

No. 778

**NORWAY
and
IRAQ**

**Agreement relating to air transport services (with annex).
Signed at Baghdad, on 12 July 1949**

Official texts: English and Arabic.

Registered by the International Civil Aviation Organization on 1 May 1950.

**NORVÈGE
et
IRAK**

**Accord relatif aux services de transports aériens (avec annexe).
Signé à Bagdad, le 12 juillet 1949**

Textes officiels anglais et arabe.

Enregistré par l'Organisation de l'aviation civile internationale le 1^{er} mai 1950.

No. 778. AGREEMENT¹ BETWEEN THE GOVERNMENT OF NORWAY AND THE GOVERNMENT OF IRAQ RELATING TO AIR TRANSPORT SERVICES. SIGNED AT BAGHDAD, ON 12 JULY 1949

The Government of Norway and the Government of Iraq hereinafter described as the Contracting Parties, both being parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944², and having agreed to conclude an Agreement relating to air transport services between Norway and Iraq have accordingly appointed duly authorised plenipotentiaries for this purpose, who have agreed as follows:

Article 1

Each Contracting Party grants to the other Contracting Party the rights specified in the Annex to this Agreement for the purpose of establishment of the air services therein referred to (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.

Article 2

(a) Each of the agreed services may be put into operation as soon as the Contracting Party to whom the rights specified in the Annex have been granted, has designated an airline or airlines to operate the specified routes.

(b) The airline or airlines thus designated by one of the Contracting Parties may be required to satisfy the competent aeronautical authorities of the other Contracting Party that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operation of commercial airlines.

¹ Came into force on 12 July 1949, as from the date of signature, in accordance with article 12.

² United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 346 and Volume 51, page 336.

Article 3

In order to prevent discriminatory practices and to ensure equality of treatment, the Contracting Parties agree that:

(a) The charges which either of the Contracting Parties may impose or permit to be imposed on the designated airline or airlines 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.

(b) 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 an airline designated by the other Contracting Party 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 airlines engaged in similar international services or the airlines of the most favoured nation.

(c) The fuel, lubricating oils, spare parts, normal equipment, and aircraft stores retained on board aircraft of the designated airline or airlines of one Contracting Party shall be exempt, on entry into or departure from 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 or airworthiness, certificates of competency, and licences issued or rendered valid by one Contracting Party shall be recognised as valid by the other Contracting Party for the purpose of operating the services specified in the Annex. Each Contracting Party reserves the right however to refuse to recognise, for the purpose of flights above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 5

(a) The laws and regulations of one Contracting Party relating to entry into or departure from its own 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 or airlines of the other Contracting Party.

(b) The laws and regulations of one Contracting Party relating to the entry into or departure from its territory of passengers, crews, 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 or airlines 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 immediately 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 Organisation set up by the Convention on International Civil Aviation.

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

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

Article 10

Any dispute 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 Organisation, 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 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 twelve months after the date of the 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 acknowledgement 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.

Article 12

This Agreement shall enter into force on the date of signature.

IN WITNESS THEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Baghdad, this twelfth day of July 1949 in the English and Arabic languages both texts being equally authentic.

For the Government of Norway
(Signed) E. KROGH-HANSEN

For the Government of Iraq
(Signed) Khalil ISMAIL

A N N E X

1. Airlines of Norway authorised under the present Agreement are accorded rights of transit and non-traffic stop in the territory of Iraq as well as the rights to pick up and discharge international traffic in passengers, cargo and mail at Basrah once a week in both directions on the following route: —

Norway — Amsterdam — Geneva — Rome — Cairo — Basrah — Karachi — Bombay — Calcutta — Bangkok — Hong Kong — Shanghai.

2. Airlines of Iraq authorised under the present Agreement are accorded rights of transit and non-traffic stop in the Territory of Norway, as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Stavanger and/or Oslo, on the following route: —

Iraq to Norway once a week in both directions via intermediate points to be specified at a later date.

3. Points on any of the specified routes may, at the option of the designated airline, be omitted on any or all flights.

4. Rates to be charged by the airlines shall, in the first instance, be agreed between them and shall have regard to relevant rates adopted by the (IATA) International Air Transport Association. Any rates so agreed shall be subject to the approval of the competent aeronautical authorities of the Contracting Parties, and in the event of disagreement settlement will be reached in accordance with the provisions of Article 10 of this Agreement.

(Signed) K. ISMAIL

(Signed) E. KROGH-HANSEN