

No. 3227

**DENMARK
and
IRAQ**

**Agreement (with annex and exchange of notes) relating to
air transport services. Signed at Baghdad, on 18
November 1951**

Official texts: English and Arabic.

Registered by the International Civil Aviation Organization on 11 April 1956.

**DANEMARK
et
IRAK**

**Accord (avec annexe et échange de notes) relatif aux
services de transports aériens. Signé à Bagdad, le 18
novembre 1951**

Textes officiels anglais et arabe.

Enregistré par l'Organisation de l'aviation civile internationale le 11 avril 1956.

No. 3227. AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF IRAQ RELATING TO AIR TRANSPORT SERVICES. SIGNED AT BAGHDAD, ON 18 NOVEMBER 1951

The Government of Denmark 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 Iraq and Denmark, 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 Annex³ to this Agreement for the purpose of establishment of 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.

Article 3

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

¹ Came into force on 26 April 1955, by the exchange of the instruments of ratification at Baghdad, in accordance with article 12.

² See footnote 3, p. 11 of this volume.

³ See p. 38 of this volume.

(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 of airworthiness, certificates of competency and licenses 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 licenses 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 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.

Article 12

The present Agreement shall be ratified by the two Contracting Parties, and the ratifications be exchanged at Baghdad, and shall come into force on the date of the exchange of Instruments of ratifications.

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

DONE at Baghdad in duplicate Arabic and English on this seventeenth day of Safar 1371 of the Hijra Corresponding to the eighteenth day of November 1951 of the Christian Era.

For the Government of Denmark :
(Signed) A. SPORON-FIEDLER

For the Government of Iraq :
(Signed) SHAKIR AL-WADI

A N N E X

1. Airlines of Denmark 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 on the following routes :

(a) Copenhagen, points in Europe, Istanbul or Cairo, Basrah, in both directions.

(b) Copenhagen, points in Europe, Damascus or Beirut, Basrah, Karachi, Calcutta, Bangkok and points beyond, in both directions.

2. Airlines of Iraq authorised under the present Agreement are accorded rights of transit and non-traffic stop in the territory of Denmark, as well as the right to pick up and discharge international traffic in passengers, cargo and mail on the following routes :

To be determined 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 International Air Transport Association (IATA). 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.

EXCHANGE OF NOTES

I

ROYAL DANISH LEGATION IN IRAQ

Baghdad, November 18, 1951

Your Excellency,

With reference to the Air Transport Agreement signed to-day between the Government of Denmark and the Government of Iraq, I have the honour to inform Your Excellency that in accordance with Article 2 (a) of the said Agreement the Danish Government have designated Det Danske Luftfartselskab (DDL), forming part of the organization Scandinavian Airlines System (SAS), to operate the routes specified in Section 1 of the Annex to the Agreement.

In this connection I have the honour to confirm, on behalf of my Government, the following understanding reached in the course of the negotiations which preceded the signing of the Agreement :

• Det Danske Luftfartselskab (DDL) co-operating with Det Norske Luftfartselskab (DNL) and Aktiebolaget Aerotransport (ABA) under the designation of the Scandinavian Airlines System (SAS) — a joint operating organization constituted in accordance with the provisions of Chapter XVI of the Chicago Convention on International Civil Aviation — may operate the routes specified in Section 1 of the Annex to the Agreement notwithstanding the provisions of Article 6 of the Agreement, concerning the ownership and control of the designated airlines.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) A. SPORON-FIEDLER

His Excellency Monsieur Shakir Al-Wadi
Acting Minister for Foreign Affairs
etc., etc., etc.
Baghdad

II

MINISTRY FOR FOREIGN AFFAIRS

Baghdad, 18th November 1951

Your Excellency,

I have the honour to acknowledge receipt of your letter dated to-day referring to the Air Transport Agreement signed by the Government of Iraq and the Government of Denmark, the text of which is the following :

[*See note I*]

On behalf of the Iraqi Government I have the honour to confirm the above understanding reached in the course of the negotiations preceding the signature of the Agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) SHAKIR AL-WADI

His Excellency Monsieur Axel C. F. Sporon-Fiedler
etc., etc., etc.
Danish Minister to Iraq
Baghdad
