

PROTOCOL TO AMEND AND SUPPLEMENT THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE KINGDOM OF
BAHRAIN AND THE GOVERNMENT OF THE KINGDOM OF
BELGIUM ON AIR TRANSPORT

The Government of the Kingdom of Bahrain and the Government of the Kingdom of Belgium, considering that it is desirable to amend the Agreement between their two respective countries signed at Brussels in English language on 30th June 1998 on Air Transport.

Have agreed as follows:

ARTICLE (1)

All references to the "State of Bahrain" in the Agreement shall be amended to read "Kingdom of Bahrain".

ARTICLE (2)

Article 1 paragraph (c) of the Agreement shall be replaced by the following:

The term "Aeronautical Authorities" means in the case of the Government of the Kingdom of Bahrain, The Ministry of Transportation represented by Civil Aviation Affairs, or any person or body authorized to perform any functions presently exercised by the said authorities; and, in the case of the Kingdom of Belgium, the Federal Public Service Mobility and Transport or any other authority legally empowered to perform any functions exercised by the said authorities.

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ARTICLE (3)

Articles (3) and (4) of the Agreement shall be replaced by the following:

"Designation and Authorisation"

1. Each Party shall have the right to designate an airline or airlines for the purpose of operating the agreed services on each of the routes specified in the Annex and to withdraw or alter such designations. Such designations shall be made in writing and shall be transmitted to the other Party through diplomatic channels.
2. On receipt of such a designation, the other Party shall grant the appropriate authorizations and permissions with minimum procedural delay, provided:
 - a) In the case of an airline designated by the Government of the Kingdom of Belgium:
 - (i) it is established in the territory of the Kingdom of Belgium under the Treaty establishing the European Community and has a valid Operating Licence in accordance with European Community law; and
 - (ii) effective regulatory control of the airline is exercised and maintained by the European Community Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) the airline is owned, and it is effectively controlled by Member States of the European Community or the European Free Trade Association and/or by nationals of such states.
 - b) In the case of an airline designated by the Kingdom of Bahrain:
 - (i) it is established in the territory of the Kingdom of Bahrain and is licensed in accordance with the applicable law of the Kingdom of Bahrain; and
 - (ii) the Kingdom of Bahrain has and maintains effective regulatory control of the airline; and

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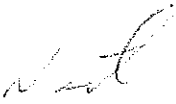

- c) The designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air services by the Party considering the application or applications.

ARTICLE (4)

Article (5) of the Agreement, shall be renumbered as Article 4 and shall be replaced by the following:

" Revocation or Suspension of Operating Authorisation "

Either Party may revoke, suspend or limit the operating authorization or technical permissions of an airline designated by the other Party where:

- a) In the case of an airline designated by the Kingdom of Belgium:
- (i) it is not established in the territory of the Kingdom of Belgium under the Treaty establishing the European Community or does not have a valid Operating Licence in accordance with European Community law; or
 - (ii) effective regulatory control of the airline is not exercised or not maintained by the European Community 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 airline is not owned or it is not effectively controlled by Member States of the European Community or the European Free Trade Association and/or by nationals of such States.
- b) In the case of an airline designated by the Kingdom of Bahrain:
- (i) it is not established in the territory of the Kingdom of Bahrain or is not licensed in accordance with the applicable law of the Kingdom of Bahrain; or
 - (ii) the Kingdom of Bahrain is not maintaining effective regulatory control of the airline; or
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- c) That airline has failed to comply with the laws and regulations referred to in this Agreement.

ARTICLE (5)

The following Article shall be inserted in the Agreement as Article (5):

"References to Nationals or Air Carriers of a Member State"

References in this Agreement to nationals of the Kingdom of Belgium shall be understood as referring to nationals of European Community Member States or the European Free Trade Association.

References in this Agreement to carriers/airlines of the Kingdom of Belgium shall be understood as referring to carriers/airlines designated by the Kingdom of Belgium.

