

No. 5649

**PERU
and
NICARAGUA**

**Agreement (with annex) for air services between their
respective territories. Signed at Lima, on 14 October
1959**

Official text: Spanish.

Registered by the International Civil Aviation Organization on 27 March 1961.

**PÉROU
et
NICARAGUA**

**Accord (avec annexe) relatif aux services aériens entre les
territoires des deux pays. Signé à Lima, le 14 octobre
1959**

Texte officiel espagnol.

Enregistré par l'Organisation de l'aviation civile internationale le 27 mars 1961.

[TRANSLATION — TRADUCTION]

No. 5649. AGREEMENT¹ BETWEEN THE GOVERNMENT OF PERU AND THE GOVERNMENT OF NICARAGUA FOR AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT LIMA, ON 14 OCTOBER 1959

The Government of Peru and the Government of Nicaragua, having ratified the Convention on International Civil Aviation concluded at Chicago on 7 December 1944;² and

Desiring to conclude an agreement which will encourage and promote the joint development of air transport between the two countries, concur in concluding an agreement for the purpose of establishing air services between Nicaraguan and Peruvian territory, and for this purpose appoint as their plenipotentiaries :

The Government of Peru : His Excellency Dr. Raúl Porras Barrenechea, Minister for Foreign Affairs, and

The Government of Nicaragua : His Excellency Dr. Adrián Cuadra Gutiérrez, Ambassador Extraordinary and Plenipotentiary to Peru,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I

For the purpose of this Agreement and its annex,³ the expressions hereinafter described shall have the meaning assigned to them in this article, except where the text of the Agreement and its annexes provides otherwise :

(a) The expression "the Convention" shall mean the Convention on International Civil Aviation concluded at Chicago on 7 December 1944 and includes any annex adopted under article 90 of that Convention.

(b) The expression "aeronautical authorities" shall mean, in the case of Peru, the Ministry of Aviation and any person or body authorized to perform any of the functions at present exercised by the said Ministry or similar functions, and, in the case of Nicaragua, the Ministry of War, Marine Affairs and Aviation or any person or body authorized to perform any of the functions referred to in this Agreement.

¹ Applied provisionally from 14 October 1959, the date of signature, in accordance with article XIII.

² See footnote 2, p. 266 of this volume.

³ See p. 318 of this volume.

(c) The expressions "air services", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings assigned to them in article 96 of the Convention on International Civil Aviation.

Article II

The Contracting States grant each other the rights defined in this Agreement and its annex for the purpose of operating "international air services" on the routes specified in the "schedule of routes",¹ regardless of when such services may be inaugurated, provided that this Agreement is in force at the time.

Article III

The services referred to in the preceding article may be inaugurated as soon as the Contracting States have agreed, through their respective aeronautical authorities, on at least one airline in each Contracting State to operate the said services. These services may be expanded by similar agreements at any time, in which event new routes may be agreed on even though they are not shown in the schedule.

Article IV

The services agreed in accordance with the preceding article shall be inaugurated when an application by an airline of one Contracting State to operate an international air service has been accepted by the other State, provided that the said airline has also complied with all the prior requirements and conditions prescribed by the laws and regulations in force in the latter Contracting State for the inauguration of such services.

Article V

In order to prevent discriminatory practices and to ensure equality of treatment for the airlines operating the service referred to in this Agreement, it is agreed that :

(a) The charges which either Contracting State may impose or permit to be imposed on aircraft of the other for the use of airports, installations and services shall be equal to those prescribed for aircraft in the same category employed on similar international services in the State which imposes the said charges or permits them to be imposed.

(b) Aircraft and fuel, grease, oils, lubricants, spare parts, regular equipment and aircraft stores which are carried on board an aircraft on its arrival in the territory of the other Contracting State and which are still on board the said

¹ See p. 320 of this volume.

aircraft when it leaves shall be exempt from customs duties, inspection fees and any other charges or duties. This exemption shall apply to the unloaded spare parts and equipment referred to in the next paragraph but not to other objects taken out of the aircraft save as may be otherwise provided by the customs regulations of the said State which, in that event, may require such objects to be kept under customs supervision.

(c) Spare parts and equipment introduced into the territory of a Contracting State for installation and use in aircraft of the airline operating the service referred to in this Agreement shall be exempt from customs duties, inspection fees and any other charges or duties; the foregoing shall not affect the provisions of the regulations of the State concerned, which may require such articles to be kept under customs supervision.

(d) Fuel, grease and lubricating oils acquired in or introduced into the territory of a Contracting State solely for use by aircraft of the airline operating the service referred to in this Agreement shall be accorded with respect to customs duties and other charges and duties the same treatment as fuel, grease and lubricating oils intended for use by the airlines in the Contracting State imposing the said charges and duties.

Article VI

The laws and regulations of each Contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft within that territory, shall be observed and complied with by the airlines operating the service referred to in this Agreement when their aircraft enter, stay in or leave the territory of the Contracting State concerned.

Article VII

The laws and regulations of each Contracting State relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft and those concerning entry, immigration, clearance, passports, customs, quarantine and the like shall be observed and complied with by the passengers and crew and by the airline operating the service referred to in this Agreement upon entry into and departure from and while within the territory of the Contracting State concerned.

Article VIII

Each Contracting State reserves the right to withhold or revoke the permit for an airline of the other Contracting State to operate the services referred to in this Agreement in any case where 51 per cent of the capital and effective control of that airline are not vested in nationals of the latter Contracting State.