

No. 48001

**Netherlands
and
Antigua and Barbuda**

Air Transport Agreement between the Kingdom of the Netherlands, in respect of the Netherlands Antilles, and Antigua and Barbuda relating to air transport between Antigua and Barbuda and the Netherlands Antilles (with annexes). Saint John's, 24 November 2006

Entry into force: *1 March 2010 by notification, in accordance with article 20*

Authentic text: *English*

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**Pays-Bas
et
Antigua-et-Barbuda**

Accord entre le Royaume des Pays-Bas pour ce qui est des Antilles néerlandaises et Antigua-et-Barbuda relatif au transport aérien entre Antigua-et-Barbuda et les Antilles néerlandaises (avec annexes). Saint John's, 24 novembre 2006

Entrée en vigueur : *1^{er} mars 2010 par notification, conformément à l'article 20*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Air transport Agreement between the Kingdom of the Netherlands,
in respect of the Netherlands Antilles, and Antigua and Barbuda
relating to Air transport between Antigua and Barbuda and the
Netherlands Antilles**

The Kingdom of the Netherlands, in respect of the Netherlands
Antilles,

and

Antigua and Barbuda,

hereinafter referred to as “the Parties”;

Being Parties to the Convention on International Civil Aviation, opened
for signature at Chicago on December 7, 1944;

Desiring to contribute to the progress of regional and international
civil aviation;

Desiring to conclude an agreement for the purpose of establishing and
operating air services between and beyond their respective territories;

Have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement, unless otherwise stated, the term:

1. "Aeronautical authorities" means, in the case of Antigua and Barbuda, the Minister responsible for Civil Aviation and in the case of the Kingdom of the Netherlands, the Minister of Transport and Communications of the Netherlands Antilles, and any person or body authorized to perform any functions at present exercised by said authorities;

2. "Agreement" means this Agreement, its Annexes, and any amendments thereto;

3. "Air transportation" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, for remuneration or hire;

4. "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944, and includes;

a) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Parties, and

b) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties;

5. "Designated airline" means an airline designated and authorized in accordance with Article 4 of this Agreement;

6. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead;

7. "National" in the case of Antigua and Barbuda means nationals of Antigua and Barbuda and in the case of the Kingdom of the Netherlands, its nationals who are permanent residents of the Netherlands Antilles;

8. "Price" means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;

9. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo and/or mail in air transportation;

10. "Territory" means the territory as defined in Article 2 of the Convention;

11. "User charge" means a charge imposed on airlines for the provision of airport, air navigation, or aviation security facilities or services including related services and facilities;

12. "Stop-over" means a deliberate, intentional and scheduled interruption of a journey by a passenger, exceeding twenty-four (24) hours but not more than seven (7) days forming part of a continuous journey at a point or points between the place of departure and the place of destination.

Article 2

Grant of Rights

1. Each Party grants to the other Party the following rights for the conduct of air transportation by the designated airlines of the other 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) the rights otherwise specified in this Agreement.

2. Nothing in this Article shall be deemed to confer on the airline or airlines of one Party the right to take on board in the territory of the other Party, passengers, their baggage, cargo, or mail carried for compensation and destined for another point in the territory of that other Party.

Article 3

Change of Aircraft

1. Each designated airline may on any or all flights on the agreed services and at its option, change aircraft in the territory of the other Party or at any point along the specified routes, provided that:

- a) aircraft used beyond the point of change of aircraft shall be scheduled in coincidence with the inbound or outbound aircraft, as the case may be;

- b) in the case of change of aircraft in the territory of the other Party and when more than one aircraft is operated beyond the point of change, not more than one such aircraft may be of equal size and none may be larger than the aircraft used on the third and fourth freedom sector.

2. For the purpose of change of aircraft operations, a designated airline may use its own equipment and, subject to national regulations, leased equipment, and may operate under commercial arrangements with another airline.

3. A designated airline may use different or identical flight numbers for the sectors of its change of aircraft operations.

Article 4

Designation and Authorization

1. The Governments of Antigua and Barbuda and the Netherlands Antilles shall have the right to designate one or more airlines to conduct air transportation between and beyond their territories in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the other Party in writing through diplomatic channels.

2. On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorizations and technical permissions, the other Party shall grant appropriate authorizations and permissions within thirty (30) days, provided:

a) substantial ownership and effective control of that airline are vested in the Government designating the airline, or nationals of the Party, or both;

b) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air transportation by the Party considering the application or applications; and

c) the Government designating the airline is maintaining and administering the standards set forth in Article 7 (Safety) and Article 8 (Aviation Security).

3. The right of each Party to designate an airline or airlines shall include designation in accordance with the Principle of Community of Interest as established by the International Civil Aviation Organization (ICAO). On receipt of such designation and application from the designated airline in the form and manner prescribed for operating authorization the Aeronautical authorities shall, without undue delay, grant the appropriate authorization provided the designated airline complies with the provisions of paragraph 2b of the present Article.

Once the designation is received, the responsibility for compliance with Articles 7 (Safety) and 8 (Aviation Security) of the Agreement remains with the Party issuing the air operator's certificate to the designated airline.

Article 5

Revocation of Authorization

1. Either Party may revoke, suspend or limit the operating authorizations or technical permissions of an airline designated by the other Party where:

a) substantial ownership and effective control of that airline are not vested in the other designating Government, the Party's nationals, or both, or in the case of authorization granted under Article 4, paragraph 3, where the airline no longer meets the requirements of the Community of Interest Principle as outlined in that Article;

b) that airline has failed to comply with the laws and regulations referred to in Article 6 (Application of Laws) of this Agreement; or

c) the other Party is not maintaining and administering the standards as set forth in Article 7 (Safety).