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**Law No. (2) of 2005 ratifying the Protocol Amending and Supplementing the Air Transport Agreement between The Government of the Kingdom of Bahrain and The Government of the French Republic**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Agreement on Air Transport between the Government of the State of Bahrain and the Government of the French Republic signed in Manama on 3 July 1995 and ratified by Legislative Decree No. (14) of 1995

And the Protocol Amending and Supplementing the Air Transport Agreement between the Government of the Kingdom of Bahrain and the Government of the French Republic signed in Paris on 23 February 2004,

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

**Article One**

The Protocol Amending and Supplementing the Air Transport Agreement between the Government of the Kingdom of Bahrain and the Government of the French Republic signed in Paris on 23 February 2004, attached to this Law, has been ratified.

**Article Two**

The Minister of Transportation shall implement this Law, and it shall come into force on the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

Issued in Riffa palace:

On: 4 Muharram 1426 A.H.

Corresponding to: 13 February 2005

**Protocol to the Agreement between the Government of the Kingdom of Bahrain and the Government of the French Republic on Air Transport Signed on 3 July 1995**

The Government of the Kingdom of Bahrain and the Government of the French Republic, desiring to amend and supplement the provisions of the agreement signed on 3 July 1995 between their respective governments on air transport,

Have agreed as follows:

**Article (1)**

Any reference contained in the agreement regarding the State of Bahrain ((must be read)) ((the Kingdom of Bahrain)).

**Article (2)**

Paragraph (b) of Article (1) of the Agreement ((Definitions)) shall be replaced to read as follows:

(B) ((Aviation Authorities)) means, in the case of the Government of the Kingdom of Bahrain, the Ministry of Transportation represented by the Civil Aviation Affairs. In the case of France, the General Directorate of Civil Aviation or, in either case, any other body or person authorised to carry out the functions currently exercised by the said Authorities.

**Article (3)**

Article (4) of the agreement ((Designation of Air Transport Companies)) shall be replaced to read as follows:

**Article (4)**

**((Designation of Air Transport Companies))**

Each party has the right to designate air transport companies for the purpose of operating the agreed services on the routes specified in Annex (1). Each party also has the right to withdraw or amend such designations that must be submitted in writing to the other contracting party through diplomatic channels upon receipt of such designation, as well as requests submitted by the designated air transport company in accordance with the specified format to obtain operation authorisations or appropriate permits for those companies within the least possible procedural period in the following cases:

1) In the event of the designation of an air transport company by the Kingdom of Bahrain:

(a) It must have been established in the territory of the Kingdom of Bahrain and authorised to operate under the provisions of the law of the Kingdom of Bahrain, and

(b) The effective regulatory control of the air transport company shall be in the hands of the Kingdom of Bahrain.

2) In the event that an air transport company has been designated by the French Republic:

(a) It must have been established in the territory of the French Republic by the Treaty of Establishing the European Community, and have obtained an operating authorisation in accordance with European Community Law, and

(b) The exercise of effective regulatory control over them must remain in the hands of the Member State of the European Community, which is responsible for issuing the Air Investor Certificate, and the Competent Aviation Authorities must be clearly identified during the designation.

3) The designated air transport company must meet the conditions stipulated in the laws and regulations normally established by this contracting competent party to consider the request or requests for the operation of international air services.

**Article (4)**

Paragraph (1) of Article (5) in the Agreement ((Cancellation, Suspension or Renewal of the Operating Authorisation)) shall be replaced to read as follows:

((1- Either party shall have the right to cancel, suspend or renew the operating authorisation or technical permits issued to the air transport company designated by the other party in any of the following cases:

1) In the event of the designation of an air transport company by the Kingdom of Bahrain:

(a) If it is ascertained that the air transport company was not established in the territory of the Kingdom of Bahrain or is not authorised to operate in accordance with the provisions of the Law of the Kingdom of Bahrain, or

(b) The effective regulatory control of the air transport company has not remained in the hands of the Kingdom of Bahrain,

2) In the event that an air transport company has been designated by the French Republic:

(a) If it is ascertained that the air transport company has not been established in the territory of the French Republic under the provisions of the Treaty of Establishing the European Community or has not been granted an operating authorisation in accordance with the laws in force in the European Community; or

(b) that the exercise of effective regulatory control over the air transport company is not in the hands of the Member State of the European Community responsible for issuing the Air Investor Certificate, or that the Competent Aviation Authority has not been clearly defined during the designation,

3) Or that the air transport company has failed to comply with the laws and regulations referred to in Article (13) ((Application of Laws and Regulations)) of the Agreement)).

**Article (5)**

Two new Articles shall be added to the agreement in the following sequence:

**Article (9 bis)**

**Codeshare**

1) When operating or providing agreed services on specified routes, any air transport company designated by one of the contracting parties may enter into joint flight code arrangements with:

- An air transport company or companies of either contracting party, and

- - An air transport company or companies of a third party provided that the third party agrees or permits similar arrangements between the air transport company of the other contracting party and other air transport companies to provide their services to, from or through its territory.

Provided that all air transport companies entering into such arrangements shall hold the necessary authorisations and comply with the usual requirements for the implementation of such arrangements.

