

No. 7263

**NORWAY
and
TUNISIA**

Air Transport Agreement (with annex and exchange of letters). Signed at Tunis, on 28 March 1959

Official text: French.

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

**NORVÈGE
et
TUNISIE**

Accord sur les transports aériens (avec annexe et échange de lettres). Signé à Tunis, le 28 mars 1959

Texte officiel français.

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

[TRANSLATION — TRADUCTION]

No. 7263. AIR TRANSPORT AGREEMENT¹ BETWEEN THE
GOVERNMENT OF THE KINGDOM OF NORWAY AND
THE GOVERNMENT OF THE REPUBLIC OF TUNISIA.
SIGNED AT TUNIS, ON 28 MARCH 1959

The Government of the Kingdom of Norway and the Government of the Republic of Tunisia (hereinafter referred to as the Contracting Parties), desiring to promote civil air transport between Norway and Tunisia, and having regard to the Convention adopted at the International Civil Aviation Conference at Chicago on 7 December 1944,² have agreed on the following provisions :

Article 1

(a) 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 (b) of this article.

(b) 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 technical 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 in passengers, mail and cargo.

Article 2

Each air service for which the right of establishment has been granted by one Contracting Party to the other Contracting Party may be inaugurated as soon as the latter Party has designated an airline or airlines to operate the service in question ; the Contracting Party granting the said right shall, subject to the provisions of article 7 below, issue without delay the requisite operating permit to the airline or airlines so designated.

Article 3

In order to prevent discriminatory practices and to ensure equality of treatment :

¹ Came into force on 28 March 1959, upon signature, in accordance with article 13.

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

³ See p. 87 of this volume.

(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 would be paid for the use of the said airports 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 to the airline of the most-favoured nation.

(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 flights without stops in 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

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

(b) 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.

(c) The agreed services operated by the airline or airlines designated by each Contracting Party shall be related to the traffic demand 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

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still in force shall be recognized as

valid by the other Contracting Party for the purpose of operating the routes and services specified in the annex. Each Contracting Party reserves the right, however, to refuse to recognize as valid for the purpose of flights over its own territory certificates of competency and licences issued to its own nationals by another State.

Article 6

(a) The laws and regulations of one Contracting Party relating to the admission to and departure from its territory of aircraft engaged in international navigation or to the operation and navigation of such aircraft while within its territory shall apply to aircraft of the airline or airlines of the other Contracting Party.

(b) The passengers and crews of aircraft and consignors of goods by air shall comply, either in person or through a third party acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party respecting the admission, stay and departure of passengers, crews or cargo, such as those respecting entry, clearance, immigration, passports, Customs and quarantine.

Article 7

Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party or to revoke such a permit in any case where it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the latter Party, or in case of failure by such airline to comply with the laws and regulations of the State in whose territory it operates, as indicated in article 6 above, or to fulfil its obligations under this Agreement.

Article 8

(1) Rates for the agreed services shall be fixed at reasonable levels, regard being paid to all relevant factors, including economy of operation, reasonable profit and differences in the characteristics of the service, as well as the rates charged by other airlines regularly operating all or part of the specified route.

(2) The rates to be charged by each of the airlines designated under this Agreement in respect of traffic on any of the specified air routes between the territories of the two Contracting Parties, or between the territories of third countries and the territory of one of the Contracting Parties, shall be fixed either :