

No. 8862

**DENMARK
and
MALAYSIA**

Agreement for air services between and beyond their respective territories (with annexed schedule). Signed at Kuala Lumpur, on 19 October 1967

Official texts: English and Malay.

Registered by Denmark on 14 December 1967.

**DANEMARK
et
MALAISIE**

Accord relatif à des services aériens entre les territoires des deux pays et au-delà (avec tableau en annexe). Signé à Kuala-Lumpur, le 19 octobre 1967

Textes officiels anglais et malais.

Enregistré par le Danemark le 14 décembre 1967.

No. 8862. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF MALAYSIA FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT KUALA LUMPUR, ON 19 OCTOBER 1967

The Government of the Kingdom of Denmark and the Government of Malaysia,

Being parties to the Convention on International Civil Aviation,

And desiring to conclude an Agreement for the purpose of establishing air services between and beyond their respective territories,

Have agreed as follows :

Article I

RIGHTS TO ESTABLISH AIR SERVICES ON SPECIFIED ROUTES

Each Contracting Party shall grant to the other Contracting Party the right to establish air services, within the meaning of Article 96(a) of the Chicago International Civil Aviation Convention of 1944,² hereinafter called the “agreed services”, on the routes specified in the Routes Schedule, hereinafter called the “specified routes”.

Article II

RIGHTS AND CONDITIONS FOR THE DESIGNATION OF AIRLINES

1. Each Contracting Party shall have the right to designate by written notification to the other Contracting Party, one or more airlines within the meaning of Article 96(c) of the 1944 International Civil Aviation Convention for the purpose of operating the agreed services on the specified routes.

2. Subject to the provisions of paragraphs 4 and 5 of this Article, the other Contracting Party shall, on receipt of the designation, without delay grant to the airline or airlines designated the appropriate authorisation to operate.

¹ Came into force on 19 October 1967, upon signature, in accordance with article XIV.

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. At any time after the compliance of paragraphs 1 and 2 of this Article, the airline so designated and authorised may commence the operation of the agreed services, provided that any service shall not be operated unless a tariff established in accordance with the provisions of Article VII of this Agreement is in force in respect of that service.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article the aeronautical authorities of one Contracting Party, which in the case of the Kingdom of Denmark is the Ministry of Public Works and any person or body authorised to perform any function at present exercised by the said Ministry or similar function, and in the case of Malaysia is the Minister of Transport and any person or body authorised to perform any function at present exercised by the Minister, or similar function, may require an airline designated by the other party to satisfy the authorities that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by such authorities to the operation of international commercial air services in conformity with the provisions of the 1944 International Civil Aviation Convention.

5. Nothing in the provisions of paragraphs 1 and 2 of this Article shall be construed as a bar to the right of each Contracting Party to refuse to accept the airline designated by the other party.

Article III

GRANT, WITHHOLDING OF, SUSPENSION, REVOCATION AND IMPOSITION OF CONDITIONS ON THE GRANT OF PRIVILEGES TO DESIGNATED AIRLINE

1. The airline designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

- (a) to fly without landing across the territory of the other Contracting Party, which for the purpose of this Agreement and in relation to a State means the land areas and territorial waters adjacent thereto, under the sovereignty, suzerainty, protection, or trusteeship of that State;
- (b) to make stops in the said territory for non-traffic purposes — within the meaning assigned to it in Article 96(d) of the 1944 International Civil Aviation Convention; and

- (c) to make stops in the said territory at the points specified for that route in the Schedule to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on the airlines of one Contracting Party the privileges of taking up, in the territory of the other Contracting Party, passengers, cargo or mail, carried for remuneration or hire, destined for another point in the territory of the other Contracting Party.

3. Notwithstanding the provisions of paragraph 1 of this Article, each Contracting Party shall have the right to withhold or revoke the grant to the designated airline of the privileges specified therein or to impose such conditions as it may deem necessary on the exercise by those airlines of these privileges in any case where it is not satisfied that the substantial ownership and effective control of that airline are vested in the Contracting Party or in nationals of the Contracting Party designating the airline.

4. Each Contracting Party shall also have the right to suspend or to impose such conditions as it may deem necessary on the exercise by the designated airline of the privileges specified in paragraph 1 of this Article, in any case, where the airline fails to comply with the laws or regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement, provided that this right shall be exercised only after consultation with the other Contracting Party unless immediate suspension or imposition of necessary conditions is essential to prevent further infringement of the laws or regulations of the Party granting those privileges in which case such consultation may be dispensed with.

Article IV

EXEMPTION AND FAVOURABLE TREATMENT OF FUELS, SPARE PARTS AND AIRCRAFT EQUIPMENT FROM CUSTOMS DUTIES, INSPECTION FEES AND OTHER LOCAL DUTIES AND CHARGES

Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores, introduced into the territory of one Contracting Party, or taken on board an aircraft in that territory by or on behalf of the other Contracting Party or its designated airline or airlines intended solely for use by or in the aircraft of those airlines, shall be accorded the following treatment by the first Contracting Party

in respect of customs duties, inspection fees and other similar national or local duties and charges :

- (a) in the case of fuel and lubricating oils, remaining on board aircraft at the last airport of call before departure from the said territory, exemption; and
- (b) in the case of fuel and lubricating oils, not included under (a), and spare parts, regular aircraft equipment and aircraft stores, treatment not less favourable than that accorded to similar supplies introduced into the said territory or taken on board aircraft in that territory and intended for use by or in the aircraft of a national airline of the first Contracting Party, or of the most favoured foreign airline, engaged in international air services within the meaning of Article 96(b) of the 1944 International Civil Aviation Convention. This treatment shall be in addition to and without prejudice to that which each Contracting Party is under obligation to accord under Article 24 of the Chicago International Civil Aviation Convention of 1944.

Article V

FAIR AND EQUAL OPPORTUNITY TO OPERATE

1. There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

2. In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provides on the whole or part of the same routes.

3. The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating from or destined for the territory of the Contracting Party which has designated the airline. Provision for the carriage of passengers, cargo