

No. 4512

**CZECHOSLOVAKIA
and
BELGIUM**

**Agreement (with annex) concerning air services. Signed at
Brussels, on 12 March 1957**

Official texts: Czech and French.

Registered by the International Civil Aviation Organization on 9 September 1958.

**TCHÉCOSLOVAQUIE
et
BELGIQUE**

**Accord (avec annexe) relatif aux services aériens. Signé à
Bruxelles, le 12 mars 1957**

Textes officiels tchèque et français.

Enregistré par l'Organisation de l'aviation civile internationale le 9 septembre 1958.

[TRANSLATION — TRADUCTION]

No. 4512. AGREEMENT¹ BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE KINGDOM OF BELGIUM CONCERNING AIR SERVICES. SIGNED AT BRUSSELS, ON 12 MARCH 1957

The Government of the Czechoslovak Republic and the Government of the Kingdom of Belgium, desiring to conclude a new agreement concerning air services for the purpose of encouraging their development, have agreed on the following provisions :

Article 1

(a) The Contracting Parties grant each other the rights specified in the annex² to this Agreement for the purpose of establishing and operating the agreed services.

(b) Each Contracting Party shall designate to the other Contracting Party an airline to operate the agreed services and shall fix the date of inauguration of these services subject to issue of the permit provided for in article 2.

Article 2

(a) Each Contracting Party shall, subject to the provisions of paragraphs (b) and (c) of this article, issue the necessary operating permit forthwith to the airline designated by the other Contracting Party.

(b) The airline designated by one of the Contracting Parties may, before being authorized to inaugurate the agreed services, be called upon to provide the aeronautical authorities of the other Contracting Party, in accordance with the laws and regulations in force in that country, with full proof of its qualifications and operating organization.

(c) 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 whenever it has no proof that substantial ownership and effective control of such airline are vested in nationals of the latter Contracting Party, or whenever such airline fails to comply with the laws and regulations referred to in article 3 or to discharge its obligations under this Agreement. Unless revocation of the permit is essential to prevent further infringements, this right shall be exercised only after consultation with the other Contracting Party.

¹ Came into force on 12 March 1957, the date of signature, in accordance with article 12.

² See p. 91 of this volume.

Article 3

(a) The laws and regulations of either Contracting Party governing the admission to, stay in and departure from its territory of aircraft engaged in international air navigation, or the operation, navigation and control of such aircraft while within its territory, shall apply to the aircraft of the airline designated by the other Contracting Party.

(b) Passengers, crews and consignors of goods shall be required to comply, either in person or through a third person acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party concerning the admission, stay and departure of passengers, crews or cargo, particularly relating to entry, clearance, immigration, passports, customs and health.

Article 4

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 purpose of operating the agreed services.

Article 5

(a) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores introduced into or taken on board aircraft in the territory of either Contracting Party by or on behalf of the airline designated by the other Contracting Party and intended solely for use by the aircraft employed by that airline for the operation of the agreed services shall be accorded, with respect to customs duties, inspection fees or other national duties and charges, treatment not less favourable than that applied to the airline of the most favoured State.

(b) Aircraft operated on the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores present on board such aircraft on their arrival in or departure from the territory of the other Contracting Party shall be exempt from customs duties, inspection fees or other national duties and charges even though such supplies be used or consumed by or on such aircraft on flights over the said territory.

(c) Fuel, lubricants and special products may be stored at the aerodromes served by each of the designated airlines for the purpose of operating the agreed services.

(d) Supplies exempted under the above provisions may not be unloaded without the consent of the customs authorities of the other Contracting Party. In the event that they cannot be used or consumed, they shall be re-exported. Pending re-exportation they shall be kept under the supervision of the said authorities but shall remain at the disposal of the designated airlines.

Article 6

(a) In the event of an accident to an aircraft of one Contracting Party in the territory of the other, the Contracting Party in whose territory the accident occurred shall immediately notify the other Contracting Party thereof. It shall also institute an inquiry into the circumstances of the accident and shall, at the request of the other Contracting Party, accord the representatives of that Party free access to its territory for the purpose of attending as observers the inquiry into the accident.

(b) The Party in whose territory the accident occurred shall immediately take all necessary steps to assist the crew and passengers injured in the accident and to protect the mail, baggage and cargo on board the aircraft.

(c) The Contracting Party conducting the inquiry shall report the results thereof to the other Contracting Party.

Article 7

The designated airlines shall have the right to maintain in the territory of the other Contracting Party the technical and commercial personnel necessary for the operation of the agreed services.

Article 8

(a) Either Contracting Party may at any time propose to the other Contracting Party any modification of this Agreement which it considers desirable ; consultation between the Contracting Parties on the proposed modification shall begin within sixty days from the date of the request by either Party.

(b) If either Contracting Party considers it desirable to modify the annex to this Agreement, the aeronautical authorities of the two Contracting Parties may agree upon such modification.

