

中华人民共和国政府和欧洲联盟

关于航班若干方面的协定

СПОРАЗУМЕНИЕ
МЕЖДУ ЕВРОПЕЙСКИЯ СЪЮЗ
И ПРАВИТЕЛСТВОТО НА КИТАЙСКАТА НАРОДНА РЕПУБЛИКА
ОТНОСНО НЯКОИ АСПЕКТИ НА ВЪЗДУХОПЛАВАТЕЛНИТЕ УСЛУГИ

ACUERDO
ENTRE LA UNIÓN EUROPEA
Y EL GOBIERNO DE LA REPÚBLICA POPULAR CHINA
SOBRE DETERMINADOS ASPECTOS DE LOS SERVICIOS AÉREOS

DOHODA
MEZI EVROPSKOU UNIÍ
A VLÁDOU ČÍNSKÉ LIDOVÉ REPUBLIKY
O NĚKTERÝCH ASPEKTECH LETECKÝCH SLUŽEB

AFTALE
MELLEM DEN EUROPÆISKE UNION
OG FOLKEREPUBLIKKEN KINAS REGERING
OM VISSE ASPEKTER AF LUFTRAFIK

ABKOMMEN
ZWISCHEN DER EUROPÄISCHEN UNION
UND DER REGIERUNG DER VOLKSREPUBLIK CHINA
ÜBER BESTIMMTE ASPEKTE VON LUFTVERKEHRSDIENSTEN

EUROOPA LIIDU JA HIINA RAHVAVABARIIGI
VALITSUSE VAHELINE
LENNUTEENUSTE TEATAVAID ASPEKTE KÄSITLEV
LEPING

ΣΥΜΦΩΝΙΑ
ΜΕΤΑΞΥ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
ΚΑΙ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ ΛΑΪΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΚΙΝΑΣ
ΣΧΕΤΙΚΑ ΜΕ ΟΡΙΣΜΕΝΕΣ ΠΤΥΧΕΣ ΤΩΝ ΑΕΡΟΠΟΡΙΚΩΝ ΜΕΤΑΦΟΡΩΝ

AGREEMENT
BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
AND THE EUROPEAN UNION
ON CERTAIN ASPECTS OF AIR SERVICES

ACCORD
ENTRE L'UNION EUROPÉENNE
ET LE GOUVERNEMENT DE LA RÉPUBLIQUE POPULAIRE DE CHINE
SUR CERTAINS ASPECTS DES SERVICES AÉRIENS

SPORAZUM
IZMEĐU EUROPSKE UNIJE
I VLADE NARODNE REPUBLIKE KINE
O ODREĐENIM ASPEKTIMA USLUGA U ZRAČNOM PRIJEVOZU

ACCORDO
TRA L'UNIONE EUROPEA
E IL GOVERNO DELLA REPUBBLICA POPOLARE CINESE
SU ALCUNI ASPETTI DEI SERVIZI AEREI

NOLĪGUMS
STARP EIROPAS SAVIENĪBU
UN ĶĪNAS TAUTAS REPUBLIKAS VALDĪBU
PAR DAŽIEM GAISA PĀRVADĀJUMU PAKALPOJUMU ASPEKTIEM

EUROPOS SAJUNGOS IR
KINIJOS LIAUDIES RESPUBLIKOS VYRIAUSYBĖS
SUSITARIMAS
DĖL TAM TIKRŲ ORO SUSISIEKIMO PASLAUGŲ ASPEKTŲ

MEGÁLLAPODÁS
AZ EURÓPAI UNIÓ
ÉS A KĪNAI NĚPKÖZTÁRSASÁG KORMÁNYA KÖZÖTT
A LÉGI KÖZLEKEDÉSI SZOLGÁLTATÁSOK BIZONYOS KÉRDÉSEIRŐL

FTEHIM
BEJN L-UNJONI EWROPEA
U L-GVERN TAR-REPUBBLIKA TAL-POPLU TAČ-ČINA
DWAR ČERTI ASPETTI TAS-SERVIZZI TAL-AJRU

OVEREENKOMST
TUSSEN DE EUROPESE UNIE
EN DE REGERING VAN DE VOLKSREPUBLIC CHINA
INZAKE BEPAALDE ASPECTEN VAN LUCHTDIENSTEN

