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**Netherlands (for the European part of the Netherlands)
and
Rwanda**

Air Services Agreement between the Kingdom of the Netherlands and the Republic of Rwanda (with annex). Kigali, 6 February 2013

Entry into force: *1 December 2015, in accordance with article 24*

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**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Rwanda**

Accord relatif aux services aériens entre le Royaume des Pays-Bas et la République du Rwanda (avec annexe). Kigali, 6 février 2013

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**Air Services Agreement between the Kingdom of the Netherlands
and the Republic of Rwanda**

Preamble

The Kingdom of the Netherlands

and

the Republic of Rwanda, hereinafter referred to as the “Contracting Parties”,

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

Desiring to contribute to the progress of international aviation;

Desiring to guarantee the highest level of safety and security in international air transport;

Desiring to conclude an Agreement for the purpose of establishing air services between their Territories and beyond, supplementary to the Convention;

Have agreed as follows:

CHAPTER I

INTRODUCTION

Article 1

Definitions

For the purpose of this Agreement:

a) the term “Aeronautical Authorities” means: for the Kingdom of the Netherlands, the Minister of Infrastructure and the Environment, and for the Republic of Rwanda: the Minister responsible for aviation, or in either case any person or body authorized to perform any functions at present exercised by the said Authorities;

b) the terms “Agreed Service” and “Specified Route” mean: international Air Service pursuant to this Agreement and the route specified in the Annex to this Agreement respectively;

c) the term “Agreement” means: this Agreement, its Annex drawn up in application thereof, as well as any amendment to the Agreement or the Annex;

d) the terms “Air Service”, “International Air Service” and “Airline” shall have the meaning respectively assigned to them in Article 96 of the Convention;

e) the term “Change of Aircraft” means: the operation of one of the Agreed Services by a Designated Airline in such a way that one or more sectors of the Specified Route are flown by different aircraft;

f) the term “the Convention” means: the Convention on International Civil Aviation, opened for signature at Chicago on 7 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;

g) the term “Designated Airline” means: the Airline which has been designated and authorized in accordance with Article 3 of this Agreement (Designation and Authorization);

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

i) the term “Price” means: any amount, excluding governmental levies, charged or to be charged by the Airline, 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 Price; and

(II) the charges and conditions for any services ancillary to such carriage which are offered by the Airline;

j) the term “Territory” in relation to either Contracting Party shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of the Contracting Party;

k) the term “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;

l) the term “Capacity” means: the combination of frequency per week and (the configuration of) the type of aircraft used on the route offered to the public by the Designated Airline;

m) the term “EU Member State” means: a State that is now or in the future a Contracting Party to the Treaty on the European Union and the Treaty on the functioning of the European Union.

CHAPTER II

OBJECTIVES

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(s) 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-commercial traffic purposes; and
- c) while operating an Agreed Service on a Specified Route, the right to make stops in its Territory for the purposes of taking up and discharging international traffic in passengers, baggage, 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(s) to participate in air transportation between points in the Territory of the other Contracting Party (cabotage).

Article 3

Designation and Authorization

1. Either Contracting Party shall have the right to designate, by written notification through diplomatic channels to the other Contracting Party, two Airlines for passenger/combined services and two Airlines for

all cargo services to operate International Air Services on the Specified Routes in the Annex and to substitute another Airline for an Airline previously designated.

2. On receipt of such a notification, each Contracting Party shall, without delay, grant to the Airline(s) so designated by the other Contracting Party the appropriate operating authorizations subject to the provisions of this Article, unless it is not satisfied that:

(i) in the case of the Airline(s) designated by the Kingdom of the Netherlands:

1. it is established in the Territory of the Kingdom of the Netherlands under the European Union Treaties and has a valid operating licence in accordance with European Union law; or

2. effective regulatory control of the Airline is exercised and maintained by the EU Member State responsible for issuing its Air Operator's Certificate and the relevant Aeronautical Authority is clearly identified in the designation; or

3. the Airline is owned, directly or through majority ownership, and it is effectively controlled by Member States of the European Union or the European Free Trade Association and/or by nationals of such States;

(ii) in the case of the Airline(s) designated by the Republic of Rwanda:

1. it is established in the Territory of the Republic of Rwanda and has a valid operating licence in accordance with applicable law of the Republic of Rwanda; or

2. effective regulatory control of the Airline is exercised and maintained by the Republic of Rwanda; or

3. the Airline is owned, directly or through majority ownership, and it is effectively controlled by the Republic of Rwanda and/or by nationals of the Republic of Rwanda;

and that:

(iii) the Government designating the Airline(s) is maintaining and administering the standards set forth in Article 15 (Safety) and Article 16 (Aviation Security) of this Agreement; and

(iv) the Designated Airline(s) is/are qualified to meet the conditions prescribed under the laws and regulations normally applied to the operations of international air transportation by the Contracting Party considering the application or applications.

3. Upon receipt of the operating authorization of paragraph 2 of this Article, a 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.