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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.2.2009
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2009/0019 (CNS)

Proposal for a

COUNCIL DECISION

**on the signature of the Agreement on certain aspects of air services between the
European Community and the Republic of Korea**

Proposal for a

COUNCIL DECISION

**on the conclusion of the Agreement on certain aspects of air services between the
European Community and the Republic of Korea**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Context of the proposal

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

Following the judgements of the Court of Justice in the so-called “Open Skies” cases, on 5 June 2003 the Council granted the Commission a mandate to open negotiations with third countries on the replacement of certain provisions in existing agreements with a Community agreement¹ (the “horizontal mandate”). The objectives of such agreements are to give all EU air carriers non-discriminatory access to routes between the Community and third countries, and to bring bilateral air service agreements between Member States and third countries in line with Community law.

- **General context**

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

Traditional designation clauses in Member States’ bilateral air services agreements infringe Community law. They allow a third country to reject, withdraw or suspend the permissions or authorisations of an air carrier that has been designated by a Member State but that is not substantially owned and effectively controlled by that Member State or its nationals. This has been found to constitute discrimination against Community carriers established in the territory of a Member State but owned and controlled by nationals of other Member States. This is contrary to Article 43 of the Treaty which guarantees nationals of Member States who have exercised their freedom of establishment the same treatment in the host Member State as that accorded to nationals of that Member State.

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

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

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

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

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

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

2. Consultation of interested parties and impact assessment

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Member States as well as the industry were consulted throughout the negotiations.

Summary of responses and how they have been taken into account

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

3. Legal elements of the proposal

- **Summary of the proposed action**

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

- **Legal basis**

EC Treaty Art. 80(2), 300(2)

- **Subsidiarity principle**

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

- **Proportionality principle**

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

- **Choice of instruments**

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

4. Budgetary implication

The proposal has no implication for the Community budget.

5. Additional information

- **Simplification**

The proposal provides for simplification of legislation.

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

- **Detailed explanation of the proposal**

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

Proposal for a

COUNCIL DECISION

**on the signature of the Agreement on certain aspects of air services between the
European Community and the Republic of Korea**

THE COUNCIL OF THE EUROPEAN UNION,

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,

Having regard to the proposal from the Commission²,

Whereas:

- (1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,
- (2) On behalf of the Community, the Commission has negotiated an Agreement on certain aspects of air services with the Republic of Korea 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,
- (3) Subject to its possible conclusion at a later date, the Agreement negotiated by the Commission should be signed and provisionally applied.

HAS DECIDED AS FOLLOWS:

Sole Article

1. The President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement between the European Community and the Republic of Korea on certain aspects of air services subject to its conclusion at a later date.

² OJ C , , p. .

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

Done at Brussels,

For the Council
The President

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement on certain aspects of air services between the European Community and the Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission³,

Having regard to the opinion of the European Parliament⁴,

Whereas:

- (1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement,
- (2) On behalf of the Community, the Commission has negotiated an Agreement on certain aspects of air services with the Republic of Korea 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,
- (3) The Agreement has been signed on behalf of the Community on [...] subject to its possible conclusion at a later date, in conformity with Decision .../.../EC of the Council on [...]⁵,
- (4) The Agreement should be approved.

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement on certain aspects of air services between the European Community and the Republic of Korea is approved on behalf of the Community.

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ C , , p. .

2. The text of the Agreement is annexed to this Decision.

Article 2

The President of the Council is authorised to designate the person empowered to make the notification provided in Article 8(1) of the Agreement.

Done at Brussels,

*For the Council
The President*

ANNEX

AGREEMENT

between the European Community and the Republic of Korea

on certain aspects of air services

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF KOREA,

of the other part,

hereinafter referred to as ‘the Contracting Parties’,

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

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

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

NOTING that, under European Community law, Community air carriers established in a Member State have the right to non-discriminatory access to air routes between 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 consistency between European Community law and provisions of bilateral air service agreements between Member States of the European Community and the Republic of Korea will provide a sound legal basis for air services between the European Community and the Republic of Korea and preserve the continuity of such air services,

NOTING that provisions of the bilateral air services agreements between Member States of the European Community and the Republic of Korea, which are not inconsistent with European Community law, do not need to be amended or replaced,

NOTING that such amendments would confirm the excellent relationship between the European Community and the Republic of Korea in the field of air transport,

NOTING that it is not a purpose of the European Community in this Agreement to increase the total volume of air traffic between the European Community and the Republic of Korea, to affect the balance between Community air carriers and air carriers of the Republic of Korea, or to prevail over the interpretation of the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

General provisions

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community; 'Contracting Party' shall mean a contracting party to this Agreement; 'party' shall mean the contracting party to the relevant bilateral air services agreement; 'air carrier' shall also mean airline; 'territory of the European Community' shall mean territories of the Member States to which the Treaty establishing the European Community applies.
2. References in each of the agreements listed in Annex 1 to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.
3. References in each of the agreements listed in Annex 1 to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.