UMOWA
MIĘDZY UNIĄ EUROPEJSKĄ
A RZĄDEM CHIŃSKIEJ REPUBLIKI LUDOWEJ
W SPRAWIE NIEKTÓRYCH ASPEKTÓW PRZEWOZÓW LOTNICZYCH

ACORDO
ENTRE A UNIÃO EUROPEIA
E O GOVERNO DA REPÚBLICA POPULAR DA CHINA
SOBRE CERTOS ASPETOS DOS SERVIÇOS AÉREOS

ACORD
ÎNTRE UNIUNEA EUROPEANĂ
ȘI GUVERNUL REPUBLICII POPULARE CHINEZE
PRIVIND ANUMITE ASPECTE ALE SERVICIILOR AERIENE

DOHODA
MEDZI EURÓPSKOU ÚNIOU
A VLÁDOU ČÍNSKEJ LUDOVEJ REPUBLIKY
O URČITÝCH ASPEKTOCH LETECKÝCH SLUŽIEB

SPORAZUM
MED EVROPSKO UNIJO
IN VLADO LJUDSKE REPUBLIKE KITAJSKE
O NEKATERIH VIDIKIH STORITEV ZRAČNEGA PREVOZA

EUROOPAN UNIONIN JA
KIINAN KANSANTASAVALLAN VÄLINEN
SOPIMUS
TIETYISTÄ LENTOLIIKENTEEN
NÄKÖKOHDISTA

AVTAL
MELLAN EUROPEISKA UNIONEN
OCH FOLKREPUBLICEN KINAS REGERING
OM VISSA LUFTFARTSASPEKTER

**中华人民共和国政府和欧洲联盟
关于航班若干方面的协定**

中华人民共和国政府作为一方和欧洲联盟作为另一方（以下简称“双方”）

注意到欧洲法院发现，欧洲联盟一些成员国与第三国签订的双边协定中的某些条款与欧洲联盟的法律不一致；

注意到欧洲联盟的一些成员国与中华人民共和国政府签订的双边航班协定中含有类似的条款，且各成员国有义务采取适当行动，消除这些协定与欧盟条约之间存在的的不同；

注意到欧洲联盟对其成员国与第三国签订的双边航班协定中可能包含的若干方面有专属管辖权；

注意到根据欧洲联盟的法律，在欧洲联盟某一成员国成立的欧洲联盟航空承运人有权非歧视性地在欧洲联盟各成员国和第三国之间运营航班；

考虑到欧洲联盟和某些第三国之间的协定规定，允许这些第三国的国民取得根据欧洲联盟法律许可的航空承运人的所有权；

认识到欧洲联盟的法律与欧洲联盟各成员国和中华人民共和国政府之间的双边航班协定条款之间的一致性将为欧洲联盟与中国之间的航班提供良好的法律依据，并且将保持航班的连续性；

认识到当欧洲联盟某个成员国所指定的航空承运人的安全监管权由欧洲联盟另一成员国行使和维持时，对于该另一成员国而言，中华人民共和国根据其与指定该承运人的成员国之间的协定中的安全条款所享有的权利应同样适用；

注意到在本协定中，欧洲联盟的目的并非在于增加欧洲联盟与中华人民共和国之间的航空运输总量，或者影响欧洲联盟航空承运人与中华人民共和国航空承运人之间的平衡，也并非在于取得对现行双边航班协定中与航权相关条款的解释的优先权；

重申承认开业权和采用欧盟指定标准并非旨在或者解读为让成员国可以做出规避的行为，且并不能阻止在出现规避行为时被拒绝授予航权。

达成协议如下：

第一条 总则

一、在本协定中，“成员国”指欧洲联盟的成员国，“欧盟条约”指《欧洲联盟条约》和《欧洲联盟运行条约》。

二、附件 1 列出的各协定中提到的作为协定一方的成员国的国民，应理解为指代欧洲联盟各成员国的国民。

三、附件 1 列出的各协定中提到的作为协定一方的成员国的航空承运人或空运企业，应理解为指代该成员国指定的航空承运人或空运企业。

四、航权的授予将继续通过中华人民共和国和各成员国之间的双边安排来进行。

**第二条 航空承运人的指定、授权和许可以及拒绝给予、撤销、
暂停或限制授权或许可**

一、本条第二款和第三款中的规定应分别取代附件 2 (一) 和 (二) 所列条款中的相应规定，这些规定分别涉及相关成员国指定航空承运人、中华人民共和国给予该航空承运人的授权和许可，以及拒绝给予、撤销、暂停或限制航空承运人的这些授权或许可。

二、在收到成员国关于航空承运人的指定后，中华人民共和国应尽可能缩短程序上的拖延，尽快给予其适当的授权和许可，但前提是：

(一) 该航空承运人是在做出指定的成员国领土内根据欧盟条约以及该成员国关于公司设立的法律和法规而成立的，并且持有按照欧洲联盟法律颁发的有效的经营许可；和

(二) 该航空承运人的有效管制权由负责为其颁发运营许可证的成员国行使和维持，并且在指定中明确指明相关的航空当局；和

(三) 该航空承运人的主要营业地在为其颁发有效经营许可的成员国领土内；和

(四) 该航空承运人由成员国和/或成员国的国民和/或附件 3 所列的其他国家和/或其国民直接或者以过半数所有权的方式拥有和有效控制。

三、在以下情况下，中华人民共和国可拒绝向成员国指定的航空承运人给予授权或许可或者撤销、暂停或限制这种授权或许可：

（一）该航空承运人不是在做出指定的成员国领土内根据欧盟条约而成立的，或者未持有按照欧洲联盟法律颁发的有效的经营许可；或

（二）该航空承运人的有效管制权不是由负责为其颁发运营许可证的成员国行使和维持的，或者在指定中未明确指明相关的航空当局；或

（三）该航空承运人的主要营业地不是在为其颁发有效经营许可的成员国的领土内的；或

（四）该航空承运人不是由成员国和/或成员国的国民和/或附件 3 所列的其他国家和/或其国民直接或者以过半数所有权的方式拥有和有效控制的；或

（五）该航空承运人已经根据中华人民共和国和另一成员国之间的双边协定被授权运营，并且当其行使本协定规定的航权在包含该另一成员国境内一点的航线上运营时（包括运营作为联程航班营销的或构成联程航班的航班），该航空承运人将可以规避该另一协定所规定的对第三或第四或第五航权的限制；或