ARTICLE 6

The following Article shall be inserted in the Agreement as Article (8) bis:

Safety

- 8.1. Each Contracting Party may request consultations at any time concerning safety standards in any area relating to aircrew, aircraft or their operation adopted by the other Contracting Party. Such consultations shall take place within 30 days of that request.
- 8.2. If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards in any such area that are at least equal to the minimum standards established at that time pursuant to the Chicago Convention, the first Contracting Party shall notify the other Contracting Party of those findings and the steps considered necessary to conform with those minimum standards, and that other Contracting Party shall take appropriate corrective action. Failure by the other Contracting Party to take appropriate action within 15 days or such longer period as may be agreed, shall be grounds for the

application of Article 4 of this Agreement (revocation, suspension and variation of operating authorisations).

8.3. Notwithstanding the obligation mentioned in Article 33 of the Chicago Convention it is agreed that any aircraft operated or, under a lease arrangement, on behalf of the airline of one Party on services to or from the territory of another Contracting Party may, while within the territory of the other Contracting Party, be made the subject of an examination by the authorised representatives of the other Contracting Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment (in this Article called «ramp inspection»), provided this does not lead to unreasonable delay.

8.4 If any such ramp inspection or series of ramp inspections gives rise to:

- (a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Chicago Convention, or
- (b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Chicago Convention,

the Contracting Party carrying out the inspection shall, for the purposes of Article 33 of the Chicago Convention, be free to conclude that the requirements under which the certificate or licenses in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid, or that the requirements under which that aircraft is operated, are not equal to or above the minimum standards established pursuant to the Chicago Convention.

8.5 In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by or on behalf of the airline or airlines of one Contracting Party in accordance with paragraph 8.3 above is denied by the representative of that airline or airlines, the other Contracting Party shall be free to infer that serious concerns of the type referred to in paragraph 8.4 above arise and draw the conclusions referred in that paragraph.

8.6 Each Contracting Party reserves the right to suspend or vary the operating authorisation of an airline or airlines of the other Contracting Party immediately in the event the first Contracting

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Party concludes, whether as a result of a ramp inspection, a series of ramp inspections, a denial of access for ramp inspection, consultation or otherwise, that immediate action is essential to the safety of an airline operation.

- 8.7 Any action by one Contracting Party in accordance with paragraphs 8.2 or 8.6 above shall be discontinued once the basis for the taking of that action ceases to exist.

ARTICLE 7

The following Article shall be inserted in the Agreement as Article (10) bis:

"Taxation of Aviation Fuel"

Nothing in this Agreement shall prevent the Kingdom of Belgium 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 airline of the Kingdom of Bahrain that operates between a point in the territory of the Kingdom of Belgium and another point in the territory of the Kingdom of Belgium or in the territory of another European Community Member State.

ARTICLE 8

Article (13) of the Agreement shall be amended as follows:

- a) Paragraphs 1 and 2 are replaced by the following.
1. The Contracting Parties shall allow that a tariff on one of the routes as specified in the annex shall be established by each of the designated airlines.
 2. The tariffs for carriage on agreed services to and from the territory of the other Contracting Party shall be established at reasonable levels due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of service and the interest of users.

b) A new paragraph 10 is added:

10. The tariffs to be charged by the designated airline(s) of the Kingdom of Bahrain for carriage wholly within the European Community shall be subject to European Community Law.

ARTICLE (9)

The following Article shall be inserted in the Agreement as Article (14) bis:

"Ground Handling Provisions"

Subject to the laws and regulations of each Contracting Party including, in the case of the Kingdom of Belgium, European Community law, each designated airline shall have in the territory of the other Contracting Party the right to perform its own ground handling ("self-handling") or, at its option, the right to select among competing suppliers that provide ground handling services in whole or in part, where such laws and regulations limit or preclude self-handling and where there is no effective competition between suppliers that provide ground handling services, each designated airline shall be treated on a non-discriminatory basis as regards their access to self-handling and ground handling services provided by a supplier or suppliers.

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ARTICLE (10)

This Protocol shall enter into force when both Contracting Parties have notified each other through diplomatic notes that the constitutional requirements have been complied with.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

Done in duplicate at on this day of in the English language.

**For the Government of the
Kingdom of Bahrain**

**For the Government of the
Kingdom of Belgium**

