

No. 8217

**ALGERIA
and
MOROCCO**

**Agreement relating to air transport (with annex). Signed
at Rabat, on 30 April 1963**

Official text : French.

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

**ALGÉRIE
et
MAROC**

**Accord relatif aux transports aériens (avec annexe). Signé
à Rabat, le 30 avril 1963**

Texte officiel français.

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

[TRANSLATION ¹ — TRADUCTION ²]

No. 8217. AGREEMENT ³ BETWEEN ALGERIA AND MOROCCO RELATING TO AIR TRANSPORT. SIGNED AT RABAT, ON 30 APRIL 1963

The Government of the Democratic and Popular Republic of Algeria and,

The Government of His Majesty the King of Morocco,

Desiring to promote the development of air services between the Democratic and Popular Republic of Algeria and the Kingdom of Morocco and to further as much as possible international co-operation in this field on the basis of the principles and provisions of the Convention on International Civil Aviation signed at Chicago on 7 December 1944,⁴ have agreed on the following :

Article 1

The Contracting Parties grant each other the rights and privileges specified in this Agreement for the purpose of establishing international civil air services.

PART I

DEFINITIONS

Article 2

For the purposes of this Agreement and its Annex :

(1) The term "territory" shall have the meaning assigned to it in Article 2 of the Convention on International Civil Aviation ;

(2) The terms "aeronautical authorities" shall mean, in the case of Algeria, the Ministry of Public Works – Directorate of Transport, and in the case of Morocco, the Ministry of Public Works – Air Directorate, or in both cases any person or body authorized by the Contracting Party to which it belongs to perform the functions presently exercised by the said bodies ;

¹ Translation by the Secretariat of the International Civil Aviation Organization.

² Traduction du Secrétariat de l'Organisation de l'aviation civile internationale.

³ Applied provisionally from 30 April 1963, the date of signature, in accordance with article 25.

⁴ United Nations, *Treaty Series*, Vol. 15, p. 295.

(3) The terms “agreed services” shall mean the scheduled air services specified in the route schedules listed in the Annex to this Agreement.

(4) The terms “designated airline” shall mean any airline which one of the Contracting Parties has designated to operate the agreed services.

PART II

GENERAL PROVISIONS

Article 3

The laws and regulations of each Contracting Party relating to admission to, stay in and 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 other Contracting Party.

Passengers, crews and consignors of cargo shall be bound in the territory of either Contracting Party, either in person or through third parties acting in their name or on their behalf, to comply with the laws and regulations as to entry into, stay in and departure from that country of passengers, crews and cargo, such as regulations relating to entry, immigration, emigration, passports, clearance, customs and health.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party, and still valid, shall be recognized as valid by the other Contracting Party for the purpose of operating the air routes specified in the attached Annex.

However, each Contracting Party reserves the right to refuse to recognize, for the purpose of flight above its own territory, the certificates of competency and licences granted to its own nationals by the other Contracting Party in the event that such certificates and licences do not conform to the standards of the International Civil Aviation Organization.

Article 5

Subject to observation of the regulations of the Contracting Party concerned ;

(1) Aircraft operated on international services by the designated airlines of either Contracting Party, as well as their regular equipment, supplies of fuel and lubricant and aircraft stores (including food, beverages and tobacco) shall be exempt from all customs duties, inspection fees and other duties or

taxes on entry into the territory of the other Contracting Party, provided that 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) Fuel and lubricants taken on board in the territory of one Contracting Party and 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.
- (b) Aircraft stores of whatever origin taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on aircraft engaged in an international service by the designated airlines of the other Contracting Party.
- (c) 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.

Article 6

Each Contracting Party reserves the right to withhold or revoke the operating permit of a designated airline of the other Contracting Party when, on valid grounds, it is not satisfied that substantial ownership¹ and effective control of that airline are vested in the other Contracting Party or its nationals, or when that airline fails to comply with the laws and regulations referred to in Article 3 or to perform its obligations under this Agreement.

Article 7

Any airline designated by a Contracting Party may maintain its own essential technical and administrative services at the airports and in the towns of the other Contracting Party at which it intends to have its own representation.

To the extent that a designated airline waives its right to have its own organization at airports of the other Contracting Party, it shall, as far as

¹ Note by the Secretariat of the International Civil Aviation Organization : " The expression ' substantial ownership ' is a translation of the phrase ' *part prépondérante de la propriété* ' in the French text " .

possible, entrust its work to the staff of the airports or of a designated airline of the other Contracting Party.

PART III

AGREED SERVICES

Article 8

The Government of the Democratic and Popular Republic of Algeria grants to the Government of His Majesty the King of Morocco and, reciprocally, the Government of His Majesty the King of Morocco grants to the Government of the Democratic and Popular Republic of Algeria, the right to have the air services specified in the route schedules listed in the Annex to this Agreement operated by one or more airlines designated by them.

Article 9

The agreed services shall be operated by one or more airlines designated by either of the Contracting Parties for the operation of the specified route or routes. This designation shall be notified in advance to the other Contracting Party.

Article 10

The operation of the agreed services by any designated airline shall be subject to the grant of an operating permit by the Contracting Party granting the rights.

This operating permit shall be granted with the least possible delay to the airline concerned, subject to the provisions of Articles 6 and 11 of this Agreement.

Article 11

The designated airlines shall be bound, if so required, to satisfy the aeronautical authorities of the Contracting Party granting the rights that they fulfil the conditions prescribed by the laws and regulations normally applied by this Contracting Party to the operations of commercial airlines.

Article 12

The agreed services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.