

No. 55

NETHERLANDS AND SPAIN

**Convention regarding certain air services (with annexes).
Signed at Madrid, on 13 July 1946**

Came into force on 13 July 1946 by signature.

French official text communicated by the Minister for Foreign Affairs of the Netherlands. The registration took place on 12 June 1947.

PAYS-BAS ET ESPAGNE

**Convention relative à certains services aériens (avec
annexes). Signée à Madrid, le 13 juillet 1946**

Entrée en vigueur le 13 juillet 1946 par signature.

Texte officiel français communiqué par le ministre des Affaires étrangères des Pays-Bas. L'enregistrement a eu lieu le 12 juin 1947.

TRANSLATION. — TRADUCTION

No. 55. CONVENTION BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE NETHERLANDS REGARDING CERTAIN AIR SERVICES. SIGNED AT MADRID, ON 13 JULY 1946

The Government of Spain and the Government of the Netherlands, desiring to encourage civil air transport between Spain and the Netherlands, and having in mind the resolution recommending a standard form of agreement on provisional air routes, adopted by the International Civil Aviation Conference in Chicago, Illinois, United States of America, on 7 December 1944, conclude the following Convention on the use of regular air transport services between their respective countries.

Article I.

The Contracting Parties grant each other the rights specified in the Annexes hereto necessary for establishing the international civil air routes and services described in Annex "A", whether such services be inaugurated immediately or at a later date, at the option of the Contracting Party to whom the rights are granted.

Article II.

Each of the air services mentioned in Annex "A" may be put into operation as soon as the Contracting Party entitled by virtue of Article I to designate an airline or airlines for the route concerned has authorized an airline for such route. The Contracting Party granting the right shall, subject to the provisions of Article VII hereof, be bound to give the appropriate operating permission to the airline or airlines concerned.

Article III.

Operating rights which may have been granted previously by either of the Contracting Parties to any state not a party to this Convention or to an airline, shall continue in force according to their terms.

Article IV.

In order to prevent all discriminatory practices and to assure equality of treatment, it is agreed that:

(a) Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of airports, and other facilities. 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 and lubricating oils taken on board the aircraft of a Contracting Party, and spare parts, motors, equipment and general supplies introduced into the territory of one Contracting Party, or taken on board an aircraft on that territory, by the other Contracting Party or its nationals, and intended solely for use by aircraft of such other Contracting Party, shall be accorded national treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party whose territory is entered.

(c) Aircraft operated on the agreed services, and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of either of the Contracting Parties authorized to operate the routes and services specified in Annex "A", shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

(d) Goods so exempted may not be unloaded save with the approval of the customs authorities of the other Contracting Party. These goods shall be re-exported and kept under customs supervision until re-exportation.

Article V.

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services specified in Annex "A". 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 VI.

(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 other Contracting Party, without distinction as to nationality and shall be complied with by such aircraft upon entering or departing from or while within the territory of that party.

(b) Passengers, crews and consignors of goods shall be bound, either in person or through third parties acting on their behalf and in their name, to comply with the laws and regulations in force in the territory of each Contracting Party as to admission to, stay in, and departure from its territory, of passengers, crew or cargo, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine.

Article VII.

Each Contracting Party reserves the right to withhold a certificate or permit from an airline of another State, or to revoke such certificate or permit, whenever it has no proof that substantial ownership and effective control of such airline are vested in nationals of a party to this Convention or whenever an airlines fails to comply with the laws of the State over which it operates, as described in Article VI above, or to perform its obligations under this Convention.

Article VIII.

Each Contracting Party shall be able freely to replace its concession-holding airlines by others, after previously informing the other Contracting Party of such changes. The newly designated airline shall have all the rights and duties of its predecessor. On no account shall such substitution involve the responsibility of the State authorizing the concession.

Article IX.

The aeronautical authorities of the two Contracting Parties shall keep each other informed of offences committed on their respective territories by employees of the concession-holding airlines. Should it be ascertained that misconduct of a serious character has taken place, the competent aeronautical authority shall have the right to request the dismissal of the official responsible. Any recurrence of such offence shall give rise to a right to request the revocation of the concession granted to the airline in question.

Article X.

This Convention and all other contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization (P.I.C.A.O.)

Article XI.

The aeronautical authorities of the two Contracting Parties shall co-operate in settling any question relating to the execution of this Convention and its Annexes.

Article XII.

Should either of the Contracting Parties wish to modify the routes or conditions set forth in the Annexes to this Convention, it may request consultation between the competent aeronautical authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When the aforementioned authorities mutually agree on new or revised conditions affecting the attached Annexes, their recommendations on the matter will come into effect after confirmation by an exchange of diplomatic notes.