（六）颁发该航空承运人持有的运营许可证的成员国未与中华人民共和国签订双边航空运输协定，并且该成员国拒绝给予中华人民共和国航权。

四、在行使本条款规定的权利和义务时不得以国籍为由对欧

洲联盟承运人加以歧视。

第三条 安全

一、本条第二款中的规定对附件 2（三）中所列条款的相应规定构成补充。

二、当某一成员国所指定的航空承运人的管制权由另一成员国行使和维持时，中华人民共和国根据其与指定该承运人的成员国之间协定中的安全条款所享有的权利应同样适用于另一成员国采用、实施或维持的安全标准，以及针对该航空承运人的运营许可。

第四条 与竞争规则的兼容性

一、各成员国与中华人民共和国之间达成的双边航班协定不得损害本协定双方的竞争规则。

二、附件 2（四）中所列的条款应予删除，停止生效。

第五条 本协定的附件

本协定各附件构成协定的一部分。

第六条 生效

一、双方应通过外交照会相互通知已完成协定生效所必需的国内程序。本协定自后一份通知收到之日起生效。

二、本协定适用于附件 1 中所列的现行有效的协定和安排。

第七条 审查、修正或修订

一、双方应监督和定期审查本协定的实施情况。审查时应尤其对任何一方认为协定存在的未预料的负面影响做出评估。

二、如果任何一方提出要求，双方应举行磋商，讨论对第一款中提到的未预料情形的适当应对措施。

三、双方可在一致同意的情况下随时对本协定进行审查、修正或修订。

第八条 终止

一、如果附件 1 中所列的某个协定终止，则本协定中与附件 1 所列的该协定有关的所有条款将同时终止。

二、如果附件 1 中所列的所有协定均终止，则本协定将同时终止。

下列代表，经双方正式授权，在本协定上签字，以昭信守。

本协定一式两份，每份均用中文、保加利亚文、克罗地亚文、捷克文、丹麦文、荷兰文、英文、爱沙尼亚文、芬兰文、法文、德文、希腊文、匈牙利文、意大利文、拉脱维亚文、立陶宛文、马耳他文、波兰文、葡萄牙文、罗马尼亚文、斯洛伐克文、斯洛文尼亚文、西班牙文和瑞典文写成。

附件 1

本协定第一条提及的协定列表

一、本协定签署之日，中华人民共和国和欧洲联盟成员国之间已经缔结、签署或草签的经修改或修订的航班协定和其他安排：

- 1985 年 9 月 12 日在北京签署的《中华人民共和国政府和奥地利联邦政府民用航空运输协定》，附件 2 中简称“中国-奥地利协定”；

- 1975 年 4 月 20 日在北京签署的《中华人民共和国政府和比利时王国政府民用航空运输协定》，附件 2 中简称“中国-比利时协定”；

- 1993 年 6 月 21 日在北京签署的《中华人民共和国政府和保加利亚共和国政府航空运输协定》，附件 2 中简称“中国-保加利亚协定”；

- 2009 年 6 月 20 日在萨格勒布签署的《中华人民共和国政府和克罗地亚共和国政府航班协定》，附件 2 中简称“中国-克罗地亚协定”；

- 2000 年 4 月 5 日草签的《中华人民共和国政府和塞浦路斯共和国政府民用航空运输协定》，附件 2 中简称“中国-塞浦路斯协定”；

- 1988年5月25日在北京签署的《中华人民共和国政府和捷克斯洛伐克社会主义共和国政府航空运输协定》，捷克共和国宣布其认为自己受该协定中条款的约束，附件2中简称“中国-捷克共和国协定”；

- 2010年3月12日草签的《中华人民共和国政府和丹麦王国政府航班协定》，附件2中简称“中国-丹麦协定”；

- 1999年3月1日在塔林签署的《中华人民共和国政府和爱沙尼亚共和国政府民用航空运输协定》，附件2中简称“中国-爱沙尼亚协定”；

- 1975年10月2日在北京签署的《中华人民共和国政府和芬兰共和国政府民用航空运输协定》，附件2中简称“中国-芬兰协定”；

- 1966年6月1日在巴黎签署的《中华人民共和国政府和法兰西共和国政府航空交通协定》，附件2中简称“中国-法国协定”；

- 1975年10月31日在北京签署的《中华人民共和国政府和德意志联邦共和国政府民用航空运输协定》，后经1995年12月11日在北京签署的《关于修订〈中华人民共和国政府和德意志联邦共和国政府民用航空运输协定〉的议定书》修订，附件2中简称“中国-德国协定”；

