

No. 5719

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SPAIN**

Agreement for air services (with annexes and exchange of letters). Signed at Madrid, on 20 July 1950

Exchanges of notes constituting agreements amending the above-mentioned Agreement. Madrid, 10 February 1951; London, 9 and 13 November 1954; Madrid, 16 March 1959 and Madrid, 5 February 1960

Official texts: English and Spanish.

Registered by the United Kingdom of Great Britain and Northern Ireland on 16 June 1961.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ESPAGNE**

Accord relatif aux services aériens (avec annexes et échange de lettres). Signé à Madrid, le 20 juillet 1950

Échanges de notes constituant des accords modifiant l'Accord susmentionné. Madrid, 10 février 1951; Londres, 9 et 13 novembre 1954; Madrid, 16 mars 1959 et Madrid, 5 février 1960

Textes officiels anglais et espagnol.

Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 16 juin 1961.

No. 5719. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF SPAIN FOR AIR SERVICES. SIGNED AT MADRID, ON 20 JULY 1950

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Spain,

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

Have accordingly appointed the undersigned Plenipotentiaries, who, being duly authorised to that effect by their respective Governments, have agreed as follows :

Article 1

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

- (a) The term “aeronautical authorities” shall mean, in the case of the United Kingdom, the Minister of Civil Aviation and any person or body authorised to perform any functions presently exercised by the said Minister or similar functions, and, in the case of Spain, the Ministry of the Air and any person or body authorised to perform the functions presently exercised by the said Ministry or similar functions.
- (b) The term “designated airline” shall mean any air transport enterprise which one of the Contracting Parties has notified in writing to the other Contracting Party as an airline designated by it in accordance with Article 2 of the present Agreement for the routes specified in such notification.
- (c) The term “territory” in relation to a State shall mean all territories for the international relations of which that State is responsible and the territorial waters adjacent to such territories.
- (d) The term “air service” shall mean any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail.

¹ Came into force provisionally on 20 July 1950, upon signature, and definitively on 15 January 1960, upon the exchange of the instruments of ratification, in accordance with article 18.

- (e) The term “international air service” shall mean an air service which passes through the air space over the territory of more than one State.
- (f) The term “stop for non-traffic purposes” shall mean any landing for any purpose other than taking on or discharging passengers, cargo or mail.

Article 2

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 by virtue of the present Agreement air services on the routes specified in the Schedule¹ to the present Agreement (hereinafter respectively referred to as “the agreed services” and “the specified routes”).

2. On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraph (3) of this Article and of Article 3 of the present Agreement, without delay grant to the airline or airlines designated the appropriate operating authorisation.

3. Before granting an operating authorisation, 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 fulfil the conditions prescribed under the laws and regulations which they normally apply to the operations of commercial airlines.

4. At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorised may begin to operate the agreed services.

5. Each Contracting Party, on prior notification to the other Contracting Party, shall, subject to the provisions of paragraphs 2, 3 and 4 above, have the right to substitute another airline or airlines for the airline or airlines designated to operate the agreed services, and to designate additional airlines.

Article 3

1. Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the rights specified in Article 7 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where it is not satisfied that substantial ownership and effective

¹ See p. 118 of this volume.

control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

2. Each Contracting Party shall have the right, after consultation with the other Contracting Party, to suspend the exercise by an airline of the rights specified in Article 7 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those rights or otherwise to operate in accordance with the conditions prescribed in the present Agreement.

Article 4

1. 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 shall not be higher than would be paid for the use of such airports and facilities by any national airline of the first Contracting Party, or by the most favoured foreign airline, engaged in international air services.

2. Aircraft of the designated airline or airlines of one Contracting Party and fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores on board such aircraft on arrival in the territory of the other Contracting Party and retained on board on departure therefrom shall be exempt in that territory from all customs duties, inspection fees and similar national or local duties and charges.

3. Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores, to which paragraph 2 does not apply, introduced into the territory of one Contracting Party, or taken on board aircraft in that territory, 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, subject to compliance with normal Customs regulations, be accorded the following treatment by the first Contracting Party in respect of customs duties and charges :

- (a) in the case of fuel and lubricating oils taken on board aircraft in the said territory and remaining on board at the last airport of call before departure from that territory, exemption;
- (b) in the case of spare parts and regular aircraft equipment introduced into the said territory, exemption;
- (c) in the case of fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores not included under (a) or (b) above;

treatment not less favourable than that accorded to similar supplies introduced into the said territory, and intended for use by or in the aircraft of a national airline of the first Contracting Party, or of the most favoured foreign airline, engaged in international air services.

Article 5

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still in force shall be recognised as valid by the other Contracting Party for the purpose of operating the agreed services. Each Contracting Party reserves the right, however, to refuse to recognise, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party or by any other State.

Article 6

1. The laws and regulations of one Contracting Party, relating to entry into or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory, shall apply to aircraft of the designated airline or airlines of the other Contracting Party.

2. The laws and regulations of one Contracting Party, relating to the entry into or departure from its territory of passengers, crews or cargo of aircraft (such as regulations relating to police procedure, entry, clearance, immigration, emigration, passports, customs, quarantine, and exchange control), shall be applicable to the passengers, crew or cargo of the aircraft of the designated airline or airlines of the other Contracting Party while in the territory of the former Contracting Party.

3. Notwithstanding that a visa is normally required for the admission of foreigners into the territory of either Contracting Party, crew registered in the log-book of any aircraft operating an agreed service under this Agreement shall be exempted from the requirements of a visa provided they are nationals of one of the Contracting Parties and provided they are in possession of a valid passport and an identity document issued by the designated airline to which the aircraft belongs.

Article 7

1. Subject to the provisions of the present Agreement, the designated airlines of each Contracting Party shall enjoy in the territory of the other Contracting Party the following rights :