



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2420 της 23ης ΙΟΥΝΙΟΥ 1989
ΝΟΜΟΘΕΣΙΑ

Ο περί των Διεθνών Συμφωνιών για τη Διαδικασία Καθορισμού Κομίστρων και την Κατανομή Χωρητικότητας στις Ενδοευρωπαϊκές Τακτικές Αεροπορικές Γραμμές (Κυρωτικός) Νόμος του 1989 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 97 του 1989

ΝΟΜΟΣ ΚΥΡΩΝ ΤΙΣ ΔΙΕΘΝΕΙΣ ΣΥΜΦΩΝΙΕΣ ΤΟΥ 1987 ΓΙΑ ΤΗ ΔΙΑΔΙΚΑΣΙΑ ΚΑΘΟΡΙΣΜΟΥ ΚΟΜΙΣΤΡΩΝ ΚΑΙ ΤΗΝ ΚΑΤΑΝΟΜΗ ΧΩΡΗΤΙΚΟΤΗΤΑΣ ΣΤΙΣ ΕΝΔΟΕΥΡΩΠΑΪΚΕΣ ΤΑΚΤΙΚΕΣ ΑΕΡΟΠΟΡΙΚΕΣ ΓΡΑΜΜΕΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί των Διεθνών Συμφωνιών για τη Διαδικασία Καθορισμού Κομίστρων και την Κατανομή Χωρητικότητας στις Ενδοευρωπαϊκές Τακτικές Αεροπορικές Γραμμές (Κυρωτικός) Νόμος του 1989.

Συνοπτικός τίτλος.

2. Στον παρόντα Νόμο —

Ερμηνεία.

«Συμφωνίες» σημαίνει τη Διεθνή Συμφωνία για την Κατανομή Χωρητικότητας στις Ενδοευρωπαϊκές Τακτικές Αεροπορικές Γραμμές και τη Διεθνή Συμφωνία για τη Διαδικασία Καθορισμού Κομίστρων στις Ενδοευρωπαϊκές Τακτικές Αεροπορικές Γραμμές, οι οποίες έγιναν στο Παρίσι στις 16 Ιουνίου του 1987 και των οποίων τα κείμενα στα αγγλικά πρωτότυπα εκτίθενται στο Μέρος I του Πίνακα και σε ελληνική μετάφραση στο Μέρος II του Πίνακα στον παρόντα Νόμο:

Πίνακας
Μέρος I
Μέρος II.

Νοείται ότι σε περίπτωση οποιασδήποτε αντίφασης μεταξύ των κειμένων του Μέρους I και εκείνων του Μέρους II του Πίνακα θα υπερισχύουν τα κείμενα του Μέρους I αυτού.

3. Με τον παρόντα Νόμο κυρώνονται οι Συμφωνίες στις οποίες η προσχώρηση της Κυπριακής Δημοκρατίας αποφασίσθηκε από το Υπουργικό Συμβούλιο με την Απόφασή του με αρ. 30.607 και ημερομηνία 1η Σεπτεμβρίου 1988.

Κύρωση των Συμφωνιών.

ΠΙΝΑΚΑΣ
(Άρθρο 2)
ΜΕΡΟΣ Ι

**INTERNATIONAL
AGREEMENT**

**on the procedure
for the establishment
of tariffs for
intra-European
scheduled air services**

THE GOVERNMENTS SIGNATORY
HERETO,

CONSIDERING that the principles
and procedures for the establishment
of tariffs for intra-European sched-
uled air services should be uniform;
and

CONSIDERING that for such services
it is desirable to replace the Interna-
tional Agreement on the procedure for
the establishment of tariffs for
scheduled air services, signed at
Paris on 10 July 1967, (hereinafter
referred to as the 1967 Agreement) by
a new Agreement,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

(1) This Agreement:

(a) shall establish the tariff
provisions applicable to intra-
European scheduled air services
between Parties to this
Agreement;

(b) shall, without prejudice to
paragraph 2 of this Article, re-
place the tariff provisions in any
bilateral agreement already con-
cluded between two Parties to this
Agreement insofar as these tariff
provisions are inconsistent with
this Agreement;

(c) shall establish or, where
appropriate, replace all existing
provisions for the settlement of
disputes in the field of tariffs for
scheduled air services between
two Parties to this Agreement.

(2) The Parties undertake not to enter
into any obligations or understand-
ings between them which would be
more restrictive than this Agree-
ment. However, Parties shall not be
precluded by this Agreement from
maintaining or developing, on a
bilateral basis or amongst a group of
States, arrangements leading to more
flexibility than that contained
herein.

ARTICLE 2

In this Agreement:

(a) the term "intra-European" ap-
plies exclusively to the territories
within Europe of Member States of
the European Civil Aviation
Conference;

(b) the term "tariff" means the
prices to be charged for the
carriage of passengers, baggage or
cargo (excluding mail), including

any significant additional benefits to be furnished or made available in conjunction with such carriage, and the commission to be paid on the sales of tickets for the carriage of persons, or on corresponding transactions for the carriage of cargo. It includes also the conditions that govern the applicability of the price for carriage or the payment of commission;

(c) the term "zone of flexibility" means a range in terms of price levels and conditions as defined in the Annex to this Agreement, within which passenger tariffs qualify for automatic approval.

ARTICLE 3

(1) The tariffs to be charged by the airlines of Parties to this Agreement for carriage between their territories shall be established at reasonable levels, taking account of all relevant factors, including the following principles: the costs of the applicant airline — due regard being paid to the tariffs of the other third- and fourth-freedom airline or airlines operating the same route or routes — the need for an adequate return on investment to the airline, the competitive environment and the requirements of users. Tariff conditions shall be rational, simple and enforceable.

