

No. 4602

**BELGIUM
and
ROMANIA**

Air Transport Agreement (with annex). Signed at Bucharest, on 4 December 1956

Official texts: French and Romanian.

Registered by Belgium on 18 December 1958.

**BELGIQUE
et
ROUMANIE**

Accord relatif aux transports aériens (avec annexe). Signé à Bucarest, le 4 décembre 1956

Textes officiels français et roumain.

Enregistré par la Belgique le 18 décembre 1958.

[TRANSLATION — TRADUCTION]

No. 4602. AIR TRANSPORT AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE ROMANIAN PEOPLE'S REPUBLIC. SIGNED AT BUCHAREST, ON 4 DECEMBER 1956

The Belgian Government and the Government of the Romanian People's Republic, hereinafter referred to as the Contracting Parties, desiring to regulate mutual relations in the field of civil aviation and to promote the development of air transport between the two countries, have agreed on the following provisions :

Article I

Each Contracting Party grants the other Contracting Party the rights specified in the annex² to this Agreement for the establishment and operation of the air services shown in the said annex.

Article II

1. Each Contracting Party shall designate an airline to operate the air services shown in the annex to this Agreement and shall fix the date of inauguration of these services subject to issue of the permit provided for in paragraph 2 of this article.

2. Each Contracting Party shall, subject to the provisions of paragraph 4 of this article, issue the necessary operating permit forthwith to the airline designated by the other Contracting Party.

3. The aeronautical authority of either Contracting Party may, before issuing the operating permit to it, require the airline designated by the other Contracting Party to prove that it is qualified to fulfil the conditions prescribed by the laws and regulations normally and currently applied to the operation of international air services.

4. Each Contracting Party reserves the right to withhold an operating permit from the 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 the other Contracting Party or in nationals or bodies corporate of that Contracting Party, or in case of failure by that airline to comply with the laws and regulations referred to in article IX of this Agreement.

¹ Came into force provisionally upon signature, on 4 December 1956, and definitively on 12 March 1957, the date fixed by an exchange of letters in accordance with article XV.

² See p. 178 of this volume.

Unless revocation of the permit is essential to prevent further infringements, this right shall be exercised only after consultation with the other Contracting Party.

Article III

All questions relating to the safety and technical operation of flights shall fall within the jurisdiction of the aeronautical authorities of the Contracting Parties.

Article IV

Fees and other charges for the use of airports and of airport installations and technical facilities in the territory of either Contracting Party shall be levied in accordance with the fees and rates uniformly established by the laws and regulations of that Contracting Party.

Article V

1. Aircraft making flights in accordance with article I of this Agreement and fuel, lubricants, spare parts, equipment and stores present on board such aircraft shall, on arriving in or leaving the territory of the other Contracting Party, be exempt from import and export duties and other duties, even though such materials are used or consumed in flight over the said territory, except, however, in cases where they are transferred in that territory to third parties.

2. Spare parts, fuel, lubricants and special products necessary for the performance and provisioning of flights made in accordance with article I of this Agreement and special tools intended to complete the equipment required for maintenance and repair of aircraft shall, on importation into or exportation from the territory of the other Contracting Party, be exempt from import and export duties and other duties. They may not, however, be transferred in that territory to third parties. Fuel, lubricants and special products may be stored at the airports served by each of the designated airlines for the purpose of the flights provided for in the Annex to this Agreement.

3. The aforesaid materials, fuel and lubricants shall, in the territory of the other Contracting Party, be kept under customs supervision.

Article VI

1. The rates charged by the designated airlines must be fixed by common agreement for the sectors of air routes listed in the Annex to this Agreement, which are served by the airlines of both Contracting Parties.

Where possible, such agreement shall be reached in accordance with the rate-fixing machinery of the International Air Transport Association (IATA).

2. All rates so fixed shall be subject to approval by the aeronautical authorities of the two Contracting Parties.

Article VII

Aircraft of the designated airlines making flights over the territory of the other Contracting Party shall bear the nationality and registration marks of their State prescribed for international air navigation and shall carry certificates of registration, certificates of airworthiness and licences for the aircraft radio stations. Moreover, the competent bodies of each Contracting Party shall determine the additional documents which must be carried by their aircraft engaged in international air navigation and shall notify the competent bodies of the other Contracting Party thereof. Pilots and other crew members shall carry the prescribed certificates of competency and licences.

Article VIII

For the purpose of operating the air services specified in the Annex to this Agreement, each Contracting Party shall recognize as valid certificates of competency, licences and certificates of airworthiness issued or rendered valid by the other Contracting Party.