ARTICLE 2

Designation, authorisation and revocation

1. The provisions in paragraphs 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of air carriers by the Member State concerned, its authorisations and permissions granted by the Republic of Korea, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.
2. The provisions in paragraphs 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex 2 (a) and (b) respectively, in relation to the designation of air carriers by the Republic of Korea, its authorisations and permissions granted by the Member State concerned, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.
3. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for operating authorisations and technical permissions; each party shall, subject to paragraphs 4 and 5 grant the appropriate authorisations and permissions with minimum procedural delay, provided that:
 - (a) in the case of an air carrier designated by a Member State:

- i. the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid operating licence from a Member State in accordance with European Community law; and
 - ii. effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its air operator's certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - iii. the air carrier has its principal place of business in the territory of the Member State from which it has received the valid operating licence; and
 - iv. the air carrier is owned, directly or through majority ownership and is effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex 3 and/or nationals of such other States;
- (b) in the case of an air carrier designated by the Republic of Korea:
- i. the Republic of Korea has and maintains effective regulatory control of the air carrier; and
 - ii. substantial ownership and effective control of that air carrier are vested in the Republic of Korea, nationals of the Republic of Korea, or both, and the air carrier has a valid operating license issued by the Republic of Korea.
4. Either party may refuse, revoke, suspend or limit the operating authorisation or technical permissions of an air carrier designated by the other party where:
- (a) in the case of an air carrier designated by a Member State:
- i. the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid operating licence from a Member State in accordance with European Community law; or
 - ii. effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its air operator's certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
 - iii. the air carrier does not have its principal place of business in the territory of the Member State from which it has received its operating licence; or
 - iv. the air carrier is not owned directly or through majority ownership and is not effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex 3 and/or nationals of such other States; or
 - v. the air carrier is already authorised to operate under a bilateral agreement between the Republic of Korea and another Member State and the Republic of Korea can demonstrate that, by exercising traffic rights under this Agreement on a route that includes a point in that other member State, it would be circumventing restrictions on traffic rights imposed by that other agreement; or

- vi. the air carrier holds an air operator's certificate issued by a Member State and there is no bilateral air services agreement between the Republic of Korea and that Member State and that Member State has denied traffic rights to the air carrier designated by the Republic of Korea;
- (b) in the case of an air carrier designated by the Republic of Korea:
- i. the Republic of Korea is not maintaining effective regulatory control of the air carrier; or
 - ii. substantial ownership and effective control of that air carrier are not vested in the Republic of Korea, nationals of the Republic of Korea, or both, or the air carrier does not have a valid operating license issued by the Republic of Korea.
5. In exercising its right under paragraph 4, and without prejudice to its rights under paragraph 4(a)(v) and (vi) of this Article, the Republic of Korea shall not discriminate between air carriers of Member States on the grounds of nationality.

ARTICLE 3

Rights with regard to regulatory control

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex 2(c).
2. Where a member State (the first Member State) has designated an air carrier whose regulatory control is exercised and maintained by a second Member State, the rights of the Republic of Korea under the safety provisions of the agreement between the first Member State that has designated the air carrier and the Republic of Korea shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that second Member State and in respect of the operating authorisation of that air carrier.

ARTICLE 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex 2 (d).
2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex 2 (d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the Republic of Korea that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

ARTICLE 5

Compatibility with competition rules

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

ARTICLE 6

Annexes to the Agreement

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

ARTICLE 7

Revision or amendment

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

ARTICLE 8

Entry into force

1. This Agreement shall enter into force when the Contracting Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.
2. Notwithstanding paragraph 1, the Contracting Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.
3. Agreements and other arrangements between Member States and the Republic of Korea which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex 1 (b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

ARTICLE 9

Termination

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

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

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

Done at [...] in duplicate, on this [...] day of [..., .] in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Korean languages. In case of divergence the English text shall prevail over the other language texts.

