

No. 8213

**GHANA
and
TUNISIA**

**Agreement on air transport (with annexes). Signed at
Tunis, on 11 December 1962**

Official text: English.

Registered by the International Civil Aviation Organization on 3 June 1966.

**GHANA
et
TUNISIE**

**Accord relatif aux transports aériens (avec annexes). Signé
à Tunis, le 11 décembre 1962**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 3 juin 1966.

No. 8213. AGREEMENT¹ BETWEEN THE REPUBLIC OF GHANA AND THE REPUBLIC OF TUNISIA ON AIR TRANSPORT. SIGNED AT TUNIS, ON 11 DECEMBER 1962

The Government of the Republic of Tunisia and

The Government of the Republic of Ghana

Willing to develop air transport between Ghana and Tunisia and to improve to some large extent the development of international co-operation in this field and being parties to and willing to apply to this air transport the principles and regulations of the Convention on International Civil Aviation opened for signature in Chicago on December 7, 1944.²

Have agreed as follows :

Article 1

For the purpose of the present Agreement and its annexes, unless the context otherwise requires :

- a) The term "the Convention" shall refer to the Convention relative to the International Civil Aviation opened for signature in Chicago on December 7, 1944 and includes any annex and amendment thereof, adopted to the Convention and to the regulations of the said Convention.
- b) "Air Service", "Airline", "International Air Service", "Stop for non-traffic purposes" shall have the meaning assigned to them respectively in Article 96 of the Convention.
- c) The term "Territory" shall be understood as defined in Article 2 of the Convention.
- d) The term "Aeronautical Authorities" shall mean in the case of the Republic of Tunisia the Secretariat of State for Public Works and Housing or any person or organisation authorised to carry out the functions at present performed by the aforesaid Secretariat and, in the case of the Republic Ghana, the Minister responsible for Civil Aviation or any person or organisation authorised to carry out the functions at present performed by the aforesaid Minister.
- e) The term "Agreed Services" shall mean the air services specified in the route schedules appearing in Annex I³ of the present Agreement.

¹ Came into force provisionally on 11 December 1962, the date of signature, in accordance with article 21.

² See footnote 2, p. 135 of this volume.

³ See p. 258 of this volume.

- f) The term "Designated Airlines" shall mean any air transport company that one of the contracting parties will choose to render the agreed services mentioned in Annex I and whose designation will have been notified to the Aeronautical Authorities of Article 8 of the present Agreement.

Article 2

In order to avoid any discrimination and to ensure a perfect equality on business the contracting parties agree that all taxes and dues collected by each contracting party for the use of its aerodromes or aeronautical installations on its territory by the aircrafts of the other contracting party should not be higher than those to be paid by national aircrafts of the same types serving similar purposes.

Article 3

a) The Contracting Parties agree that the aircrafts of the designated airlines used on international traffic as well as fuel, lubricating oil, spare parts, tools, ordinary equipment and food on board of the aircrafts will on arrival in the territory of each of the two contracting parties as well as on departure be entirely exonerated from customs duties charges and other taxes.

b) All fuel, lubricating oil and food on board bought from the territory of one contracting party for use on the aircrafts of a designated airline by the other Contracting Party and sent through the International Traffic will be completely exempted from custom duties and other taxes.

c) The following will also be exempted from custom duties and other taxes except taxes on workmanship: all spare parts, tools, and equipment imported and used on the territory of one of the Contracting Parties for maintenance or repair of the aircrafts belonging to the designated airline(s) of the other Contracting Party used on international traffic.

d) The items which are favoured by paragraphs *a*, *b*, and *c*, above are not transferable and cannot be rented or lent except by authorization of competent authorities. In case they have not been used or installed on an aircraft they could be re-exported without any cost of duties or other taxes.

e) Any item exempted from customs duties or other taxes as mentioned in paragraphs *a*, *b*, and *c*, will remain at the disposal of the owner subject to an appropriate customs verification.

Article 4

The certificates of airworthiness and proficiency and the licenses issued or certified by one of the Contracting Parties and still valid shall be recognised by the other Contracting Party for the purpose of operation of the air routes specified in

Annex I. However, each Contracting Party reserves the right to approve for traffic above its own territory the proficiency certificates and licenses issued to its own nationals by the other Contracting Party if those certificates and licenses do not meet the requirements of the International Civil Aviation as mentioned in the Convention.

Article 5

a) The rules and regulations of each Contracting Party relative to the arrival or departure of the aircrafts used on international air service or concerning the operation of the said aircrafts while within the limits of its territory are applicable to the aircrafts of the designated airline(s) of the other Contracting Party.

b) The passengers and the crew of the aircrafts as well as the forwarding agents (by air) shall observe, either personally or through a third party acting in their name or on their behalf, the rules and regulations governing on the territory of each Contracting Party the entrance, the stay or the departure of passengers, crew and goods such as those applying to the entry into, the immigration, the passports, customs and quarantine.

Article 6

1. Each Contracting Party shall grant to any airline of the other Contracting Party :

- a) The right to fly over its territory without landing.
- b) The right to land on its territory for non-commercial purposes.

2. For the purpose of Paragraph 1) above, each Contracting Party will have the right to decide the routes to be followed over its territory by the airline of the other Contracting Party as well as the aerodromes which could be used.

Article 7

The Government of the Republic of Tunisia grants to the Government of the Republic of Ghana the right to operate through one or more airlines designated by the Government of the Republic of Ghana the agreed services specified in the route schedules mentioned in Annex I of the present Agreement.

The Government of the Republic of Ghana grants to the Government of the Republic of Tunisia the right to operate through one or more airlines designated by the Government of the Republic of Tunisia the agreed services specified in the route schedules mentioned in the Annex I of the present Agreement.

Article 8

1. The agreed services could be put in operation immediately or at a later date at the discretion of the Contracting Party to which the rights are granted, provided that :

- a) The Contracting Party to whom the rights were granted has designated one or more airlines to operate the route(s) specified in Annex I of the present Agreement.
- b) The Contracting Party which grants the rights, according to the regulations of paragraph 2 hereunder, has given to the airline(s) the operation authorisation which shall be granted within the minimum delay subject to the regulations of Article 9 of the present Agreement.

2. The designated airlines can be asked to supply to the Aeronautical Authorities granting the rights the proof that they can meet the requirements of the laws and regulations usually required by these Authorities from the airlines as regards the activities mentioned in Article 5, paragraph (a).

Article 9

Each Contracting Party reserves the right to refuse to an airline designated by the other Contracting Party the authorisation of operation mentioned in Article 8 of the present Agreement or to revoke such authorisation when for good reasons it thinks that the proof that the major part or the effective control of the airline belonging to the other Contracting Party or to nationals of the latter is not sufficient, or when this airline does not follow the rules and regulations provided for in Article 5 or does not fulfill the requirements of the present Agreement and its annexes.

Article 10

The airline(s) designated by the Government of the Republic of Tunisia according to the present Agreement enjoys the right in the territory of Ghana to embark or disembark in international traffic passengers, mail, cargo on the stops and on the routes mentioned in Annex I of the present Agreement.

The airline(s) designated by the Government of the Republic of Ghana according to the present Agreement enjoys the right in the territory of Tunisia to embark or disembark in international traffic passengers, mail, cargo on the stops and on the routes mentioned in Annex I of the present Agreement.

Article 11

The airline(s) designated by each Contracting Party enjoys equal rights of operation of the agreed services.