

No. 4460

**UNITED STATES OF AMERICA
and
IRAN**

**Air Transport Agreement (with schedule). Signed at
Tehran, on 16 January 1957**

Official texts: English and Persian.

Registered by the United States of America on 1 August 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
IRAN**

**Accord de transports aériens (avec tableau). Signé à
Téhéran, le 16 janvier 1957**

Textes officiels anglais et persan.

Enregistré par les États-Unis d'Amérique le 1^{er} août 1958.

No. 4460. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL GOVERNMENT OF IRAN. SIGNED AT TEHRAN, ON 16 JANUARY 1957

The Imperial Government of Iran and the Government of the United States of America

Being equally desirous to conclude an Agreement for the purpose of establishing and operating commercial air services between their respective territories have accordingly appointed their plenipotentiaries for this purpose as follows :

The Government of the United States of America :

The Honorable Selden Chapin, Ambassador of the United States of America,

The Imperial Government of Iran :

His Excellency Dr. Ali-Gholi Ardalan, Minister of Foreign Affairs,

Who having exhibited and exchanged their full powers and found them to be in due form have agreed upon the following articles :

Article 1

For the purposes of the present Agreement :

(A) The term "aeronautical authorities" shall mean in the case of the United States of America, the Civil Aeronautics Board and any person or agency authorized to perform the functions exercised at the present time by the Civil Aeronautics Board and, in the case of Iran, the Department of Civil Aviation and any person or agency authorized to perform the functions exercised at present by the said Department of Civil Aviation.

(B) The term "designated airline" shall mean an airline that one contracting party has notified the other contracting party, in writing, to be the airline which will operate a specific route or routes listed in the Schedule² of this Agreement.

(C) The term "territory" in relation to a State shall mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate or trusteeship of that State.

¹ Came into force on 17 April 1958, the date of receipt by the Government of the United States of America of a notification by the Government of Iran of its ratification of the Agreement, in accordance with article 20.

² See p. 176 of this volume.

(D) The term “ air service ” shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(E) The term “ international air service ” shall mean an air service which passes through the air space over the territory of more than one State.

(F) The term “ stop for non-traffic purposes ” shall mean a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Article 2

(A) Each contracting party grants to the other contracting party rights necessary for the conduct of air services by the designated airlines, as follows : the rights of transit, of stops for non-traffic purposes, and of commercial entry and departure for international traffic in passengers, cargo, and mail at the points in its territory named on each of the routes specified in the appropriate paragraph of the Schedule annexed to the present Agreement.

(B) It is further provided that in areas of hostilities or military occupation, or areas affected thereby, the operation of such services shall be subject to the approval of the competent military authorities.

Article 3

Air service on a specified route may be inaugurated by an airline or airlines of one contracting party at any time after that contracting party has designated such airline or airlines for that route and the other contracting party has given the appropriate operating permission. Such other party shall, subject to Article 4, be bound to give this permission without undue delay provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that party, under the laws and regulations normally applied by these authorities, before being permitted to engage in the operations contemplated by this Agreement.

Article 4

Each contracting party reserves the right to withhold or to revoke the operating permission provided for in Article 3 of this Agreement from an airline designated by the other contracting party, or to impose such conditions as it may deem necessary on the exercise of an airline or airlines of those rights, in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other contracting party, or in case of

failure by such airline to comply with the laws and regulations referred to in Article 5 hereof, or in case of the failure of the airline or the Government designating it otherwise to perform its obligations hereunder, or to fulfil the conditions under which the rights are granted in accordance with this Agreement, provided that conditions shall not be imposed without prior consultation with the other party.

Article 5

(A) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from, and while within the territory of the first contracting party.

(B) The laws and regulations of one contracting party relating to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, and while within the territory of the first contracting party.

Article 6

Nothing in the provisions of the present Agreement shall be construed or regarded as conferring sole and exclusive rights on the other contracting party or its airlines or as excluding or discriminating against the airlines of any other country.

Article 7

Nothing in the provisions of the present Agreement shall be construed or regarded as conferring on the airlines designated by one of the contracting parties the right to take up, in the territory of the other contracting party, passengers cargo or mail carried for hire or reward and destined for another point in the same territory.

Article 8

There shall be fair and equal opportunity for the designated airline or airlines of both contracting parties to operate the agreed services on the specified routes between their respective territories.

Article 9

In the operation by the airlines of either contracting party of the trunk services described in this Agreement, the interest of the airlines of the other

contracting party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

Article 10

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party, and still in force, shall be recognized as valid by the other contracting party for the purpose of operating the routes and services provided for in this Agreement, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation.¹ Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 11

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that :

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils, consumable technical supplies, spare parts, regular equipment, and stores introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such contracting party shall be exempt on a basis of reciprocity from customs duties, inspection fees and other national duties or charges.

(c) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores retained on board aircraft of the airlines of one contracting party authorized to operate the routes and services provided for in this Agreement shall, upon arriving in or leaving the territory of the other contracting party, be exempt on a basis of reciprocity from customs duties, inspection fees and other national duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

(d) Fuel, lubricating oils, other consumable technical supplies, spare parts, regular equipment, and stores taken on board aircraft of the airlines of one contracting party in the territory of the other and used in international services

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362, and Vol. 252, p. 410.