Article XIII.

This Convention shall continue in force until such time as it may be amended, or superseded by a general multilateral air convention, provided, however, that the right for services granted under this Convention may be terminated by one year's notice given by one Contracting Party to the other. Such notice may be given at any time after a period of two months to allow for consultation between the Contracting Parties.

Article XIV.

Any dispute between the Contracting Parties relating to the interpretation or application of this Convention or its Annexes, shall be referred for decision to the Interim Council in accordance with the provisions of Article III, Section 6 (8) of the Interim Agreement on International Civil Aviation, signed at Chicago on 7 December 1944, unless the Contracting Parties agree to settle the dispute by reference to an arbitral tribunal appointed by agreement between the Contracting Parties, or to some other person or body. The Contracting Parties undertake to comply with the decision given.

Article XV.

This Convention shall come into force on the day of its signature.

Madrid, 13 July 1946.

Alberto MARTIN ARTAGO

Spanish Minister of Foreign Affairs

P. E. TEPPEMA

Netherlands Minister in Spain

ANNEX "A"

*to the Convention between the Government of Spain
and the Government of the Netherlands regarding certain air services.*

I.

Netherlands air lines authorized under the present Convention are accorded rights of transit and non-traffic stops in Spanish territory. The right to pick up and discharge international traffic in passengers, cargo and mail at Madrid and Barcelona is granted on the following routes:

Netherlands - Madrid and Madrid - Netherlands, via intermediate points or directly, and to points beyond in either direction.

Netherlands - Geneva - Barcelona - Madrid and Madrid - Barcelona - Geneva - Netherlands, via intermediate points or directly, and to points beyond in either direction.

II.

Spanish air lines authorized under the present Convention are accorded rights of transit and non-traffic stops in Netherlands territory. The right to pick up and discharge international traffic in passengers, cargo and mail is granted on the following routes:

Spain - Amsterdam and Amsterdam - Spain, via intermediate points or directly, and to points beyond in either direction.

ANNEX "B"

*to the Convention between the Government of Spain
and the Government of the Netherlands regarding certain air services.*

1. At least one week before the respective concessions begin to be exploited effectively, the aeronautical authorities of the two Contracting Parties shall notify each other of the time tables, charges, flight frequencies, and types of aircraft used by their airlines. They shall likewise notify each other of any changes in these arrangements.

2. The postal authorities of the two Contracting Parties shall co-operate in making arrangements for airmail facilities within the framework of the existing international conventions in that field.

3. Subject to authorization by the competent national aeronautical authority, each concession-holding airline may maintain its own technical and administrative staffs at the air-ports of the other Contracting Party. It is understood that such authorization shall cover the minimum staffs necessary for the airline's normal operation.

4. So long as visas are required for the admission of foreigners to the two countries, the crews entered in the manifests of aircraft of the two countries maintaining the air communications shall be exempt from visa requirements. They shall hold valid passports in their own names, and service credentials.

Should any member of a crew be obliged by circumstances to remain behind, the airline by which he is employed shall take steps to enable him to return to the country where it has its head office.

I

Madrid, 13 July 1946

Sir,

The provisions of the Convention signed today between the Government of Spain and the Government of the Netherlands regarding certain air services will be subject to the following modifications:

It is understood that the provision in Annex "A", Article I, paragraph 1 relating to the right to pick up and discharge international traffic in passengers, cargo and mail shall not, as regards the routes referred to in paragraphs 2 and 3 of the said article, apply on any flight between Spain and Portugal.

The airline designated by the Netherlands Government shall, however, have the right to pick up and discharge such international traffic on the route Madrid-Lisbon for so long as there is no Portuguese airline, designated by the Government of Portugal, in operation between Spain and Portugal.

I should be greatly obliged if you would confirm to me that the Netherlands Government is in agreement with the above.

I have the honour to be, etc.

(Signed) A. MARTIN ARTAJO

His Excellency Mr. P. E. Teppema
Netherlands Minister at Madrid

II.

Madrid, 13 July 1946

Sir,

I have the honour to acknowledge receipt of Your Excellency's note of today's date informing me as follows:

(Here follows the text of Note No. I.)

I have the honour to inform Your Excellency that Her Majesty's Government is in agreement with the above.

I have the honour to be, etc.

(Signed) P. E. TEPPERMA

His Excellency Mr. A. Martin Artajo
Minister of Foreign Affairs
Madrid
