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**Spain
and
Hong Kong Special Administrative Region (under authorization
by the Government of the People's Republic of China)**

Air Services Agreement between the Kingdom of Spain and the Hong Kong Special Administrative Region of the People's Republic of China (with annex). Madrid, 9 May 2017

Entry into force: *9 September 2018, in accordance with article 21*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Spain, 9 September 2018*

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**Espagne
et
Région administrative spéciale de Hong Kong (par autorisation
du Gouvernement de la République populaire de Chine)**

Accord entre le Royaume d'Espagne et la Région administrative spéciale de Hong-Kong de la République populaire de Chine relatif aux services aériens (avec annexe). Madrid, 9 mai 2017

Entrée en vigueur : *9 septembre 2018, conformément à l'article 21*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Espagne, 9 septembre 2018*

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**AIR SERVICES AGREEMENT BETWEEN THE KINGDOM OF SPAIN AND THE
HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S
REPUBLIC OF CHINA**

The Government of the Hong Kong Special Administrative Region of the People's Republic of China ("the Hong Kong Special Administrative Region") having been duly authorised by the Central People's Government of the People's Republic of China and the Kingdom of Spain (hereinafter referred to as the "Contracting Parties"),

Desiring to promote an international aviation system which offers fair and equal opportunities to their respective airlines for the operation of the services which allows them to compete in accordance with the laws and regulations of each Contracting Party,

Desiring to facilitate the expansion of international air transport opportunities,

Desiring to conclude an Agreement for the purpose of providing the framework for air services between the Kingdom of Spain and the Hong Kong Special Administrative Region,

Desiring to ensure the highest degree of safety and security in international air transport and reaffirming their grave concerns about acts or threats against the security of aircraft, which jeopardize the safety of persons or property,

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement, unless otherwise stated:

- a) the term **"aeronautical authorities"** means in the case of the Kingdom of Spain, the Ministry of Fomento (General Directorate of Civil Aviation), and in the case of the Hong Kong Special Administrative Region, the Director-General of Civil Aviation, or, in both cases, any person or body authorised to perform any functions at present exercisable by the above-mentioned authorities or similar functions;
- b) the term **"designated airline"** means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;
- c) the term **"area"** in relation to the Kingdom of Spain has the meaning assigned to **"territory"** in Article 2 of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and in relation to the Hong Kong Special Administrative Region includes Hong Kong Island, Kowloon and the New Territories;
- d) the terms **"air service"**, **"international air service"**, **"airline"** and **"stop for non-traffic purposes"** have the meanings respectively assigned to them in Article 96 of the said Convention;
- e) the term **"this Agreement"** includes the Annex hereto and any amendments to it or to this Agreement;
- f) the term **"specified routes"** means the routes specified in the appropriate section of the Annex to this Agreement;
- g) the term **"agreed services"** means the international air services operating on the routes specified in the appropriate section of the Annex to this Agreement;
- h) the term **"tariff"** means any fare, rate or charge for the carriage of passengers, 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;
- i) the term **"capacity"** means, in relation to an aircraft, the number of seats and/or cargo tonnage of that aircraft and, in relation to the agreed services, the capacity of the aircraft used on the said services, multiplied by the number of frequencies operated by the said aircraft over a given period on one route or on one sector of a route; and

- j) the term “**user charge**” in relation to the Kingdom of Spain means a public levy or any other charge collected for the benefit of the airport managing body and paid by the airport users for the use of facilities and services, which are exclusively provided by the airport managing body and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight, and in relation to the Hong Kong Special Administrative Region means a charge made to airlines by the competent authorities or permitted by them to be made for the provision of airport property or facilities or of air navigation facilities, or aviation security facilities or services, including related services and facilities, for aircraft, their crews, passengers and cargo.

ARTICLE 2

Provisions of the Chicago Convention Applicable to International Air Services

In implementing this Agreement, the Contracting Parties shall act in conformity with the provisions of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including the Annexes and any amendments to the Convention or to its Annexes which apply to both Contracting Parties, insofar as these provisions are applicable to international air services (hereinafter referred to as "the Convention").