(c) Any modification of this Agreement or of its annex under paragraphs (a) and (b) of this article shall come into effect after it has been confirmed by an exchange of diplomatic notes between the Contracting Parties.

Article 9

The Contracting Parties shall settle any dispute relating to the interpretation or application of this Agreement and its annex by direct negotiation between the competent aeronautical authorities or should such negotiations fail, through the diplomatic channel.

Article 10

For the purposes of this Agreement and its annex :

(a) The expression "aeronautical authorities" means :

In the case of Czechoslovakia, the "Central Civil Aviation Administration" or any body authorized to perform the functions for which that Administration is at present responsible ;

In the case of Belgium, the "Ministry of Communications" or any body authorized to perform the functions for which that Ministry is at present responsible.

- (b) The expression "designated airline" means the airline which the aeronautical authority of one Contracting Party has designated in writing to the aeronautical authority of the other Contracting Party as the airline which it intends to designate under articles 1 and 2 of this Agreement for the operation of the agreed services.
- (c) The expression "agreed services" means the international air services provided for in the annex to this Agreement.

Article 11

This Agreement cancels and supersedes the Agreement between Czechoslovakia and Belgium to facilitate and promote the development of air services, signed at Brussels on 25 January 1937.

Article 12

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

It may be denounced by either Contracting Party and shall terminate one year after the date on which the other Contracting Party receives notice of such denunciation.

IN WITNESS WHEREOF, the undersigned representatives, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Brussels, on 12 March 1957, in duplicate in the Czech and French languages, both texts being equally authentic.

For the Government
of the Czechoslovak Republic :
FRANTISEK Josif

For the Government
of the Kingdom of Belgium :
P. H. SPAAK

A N N E X

Section I

(a) The Czechoslovak Government will grant, on a basis of reciprocity, to the airline designated by the Belgian Government the necessary permit for the operation of the following air routes :

- (1) Brussels – with or without intermediate points in the German territories – Prague, in both directions ;

- (2) Brussels – with or without intermediate points in the German territories – Prague, – Warsaw and points beyond, in both directions ;
- (3) Brussels – with or without intermediate points in the German territories – Prague – intermediate points to be agreed between the Contracting Parties – Istanbul and/or Ankara and points beyond, in both directions ;
- (4) Brussels – with or without intermediate points in the German territories – Prague – intermediate points to be agreed between the Contracting Parties – Athens and points beyond, in both directions.

(b) Such permit shall include :

- (1) Rights of transit and technical stops ;
- (2) Commercial rights :
 - (I) On the sectors Brussels – intermediate points – Prague ;
 - (II) On the sectors Prague – Warsaw and Prague – intermediate points to be agreed upon (routes 3 and 4), provided that a prior agreement shall be reached between the airlines designated by the two Contracting Parties, and shall be approved by the competent aeronautical authorities on the commercial and financial, conditions of such operations ;
 - (III) On the sectors Prague – Istanbul and/or Ankara and points beyond and Prague – Athens and points beyond.

(c) The designated airline may, on any flight, omit stops at any of the above points, provided that the agreed services begin at a point in Belgian territory.

Section II

(a) The Belgian Government will grant, on a basis of reciprocity, to the airline designated by the Czechoslovak Government the necessary permit for the operation of the following air routes :

- (1) Prague – with or without intermediate points in the German territories – Brussels in both directions ;
- (2) Prague – with or without intermediate points in the German territories – Brussels – London, in both directions ;
- (3) Prague – with or without intermediate points in the German territories – Brussels – points in the United States of America, in both directions ;
- (4) Prague – with or without intermediate points in the German territories – Brussels – points in Canada, in both directions.

(b) Such permit shall include :

- (1) Rights of transit and technical stops ;
- (2) Commercial rights :
 - (I) On the sectors Prague – intermediate points – Brussels ;
 - (II) On the sectors Brussels – London and Brussels – United States of America, provided that a prior agreement shall be reached between the airlines designated by the two Contracting Parties and shall be approved by the competent aeronautical authorities on the commercial and financial conditions of such operations ;

(III) On the sectors Brussels – points in Canada.

(c) The designated airline may, on any flight, omit stops at any of the above points, provided that the agreed services begin at a point in Czechoslovak territory.

Section III

The transport capacity provided by each of the designated airlines for the operation of the agreed services shall be related to traffic requirements ; it shall be fixed by direct agreement between the designated airlines in the case of common routes, and shall be subject to approval by the aeronautical authorities of the two Contracting Parties.

Section IV

(a) The tariffs applicable to the agreed services shall be established at reasonable levels, due regard being paid in particular to economy of operation, reasonable profit and the characteristics of each service, such as speed and comfort.

(b) In establishing such tariffs, the recommendations of the International Air Transport Association (IATA) shall be taken into account.

(c) The said tariffs shall be the subject of an agreement between the designated airlines and shall be submitted to the competent aeronautical authorities for approval.