- 1973年5月23日在北京签署的《中华人民共和国政府和希腊王国政府民用航空运输协定》，附件2中简称“中国-希腊协定”；

- 1993年9月15日在布达佩斯签署的《中华人民共和国政府和匈牙利共和国政府航空运输协定》，附件2中简称“中国-匈牙利协定”；

- 1998年9月14日在北京签署的《中华人民共和国政府和爱尔兰政府民用航空运输协定》，附件2中简称“中国-爱尔兰协定”；

- 1973年1月8日在北京签署的《中华人民共和国政府和意大利共和国政府民用航空运输协定》，附件2中简称“中国-意大利协定”；

- 1999年3月4日在里加签署的《中华人民共和国政府和拉脱维亚共和国政府民用航空运输协定》，附件2中简称“中国-拉脱维亚协定”；

- 2002年11月18日在北京签署的《中华人民共和国政府和卢森堡大公国政府民用航空运输协定》，附件2中简称“中国-卢森堡协定”；

- 1997年9月1日在北京签署的《中华人民共和国政府和马耳他共和国政府民用航空运输协定》，附件2中简称“中国-马耳他协定”；

- 1996年5月23日在北京签署的《中华人民共和国政府和荷兰王国政府民用航空运输协定》，附件2中简称“中国-荷兰协定”；

- 1986年3月20日在北京签署的《中华人民共和国政府和波兰人民共和国政府民用航空运输协定》，附件2中简称“中

国-波兰协定”；

- 1999年3月26日草签的《中华人民共和国和葡萄牙共和国航空运输协定》，附件2中简称“中国-葡萄牙协定”；

- 1972年4月6日在布加勒斯特签署的《中华人民共和国政府和罗马尼亚社会主义共和国政府民用航空运输协定》，附件2中简称“中国-罗马尼亚协定”；

- 2010年8月12日草签的《中华人民共和国政府和斯洛伐克共和国政府航空运输协定》，附件2中简称“中国-斯洛伐克协定”；

- 1972年4月14日在贝尔格莱德签署的并在中国和斯洛文尼亚之间继续有效的《中华人民共和国政府和南斯拉夫社会主义联邦共和国政府民用航空运输协定》，附件2中简称“中国-斯洛文尼亚协定”；

- 1978年6月19日在北京签署的《中华人民共和国政府和西班牙王国政府民用航空运输协定》，附件2中简称“中国-西班牙协定”；

- 2010年3月12日草签的《中华人民共和国政府和瑞典王国政府航班协定》，附件2中简称“中国-瑞典协定”；

- 2011年4月14日草签的《中华人民共和国政府和大不列颠及北爱尔兰联合王国政府航空运输协定》，附件2中简称“中国-英国协定”。

附件 2

本协定第二条至第四条中提及的附件 1 所列的协定中的条款列表

一、成员国所做的指定：

- 中国-奥地利协定第三条；
- 中国-比利时协定第三条；
- 中国-保加利亚协定第三条；
- 中国-克罗地亚协定第三条；
- 中国-塞浦路斯协定第三条；
- 中国-捷克共和国协定第三条；
- 中国-丹麦协定第三条；
- 中国-爱沙尼亚协定第三条；
- 中国-芬兰协定第二条；
- 中国-法国协定第二条；
- 中国-德国协定第二条第二款；
- 中国-希腊协定第三条；
- 中国-匈牙利协定第三条；
- 中国-爱尔兰协定第三条；
- 中国-意大利协定第三条；
- 中国-拉脱维亚协定第三条；

- 中国-卢森堡协定第三条;
- 中国-马耳他协定第三条;
- 中国-荷兰协定第三条;
- 中国-波兰协定第三条;
- 中国-葡萄牙协定第三条;
- 中国-罗马尼亚协定第二条;
- 中国-斯洛伐克协定第三条;
- 中国-斯洛文尼亚协定第二条;
- 中国-西班牙协定第二条;
- 中国-瑞典协定第三条;
- 中国-英国协定第四条。

二、拒绝给予、撤销、暂停或限制授权或许可:

- 中国-奥地利协定第四条;
- 中国-比利时协定第四条;
- 中国-保加利亚协定第四条;
- 中国-克罗地亚协定第四条;
- 中国-塞浦路斯协定第四条;
- 中国-捷克共和国协定第四条;
- 中国-丹麦协定第四条;
- 中国-爱沙尼亚协定第四条;
- 中国-芬兰协定第三条;
- 中国-法国协定第十五条;
- 中国-德国协定第三条第一款第一项;

- 中国-希腊协定第四条;
- 中国-匈牙利协定第四条;
- 中国-爱尔兰协定第四条;
- 中国-意大利协定第三条;
- 中国-拉脱维亚协定第四条;
- 中国-卢森堡协定第四条;
- 中国-马耳他协定第四条;
- 中国-荷兰协定第四条;
- 中国-波兰协定第四条;
- 中国-葡萄牙协定第四条;
- 中国-罗马尼亚协定第二条;
- 中国-斯洛伐克协定第四条;
- 中国-斯洛文尼亚协定第三条;
- 中国-西班牙协定第三条;
- 中国-瑞典协定第四条;
- 中国-英国协定第五条。

三、安全:

- 中国-克罗地亚协定第十五条;
- 中国-丹麦协定第十三条;
- 中国-匈牙利协定第十七条;
- 中国-意大利协定第十一条第二分条;
- 中国-卢森堡协定第六条;
- 中国-葡萄牙协定第十五条;

- 中国-斯洛伐克协定第八条;
- 2004年11月26日在北京签署的中国-西班牙谅解备忘录附件3;

- 中国-瑞典协定第十三条;
- 中国-英国协定第十条。

四、与竞争规则的兼容性:

