

No. 6326

**DENMARK
and
PERU**

Bilateral Air Transport Agreement (with annex and exchange of letters). Signed at Lima, on 22 June 1960

Official texts of the Agreement and annex: Danish and Spanish.

Official text of the letters: Spanish.

Registered by Denmark on 28 September 1962.

**DANEMARK
et
PÉROU**

Accord bilatéral de transports aériens (avec annexe et échange de lettres). Signé à Lima, le 22 juin 1960

Textes officiels de l'Accord et de l'annexe: danois et espagnol.

Texte officiel des lettres: espagnol.

Enregistré par le Danemark le 28 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6326. BILATERAL AIR TRANSPORT AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE KINGDOM OF
DENMARK AND THE GOVERNMENT OF THE
REPUBLIC OF PERU. SIGNED AT LIMA, ON 22 JUNE
1960

The Government of the Kingdom of Denmark and the Government of Peru, having ratified the Convention on International Civil Aviation, concluded at Chicago on 7 December 1944,² and desiring to conclude an agreement for the purpose of establishing air services between and beyond Danish and Peruvian territory, have for this purpose appointed as their plenipotentiaries :

The Government of the Kingdom of Denmark : His Excellency Mr. Viggo Jensen, Ambassador Extraordinary and Plenipotentiary to Peru;

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

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

Article I

DEFINITIONS

For the purposes of this Agreement, the following expressions shall have the meaning assigned to them in this article, unless expressly defined otherwise in the text of the Agreement :

- (a) The expression "aeronautical authorities" shall mean, in the case of the Kingdom of Denmark, the Ministry of Public Works and any person or body duly authorized to perform its functions; and, in the case of Peru, the Ministry of Aviation or any agency duly authorized to perform the functions exercised by it.
- (b) The expression "designated airline" shall mean that airline which the aeronautical authorities of either Contracting Party shall have designated in a notice in writing to the aeronautical authorities of the other Contracting Party, in accordance with article III of this Agreement, for operation on each of the routes specified in such notice.

¹ Came into force on 23 February 1962 by an exchange of notes, in accordance with article XII.

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, p. 370.

- (c) The term "territory" shall have the meaning assigned to it in article 2 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944.
- (d) The definitions given in article 96, paragraphs (a), (b) and (d), of the Convention on International Civil Aviation signed at Chicago on 7 December 1944 shall apply to this Agreement.
- (e) The expression "traffic requirements" shall mean the demand for the carriage of passengers, cargo and/or mail between any of the points on the route or routes allotted to each Contracting Party.
- (f) The term "capacity" shall mean the space in an aircraft intended for use in meeting the demand for the carriage of passengers, cargo and/or mail.
- (g) The expression "air route" shall mean the fixed itinerary followed by an aircraft which provides a regular service for the public transport of passengers, cargo and/or mail.

Article II

The two Contracting Parties grant each other the rights specified in the annex¹ to this Agreement, to the extent described in the said annex, for the purpose of establishing international commercial air routes and services between their respective territories.

Article III

(a) The air services described in the annex may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted, but not before :

1. The Contracting Party to which the rights are granted has designated an airline of its nationality for operation on the route or routes specified in the annex, and

2. The Contracting Party granting the rights has issued the appropriate operating permit to the designated airline.

(b) The airline designated by either Contracting Party shall be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it is qualified to fulfil the conditions prescribed by the laws, rules and regulations normally applied by those authorities to the operation of commercial air services.

(c) In the case of areas under military occupation or affected by military requirements, the inauguration of the services shall be subject to the approval of the competent military authorities of the country concerned.

¹ See p. 142 of this volume.

Article IV

In order to prevent discriminatory practices and to ensure equality of treatment, the two Contracting Parties agree that :

(a) Each Contracting Party may impose or permit to be imposed fair and reasonable charges for the use of airports and other facilities. The two Contracting Parties agree, however, that the said charges shall not be higher than would be paid for the use of such airports and facilities by their national aircraft engaged in similar international services.

(b) With respect to fuel, spare parts, aircraft equipment and aircraft stores introduced into the territory of one Contracting Party or taken on board aircraft in the said territory by or on behalf of the other Contracting Party or its designated airline and intended solely for use by or in the aircraft of that airline, the designated airlines shall, subject to reciprocity, be accorded by the first Contracting Party, in the matter of customs duties, inspection fees and other similar national or local duties and charges, treatment not less favourable than that accorded with respect to similar supplies introduced into or taken on board in 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 airline of any other State operating an international air service.

(c) Aircraft and fuel, lubricating oils, spare parts, regular equipment and aircraft stores carried on board the civil aircraft of the airline of one Contracting Party authorized to operate on the routes specified in the annex shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from customs duties, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights over that territory.

(d) Articles exempted under the preceding paragraph may not be unloaded save with the approval of the customs authorities of the other Contracting Party and, if they are to be re-exported, shall be kept under the supervision of the said authorities pending re-exportation.

Article V

Certificates of airworthiness, certificates of competency and licences issued or renewed by either Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operation on the routes specified in the annex, subject to payment of any registration fees which may be required for the recognition of such validity. Each Contracting Party, however, reserves the right to refuse to recognize, for the purpose of flight over its own territory, certificates of competency and licences issued to its own nationals by another State.

Article VI

(a) The laws and regulations of one Contracting Party 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 while within its territory shall apply, without distinction as to nationality, to aircraft operated by the designated airline of the other Contracting Party and shall be observed and complied with by such aircraft upon arrival in or departure from the territory of the first Party or while within that territory.

(b) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of the passengers, crew or cargo of aircraft, such as regulations concerning entry, clearance, immigration, passports, customs, quarantine and the like, shall be observed and complied with, by or on behalf of the passengers, crew and cargo of aircraft operated by the designated airline of the other Contracting Party, on arrival in and departure from or while within the territory of the first Contracting Party.

Article VII

Each Contracting Party reserves the right to withhold or revoke the exercise, by an airline designated by the other Contracting Party, of the rights specified in the annex to this Agreement in any case where substantial ownership and effective control of such airline are not vested in nationals of the other Contracting Party. The same reservation shall apply in any case where the airline designated by the other Contracting Party fails to comply with the laws and regulations of the first Contracting Party on the matters specified in the preceding article or to fulfil the obligations assumed under this Agreement or its annex.

Article VIII

This Agreement and the contracts and concessions connected therewith shall be registered with the International Civil Aviation Organization.

Article IX

The aeronautical authorities of the two Contracting Parties shall consult together whenever either of them so requests in order to determine whether it is desirable to modify one or more of the provisions of the annex to this Agreement; they shall also consult together in order to determine whether the principles laid down in this Agreement and its annex are being applied by the airlines designated by the Governments of the two Contracting Parties. Such consultations shall begin within ninety days from the date of the request.