(2) The importance of inter-airline multilateral tariff consultations and the role of the International Air Transport Association in these consultations are recognized by Parties to this Agreement. Nevertheless, inter-airline consultations, whether multilateral or bilateral, shall not be made a mandatory requirement for the filing and

establishment of tariffs. The filing of tariffs by an airline shall be permitted on an individual basis or, at the option of that airline, following consultation with any other airline or airlines.

ARTICLE 4

(1) Except as provided in paragraph 2 of this Article, tariffs shall be filed for the approval of the aeronautical authorities of the Parties concerned, in such form as the aeronautical authorities of each Party may require, at least sixty days prior to the proposed date of their entry into force. While the aeronautical authorities of both Parties may agree on a shorter filing period than sixty days, no aeronautical authority shall require a longer filing period.

(2) Passenger tariffs which, in terms of price level and conditions, fall within the zones of flexibility defined in the Annex to this Agreement, as well as those passenger tariffs described in paragraph 10 of that Annex, shall be filed, in such form as the aeronautical authorities of each Party may require, at least twenty-one days prior to the proposed date of their entry into force. While the aeronautical authorities of both Parties may agree on a shorter filing period than twenty-one days, no aeronautical authority shall require a longer filing period.

ARTICLE 5

(1) Any tariff filed in accordance with paragraph 1 of Article 4 may be expressly approved by the aeronautical authorities of either Party.

A tariff shall be considered as having been approved by the aeronautical authorities of a Party unless, not more than thirty days after the date of the filing, the aeronautical authorities of that Party have served on the aeronautical authorities of the other Party and on the airline or airlines concerned written notice of disapproval of the proposed tariff.

(2) Any tariff filed in accordance with paragraph 2 of Article 4 and which meets the requirements of the zonal scheme as specified in the Annex to this Agreement shall be automatically approved. If the aeronautical authorities of either Party decide that the requirements of the zonal scheme are not met, they shall notify the applicant airline or airlines to that effect within fourteen days of the date of the filing.

(3) Only third- and fourth-freedom airlines shall be permitted to act as price leaders. Third-, fourth- and fifth-freedom airlines, operating the same route as the price leader, shall be permitted to file and shall receive approval for tariffs which match the levels and conditions of tariffs approved under paragraphs 1 and 2 of this Article. Such tariffs may not enter into force on a date earlier than the date of entry into force of the tariffs being matched.

(4) In approving tariffs, the aeronautical authorities of a Party may attach to their approval such expiry dates as they consider appropriate. Such tariffs shall remain in force, unless withdrawn by the airline or airlines concerned with the approval of the aeronautical authorities concerned, until the due expiry date or until new tariffs have been approved. The aeronautical authorities

may, however, agree to extend the original expiry date. Where a tariff has been approved without an expiry date being set by either of the aeronautical authorities and where no new tariff has been filed and approved, this tariff shall remain in force until either of the authorities gives notice terminating its approval on its own initiative or at the request of the airline or airlines concerned.

ARTICLE 6

(1) A Party disapproving a tariff filed under paragraph 1 of Article 4 must agree to consultations taking place if the other Party does not also disapprove that tariff and requests such consultations. The consultations shall be conducted within thirty days from the date on which consultations are requested, although this period may be extended by agreement between the two Parties concerned. The same procedure shall apply in the case of a tariff not automatically approved under paragraph 2 of Article 5.

(2) If, at the end of this consultation period, agreement has not been reached, the matter shall be put to arbitration at the request of either Party.

(3) Arbitration shall normally be carried out by a panel of three arbitrators. Within fourteen days of receipt of the request for arbitration, each Party shall appoint one member of the panel and the two members so appointed shall agree on, and appoint, the third member. The third member shall be a national of a third State and shall act as panel chairman. The panel's decisions shall be reached by a majority of votes. Alternatively, when both Parties agree, arbitration may be carried out by a single

arbitrator, chosen and agreed within the same time limit by both Parties concerned.

(4) In the event of failure by either Party to appoint a member of the panel or failure to appoint a third member (or alternatively failure by the two Parties to agree on the single arbitrator) within the fourteen-day period specified in paragraph 3 of this Article, the President of the European Civil Aviation Conference shall, within seven days of receiving a request from either Party, complete the panel (or alternatively appoint the single arbitrator, who shall be a national of a third State). Where the President is from a Member State party to a dispute, this function shall be taken over by the most senior Vice-President of the Conference from a Member State not party to the dispute.

(5) The arbitration shall be completed within a period of thirty days from completion of the panel or the appointment of the single arbitrator. This period may, however, be extended by agreement between the two Parties concerned. The arbitration decision shall be final and binding on both Parties.

(6) Unless the Parties have otherwise agreed, the panel (or single arbitrator) shall determine the arbitration procedure.

(7) Unless otherwise ordered in the arbitration award, each Party shall bear the costs of the member appointed by it, or appointed on its behalf, the other costs being borne by the Parties in equal shares.

(8) While all tariffs are subject to arbitration as provided for in paragraphs 1 to 7 of this Article, arbitra-

tion relating to those tariffs filed under paragraph 2 of Article 4 shall be confined to the application of the zonal scheme as specified in the Annex to this Agreement in relation to those tariffs and shall not extend to the parameters of the scheme. These parameters are : scope, number of flexibility zones, definition of zones and conditions, opt-out provisions, reference prices, zone sizes and provisions for additional flexibility.

ARTICLE 7

Each Party shall endeavour to ensure that only approved tariffs are sold and applied.

ARTICLE 8

(1) Without prejudice to Articles 1 and 6, any dispute between two or more Parties concerning the interpretation or application of this Agreement which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration.

(2) If, within six months from the date of the request for arbitration, the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

ARTICLE 9

This Agreement shall be open for signature on behalf of any Member State of the European Civil Aviation Conference.