- 中国-保加利亚协定第十二条第二款和第十四条第二款至第四款;
- 中国-塞浦路斯协定第九条第二款至第四款;
- 中国-捷克共和国协定第十条第二款和第十二条第二款至第四款;
- 中国-爱沙尼亚协定第八条第二款至第四款;
- 中国-芬兰协定第七条第三款和第八条第二款至第六款;
- 中国-法国协定:
 - 第五条第一款最后一句以及第二款和第三款;
 - 第三条第一款前两句、第二款第一句以及第二款第二项;
 - 通过1966年9月15日和22日外交照会修订后的第十二条中“按照缔约双方的指定空运企业之间商定的货币”的表述;
 - 通过1973年7月27日和9月7日外交照会修订后的第十六条;
 - 1991年1月19日和3月11日外交照会第二段第二分

段的第二个段落（从“并且，这些航班的运营条件”开始）；

- 中国-德国协定：

- 第七条第三款第一句以及第二句中的“按此协议的”；
- 第八条第二款第一句以及第二句中的“此种”；
- 第八条第三款中的“按此协议的”；
- 第八条第四款中的“如未能根据本条第二款规定就运价达成协议，或”以及“根据第二款规定所商定的”；

- 中国-希腊协定第十条第二款和第十一条第二款至第五款；

- 中国-匈牙利协定第十条第二款至第四款；

- 中国-拉脱维亚协定第八条第二款至第四款；

- 中国-卢森堡协定第十一条第二款至第四款；

- 中国-马耳他协定第十二条第二款第一项和第二项；

- 中国-荷兰协定第八条第二款至第四款；

- 中国-波兰协定第十条第二款和第十二条第二款至第四款；

- 中国-葡萄牙协定第十七条第二款至第五款；

- 中国-斯洛伐克协定第四条第二款和第三款；

- 中国-西班牙协定第七条第三款和第八条第二款至第六款。

附件 3

本协定第二条提及的其他国家列表

- 一、冰岛共和国（按照《欧洲经济区协议》）；
- 二、列支敦士登公国（按照《欧洲经济区协议》）；
- 三、挪威王国（按照《欧洲经济区协议》）；
- 四、瑞士联邦（按照《欧洲共同体和瑞士联邦航空运输协定》）。

AGREEMENT
BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
AND THE EUROPEAN UNION
ON CERTAIN ASPECTS OF AIR SERVICES

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

and

THE EUROPEAN UNION

hereinafter referred to as "the Parties",

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

NOTING that a number of bilateral air services agreements have been concluded between several Member States of the European Union and the Government of the People's Republic of China containing similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the EU Treaties,

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

NOTING that under the European Union law, European Union air carriers established in a Member State of the European Union have the right to non-discriminatory access to provide air services 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 European Union law,

RECOGNISING that consistency between European Union law and provisions of bilateral air service agreements between Member States of the European Union and the Government of the People's Republic of China will provide a sound legal basis for air services between the European Union and People's Republic of China and preserve the continuity of such air services,

RECOGNISING that where a Member State of the European Union has designated an air carrier whose regulatory control with regard to safety oversight is exercised and maintained by another Member State of the European Union, the rights of the People's Republic of China under the safety provisions of the agreement between the Member State that has designated the carrier and the People's Republic of China shall apply equally in relation to that other Member State,

NOTING that it is not an objective of the European Union in this Agreement to increase the total volume of air traffic between the European Union and the People's Republic of China, to affect the balance between European Union air carriers and air carriers of the People's Republic of China, or to prevail over the interpretation of the provisions of existing bilateral air service agreements concerning traffic rights,

REAFFIRMING their intentions that the recognition of the right of establishment and the adoption of the principle of EU designation are not to be intended or construed as enabling circumvention and would not prevent the refusal of traffic rights in such case of circumvention,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

General provisions

1. For the purposes of this Agreement, "Member States" means Member States of the European Union and "EU Treaties" means the Treaty on the European Union and the Treaty on the Functioning of the European Union.
2. References in each of the agreements listed in Annex I to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of any of the Member States.
3. References in each of the agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.
4. The granting of traffic rights will continue to be carried out through bilateral arrangements between the People's Republic of China and each individual Member State.

ARTICLE 2

Air carrier designation, authorisations and permissions, refusal, revocation, suspension or limitation of authorisations or permissions

1. The provisions of paragraphs 2 and 3 of this Article shall supersede the corresponding provisions of the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, the authorisations and permissions granted to it by the People's Republic of China, and the refusal, revocation, suspension or limitation of such authorisations or permissions, respectively.
2. On receipt of a designation by a Member State, the People's Republic of China shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:
 - (a) the air carrier is established in the territory of the designating Member State in accordance with the EU Treaties and in compliance with the laws and regulations on establishment of the designating Member State and has a valid Operating Licence in accordance with the European Union law;
 - (b) 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;

- (c) the air carrier has its principal place of business in the territory of the Member State from which it has received the valid operating licence; and
- (d) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex III and/or nationals of such other States.

