

No. 3230

**SPAIN
and
PERU**

**Agreement (with annex) for air services between and
beyond their respective territories. Signed at Lima,
on 31 March 1954**

Official text: Spanish.

Registered by the International Civil Aviation Organization on 11 April 1956.

**ESPAGNE
et
PÉROU**

**Accord (avec annexe) relatif aux services aériens entre
leurs territoires respectifs et au-delà. Signé à Lima,
le 31 mars 1954**

Texte officiel espagnol.

Enregistré par l'Organisation de l'aviation civile internationale le 11 avril 1956.

[TRANSLATION — TRADUCTION]

No. 3230. AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE REPUBLIC OF PERU FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT LIMA, ON 31 MARCH 1954

The Government of Spain and the Government of the Republic of Peru, desiring to facilitate civil air transport as a means of strengthening, through rapid communications, the bonds of friendship and brotherly relations between the Spanish and Peruvian peoples, have decided to conclude the present Agreement and have for this purpose appointed as their plenipotentiaries :

The Government of Spain : His Excellency Mr. Tomás Suñer Ferrer, Ambassador of Spain to Peru, and

The Government of Peru : Dr. Ricardo Rivera Schreiber, Minister of State for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I

Each Contracting Party grants to the other the rights specified in the Annex² to this Agreement for the purpose of establishing the air services described therein and hereinafter referred to as the "agreed services".

Article II

The operation of air services between their respective territories is a fundamental and basic right of the two Contracting Parties.

Article III

For the purposes of this Agreement and its Annex, except where the text provides otherwise :

(a) The term "aeronautical authorities" shall mean, in the case of Spain, the Dirección General de Aviación Civil del Ministerio del Aire, or any other person or body authorized to perform the functions at present exercised by the said

¹ Came into force provisionally on 31 March 1954, upon signature, and definitively on 22 December 1955, upon ratification, in accordance with article XVII.

² See p. 86 of this volume.

Dirección General, and, in the case of the Republic of Peru, the Ministerio de Aeronáutica or any other person or body authorized to perform the functions at present exercised by the said Ministerio.

(b) The term "designated airline" shall mean the airline or airlines which the aeronautical authorities of each Contracting Party have designated, after giving notice thereof in writing to the aeronautical authorities of the other Contracting Party, in accordance with article IV of this Agreement, to operate the routes specified in such notice.

(c) The term "territory" shall have the meaning given to it by article II of the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.¹

(d) The definitions contained in paragraphs (a), (b), and (d) of article 96 of the aforementioned Convention shall apply.

Article IV

1. The agreed services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted, on condition that :

(a) The Contracting Party to whom the rights are granted has designated an airline for the route or routes specified ; and that

(b) The Contracting Party granting the rights has given the appropriate operating permission to the designated airline, which it shall do without delay, subject to paragraph 2 of this article and to article XI.

2. Each airline may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it is qualified to fulfil the conditions prescribed under the laws, regulations and other provisions governing the operation of commercial air services in force in the country granting the rights.

3. Each Contracting Party shall have the right, after previously informing the other Contracting Party, to replace the airline designated to operate the agreed services by another airline and to designate additional airlines. The newly-designated airline shall have the same rights and duties as its predecessors.

Article V

1. The charges which either Contracting Party may impose or permit to be imposed on the airline designated by the other Contracting Party for the use

¹ See footnote 3, p. 11 of this volume.

of airports and other installations shall not be higher than would be paid for the use of such airports and installations by its national airlines or the airline of the most favoured nation, operating international services.

2. Aircraft of the airline designated by one Contracting Party and fuel, lubricating oils, spare parts, regular equipment and aircraft stores carried on board such aircraft on their arrival in the territory of the other Contracting Party and retained on board on departure, shall be exempt, in that territory, from customs duties, inspection fees and similar national or local duties or charges.

3. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores not included under paragraph 2, introduced into the territory of one Contracting Party or taken on board in that territory by or on behalf of the airline designated by the other Party and intended solely for use by the aircraft of that airline, shall enjoy the following treatment with regard to customs duties and other charges :

(a) Fuel and lubricating oils taken on board the aircraft in that territory and retained on board at the last airport at which the aircraft land before leaving that territory : exemption from export duty ;

(b) Spare parts and regular aircraft equipment introduced into that territory : the same treatment as that applied to national airlines and the airlines of the most favoured nation ;

(c) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores not included under paragraphs (a) and (b) : treatment not less favourable than that granted to similar articles taken on board in or introduced into the said territory and intended for use by aircraft of a national airline or of the most favoured foreign airline operating international air services.

Article VI

Certificates of airworthiness, certificates of competency and licences issued or accepted by one Contracting Party and still valid shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party or by any other State.

Article VII

Each designated airline may maintain its own technical and administrative staffs in the territory of the other Contracting Party. Without prejudice to the