

No. 7262

**TUNISIA
and
NETHERLANDS**

**Air Transport Agreement (with annex and exchange of
letters dated 27 February 1959). Signed at Tunis, on
19 March 1959**

Official text: French.

Registered by the International Civil Aviation Organization on 8 June 1964.

**TUNISIE
et
PAYS-BAS**

**Accord relatif aux transports aériens (avec annexe et
échange de lettres en date du 27 février 1959). Signé à
Tunis, le 19 mars 1959**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7262. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TUNISIA AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS. SIGNED AT TUNIS, ON 19 MARCH 1959

The Government of the Republic of Tunisia and the Government of the Kingdom of the Netherlands (hereinafter referred to as the Contracting Parties), desiring to promote civil air transport between and through Tunisia and the Netherlands and having regard to the Convention adopted at the International Civil Aviation Conference at Chicago, Illinois, U.S.A., on 7 December 1944,² have agreed as follows :

Article 1

(1) Each Contracting Party grants to the other Contracting Party, for the benefit of the airline or airlines to be designated by the latter (hereinafter referred to as the designated airline or airlines), the rights specified in paragraph 2 of this article.

(2) The airline or airlines designated by each Contracting Party shall enjoy, in the territory of the other Contracting Party, the right to fly over that territory, the right of transit and the right to make stops for non-traffic purposes.

They shall also enjoy, for the purpose of operating air services (hereinafter referred to as the agreed services) on the routes specified in the annex³ (hereinafter referred to as the specified routes), the right to pick up and set down international traffic and passengers, mail and cargo.

Article 2

(1) The agreed services 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 :

(a) The Contracting Party to which the rights are granted has notified the other Contracting Party of the designated airline or airlines and

¹ Applied provisionally from 19 March 1959, the date of signature, and came into force on 12 June 1963, the date of the exchange of notes indicating that the formalities prescribed by the domestic legislation of each of the Contracting Parties had been complied with, in accordance with the provisions of article 12.

² See footnote 2, p. 30 of this volume.

³ See p. 73 of this volume.

(b) The Contracting Party granting the rights has issued the appropriate operating permit to the designated airline or airlines, which, subject to the provisions of paragraph 2 of this article and those of article 6, it shall do without unreasonable delay.

(2) The designated airline or airlines may be required to prove that it or they is or are qualified in accordance with the laws and regulations normally applied by the aeronautical authorities of the other Contracting Party to the operation of international air services.

Article 3

In order to prevent any discriminatory practice and to ensure equality of treatment :

(a) Each Contracting Party agrees that the charges imposed or authorized for the use of its airports and other facilities by the airlines of the other Contracting Party shall not be higher than those which would be paid for the use of the said airport and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one Contracting Party by or on behalf of the airline or airlines designated by the other Contracting Party, and intended solely for use by the aircraft of that airline or those airlines shall be accorded, with respect to customs duties, inspection fees or other national duties and charges, the treatment applied to national airlines or most-favoured-nation treatment.

(c) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the agreed routes and services shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from customs duties, inspection fees or similar duties, even though such supplies be used or consumed by such aircraft on non-stop flights over that territory.

Stocks covered by the exemption specified above may not be unloaded save with the approval of the customs authorities of the other Contracting Party. When unloaded they shall be kept under customs supervision until they are used for the aircraft referred to above or are re-exported.

Article 4

(1) The airline or airlines designated by the two Contracting Parties shall enjoy equal rights to operate the agreed services.

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

(3) The agreed services operated by the airline or airlines designated by each Contracting Party shall be related to the demand for transport of passengers, cargo and mail on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to meet the demand for the transport of passengers, cargo and mail from or to the territory of the Contracting Party which has designated the airline.

Article 5

(1) The laws and regulations of one Contracting Party relating to the admission to and 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 equally and without regard to nationality, to aircraft of the airline or airlines designated by the other Contracting Party.

The said aircraft shall comply with the said laws and regulations on arrival in and departure from and during their stay within the territory of the first Contracting Party.

(2) The laws and regulations of one Contracting Party relating to the admission to and departure from its territory of passengers, crews or cargo carried by aircraft, such as those governing entry, clearance, immigration, passports, customs and quarantine, shall be complied with, either in person or through a third party acting in their name, by the passengers, crews and cargo carried by aircraft of the airline or airlines of the other Contracting Party while they are within the territory of the first Contracting Party.

Article 6

Each Contracting Party reserves the right to deny the exercise of the rights specified in the annex to this Agreement by an airline designated by the other Contracting Party or to revoke permission for such exercise if it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of the other Contracting Party, or if that airline fails to comply with the laws and regulations referred to in article 5.

Article 7

(1) The tariffs for the agreed services shall be fixed at reasonable levels, regard being paid to all relevant factors, including economy of operation, reasonable profit