FOR THE EUROPEAN COMMUNITY:

FOR THE REPUBLIC OF KOREA:

ANNEX 1

List of agreements referred to in Article 1 of this Agreement

- (a) **Air service agreements between the Republic of Korea and Member States of the European Community as they may have been amended, modified or supplemented which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally**
- Agreement between **the Austrian Federal Government and the Government of the Republic of Korea** for air services between and concerning their respective territories done at Vienna on 15 May 1979;
 - Agreement between **the Government of the Kingdom of Belgium and the Government of the Republic of Korea** concerning air services done at Brussels on 20 October 1975;
 - Agreement between **the Government of the Republic of Bulgaria and the Government of the Republic of Korea** concerning air services between and beyond their respective territories done at Sofia on 19 August 1994;
 - Agreement between **the Government of the Czech and Slovak Federal Republic and the Government of the Republic of Korea** for Air Services, signed at Seoul on 26 October 1990, amended by Agreement between the Government of the Czech Republic and the Government of the Republic of Korea amending the Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the Republic of Korea for Air Services, signed at Seoul on 26 October 1990, concluded by an exchange of diplomatic notes from 3 December 2004 and 14 February 2005;
 - Agreement between **the Government of the Republic of Korea and the Government of the Kingdom of Denmark** for scheduled air services between and beyond their respective territories initialled at Seoul on 6 September 1995;
 - Air Services Agreement between **the Government of the Republic of Finland and the Government of the Republic of Korea** done at Seoul on 12 November 1996;
 - Agreement between **the Government of the French Republic and the Government of the Republic of Korea** on air services done at Seoul on 7 June 1974;
 - Air Transport Agreement between **the Federal Republic of Germany and the Republic of Korea** done at Bonn on 7 March 1995;
 - Agreement between **the Government of the Hellenic Republic and the Government of the Republic of Korea** for air services between and beyond their respective territories done at Athens on 25 January 1995;

- Agreement between **the Government of the Republic of Hungary and the Government of the Republic of Korea** for air services between and beyond their respective territories done at Budapest on 22 November 1989;
- Agreement between **the Government of the Grand Duchy of Luxembourg and the Government of the Republic of Korea** for air services between and beyond their respective territories done at Luxembourg on 27 September 2000;
- Agreement between **the Government of the Republic of Korea and the Government of Malta** for air services between and beyond their respective territories done at Valletta on 25 March 1997;
- Air Transport Agreement between **the Government of the Kingdom of the Netherlands and the Government of the Republic of Korea** done at The Hague on 24 June 1970;
- Agreement between **the Government of the Republic of Poland and the Government of the Republic of Korea** for air services done at Seoul on 14 October 1991;
- Agreement between **the Government of Romania and the Government of the Republic of Korea** for air services done at Seoul on 10 March 1994;
- Air Transport Agreement between **the Kingdom of Spain and the Republic of Korea** done at Seoul on 21 June 1989;
- Agreement between **the Government of the Republic of Korea and the Government of the Kingdom of Sweden** for scheduled air services between and beyond their respective territories initialled at Seoul on 6 September 1995
- Agreement between **the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Korea** for air services between and beyond their respective territories done at Seoul on 5 March 1984;

(b) **Air service agreements and other arrangements initialled or signed between the Republic of Korea and Member States of the European Community as they may have been amended, modified or supplemented 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 Republic of Korea and the Government of the Italian Republic** for air services between and beyond their respective territories initialled at Rome on 10 July 1984;
- Air Transport Agreement between **the Government of the Portuguese Republic and the Government of the Republic of Korea** initialled at Lisbon on 1 February 2000;

Annex 2

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

(a) Designation by a Member State:

- Article 3 (1-3) of the Republic of Korea-Austria Agreement;
- Article 3 (1-3) of the Republic of Korea-Belgium Agreement;
- Article 3 of the Republic of Korea-Bulgaria Agreement;
- Article 3 of the Republic of Korea-Czech Republic Agreement;
- Article 3 of the Republic of Korea-Denmark Agreement;
- Article 3 of the Republic of Korea-Finland Agreement;
- Article 3 (1-3) of the Republic of Korea-France Agreement;
- Article 3 (2-3) of the Republic of Korea-Germany Agreement;
- Article 3 of the Republic of Korea-Greece Agreement;
- Article 3 of the Republic of Korea-Hungary Agreement;
- Article 4 (1-3) of the Republic of Korea-Italy Agreement;
- Article 3 of the Republic of Korea-Luxembourg Agreement;
- Article 3 of the Republic of Korea-Malta Agreement;
- Article 3 (1-3) of the Republic of Korea-Netherlands Agreement;
- Article 3 of the Republic of Korea-Poland Agreement;
- Article 3 of the Republic of Korea-Portugal Agreement;
- Article 3 of the Republic of Korea-Romania Agreement;
- Article 3 of the Republic of Korea-Spain Agreement;
- Article 3 of the Republic of Korea-Sweden Agreement;
- Article 4 of the Republic of Korea-UK Agreement;