3. The People's Republic of China may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

- (a) the air carrier is not established in the territory of the designating Member State in accordance with the EU Treaties or does not have a valid Operating Licence in accordance with the European Union law;
- (b) 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;
- (c) the air carrier does not have its principal place of business in the territory of the Member State from which it has received its operating licence;

- (d) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex III and/or nationals of such other States;
 - (e) the air carrier is already authorised to operate under a bilateral agreement between the People's Republic of China and another Member State and that, by exercising traffic rights under this Agreement on a route that includes a point in that other Member State, including the operation of a service which is marketed as, or otherwise constitutes a through service, it would be circumventing restrictions on the third or fourth or fifth freedom traffic rights imposed by that other agreement; or
 - (f) the air carrier designated holds an Air Operators Certificate issued by a Member State with which the People's Republic of China does not have a bilateral air services agreement and that Member State has denied traffic rights to the People's Republic of China.
4. The rights and obligations under this Article shall not be exercised in a manner that would discriminate between European Union carriers on the grounds of nationality.

ARTICLE 3

Safety

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

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the People's Republic of China under the safety provisions of the agreement between the Member State that has designated the air carrier and the People's Republic of China 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

Compatibility with competition rules

1. Bilateral air service agreements concluded between Member States and the People's Republic of China shall be without prejudice to the competition rules of the Parties.
2. The provisions listed in Annex II(d) shall be deleted and shall cease to have effect.

ARTICLE 5

Annexes to this Agreement

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

ARTICLE 6

Entry into force

1. The Parties shall notify each other in writing through diplomatic channels about the completion of their respective internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the date of the later notification.
2. This Agreement shall apply to those agreements and arrangements listed in Annex I which are in force.

ARTICLE 7

Review, revision or amendment

1. The Parties shall monitor and regularly review the implementation of this Agreement. Such reviews shall in particular assess any unforeseen negative effects of this Agreement, as perceived by either Party.
2. If requested by either of them, the Parties shall hold consultations in order to discuss appropriate responses to the unforeseen effects mentioned in paragraph 1.
3. The Parties may, at any time, review, revise or amend this Agreement by mutual consent.

ARTICLE 8

Termination

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

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

Done in duplicate, in the Chinese, Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, and Swedish languages.

ANNEX I

List of agreements referred to in Article 1 of this Agreement

Air service agreements and other arrangements between the People's Republic of China and Member States of the European Union as modified or amended which, at the date of signature of this Agreement, have been concluded, signed or initialled:

- Agreement between the Austrian Federal Government and the Government of the People's Republic of China relating to Civil Air Transport signed at Beijing on 12 September 1985, hereinafter referred to as "China-Austria Agreement" in Annex II;
- Agreement between the Government of the Kingdom of Belgium and the Government of the People's Republic of China relating to civil air transport signed at Beijing on 20 April 1975, hereinafter referred to as "China-Belgium Agreement" in Annex II;
- Air Transport Agreement between the Government of the Republic of Bulgaria and the Government of the People's Republic of China signed at Beijing on 21 June 1993, hereinafter referred to as "China-Bulgaria Agreement" in Annex II;
- Air Services Agreement between the Government of the Republic of Croatia and the Government of the People's Republic of China signed at Zagreb on 20 June 2009, hereinafter referred to as "China--Croatia Agreement" in Annex II;

- Civil Air Transport Agreement between the Government of the Republic of Cyprus and the Government of the People's Republic of China, initialled on 5 April 2000, hereinafter referred to as "China-Cyprus Agreement" in Annex II;
- Air Transport Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the People's Republic of China signed at Beijing on 25 May 1988, in respect of which the Czech Republic declared that it considers itself to be bound by the provisions thereof, hereinafter referred to as "China-Czech Republic Agreement" in Annex II;
- Air Services Agreement between the Government of the Kingdom of Denmark and the Government of the People's Republic of China initialled on 12 March 2010 hereinafter referred to as "China-Denmark Agreement" in Annex II;
- Agreement between the Government of the Republic of Estonia and the Government of the People's Republic of China relating to civil air transport signed at Tallinn on 1 March 1999 hereinafter referred to as "China-Estonia Agreement" in Annex II;
- Agreement between the Government of the Republic of Finland and the Government of the People's Republic of China relating to civil air transport signed at Beijing on 2 October 1975 hereinafter referred to as "China-Finland Agreement" in Annex II;
- Agreement between the Government of the French Republic and the Government of the People's Republic of China "relatif aux communications aériennes" signed at Paris on 1 June 1966, hereinafter referred to as "China-France Agreement" in Annex II;

- Civil Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of the People's Republic of China signed at Beijing on 31 October 1975 as amended by the Protocol Amending the Civil Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of the People's Republic of China signed at Beijing on 11 December 1995 hereinafter referred to as "China-Germany Agreement" in Annex II;
- Agreement between the Government of the Kingdom of Greece and the Government of the People's Republic of China relating to Civil air transport signed at Beijing on 23 May 1973 hereinafter referred to as "China-Greece Agreement" in Annex II.
- Air Transport Agreement between the Government of the Republic of Hungary and the Government of the People's Republic of China signed at Budapest on 15 September 1993, hereinafter referred to as "China-Hungary Agreement" in Annex II;
- Agreement between the Government of Ireland and the Government of the People's Republic of China on civil air transport, signed at Beijing on 14 September 1998, hereinafter referred to "China-Ireland Agreement" in Annex II;
- Agreement between the Government of the Italian Republic and the Government of the People's Republic of China relating to civil air transport signed at Beijing on 8 January 1973, hereinafter referred to "China-Italy Agreement" in Annex II;

