

March 15, 1968

**AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENTS OF
THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF
THE REPUBLIC OF LEBANON**

LEBANON

AIR SERVICES

Agreement signed at Manila 15 March 1968; With Annex, Memorandum of Understanding And Letter of Understanding; 5 February 1972.

The Government of the Republic of the Philippines and the Government of the Republic of Lebanon,

Being parties to the Convention on International Civil Aviation I opened for signature at Chicago on the seventh day of December, 1944,

Desiring to conclude an agreement for the purpose of establishing and operating air services between and beyond their respective territories,

Have agreed as follows:

ARTICLE 1

For the purpose of the present Agreement, unless the context otherwise requires:

(a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;

(b) the term "aeronautical authorities" means in the case of the Republic of the Philippines, the Civil Aeronautics Board and/or any person or body authorized to perform any functions at present exercised by the said Board or similar functions, and, in the case of the Republic of Lebanon, the Directorate General of Transport and any person or body authorized to perform any functions at present exercised by the said Directorate or similar functions;

(c) the term "designated airline or airlines" means an airline or airlines which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for operation of air services on the routes specified in the Annex thereto;

(d) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State; and

(e) The terms "air service", "international air service", "airline" and "stop for no traffic purposes" have the meanings respectively assigned to them

in Article 96 of the Convention.

ARTICLE 2

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing scheduled international air services on the routes specified in the Annex (hereunder called "the agreed services" and "the specified routes" respectively).

2. Subject to the provisions of the present Agreement, the designated airline or airlines of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights:

(a) To fly without landing across the territory of the other Contracting Party.

(b) To make stops in the said territory for nontraffic purposes; and

(c) to make stops in the said territory at the points specified for that route in the Annex for the purpose of putting down and taking up international traffic in passengers, cargo and mail.

3. Nothing in paragraph (2) of this Article shall be deemed to confer on the airline or airlines of the Contracting Party the right of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE 3

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party, one or more airlines for the purpose of operating the agreed services on the specified routes.

2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, grant the appropriate operating permission without delay to the airline or airlines thus designated.

3. The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations normally and reasonably applied by them to the operation of international air services.

4. Each Contracting Party shall have the right to refuse the designation of an airline and to withhold or revoke the grant to a designated airline of the rights specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by such airline of those rights, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. An airline designated and authorized in accordance with the provisions of paragraphs (1) and (2) of this Article may begin to operate the agreed services provided that tariffs established in accordance with the provisions of Article 7 of the present Agreement are in force in respect of those services.

6. Each Contracting Party shall have the right to suspend the exercise by a designated airline of the other Contracting Party of the rights specified in paragraph

(2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by such designated airline of those rights, in any case where that airline fails to comply with the laws and regulations of the Contracting Party granting those rights or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws and regulations, except in the case where a designated airline of the other Contracting Party fails to operate in accordance with the decision given under paragraph (2) of Article II, this right shall be exercised only after consultation with the other Contracting Party.

ARTICLE 4

1. Aircraft operated on international services by the designated airline or airlines of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall on the basis of complete reciprocity be exempt from all customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are re-exported or are used on parts of the international journey performed over the territory of the Contracting Party in which they are taken on board.

2. Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores retained on board, introduced into or taken on board in the territory of one Contracting Party, by or on behalf of the other Contracting Party or its designated airline or airlines and intended solely for use by or in the aircraft of those airlines, shall be exempt from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory. Goods so exempted may only be unloaded with the approval of the customs authorities of the other Contracting Party. Those goods, which are to be re-exported, shall be kept in bond, until re-exportation under customs supervision.

3. The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airline or airlines of the other Contracting Party for the use of airports and other facilities under its control shall be just and reasonable and not higher than would be paid for the use of such airports and facilities by the airlines of the most favoured nation or by any national airline of the first Contracting Party engaged in international air services.

ARTICLE 5

The laws and regulations of one Contracting Party, especially those relating to the entry into or departure from its territory of passengers, crew, cargo or aircraft engaged in international air navigation (such as regulations relating to entry, exit, immigration, passports, customs and quarantine), shall apply to the passengers, crew, cargo and aircraft of the designated airline or airlines of the other Contracting Party upon entering into or departing from or while within the territory of the former Contracting Party.

ARTICLE 6

1. There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes.

2. In the operation by the designated airline or airlines of either Contracting Party of the agreed services, the interests of the designated airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same routes.

5. The agreed services provided by a designated airline on the specified routes shall bear a close relationship to the requirements of the public for such services, and shall retain as their primary objective the provision at a reasonable load factor of capacity adequate to current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating from or destined for the territory of the Contracting Party which has designated such airline. Provision for the carriage of passengers, cargo and mail both taken up and discharged at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to:

(a) traffic requirements between the territory of the Contracting Party which has designated the airline or airlines and the countries of destination of the traffic;

(b) Traffic requirements of the area through which the airline passes; and

(c) The requirements of through airline operations.

ARTICLE 7

The tariffs on any agreed service shall be established at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of service (such as standards of speed and accommodation) and the tariffs of other airlines for any part of the specified routes. These tariffs shall be fixed in accordance with the following provisions:

(a) The tariffs referred to above together with the rates of agency commission used in conjunction with them shall, if possible, be agreed by the designated airlines concerned of both Contracting Parties, in consultation with other airlines operating over the whole or part of the route; such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association;

(b) The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Contracting Parties at least thirty days before the proposed date of their introduction; in special cases, this time limit may be reduced subject to the agreement of the said authorities;

(c) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be agreed in accordance with the provisions of paragraph (a) of this Article, or if during the first fifteen days of the thirty days period referred to in paragraph (b) of this Article one Contracting Party gives the other Contracting Party notice of its dissatisfaction with any tariff agreed in accordance with the provisions of paragraph (a) of this Article, the aeronautical authorities of the Contracting Parties shall endeavour to reach agreement on the appropriate tariffs.