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No. 5911

**BELGIUM
and
JAPAN**

**Agreement (with annex) relating to air services. Signed
at Tokyo, on 20 June 1959**

Official texts : French and Japanese.

Registered by Belgium on 23 October 1961.

**BELGIQUE
et
JAPON**

**Accord (avec annexe) relatif aux services aériens. Signé à
Tokyo, le 20 juin 1959**

Textes officiels français et japonais.

Enregistré par la Belgique le 23 octobre 1961.

[TRANSLATION — TRADUCTION]

No. 5911. AGREEMENT¹ BETWEEN BELGIUM AND JAPAN
RELATING TO AIR SERVICES. SIGNED AT TOKYO,
ON 20 JUNE 1959

The Belgian Government and the Japanese Government,

Being parties to the Convention on International Civil Aviation signed at Chicago on 7 December 1944,² and

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

Have appointed for this purpose their respective representatives, who have agreed as follows :

Article 1

1. For the purpose of this Agreement, unless the text otherwise provides :

(a) The expression "the Convention" means the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, and any amendment adopted in accordance with the provisions of the Convention ;

(b) The expression "aeronautical authorities" means, in the case of Belgium, the Ministry of Communications, Aeronautical Administration, and, in the case of Japan, the Ministry of Transportation and any person or body authorized to perform the functions presently exercised by the said Ministry or similar functions ;

(c) The expression "designated airline" means the airline which one Contracting Party shall have designated by written notification to the other Contracting Party for the operation of air services on the routes specified in such notification and in respect of which the appropriate operating permit has been granted by the other Contracting Party, in accordance with the provisions of article 3 of this Agreement ;

(d) The expression "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo and mail ;

(e) The expression "international air service" means an air service which passes through the air space over the territory of more than one State ;

¹ Came into force on 3 July 1961, the date of the exchange of the instruments of ratification at Brussels, in accordance with article 18.

² United Nations, *Treaty Series*, Vol. 15, p. 295 ; Vol. 26, p. 420 ; Vol. 32, p. 402 ; Vol. 33, p. 352 ; Vol. 44, p. 346 ; Vol. 51, p. 336 ; Vol. 139, p. 469 ; Vol. 178, p. 420 ; Vol. 199, p. 362 ; Vol. 252, p. 410 ; Vol. 324, p. 340 ; Vol. 355, p. 418, and Vol. 409.

(f) The expression "airline" means any air transport enterprise offering or operating an international air service ;

(g) The expression "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail ;

(h) The expression "annex" means the annex¹ to this Agreement or as amended in accordance with the provisions of article 14 of this Agreement.

2. The annex forms an integral part of this Agreement, and all reference to the "Agreement" shall include reference to the annex except where otherwise provided.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement to enable its designated airlines to establish international air services on the routes specified in the appropriate section of the annex to this Agreement (hereinafter called "agreed services" and "specified routes" respectively).

Article 3

1. The agreed services on any specified route may be inaugurated immediately or later at the option of the Contracting Party to which the rights are granted under article 2 of this Agreement, but not before :

(a) The Contracting Party to which the rights have been granted has designated an airline or airlines to operate on that route, and

(b) The Contracting Party granting the rights has duly given the operating permit to the airline or airlines concerned, it being bound, subject to the provisions of paragraph 2 of this article and of article 6, paragraph 1, to give such permit without delay.

2. The designated airline of one Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfil the conditions prescribed by the laws and regulations customarily and normally applied by the said authorities to the operation of international air services.

Article 4

1. Subject to the provisions of this Agreement, the designated 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 ;

¹ See p. 39 of this volume.

(b) To make stops in the said territory for non-traffic purposes ; and

(c) To make stops in the said territory at the points specified for that route in the annex to this Agreement for the purposes of putting down and of taking on international traffic in passengers, cargo or mail.

2. Nothing in paragraph 1 of this article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration and destined for another point in the territory of that other Contracting Party.

Article 5

1. The charges or other fees which either of the Contracting Parties may impose or permit to be imposed on the designated airlines of the other Contracting Party for the use of airports and other facilities under its control shall not be higher than those payable for the use of such airports and facilities by any national airline of the first Contracting Party operating similar international air services.

2. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores introduced into the territory of one Contracting Party or taken on board aircraft of the designated airline of the other Contracting Party and intended solely for use by such aircraft shall be accorded by the first-mentioned Contracting Party, with respect to customs duties, inspection fees and other similar national or local duties or charges, treatment not less favourable than that granted by the said first-mentioned Contracting Party to the airlines of the most-favoured nation or to its national airlines engaged in international air services. Neither Contracting Party shall, however, be obliged to grant to the designated airlines of the other Contracting Party exemption or remission of customs duties, inspection fees or other similar national or local duties or charges, unless the other Contracting Party grants exemption or remission of the duties or charges in question to the designated airlines of the first-mentioned Contracting Party.

Article 6

1. Each Contracting Party reserves the right to withhold or revoke the rights specified in article 4, paragraph 1, of this Agreement in respect of an airline designated by the other Contracting Party, or to impose such conditions as it may consider necessary on the exercise of the said rights, in any case where it is not satisfied that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party.