

1358

No. 7905

**DENMARK
and
SPAIN**

Agreement relating to air services (with annex, Additional Protocol and exchange of notes). Signed at Madrid, on 5 May 1965

Official texts: English and Spanish.

Registered by Denmark on 24 August 1965.

**DANEMARK
et
ESPAGNE**

Accord relatif aux services aériens (avec annexe, Protocole additionnel et échange de notes). Signé à Madrid, le 5 mai 1965

Textes officiels anglais et espagnol.

Enregistré par le Danemark le 24 août 1965.

No. 7905. AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF SPAIN RELATING TO AIR SERVICES. SIGNED AT MADRID, ON 5 MAY 1965

The Government of Denmark and the Government of Spain, hereinafter described as the Contracting Parties,

Being parties to the Convention on International Civil Aviation² and the International Air Services Agreement,³ both signed at Chicago on the seventh day of December, 1944,

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

Have agreed upon the following :

Article 1

For the purpose of this Agreement :

(a) the term “ the Convention ” means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes of the Convention under Articles 90 and 94 thereof;

(b) the term “ aeronautical authorities ” means, in the case of the Government of Denmark, Ministeriet for offentlige arbejder and in the case of Spain Secretaría General y Técnica de Aviación Civil, Ministerio del Aire, or in both cases any person or body authorized to perform the functions presently exercised by the abovementioned authorities and

(c) the terms “ territory ”, “ air service ”, “ international air service ”, “ airline ” and “ stop for non-traffic purposes ” have the meanings respectively assigned to them in Articles 2 and 96 of the Convention.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement, for the purpose of establishing scheduled

¹ Came into force on 5 May 1965, upon signature, in accordance with article 18.

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.

³ United Nations, *Treaty Series*, Vol. 84, p. 389.

international air services on the routes specified in the Annex hereto. Such services and routes are hereafter called “ the agreed services ” and “ the specified routes ” respectively. 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;
- (c) to make stops in the said territory at the points specified for that route in the Annex to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

Article 3

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

2. On receipt of such 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 authorizations.

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 to the operation of international air services by such authorities in conformity with the provisions of the Convention.

4. Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. When an airline has been so designated and authorized, it may begin at any time to operate the agreed services, provided that a tariff established in accordance with the provisions of Article 9 of the present Agreement is in force in respect of that service.

Article 4

1. The capacity provided by the designated airlines of both Contracting Parties shall bear a close relationship to traffic requirements.

2. The designated airlines of both Contracting Parties shall be given a fair and equal treatment with a view to enjoy equal possibilities to operate the agreed services on the specified routes.

3. In operating the agreed services on the common specified routes the designated airlines of both Contracting Parties shall take into account the mutual interest so as not to affect unduly the respective routes.

4. The agreed services shall have as their primary objective the provision of a capacity which corresponds to the traffic requirements between the territory of the Contracting Party designating the airline and the countries of destination.

5. The right for the designated airlines to take on or put down in international traffic at one or more points on the specified routes within the territory of the other Contracting Party passengers, cargo and mail destined for or coming from a third country shall be exercised in accordance with the general principles of the orderly development of civil aviation accepted by both Contracting Parties and taking into account that capacity shall be related to :

- (a) traffic requirements between the country of origin and the countries of destination;
- (b) requirements of an economic operation of the agreed services;
- (c) traffic requirements of the areas through which the airline passes, after taking account of local and regional services.

Article 5

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 of the present Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights :

- (a) 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 such Contracting Party, or
- (b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights, or
- (c) in case the airline otherwise fails to operate in accordance with the conditions prescribed under the present Agreement.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

Article 6

1. Aircraft operated on international services by the designated airlines of either Contracting Party, as well as their regular equipment, supplies of fuel and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from all customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are re-exported.

2. There shall also be exempt from the same duties and taxes, with the exception of charges corresponding to the service performed :

- (a) aircraft stores taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on board aircraft engaged in an international service of the other Contracting Party;
- (b) spare parts entered into the territory of either Contracting Party for the maintenance or repair of aircraft used on international services by the designated airlines of the other Contracting Party;
- (c) fuel and lubricants destined to supply aircraft operated on international services by the designated airlines of the other Contracting Party, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

Materials referred to in sub-paragraphs (a), (b) and (c) above may be required to be kept under Customs supervision or control.

Article 7

The regular airborne equipment, as well as the materials and supplies retained on board the aircraft of either Contracting Party may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of such territory. In such case, they may be placed under the supervision of said authorities up to such time as they are re-exported or otherwise disposed of in accordance with customs regulations.

Article 8

Passengers in transit across the territory of either Contracting Party shall be subject to no more than a very simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.