

No. 6380

**DENMARK
and
SUDAN**

**Agreement (with annex and exchange of letters) on air
services between and beyond their respective territories.
Signed at Cairo, on 11 May 1959**

Official text: English.

Registered by Denmark on 28 November 1962.

**DANEMARK
et
SOUDAN**

**Accord (avec annexe et échange de lettres) relatif aux
services aériens entre les territoires des deux pays et
au-delà. Signé au Caire, le 11 mai 1959**

Texte officiel anglais.

Enregistré par le Danemark le 28 novembre 1962.

No. 6380. AGREEMENT¹ BETWEEN THE KINGDOM OF DENMARK AND THE REPUBLIC OF THE SUDAN ON AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT CAIRO, ON 11 MAY 1959

The Government of the Kingdom of Denmark and the Government of the Republic of the Sudan, in view of the Convention on International Civil Aviation opened for signature on 7th December, 1944,² to which both countries are a Party,

Desiring to conclude an Agreement supplementary to the said Convention for the purpose of regulating the establishment of air services between and beyond their respective territories,

Have agreed as follows :

Article I

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 ;
- (b) the term "aeronautical authorities" means, in the case of Denmark, the Ministry of Public Works and any person or body authorized to perform any functions presently exercised by the said authority or similar functions, and, in the case of the Sudan, the Director of Civil Aviation and any person or body authorized to perform any function at present exercised by the said Director of Civil Aviation or similar functions ;
- (c) the term "designated airline" means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article III of the present Agreement, for the operation of one or more air services on the routes specified in the Schedule.³
- (d) The "Schedule" to this Agreement shall be deemed to be part of the Agreement and all references to the Agreement shall include reference to the Schedule, except where otherwise expressly provided.

¹ Came into force on 21 September 1962, in accordance with article XIII.

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.

³ See p. 118 of this volume.

Article II

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in the appropriate section of the Schedule thereto (hereinafter called "the agreed services" and "the specified routes").

(2) Subject to the provisions of the present Agreement, the airlines designated by 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 non-traffic purposes ; and
- c. to make stops in the said territory at the points specified for that route in the Schedule to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

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

Article III

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

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

(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 fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them in conformity with such provisions of the Convention as apply to the operation of international commercial air services.

(4) 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 authorization specified in paragraph (2) of Article III of the present Agreement or to impose such conditions as it may deem necessary on the authorized airline 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 nationals of the Contracting Party designating the airline.

(5) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of Article VI of the present Agreement is in force in respect of that service.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline of the authorization specified in paragraph (2) of Article III of the present Agreement or to impose such conditions as it may deem necessary on the authorized airline in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting the authorization or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement.

(7) Action shall not be taken in pursuance of paragraphs (4) and (6) of this Article unless notice in writing of such proposed action, stating the grounds therefor, is given to the other Contracting Party, and consultation between the aeronautical authorities of both Contracting Parties has not led to agreement within a period of thirty days after the date of the said notices.

Article IV

Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores 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 on the specified routes shall be accorded the following treatment by the first Contracting Party in respect of customs duties, inspection fees and other similar national or local duties and charges :

- a.* in the case of fuel and lubricating oils remaining on board aircraft at the last airport of call before departure from the said territory : exemption ; and
- b.* in the case of fuel and lubricating oils not included under (*a*) and spare parts, regular aircraft equipment and aircraft stores : treatment not less favourable than that accorded to similar supplies introduced into the said territory, or taken on board aircraft in that territory, and intended for use by or in the aircraft of a national airline of the former Contracting Party, or of the most favoured foreign airline, engaged in international air services within that territory.

This treatment shall be in addition to and without prejudice to that which each Contracting Party is obliged to accord under article 24 of the Convention.

Article V

(1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, of capacity adequate to meet the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail between the territory of the Contracting Party designating the airline and the country of ultimate destination of the traffic. Provision for the carriage of passengers, cargo and mail both taken up and put down 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 principle that capacity shall be related to :

- a. traffic requirements between the country of origin and the countries of destination ;
- b. traffic requirements of the area through which the airline passes, after taking account of other transport services established by airlines of the States comprising the area ; and
- c. the requirements of through airline operation.

Article VI

(1) 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 route. These tariffs shall be fixed in accordance with the following provisions of this Article :

(2) The tariffs referred to in paragraph (1) of this Article, together with the rates of agency commission used in conjunction with them, shall be agreed in respect of each of the specified routes between the designated airlines concerned in consultation with other airlines operating over the whole or part of that route, and such agreement where possible, will be reached through the rate-fixing machinery of the International Air Transport Association.

(3) The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both Contracting Parties.