2) Any air transport company which is a party to a codeshare arrangement pursuant to this paragraph in respect of any tickets sold by it shall at the time of sale indicate to the buyer the name of the air transport company which will actually operate any segment of the flight subject to the codeshare service, and shall also indicate to the buyer any of the air transport companies with which it will have a contractual relationship pursuant to such arrangement.

**Article (10 bis)**

**Aviation Safety**

1) Any contracting party may, at any time, request consultations regarding air safety standards in any area related to aircraft, their staff, or their operations. Consultations shall be held within thirty days from the date of the request.

2) If a contracting party determines, after conducting such consultations, that the other contracting party is not applying or not effectively implementing the minimum standards of aviation safety in force at the time in accordance with the Treaty, the first party shall notify the other party of the findings and the necessary steps it requires to be taken to comply with the minimum standards. The other party shall take the appropriate corrective measures . If the other contracting party fails to take the appropriate corrective measures within a period of (15) days or any longer period agreed upon, it shall be considered a ground for the application of Article (5) of this agreement.

3) Despite the obligations contained in Article (33) of the Treaty, it is agreed that any aircraft operated by the air transport company or companies of one of the contracting parties to operate services to and from the territory of the other contracting party may be subject to inspection (internal and external) by delegates authorised by the other contracting party while in its territory to ensure the validity of its certificates and authorisations and their crews, and to ensure the validity of the general condition of the aircraft and its equipment (which is referred to in this Article as ((field inspection of the aircraft)) provided that this does not cause any undue delay.

4) If the examination or examinations referred to above lead to the following conclusions:

(a) Non-compliance of the aircraft or its operation, in a matter causing concern, with the minimum level of aviation safety prescribed in the Treaty; or

(b) Lack of effective implementation and management, in a matter causing concern, to the maintenance requirements and management of the air safety standards in force at the time in accordance with the Treaty. The contracting party conducting the inspection in accordance with the purposes stipulated in Article (33) of the Treaty shall have the right to conclude that the requirements under which the certificates or authorisations for the aircraft were issued, or those deemed to be valid, or that the requirements under which the aircraft was operated do not equal or exceed the minimum standards in force in accordance with the Treaty.

5) In the event that the representatives of the air transport company or companies of one of the contracting parties refuse to conduct field inspection on the aircraft operated by those companies in accordance with paragraph (3) above, the other contracting party shall have the right to conclude that the serious concern referred to in paragraph (4) above has been realised, which leads to the conclusions referred to in this paragraph.

6) Each contracting party shall reserve the right to suspend or amend the operating authorisation issued to the air transport company affiliated with the other contracting party immediately if the first contracting party concludes that taking urgent measures is necessary for the safety of the air transport company as a result of field inspection, consultations or otherwise.

7- ) Any action taken by either of the contracting parties in accordance with paragraphs (2) and (6) above shall cease to be in force if the reasons giving rise to it have ceased to exist.

8) The contracting party shall recognise the validity of airworthiness certificates, certificates of eligibility and authorisations issued or approved by the other contracting party, which are still valid for the purpose of operating the roads and services stipulated in the agreement, provided that the requirements of such certificates and authorisations issued or approved are equal to or exceed the minimum standards established or that can be established in accordance with the Treaty.

9) Each contracting party reserves the right to refuse to recognise the validity of certificates of eligibility and authorisations granted to its nationals and approved by the other contracting party, or by the other State for the purpose of flying over its territory.

**Article (6)**

The Route Schedule Annex in the Agreement shall be amended in accordance with the Route Schedule attached to this Protocol.

**Article (7)**

**Entry into Force**

This Protocol shall enter into force on the first day of the second month from the date of notifying the last contracting party of the completion of the constitutional procedures necessary for its entry into force.

In witness whereof, the undersigned authorised delegates by their respective Governments have signed this Protocol.

Done at Paris on 23 February 2004 in duplicate in the Arabic and French languages, both texts being equally authentic, and each party shall retain a copy of both texts.

**On behalf of the Government of the Kingdom of Bahrain**

**Ali bin Khalifa Al Khalifa**

**Minister of Transportation**

**On behalf of the Government of the French Republic**

**Dominique Bussereau**

**Minister of State for Transport and Sea**

**Annex 1**

**Route Schedule**

1) Routes that can be operated by air transport companies designated by the Kingdom of Bahrain

|  |  |  |
| --- | --- | --- |
| **From** | **Intermediate Points and Beyond Points** | **To** |
| Bahrain | Frankfurt or any other point (intermediate beyond) located in Europe and selected by the Bahraini Aviation Authorities | France |

For passenger flights, the air transport companies designated by the Kingdom of Bahrain shall have the right to operate these flights to any point east of the city of ((Reykjavik)) not indicated by these routes specified above, provided that air transport rights are not exercised between these points and France.

2) Routes entitled to be operated by air transport companies designated by the French Republic:

|  |  |  |
| --- | --- | --- |
| **From** | **Intermediate Points and Beyond Points** | **To** |
| France | Cairo or any other point (intermediate beyond) located in the Middle East region and selected by the French Aviation Authorities | Bahrain |

For passenger flights, the air transport companies designated by the French Republic shall have the right to operate such flights to any point west of ((Dhaka)) not indicated by these routes specified above, provided that the rights of air transport between these points and Bahrain are not exercised.