Article IX

1. The laws and regulations of either Contracting Party relating to the admission to, stay in and departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft within its territory shall also apply to aircraft of the airline designated by the other Contracting Party.

2. Passengers, crews and consignors of cargo shall be required to comply, either personally or through a third party acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party governing the entry, stay and departure of passengers, crew and cargo. The foregoing shall apply in particular to import, export, immigration, customs and health requirements.

Article X

1. In the event of a forced landing by, damage to or accident involving an aircraft of one Contracting Party in the territory of the other Contracting Party, the Party in whose territory the accident occurs shall immediately notify the other Contracting Party thereof. It shall also take the necessary action to investigate the causes of the accident and, at the request of the other Contracting Party, grant representatives of that Party free access to its territory for the purpose of attending as observers the inquiry into the accident.

2. The Contracting Party in whose territory the accident occurs shall immediately take the necessary steps to assist the crew and passengers injured in the accident and to protect the mail, baggage and cargo on board the aircraft.

3. The Contracting Party conducting the inquiry shall report the findings thereof to the other Contracting Party.

Article XI

The designated airlines shall be entitled to maintain in the territory of the other Contracting Party such technical and commercial personnel as is necessary for operation of the air services provided for in the annex to this Agreement. They shall agree on the number of persons to be employed for this purpose.

Article XII

For the purpose of this Agreement and its annex :

(a) The expression “aeronautical authority” means: in the case of Belgium, “the Ministry of Communications” or any body authorized to perform the functions for which the said Ministry is at present responsible; in the case of Romania: “the Ministry of Road, Naval and Air Transport” or any body authorized to perform the functions for which the said 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 for the operation of the air services specified in the same notice.

Article XIII

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

2. Should either Contracting Party consider it desirable to modify the annex to this Agreement, the aeronautical authorities of the two Contracting Parties may agree to make such modification.

3. Any modification of this Agreement or its annex under paragraphs 1 and 2 of this article shall come into effect after it has been confirmed by an exchange of notes between the Contracting Parties.

Article XIV

In a spirit of close collaboration, the aeronautical authorities of the Contracting Parties shall consult together from time to time in order to satisfy themselves that the principles laid down in this Agreement and its annex are being applied and observed in a satisfactory manner.

Article XV

This Agreement shall enter into force provisionally on the date of its signature. The date of its definitive entry into force shall be fixed later by an exchange of letters.

This Agreement may be denounced by either Contracting Party and shall terminate six months after the date on which notice of such denunciation is received by the other Contracting Party.

IN WITNESS WHEREOF the undersigned, duly authorized for the purpose, have signed this Agreement.

DONE in duplicate at Bucharest, on 4 December 1956, in the French and Romanian languages, both texts being equally authentic.

For the Kingdom
of Belgium :
DE BRUYN

For the Romanian People's
Republic :
STANESCOU

ANNEX

A

The airline designated by either Contracting Party shall enjoy, in the territory of the other Contracting Party, the right of transit and the right to make technical stops; it may also use airports, installations and aeronautical services provided for international traffic. It shall also enjoy, in the territory of the other Contracting Party, the right to pick up and set down international traffic in passengers, baggage, mail and cargo in accordance with the terms of this Agreement, with the exception of any right of cabotage in that territory.

B

(a) The transport capacity provided by each of the designated airlines shall be related to traffic requirements.

(b) The designated airlines shall respect their mutual interests on common routes.

(c) The air services shown in this annex shall have as their primary purpose the provision of capacity adequate to the traffic demands between the countries of the Contracting Parties.

(d) The rights of the airline designated by either Contracting Party to embark and disembark international traffic in passengers, baggage, mail and cargo destined for or coming from third countries shall be exercised in the territory of the other Contracting Party at the points specified in this annex.

C

The designated airlines are authorized to operate on the following air routes :

1. For the airline designated by Belgium : Brussels—points in the German territories—Vienna—Budapest—Bucharest and return.

2. For the airline designated by the Romanian People's Republic : Bucharest—Budapest—Vienna—points in the German territories—Brussels and return.

The above-mentioned air routes may be extended towards other countries, in directions which shall be agreed upon between the aeronautical authorities of the Contracting Parties.

D

The airline designated by Belgium may, on any flight, omit a stop at an intermediate point, provided that the agreed services begin at a point in Belgian territory and make a stop in Romanian territory.

The airline designated by the Romanian People's Republic may, on any flight, omit a stop at an intermediate point, provided that the agreed services begin at a point in Romanian territory and make a stop in Belgian territory.
