

No. 33006

**NETHERLANDS
and
BAHRAIN**

**Air Services Agreement for services between and beyond
their respective territories (with annex). Signed at
Manama, Bahrain, on 11 July 1990**

Authentic text: English.

Registered by the Netherlands on 31 July 1996.

**PAYS-BAS
et
BAHREÏN**

**Accord relatif aux services aériens entre leurs territoires et
au-delà (avec annexe). Signé à Manama (Bahreïn) le
11 juillet 1990**

Texte authentique : anglais.

Enregistré par les Pays-Bas le 31 juillet 1996.

AIR SERVICES AGREEMENT¹ FOR SERVICES BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE STATE OF BAHREIN FOR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

The Government of the State of Bahrein and the Government of the Kingdom of the Netherlands,

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944,²

Desiring to contribute to the progress of international civil aviation,

Desiring to conclude an agreement for the purpose of establishing air services between and beyond their respective territories, have agreed as follows:

Article I

Definitions

For the purpose of this Agreement and its Annex, unless the context otherwise requires:

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 or the Convention under Articles 90 and 94 thereof, insofar as those Annexes and amendments have become effective for, or been ratified by both Contracting Parties;

b) the term “aeronautical authorities” means:

– for the Kingdom of the Netherlands the Minister of Transport and Public Works;
– for the State of Bahrain the Minister of Development and Industry;

or in either case any person or body authorized to perform any functions at present exercised by the said Minister;

c) the term “designated airline” means an airline which has been designated and authorized in accordance with Article 4 of this Agreement;

d) the term “territory” in relation to a State has the meaning assigned to it in Article 2 of the Convention;

e) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meaning respectively assigned to them in Article 96 of the Convention;

¹ Came into force on 21 April 1991 by notification, in accordance with article 29.

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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

f) the terms “agreed service” and “specified route” mean international air service pursuant to Article 2 of this Agreement and the route specified in the appropriate section of the Annex to this Agreement respectively;

g) the term “stores” means articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies;

h) the term “Agreement” means this Agreement, its Annex drawn up in application thereof, and any amendments to the Agreement or to the Annex;

i) the term “tariff” means any amount charged or to be charged by airlines, directly or through their agents, to any person or entity for the carriage of passengers (and their baggage) and cargo (excluding mail) in air transportation, including:

I. the conditions governing the availability and applicability of a tariff, and

II. the charges and conditions for any services ancillary to such carriage which are offered by airlines.

Article 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party except as otherwise specified in the Annex the following rights for the conduct of international air transportation by the designated airline of the other Contracting Party:

a) the right to fly across its territory without landing;

b) the right to make stops in its territory for non-traffic purposes; and

c) while operating an agreed service on a specified route, the right to make stops in its territory for the purpose of taking up and discharging international traffic in passengers, cargo and mail, separately or in combination.

2. Nothing in paragraph 1 of this Article shall be deemed to grant the right for one Contracting Party's airline to participate in air transportation between points in the territory of the other Contracting Party.

Article 3

Designation and Authorization

1. Each Contracting Party shall have the right by written notification through Diplomatic Channels to the other Contracting Party to designate an airline to operate air services on the routes specified in the Annex and to substitute another airline for an airline previously designated.

2. On receipt of such notification, each Contracting Party shall, without delay, grant to the airline so designated by the other Contracting Party the appropriate operating authorizations subject to the provisions of this Article.

3. Upon receipt of the operating authorization of paragraph 2 of this Article the designated airline may at any time begin to operate the agreed services, in part or in whole, provided that it complies with the provisions of this Agreement and that tariffs for such services have been established in accordance with the provisions of Article 5 of this Agreement.

4. Each Contracting Party shall have the right to refuse to grant the operating authorization referred to in paragraph 2 of this Article, or to grant this authorization under conditions that may be deemed necessary on the exercise by the designated airline of the rights specified in Article 2 of this Agreement, if it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating it or in its nationals or in both.

Article 4

Revocation and Suspension of Authorization

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorizations referred to in Article 3 with respect to an airline designated by the other Contracting Party, to revoke or suspend such authorizations or impose conditions:

a) in the event of failure by such airline to qualify before the aeronautical authorities of that Contracting Party under the laws and regulations normally and reasonably applied by these authorities in conformity with the Convention;

b) in the event of failure by such airline to comply with the laws and regulations of that Contracting Party;

c) in the event that they are not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals; and

d) in case the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

2. Unless immediate action is essential to prevent further infringement of the laws and regulations referred to above, the rights enumerated in paragraph 1 of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party. Unless otherwise agreed by the Contracting Parties, such consultations shall begin within a period of sixty (60) days from the date of receipt of the request.

Article 5

Tariffs

1. The tariffs to be charged by the designated airlines of the Contracting Parties for carriage between their territories shall be those approved by the aeronautical authorities of both Contracting Parties

and shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit and the tariffs of other airlines for any part of the specified route.

2. Tariffs referred to in paragraph 1 of this Article shall, whenever possible, be agreed by the designated airlines through the use of the procedures of the International Air Transport Association for the fixation of tariffs. When this is not possible the tariffs shall be agreed between the designated airlines. In any case the tariffs shall be subject to the approval of the aeronautical authorities of both Contracting Parties.

3. All tariffs so agreed shall be submitted for approval of the aeronautical authorities of both Contracting Parties at least sixty (60) days before the proposed date of their introduction, except where the said authorities agree to reduce this period in special cases.

4. Approval of tariffs may be given expressly; or, if neither of the aeronautical authorities has expressed disapproval within thirty (30) days from the date of submission, in accordance with paragraph 3 of this Article, the tariffs shall be considered as approved.

In the event of the period of submission being reduced, as provided for in paragraph 3, the aeronautical authorities may agree that the period within which any disapproval must be notified shall be reduced accordingly.

5. If a tariff cannot be agreed in accordance with paragraph 2 of this Article, or if, during the period applicable in accordance with paragraph 4 of this Article, one aeronautical authority gives the other aeronautical authority notice of its disapproval of any tariff agreed in accordance with the provisions of paragraph 2 of this Article, the aeronautical authorities of the two Contracting Parties shall, endeavour to determine the tariff by mutual agreement.

6. If the aeronautical authorities cannot agree on a tariff submitted to them under paragraph 3 of this Article, or on the determination of a tariff under paragraph 5 of this Article, the dispute shall be settled in accordance with the provisions of Article 15 of this Agreement.

7. Tariffs established in accordance with the provisions of this Article shall remain in force until new tariffs have been established.

8. The designated airlines of both Contracting Parties may not charge tariffs different from those which have been approved in conformity with the provisions of this Article.

Article 6

Commercial Activities

1. The designated airlines of both Contracting Parties shall be allowed:

a) to establish in the territory of the other Contracting Party offices for the promotion of air transportation and sale of air tickets as well as other facilities required for the provision of air transportation.

b) in the territory of the other Contracting Party to engage directly and, at that airline's discretion, through its agents in the sale of air transportation.