

No. 7568

**NEW ZEALAND
and
UNITED STATES OF AMERICA**

**Air Transport Agreement (with schedule). Signed at
Wellington, on 24 June 1964**

Official text: English.

Registered by the International Civil Aviation Organization on 3 February 1965.

**NOUVELLE-ZÉLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif aux transports aériens (avec tableau). Signé
à Wellington, le 24 juin 1964**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 3 février 1965.

No. 7568. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA. SIGNED AT WELLINGTON, ON 24 JUNE 1964

The Government of New Zealand and the Government of the United States of America,

Desiring to conclude an Agreement for the purpose of promoting air communications between their respective territories,

Have agreed as follows :

Article 1

For the purposes of the present Agreement :

- (a) The term “ aeronautical authorities ” shall mean, in the case of New Zealand, the Minister of Civil Aviation and any person or agency authorized to perform the functions exercised at present by the Minister of Civil Aviation and, in the case of the United States of America, the Civil Aeronautics Board and any person or agency authorized to perform the functions exercised at the present time by the Civil Aeronautics Board.
- (b) The term “ designated airline ” shall mean an airline that one Contracting Party has notified the other Contracting Party, in writing, to be the airline which will operate a specific route or routes listed in the Schedule² of this Agreement.
- (c) The term “ territory ” in relation to a State shall mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, jurisdiction or trusteeship of that State.
- (d) The term “ air service ” shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.
- (e) The term “ international air service ” shall mean an air service which passes through the air space over the territory of more than one State.
- (f) The term “ stop for non-traffic purposes ” shall mean a landing for any purpose other than taking on or discharging passengers, cargo or mail.

¹ Came into force on 24 June 1964, upon signature, in accordance with article 18.

² See p. 116 of this volume.

Article 2

Each Contracting Party grants to the other Contracting Party rights necessary for the conduct of air services by the designated airlines, as follows : the rights of transit, of stops for non-traffic purposes, and of commercial entry and departure for international traffic in passengers, cargo, and mail at the points in its territory named on each of the routes specified in the appropriate paragraph of the Schedule which is annexed to and forms part of this Agreement.

Article 3

Air service on a specified route may be inaugurated by an airline or airlines of one Contracting Party at any time after that Contracting Party has designated such airline or airlines for that route and the other Contracting Party has given the appropriate operating permission. Such other Party shall, subject to Article 4 of this Agreement, be bound to give this permission provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that Party, under the laws and regulations normally applied by these authorities, before being permitted to engage in the operations contemplated by this Agreement.

Article 4

Each Contracting Party reserves the right to withhold or revoke the operating permission provided for in Article 3 of this Agreement from an airline designated by the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in the other Contracting Party or its nationals, or in case of failure by such airline to comply with the laws and regulations referred to in Article 5 hereof, or in case of the failure of the airline or the government designating it otherwise to perform its obligations hereunder, or to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article 5

(1) 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 be applied to the aircraft of the airline or airlines designated by the other Contracting Party, and shall be complied with by such aircraft upon entrance into or departure from, and while within the territory of the first Contracting Party.

(2) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine, shall be complied with by or on behalf of such passengers, crew or cargo of the other Contracting Party upon entrance into or departure from, and while within the territory of the first Contracting Party.

Article 6

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 provided for in this Agreement, provided that the requirements under which such certificates or licences were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 7

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that :

- (a) Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.
- (b) Fuel, lubricating oils, consumable technical supplies, spare parts, regular equipment, and stores introduced into the territory of one Contracting Party by the other Contracting Party or its nationals, and intended solely for use by aircraft of such Contracting Party shall be exempt on a basis of reciprocity from customs duties, inspection fees and other national duties or charges.
- (c) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores retained on board aircraft of the airlines of one Contracting Party authorized to operate the routes and services provided for in this Agreement shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt on a basis of reciprocity from customs

duties, inspection fees and other national duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

- (d) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores taken on board aircraft of the airlines of one Contracting Party in the territory of the other and used in international services shall be exempt on a basis of reciprocity from customs duties, excise taxes, inspection fees and other national duties or charges.

Article 8

There shall be a fair and equal opportunity for the airlines of each Contracting Party to operate on any route covered by this Agreement.

Article 9

In the operation by the airlines of either Contracting Party of the trunk services described in this Agreement, the interest of the airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

Article 10

(1) The air services made available to the public by the airlines operating under this Agreement shall bear a close relationship to the requirements of the public for such services.

(2) It is the understanding of both Contracting Parties that services provided by a designated airline under the present Agreement shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the countries of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in this Agreement shall be applied in accordance with the general principles of orderly development to which both Contracting Parties subscribe and shall be subject to the general principle that capacity should be related :

- (a) to traffic requirements between the country of origin and the countries of ultimate destination of the traffic;
- (b) to the requirements of through airline operation; and,