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No. 7850

**BELGIUM
and
BURMA**

**Air Transport Agreement (with annex). Signed at
Rangoon, on 17 August 1960**

Official text : English.

Registered by Belgium on 5 July 1965.

**BELGIQUE
et
BIRMANIE**

**Accord relatif aux transports aériens (avec annexe).
Signé à Rangoon, le 17 août 1960**

Texte officiel anglais.

Enregistré par la Belgique le 5 juillet 1965.

No. 7850. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE UNION OF BURMA. SIGNED AT RANGOON, ON 17 AUGUST 1960

The Government of Belgium and the Government of the Union of Burma,
Desiring to conclude an Agreement for the purpose of promoting direct air communications between their respective territories,

Have accordingly appointed authorized representatives for this purpose, who have agreed as follows :

Article I

For the purpose of the present Agreement, and its Annex, except where the text provides otherwise :

- (a) The term “aeronautical authorities” shall mean in the case of Belgium the Ministry of Communications Administration of Aeronautics or any person or agency authorized to perform the functions exercised at the present time by the said authority and in the case of the Union of Burma, the Ministry of Marine and Civil Aviation or any person or agency authorized to perform the functions exercised at present by the said Ministry of Marine and Civil Aviation.
- (b) The term “designated airline” shall mean the airline which the aeronautical authorities of one of the contracting parties have notified in writing to the aeronautical authorities of the other contracting party as the airline which it has designated in conformity with Article 3 of the present Agreement for the routes specified in such designation.
- (c) The term “territory” shall have the meaning given to it by Article 2 of the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.²
- (d) The definitions contained in paragraphs (a), (b) and (d) of Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944 shall be applied to the present Agreement.

¹ Came into force on 30 July 1964, the date on which the notifications of ratification had been exchanged in accordance with article XVII.

² United Nations, *Treaty Series*, Vol. 15, p. 295. For the texts of the Protocols amending this Convention, see Vol. 320, pp. 209 and 217 ; Vol. 418, p. 161, and Vol. 514, p. 209.

Article II

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article III

Each of the air services so described may be placed in operation as soon as the contracting party to whom the rights have been granted by Article II to designate an airline for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article IX hereof, be bound to give the appropriate operating permission to the airline concerned ; provided that the airline so designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement ; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such operations shall be subject to the approval of the competent military authorities.

Article IV

(a) 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 standard 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.

(b) The tariffs referred to in paragraph (a) of this Article, together with the rates of agency commission used in conjunction with them shall, if possible, be agreed between the designated airlines concerned, in consultation with other airlines operating over the whole or part of the route, and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both contracting parties.

(c) If the designated airlines cannot agree on any of these tariffs or if for some other reason a tariff cannot be agreed in accordance with the provisions

of paragraph (b) of this Article, the aeronautical authorities of the contracting parties shall try to determine the tariffs by agreement between themselves.

(d) If the aeronautical authorities cannot agree on the approval of any tariff submitted to them under paragraph (b) of this Article or on the determination of any tariff under paragraph (c) thereof the dispute should be settled in accordance with the provisions of Article XV.

(e) No tariff shall come into effect if the aeronautical authorities of either contracting party are dissatisfied with it except under the terms of Article XV. Until the fixation of new or amended tariffs, in accordance with this Article, the tariffs already in force shall be applied.

Article V

Each contracting party undertakes to ensure the transfer of the revenues realized on its territory by means of the transport of passengers, luggage, cargo and mail by the designated airline of the other contracting party into its country of origin, after deduction of local expenses, subject to the exchange control regulations in force from time to time.

Article VI

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 on the designated airline of the other contracting party 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 other facilities by its national aircraft engaged in similar international services.
- (b) The fuel, lubricating oils and spare parts introduced into or taken on board in the territory of one contracting party by or on behalf of the airline of the other contracting party, and intended solely for use by aircraft of the designated airline of such contracting party shall be reciprocally exempt of entrance fees. With respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered they shall be subject to the same treatment as

that applying to national airlines and to airlines of the most-favoured nation.

- (c) Aircraft of the designated airline of one contracting party operating on the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed on flights in that territory.

Article VII

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 described in the Annex, provided that the requirement 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 VIII

(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 be applied to the aircraft of the airline designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as 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 airline designated by the other contracting party upon entrance into or departure from, or while within the territory of the first party.

(c) Passengers in transit across the territory of one contracting party shall be subject to a simplified control. Baggage and cargo shall be exempt from