- Agreement between the Government of the Republic of Latvia and the Government of the People's Republic of China relating to civil air transport signed at Riga on 4 March 1999 hereinafter referred to as "China-Latvia Agreement" in Annex II.
- Agreement between the Government of the Grand Duchy of Luxembourg and the Government of the People's Republic of China relating to civil air transport signed at Beijing on 18 November 2002 hereinafter referred to as "China-Luxembourg Agreement" in Annex II;
- Agreement between the Government of the Republic of Malta and the Government of the People's Republic of China relating to civil air transport signed at Beijing on the 1 September 1997, hereinafter referred to as "China-Malta Agreement" in Annex II.
- Agreement between the Government of the Kingdom of the Netherlands and the Government of the People's Republic of China relating to civil air transport, signed at Beijing on 23 May 1996; hereinafter referred to as "China-The Netherlands Agreement" in Annex II;
- Agreement between the Government of the Polish People's Republic and the Government of the People's Republic of China relating to civil air transport signed at Beijing on 20 March 1986 hereinafter referred to as "China-Poland Agreement" in Annex II;
- Air Transport Agreement between the Portuguese Republic and the People's Republic of China initialled on 26 March 1999, hereinafter referred to as "China-Portugal Agreement" in Annex II;

- Agreement between the Government of the Socialist Republic of Romania and the Government of the People's Republic of China relating to civil air transport signed at Bucharest on 6 April 1972 hereinafter referred to as "China-Romania Agreement" in Annex II;
- Air Services Agreement between the Government of the Slovak Republic and the Government of the People's Republic of China initialled on August 12 2010 hereinafter referred to as "China-Slovakia Agreement" in Annex II;
- Agreement between the Government of the Socialist Federal Republic of Yugoslavia and the Government of the People's Republic of China relating to Civil Air Transport signed at Belgrade on 14 April 1972 and remains effective between China and Slovenia, hereinafter referred to as "China-Slovenia Agreement" in Annex II;
- Agreement between the Government of the Kingdom of Spain and the Government of the People's Republic of China signed at Beijing on 19 June 1978 hereinafter referred to as "China-Spain Agreement" in Annex II;
- Air Services Agreement between the Government of the Kingdom of Sweden and the Government of the People's Republic of China initialled on 12 March 2010 hereinafter referred to as "China-Sweden Agreement" in Annex II;
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China concerning air services initialled on 14 April 2011 hereinafter referred to as "China-UK Agreement" in Annex II.

ANNEX II

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

(a) Designation by a Member State:

- Article 3 of the China-Austria Agreement;
- Article 3 of the China-Belgium Agreement;
- Article 3 of the China-Bulgaria Agreement;
- Article 3 of the China-Croatia Agreement;
- Article 3 of the China-Cyprus Agreement;
- Article 3 of the China-Czech Republic Agreement;
- Article 3 of the China-Denmark Agreement;
- Article 3 of the China-Estonia Agreement;
- Article 2 of the China-Finland Agreement;

- Article 2 of the China-France Agreement;
- Article 2, paragraph 2, of the China-Germany Agreement;
- Article 3 of the China-Greece Agreement;
- Article 3 of the China-Hungary Agreement;
- Article 3 of the China-Ireland Agreement;
- Article III of the China-Italy Agreement;
- Article 3 of the China-Latvia Agreement;
- Article 3 of the China-Luxembourg Agreement;
- Article 3 of the China-Malta Agreement;
- Article 3 of the China-The Netherlands Agreement;
- Article 3 of the China-Poland Agreement;
- Article 3 of the China-Portugal Agreement;
- Article 2 of the China-Romania Agreement;

- Article 3 of the China-Slovakia Agreement;
- Article 2 of the China-Slovenia Agreement;
- Article 2 of the China-Spain Agreement;
- Article 3 of the China-Sweden Agreement;
- Article 4 of the China-UK Agreement.

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

- Article 4 of the China-Austria Agreement;
- Article 4 of the China-Belgium Agreement;
- Article 4 of the China-Bulgaria Agreement;
- Article 4 of the China-Croatia Agreement;
- Article 4 of the China-Cyprus Agreement;
- Article 4 of the China-Czech Republic Agreement;

- Article 4 of the China-Denmark Agreement;
- Article 4 of the China-Estonia Agreement;
- Article 3 of the China-Finland Agreement;
- Article 15 of the China-France Agreement;
- Article 3, paragraph 1a of the China-Germany Agreement;
- Article 4 of the China-Greece Agreement;
- Article 4 of the China-Hungary Agreement;
- Article 4 of the China-Ireland Agreement;
- Article III of the China-Italy Agreement;
- Article 4 of the China-Latvia Agreement;
- Article 4 of the China-Luxembourg Agreement;
- Article 4 of the China-Malta Agreement;

- Article 4 of the China-The Netherlands Agreement;
- Article 4 of the China-Poland Agreement;
- Article 4 of the China-Portugal Agreement;
- Article 2 of the China-Romania Agreement;
- Article 4 of the China-Slovakia Agreement;
- Article 3 of the China-Slovenia Agreement;
- Article 3 of the China-Spain Agreement;
- Article 4 of the China-Sweden Agreement;
- Article 5 of the China-UK Agreement.

