

No. 2609

**LUXEMBOURG
and
'ICELAND**

Air Transport Agreement (with annex). Signed at Reykjavik, on 23 October 1952

Official texts: French and Icelandic.

Registered by the International Civil Aviation Organization on 30 June 1954.

**LUXEMBOURG
et
ISLANDE**

Accord relatif aux transports aériens (avec annexe). Signé à Reykjavik, le 23 octobre 1952

Textes officiels français et islandais.

Enregistré par l'Organisation de l'aviation civile internationale le 30 juin 1954.

[TRANSLATION — TRADUCTION]

No. 2609. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GRAND DUCHY OF LUXEMBOURG AND ICELAND. SIGNED AT REYKJAVIK, ON 23 OCTOBER 1952

The Government of the Grand Duchy of Luxembourg and the Government of Iceland, considering :

— That the possibilities for commercial aviation as a means of transport have greatly increased;

— That it is desirable to organize regular air communications in a safe and orderly manner and to further as much as possible the development of international co-operation in this field; and

— That it is necessary to conclude an agreement governing regular air communication between and beyond the territories of Luxembourg and Iceland;

Have for this purpose appointed representatives, who, being duly authorized, have agreed as follows :

Article I

(a) The Contracting Parties grant each other the rights specified in the Annex² hereto for the establishment of the international services specified therein, which cross or serve their respective territories.

(b) Each Contracting Party shall designate one or more airlines to operate the services which it may thus establish and shall decide on the date of inauguration of the said services.

Article II

(a) Each Contracting Party shall, subject to the provisions of article VII below, grant the necessary operating permit to the airline or airlines designated by the other Contracting Party.

(b) However, before being authorized to inaugurate the services specified in the Annex, such airlines may be called upon to furnish proof of qualification in accordance with the laws and regulations normally applied by the aeronautical authorities granting the operating permit.

Article III

Rates shall be fixed at reasonable levels, due regard being paid in particular to economy of operation, reasonable profit and the characteristics of each service, such as standards of speed and accommodation.

¹ Applied provisionally from 23 October 1952 and came into force on 29 September 1953 by the exchange of the instruments of ratification at Reykjavik, in accordance with article X.

² See p. 54 of this volume.

Article IV

(a) The Contracting Parties agree that the charges imposed for the use of airports and other facilities by the airline or airlines of either of them shall not be higher than would be paid for the use of such airports and facilities by their national aircraft engaged in similar international services.

(b) Fuel, lubricating oils, spare parts and equipment introduced into or taken on board the 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 such airline, shall be accorded national or most-favoured-nation treatment with respect to customs duties, inspection fees or other national duties or charges.

(c) All aircraft operated by the airline or airlines designated by one Contracting Party on the services specified in this Agreement, and the fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board the aircraft shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from customs duties, inspection fees or other similar duties and charges, even though such supplies be used or consumed by or on board such aircraft on flights in that territory.

Article V

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party shall be recognized by the other Contracting Party for the operation of the services specified in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article VI

(a) The laws and regulations of one Contracting Party relating to the 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 the aircraft of the airline or airlines of the other Contracting Party.

(b) Passengers, crew and consignors of goods shall comply, in person or through an agent acting in their name or on their behalf, with the laws and regulations which, in the territory of each of the Contracting Parties, govern the entry, stay and departure of passengers, crew and cargo, such as those relating to entry, clearance, immigration, passports, customs and quarantine.

Article VII

Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party or to revoke such a permit in any case where it is not satisfied that substantial ownership and effective

control of that airline are vested in nationals of either Contracting Party or where that airline fails to comply with the laws and regulations referred to in article VI or to perform its obligations under this Agreement.

Article VIII

(a) The Contracting Parties agree to submit to arbitration any dispute relating to the interpretation or application of this Agreement or its Annex which cannot be settled by direct negotiation.

(b) Such a dispute shall be referred to the Council of the International Civil Aviation Organization established by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.¹

(c) Nevertheless, the Contracting Parties may by agreement settle the dispute by referring it either to an arbitral tribunal or to any other person or body designated by them.

(d) The Contracting Parties undertake to comply with the decision given.

Article IX

This Agreement and all contracts connected therewith shall be registered with the Council of the International Civil Aviation Organization established by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.

Article X

(a) This Agreement shall be ratified and the instruments of ratification shall be exchanged at Reykjavik as soon as possible. Pending ratification, however, the Agreement shall be put into effect as from the date of signature.

(b) In a spirit of close collaboration the competent aeronautical authorities of the Contracting Parties shall consult together from time to time with a view to satisfying themselves that the principles laid down in the Agreement and its Annex are being applied and properly carried out.

(c) This Agreement and its Annex shall be brought into harmony with any multilateral agreement which may become binding on the two Contracting Parties.

(d) If either of the Contracting Parties desires to modify the terms of this Agreement or of its Annex, it may request consultation between the competent aeronautical authorities of the Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. Any modification of the Annex agreed upon between the said authorities shall come into effect as soon as it has formed the subject of an exchange of diplomatic notes.

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, and Vol. 178, p. 418.

(e) Either Contracting Party may at any time give notice to the other of its desire to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. If such notice is given, this Agreement shall terminate twelve months after the date of receipt of the notice by the other Contracting Party, unless the notice is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the Contracting Party to which it has been addressed, notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Article XI

For the purposes of this Agreement and its Annex, unless the context otherwise requires :

(a) The term “ aeronautical authorities ” means :

In the case of Luxembourg :

the “ Ministry of Transport — Civil Aviation Department, ” or any person or body authorized to perform the functions at present exercised by it;

In the case of Iceland :

the “ Ministry of Transport — Civil Aviation Department ”, or any person or body authorized to perform the functions at present exercised by it.

(b) The term “ designated airline ” means an airline which the aeronautical authorities of one Contracting Party have notified in writing to the aeronautical authorities of the other Contracting Party as the airline which the former Party intends to designate, in conformity with articles I and II of this Agreement, for the routes specified in such notification;

(c) The term “ territory ” has the meaning assigned to it by article 2 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944;

(d) The definitions contained in paragraphs (a), (b) and (d) of article 96 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944 are deemed to apply.

DONE in duplicate at Reykjavik, this 23rd day of October 1952, in the French and Icelandic languages, both texts being equally authentic.

For the Government
of the Grand Duchy of Luxembourg :

(Signed) Victor BODSON

For the Government
of Iceland :

(Signed) Bjarni BENEDIKTSSON

ANNEX

The designated Luxembourg and Icelandic airlines shall enjoy, each in the territory of the other Contracting Party, the rights of transit and non-traffic stops; they may also use airports and other facilities open to international traffic. They shall also enjoy in the territory of the other Contracting Party, the right to pick up and set down international traffic in passengers, mail and cargo under the conditions of this Agreement.

SCHEDULE I

Services which may be operated by the Icelandic Airlines

Iceland, via intermediate points, to Luxembourg or beyond, in both directions

SCHEDULE II

Services which may be operated by the Luxembourg Airlines

Luxembourg, via intermediate points, to Iceland or beyond, in both directions.