

No. 561

**DENMARK
and
IRELAND**

**Exchange of notes constituting an agreement relating to
air transport. Dublin, 18 November 1947**

*English official text communicated by the Secretary-General of the International
Civil Aviation Organization. The registration took place on 7 September
1949.*

**DANEMARK
et
IRLANDE**

**Echange de notes constituant un accord relatif aux transports
aériens. Dublin, 18 novembre 1947**

*Texte officiel anglais communiqué par le Secrétaire général de l'Organisation
de l'aviation civile internationale. L'enregistrement a eu lieu le 7 septembre
1949.*

No. 561. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ RELATING TO AIR TRANSPORT BETWEEN THE GOVERNMENTS OF DENMARK AND IRELAND. DUBLIN, 18 NOVEMBER 1947

I

The Royal Danish Consul General to the Secretary of the Department of External Affairs

ROYAL DANISH CONSULATE GENERAL

Dublin, the 18th November, 1947

Sir,

With reference to the Air Transport Agreement between Denmark and Ireland provisionally concluded in Dublin in October 1946, I have the honour to bring to your knowledge that on account of the entering into force of the Convention on International Civil Aviation, signed at Chicago on the 7th December, 1944,² which Convention has been ratified by Ireland as well as Denmark, my Government proposes that Articles 7, 9 and 11 of the text of that Agreement be amended accordingly.

The text of the agreement, as so amended, reads as follows:

AIR TRANSPORT AGREEMENT BETWEEN DENMARK AND IRELAND

Article 1

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of the establishment of the air services herein described (hereinafter referred to as the "agreed services"). 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.

¹ Came into force on 18 November 1947, by the exchange of the said notes.

² United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402, and Volume 33, page 352.

Article 2

(1) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline or airlines for the specified route or routes and the contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article and of Article 6, be bound to grant without delay the appropriate operating permission to the airline(s) concerned.

(2) The airline(s) designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights that it (they) is (are) qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

Article 3

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated airline(s) of the other contracting party for the use of airports and other facilities 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.

(2) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one contracting party by, or on behalf of, the other contracting party or its designated airline(s) and intended solely for use by the aircraft of the other contracting party shall be accorded, with respect to customs duties, inspection fees or other charges imposed by the former contracting party, treatment not less favourable than that granted to national airline(s) engaged in international air transport or the airline(s) of the most favoured nation.

(3) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline(s) of one contracting party shall be exempt in the territory of the other contracting party from customs duties, inspection fees or

similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party and still in force shall be recognised 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 another State.

Article 5

(1) The laws and regulations of one contracting party relating to entry into 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 apply to aircraft of the designated airline(s) of the other contracting party.

(2) The laws and regulations of one contracting party relating to entry into 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 applicable to the passengers, crew or cargo of the aircraft of the designated airline(s) of the other contracting party while in the territory of the first contracting party.

Article 6

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that substantial ownership and effective control of the designated airline(s) of the other contracting party are vested in nationals of either contracting party, or in case of failure by the designated airline(s) to comply with its laws and regulations as referred to in Article 5, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article 7

This Agreement shall be registered with the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944.

Article 8

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent aeronautical authorities of the contracting parties.

Article 9

Any disputes between the contracting parties relating to the interpretation or application of this Agreement, or of the Annex thereto, shall be referred for decision to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on the 7th 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 10

If a general multilateral air Convention which is accepted by both contracting parties comes into force the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article 11

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organisation. If such notice is given, this Agreement shall terminate on the date specified in the notice but in any case not less than 12 months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other contracting party notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organisation.

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN DENMARK AND IRELAND

A. Airlines of Denmark authorised under the present Agreement are accorded in the territory of Ireland rights of transit, non-traffic stop, and commercial entry for international traffic in passengers, cargo and mail on the following routes:

Denmark to Ireland and countries beyond, via intermediate points, in both directions.

It is agreed that in view of the long transoceanic flight necessary on the above routes and considering the still limited development of aeronautical science, all eastbound aircraft on routes covered in the Annex shall stop at Shannon Airport as first European port of call and all westbound aircraft on the same routes shall stop at Shannon Airport.

B. Airlines of Ireland authorised under the present Agreement are accorded in the territory of Denmark rights of transit, non-traffic stop, and commercial entry for international traffic in passengers, cargo, and mail on the following routes:

Ireland to Denmark and countries beyond, via intermediate points, in both directions.

C. Aircraft of either contracting party availing itself of the non-traffic stops granted by this Agreement may be required by the other contracting party to offer reasonable commercial services in passengers, cargo and mail, both outward and inward.

I should appreciate being advised whether the Government of Ireland approves the terms of the agreement as set forth above. If so, it is suggested that the agreement enter into force definitely on the date of this note.

Accept, etc.

(Signed) H. V. OSTERBERG

II

*The Secretary of the Department of External Affairs to the Royal Danish
Consul General*

DEPARTMENT OF EXTERNAL AFFAIRS
DUBLIN

18th November, 1947

Sir,

I have the honour to acknowledge receipt of your Note of the 18th November, informing me that the Government of Denmark considers that, in view of the entry into force of the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944, and ratified by the Governments of Ireland and Denmark, the text of the Air Transport Agreement between Ireland and Denmark provisionally concluded in Dublin in October, 1946, should be amended to read as follows:

[See note I]

I have the honour to inform you that the Government of Ireland approve the terms of the Agreement as set forth above and concur in the proposed that the Agreement in the foregoing text should definitively enter into force between the two countries on the date of your note, viz., on the 18th November, 1947.

I have, etc.

(Signed) F. H. BOLAND