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

- Article 3 (4-5) of the Republic of Korea-Austria Agreement;
- Article 3 (4-5) of the Republic of Korea-Belgium Agreement;

- Article 4 of the Republic of Korea-Bulgaria Agreement;
- Article 4 of the Republic of Korea-Czech Republic Agreement;
- Article 4 of the Republic of Korea-Denmark Agreement;
- Article 4 of the Republic of Korea-Finland Agreement;
- Article 3 (4-5) of the Republic of Korea-France Agreement;
- Article 3 (4-5) of the Republic of Korea-Germany Agreement;
- Article 4 of the Republic of Korea-Greece Agreement;
- Article 4 of the Republic of Korea-Hungary Agreement;
- Article 5 of the Republic of Korea-Italy Agreement;
- Article 4 of the Republic of Korea-Luxembourg Agreement;
- Article 4 of the Republic of Korea-Malta Agreement;
- Article 3 (4-5) of the Republic of Korea-Netherlands Agreement;
- Article 4 of the Republic of Korea-Poland Agreement;
- Article 4 of the Republic of Korea-Portugal Agreement;
- Article 4 of the Republic of Korea-Romania Agreement;
- Article 4 of the Republic of Korea-Spain Agreement;
- Article 4 of the Republic of Korea-Sweden Agreement;
- Article 5 of the Republic of Korea-UK Agreement;

(c) Regulatory Control:

- Article 7 of the Republic of Korea-Austria Agreement;
- Article 7 of the Republic of Korea-Belgium Agreement;
- Article 10 of the Republic of Korea-Bulgaria Agreement;
- The safety article agreed between Korea and the Czech Republic on 7 August 1998;
- Article 17A of the Republic of Korea-Denmark Agreement;
- Article 9 of the Republic of Korea-Finland Agreement;
- The safety clause agreed between Korea and France on 23 May 2002 ;
- Article 8 of the Republic of Korea-Greece Agreement;

- Article 8 of the Republic of Korea-Hungary Agreement;
- Article 10 of the Republic of Korea-Italy Agreement;
- Article 6 of the Republic of Korea-Luxembourg Agreement;
- Article 7 of the Republic of Korea-Malta Agreement;
- The safety article agreed between Korea and The Netherlands on 13 September 2002;
- Article 9 of the Republic of Korea-Poland Agreement;
- Article 9 of the Republic of Korea-Portugal Agreement;
- Article 8 of the Republic of Korea-Romania Agreement;
- The safety article agreed between Korea and Spain on 15 December 2005;
- Article 17A of the Republic of Korea-Sweden Agreement;
- The safety article agreed between Korea and the UK on 29 June 2001 ;

(d) Taxation of aviation fuel:

- Article 4 of the Republic of Korea-Austria Agreement;
- Article 4 of the Republic of Korea -Belgium Agreement;
- Article 5 of the Republic of Korea-Bulgaria Agreement;
- Article 5 of the Republic of Korea-Czech Republic Agreement;
- Article 5 of the Republic of Korea-Denmark Agreement;
- Article 5 of the Republic of Korea-Finland Agreement;
- Article 4 of the Republic of Korea-France Agreement;
- Article 5 of the Republic of Korea-Germany Agreement;
- Article 5 of the Republic of Korea-Greece Agreement;
- Article 5 of the Republic of Korea-Hungary Agreement;
- Article 6 of the Republic of Korea-Italy Agreement;
- Article 8 of the Republic of Korea-Luxembourg Agreement;
- Article 5 of the Republic of Korea-Malta Agreement;
- Article 4 of the Republic of Korea-Netherlands Agreement;
- Article 5 of the Republic of Korea-Poland Agreement;

- Article 6 of the Republic of Korea-Portugal Agreement;
- Article 5 of the Republic of Korea-Romania Agreement;
- Article 5 of the Republic of Korea-Spain Agreement;
- Article 5 of the Republic of Korea-Sweden Agreement;
- Article 6 of the Republic of Korea-UK Agreement.

ANNEX 3

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)