(c) Safety:

- Article 15 of the China-Croatia Agreement;
- Article 13 of the China-Denmark Agreement;

- Article 17 of the China-Hungary Agreement;
- Article XIbis of the China-Italy Agreement;
- Article 6 of the China-Luxembourg Agreement;
- Article 15 of the China-Portugal Agreement;
- Article 8 of the China-Slovakia Agreement;
- Annex 3 of the China-Spain Memorandum of Understanding done in Beijing on 26 November 2004;
- Article 13 of the China-Sweden Agreement;
- Article 10 of the China-UK Agreement.

(d) Compatibility with competition rules:

- Article 12(2) and Article 14(2-4) of the China-Bulgaria Agreement;
- Article 9(2-4) of the China-Cyprus Agreement;
- Article 10(2) and Article 12(2-4) of the China-Czech Republic Agreement;

- Article 8(2-4) of the China-Estonia Agreement;
- Article 7(3) and Article 8(2-6) of the China-Finland Agreement;
- For the China-France Agreement;
 - last sentence of paragraph 1, and paragraphs 2 and 3 of Article 5,
 - first two sentences of paragraph 1, first sentence of paragraph 2 and sub-paragraph (B) of paragraph 2, in Article 3,
 - the words "in the currency agreed on between the designated airlines of both Contracting Parties", in Article 12, as modified by the exchange of diplomatic notes of 15 and 22 September 1966,
 - Article 16, as modified by the exchange of diplomatic notes of 27 July and 7 September 1973,
 - 2nd paragraph of sub-paragraph 2 of paragraph II of the exchange of diplomatic notes of 19 January and 11 March 1991 (starting by "Moreover, the operating conditions of those services...");

- For the China-Germany Agreement;
 - Article 7(3) first sentence and the words "so agreed" in the second sentence,
 - Article 8(2) first sentence and the word "Such" in the second sentence,
 - the words "so agreed" in Article 8(3),
 - the words "If a tariff cannot be agreed in accordance with paragraph 2 of this Article, or" and the words "agreed in accordance with the provisions of paragraph 2" in Article 8(4);
- Article 10(2) and Article 11(2-5) of the China-Greece Agreement;
- Article 10(2-4) of the China-Hungary Agreement;
- Article 8(2-4) of the China-Latvia Agreement;
- Article 11(2-4) of the China-Luxembourg Agreement;
- Article 12(2.a-b) of the China-Malta Agreement;
- Article 8 (2-4) of the China-The Netherlands Agreement;

- Article 10(2) and Article 12(2-4) of the China-Poland Agreement;
- Article 17(2-5) of the China-Portugal Agreement;
- Article 4(2-3) of the China-Slovenia Agreement;
- Article 7(3) and Article 8(2-6) of the China-Spain 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).

二〇一九年五月二十日于布鲁塞尔签署

Съставено в Брюксел на двадесети май две хиляди и деветнадесета година.

Hecho en Bruselas, el veinte de mayo de dos mil diecinueve.

V Bruselu dne dvacátého května dva tisíce devatenáct.

Udfærdiget i Bruxelles den tyvende maj to tusind og nitten.

Geschehen zu Brüssel am zwanzigsten Mai zweitausendneunzehn.

Kahe tuhanda üheksateistkümnenda aasta maikuu kahekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι Μαΐου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twentieth day of May in the year two thousand and nineteen.

Fait à Bruxelles, le vingt mai deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadesetog svibnja godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì venti maggio duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmitajā maijā.

Priimta du tūkstančiai devynioliktų metų gegužės dvidešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkilencedik év május havának huszadik napján.

Magħmul fi Brussell, fl-għoxrin jum ta' Mejju fis-sena elfejn u dsatax.

Gedaan te Brussel, twintig mei tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego maja roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte de maio de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci mai două mii nouăsprezece.

V Bruseli dvadsiateho mája dvetisícdevätnást'.

V Bruslju, dne dvajsetega maja leta dva tisoč devetnajst.

Tehty Brysselissä kahdentenäkymmenentenä päivänä toukokuuta vuonna

kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugonde maj år tjugohundranitton.

中华人民共和国政府代表

За правителството на Китайската народна република
Por el Gobierno de la República Popular China
Za vládu Čínské lidové republiky
For Folkerepublikken Kinas regering
Für die Regierung der Volksrepublik China
Hiina Rahvavabariigi valitsuse nimel
Για την κυβέρνηση της Λαϊκής Δημοκρατίας της Κίνας
For the Government of the People's Republic of China
Pour le gouvernement de la République populaire de Chine
Za Vladu Narodne Republike Kine
Per il Governo della Repubblica popolare cinese
Kīnas Tautas Republikas valdības vārdā –
Kinijos Liaudies Respublikos Vyriausybės vardu
A Kínai Népköztársaság kormányára részéről
Għall-Gvern tar-Repubblika Popolari tač-Ċina
Voor de Regering van de Volksrepubliek China
W imieniu rządu Chińskiej Republiki Ludowej
Pelo Governo da República Popular da China
Pentru Guvernul Republicii Populare Chineze
Za vládu Čínskej ľudovej republiky
Za Vlado Ljudske republike Kitajske
Kiinan kansantasavallan hallituksen puolesta
För Folkrepubliken Kinas regering



欧洲联盟代表

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europejsku uniju
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen

