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

Air Services Agreement between the Kingdom of the Netherlands and the Republic of Mauritius (with annexes). Port Louis, 28 May 2014

Entry into force: *1 December 2015, in accordance with article 25*

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

Accord relatif aux services aériens entre le Royaume des Pays-Bas et la République de Maurice (avec annexes). Port-Louis, 28 mai 2014

Entrée en vigueur : *1^{er} décembre 2015, conformément à l'article 25*

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

Preamble

The Kingdom of the Netherlands

and

the Republic of Mauritius,

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 conclude a new Agreement for the purpose of replacing
the Air Services Agreement between the Kingdom of the Netherlands
and the Republic of Mauritius of 15 November 1973, signed at Port
Louis;

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 of the Netherlands; for the Republic of Mauritius: the national Minister to whom the responsibility for civil aviation is assigned, 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 Annexes drawn up in application thereof, as well as any amendment to the Agreement or the Annexes;

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 “Capacity” means: the combination of (a) frequency per week, (b) the configuration and (c) the type of aircraft used on the route offered to the public by the Designated Airline(s);

f) 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;

g) 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;

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

i) the term “Intermodal Air Transportation” means: the public carriage by aircraft and by one or more surface modes of transport of passengers, baggage, cargo and mail, separately or in combination, for remuneration or hire;

j) the term “Nationals”, in the case of the Netherlands, shall be understood as referring to Nationals of European Union Member States;

k) 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;

l) 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.

CHAPTER II

OBJECTIVES

Article 2

Grant of rights

1. Each Contracting Party grants to the other Contracting Party except as otherwise specified in Annex 2 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 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 to one Contracting Party’s Airline to participate in air transportation between points in the Territory of the other Contracting Party (cabotage).

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 one Airline for passenger/combination services and one (the same or an other) Airline for all-cargo services to operate International Air Services on the routes specified in Annex 2 and to substitute an other 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:

a) in the case of the Airline designated by the Kingdom of the Netherlands:

- (i) it is established in the Territory of the Kingdom of the Netherlands under the Treaty on the European Union and the Treaty on the functioning of the European Union and has a valid Operating Licence in accordance with European Union law; and
- (ii) effective regulatory control of the Airline is exercised and maintained by the European Union Member State responsible for issuing its Air Operator Certificate and the relevant Aeronautical Authority is clearly identified in the designation, and
- (iii) the Airline is owned directly or through majority ownership, and it is effectively controlled by (a) European Union Member State(s) and/or Nationals of European Union Member State(s), and/or by (an) other State(s) listed in Annex 1 and/or Nationals of such other State (s).

b) in the case of the Airline designated by the Republic of Mauritius:

- (i) it is established in the Territory of the Republic of Mauritius and has a valid Operating Licence in accordance with applicable law of the Republic of Mauritius; and
- (ii) effective regulatory control of the Airline is exercised and maintained by the Republic of Mauritius; and
- (iii) the Airline is owned directly or through majority ownership, and it is effectively controlled by the Republic of Mauritius and/or Nationals of the Republic of Mauritius, and that:

c) the Government designating the Airline is maintaining and administering the standards set forth in Article 16 (Safety) and Article 17 (Aviation Security).

d) the Designated Airline is 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 the Designated Airline(s) 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.

Article 4

Revocation and Suspension of Authorization

1. Each Contracting Party shall have the right to withhold, revoke, suspend or limit the operating authorizations of the Designated Airline by the other Contracting Party where:

a) in the case of the Airline designated by the Kingdom of the Netherlands: