreement
Article 10 of the Senegal-Czechoslovakia Agreement
Article 11 of the Senegal-France Agreement
Article 4 of the Senegal-Italy Agreement
Article 7 of the Senegal-Netherlands Agreement
Article 3 of the Senegal-Poland Agreement
Article VIII of the Senegal-Portugal Agreement
Article 8 of the Senegal-Romania Agreement
Annex VI to the Memorandum of Understanding between Senegal and Spain
Article 14 of the Draft Senegal-United Kingdom Agreement

(d) Taxation of aviation fuel

Article 3 of the Senegal-Germany Agreement

Article 5 of the Senegal-Austria Agreement

Article 3 of the Senegal-Belgium Agreement

Article 3 of the Senegal-Bulgaria Agreement

Article 3 of the Senegal-Czechoslovakia Agreement

Article 3 of the Senegal-France Agreement

Article 3 of the Senegal-Italy Agreement

Article 5 of the Senegal-Netherlands Agreement

Article 8 of the Senegal-Poland Agreement

Article V of the Senegal-Portugal Agreement

Article 5 of the Senegal-Romania Agreement

Article 5 of the Senegal-Spain Agreement

Article 8 of the Draft Senegal-United Kingdom Agreement

ANNEX VIII

TOGO

PART A

List of agreements referred to in Article 1 of this Agreement

- (a) Bilateral air service agreements between the Republic of Togo 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 Kingdom of Belgium and the Republic of Togo relating to Air Transport signed at Brussels on 12 May 1981, hereinafter referred to as the 'Togo-Belgium Agreement' in Part B,

last amended by the Memorandum of Understanding done at Brussels on 21 January 2004,
 - Agreement between the Government of the People's Republic of Bulgaria and the Government of the Republic of Togo relating to Air Transport signed at Lomé on 6 July 1990, hereinafter referred to as the 'Togo-Bulgaria Agreement' in Part B,
 - Air Transport Agreement between the Federal Republic of Germany and the Republic of Togo signed at Bonn on 27 May 1971, hereinafter referred to as the 'Togo-Germany Agreement' in Part B,
 - Agreement between the Government of the Republic of Togo and the Government of the Republic of France relating to Air Transport signed at Lomé on 16 April 1982, hereinafter referred to as the 'Togo-France Agreement' in Part B,

last amended by the minutes of the Consultations drawn up at Paris on 20 October 2003,
 - Agreement between the Republic of Togo and the Grand Duchy of Luxembourg relating to Air Transport done at Lomé on 24 March 1992, hereinafter referred to as the 'Togo-Luxembourg Agreement' in Part B,
 - Agreement between the Kingdom of the Netherlands and the Republic of Togo relating to Air Transport signed at Lomé on 17 May 1981, hereinafter referred to as the 'Togo-Netherlands Agreement' in Part B.
- (b) Air service agreements and other arrangements initialled or signed between the Republic of Togo 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:
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Togo relating to Air Transport initialled at London on 15 February 1999, hereinafter referred to in Part B as the 'Draft Togo-United Kingdom Agreement'.

PART B

List of articles in the agreements listed in Part A and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State
- Article 9 of the Togo-Belgium Agreement
 - Article 12 of the Togo-Bulgaria Agreement
 - Article 9 of the Togo-France Agreement
 - Article 14 of the Togo-Germany Agreement
 - Article 11 of the Togo-Luxembourg Agreement
 - Article 11 of the Togo-Netherlands Agreement
 - Article 4 of the Draft Togo-United Kingdom Agreement
- (b) Refusal, revocation, suspension or limitation of licences or permits
- Article 10 of the Togo-Belgium Agreement
 - Article 13 of the Togo-Bulgaria Agreement
 - Article 10 of the Togo-France Agreement

Article 7 of the Togo-Germany Agreement
Article 12 of the Togo-Luxembourg Agreement
Article 12 of the Togo-Netherlands Agreement
Article 5 of the Draft Togo-United Kingdom Agreement

(c) Regulatory control

Article 3 of the Togo-Belgium Agreement
Article 12 of the Togo-Bulgaria Agreement
Article 9 of the Togo-France Agreement
Article 11 of the Togo-Luxembourg Agreement
Article 11 of the Togo-Netherlands Agreement
Article 14 of the Draft Togo-United Kingdom Agreement

(d) Taxation of aviation fuel

Article 2 of the Togo-Belgium Agreement
Article 3 of the Togo-Bulgaria Agreement
Article 2 of the Togo-France Agreement
Article 3 of the Togo-Germany Agreement
Article 2 of the Togo-Luxembourg Agreement
Article 2 of the Togo-Netherlands Agreement
Article 8 of the Draft Togo-United Kingdom Agreement

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