

No. 7269

**NETHERLANDS
and
POLAND**

**Civil Air Transport Agreement (with annexes). Signed at
Warsaw, on 21 July 1960**

Official text: French.

Registered by the International Civil Aviation Organization on 8 June 1964.

**PAYS-BAS
et
POLOGNE**

**Accord relatif aux transports aériens civils (avec annexes).
Signé à Varsovie, le 21 juillet 1960**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7269. CIVIL AIR TRANSPORT AGREEMENT¹ BETWEEN THE ROYAL GOVERNMENT OF THE NETHERLANDS AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC. SIGNED AT WARSAW, ON 21 JULY 1960

The Royal Government of the Netherlands and the Government of the Polish People's Republic, hereinafter referred to as "the Contracting Parties", desiring to regulate mutual relations in the field of civil air transport, have agreed on the following provisions :

Article I

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing scheduled international air services on the routes specified in the annexes² thereto.

Such services and routes are hereafter from time to time called "agreed services" and "specified routes", respectively. The airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

- (a) To fly without landing across the territory of the other Contracting Party ;
- (b) To make stops in the said territory for non-traffic purposes ; and
- (c) To take up and to set down passengers, baggage, cargo and mail at any point on the routes specified in the annexes to this Agreement, subject to the provisions of this Agreement and its annexes.

Article II

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes. This designation shall be notified in writing to the aeronautical authorities of one Contracting Party by the aeronautical authorities of the other Contracting Party.

2. On receipt of the notification of such designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this article, grant without

¹ Applied provisionally from 21 July 1960, the date of signature, in accordance with the provisions of article XIV.

² See p. 203 of this volume.

delay to the airline or airlines designated by the other Contracting Party the appropriate operating permits.

3. The aeronautical authorities of either Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied to the operation of international air services by such authorities in conformity with the provisions of the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.¹

4. Each Contracting Party shall have the right to refuse to grant the operating permits referred to in paragraph 2 of this article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in article I of the present Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. On receipt of the operating permit specified in paragraph 2 of this article, the designated airline may begin at any time to operate any agreed service, provided that a tariff, established in accordance with the provisions of article IX of this Agreement, is in force in respect of that service.

Article III

1. Each Contracting Party shall have the right to revoke an operating permit, or to suspend the exercise of the rights specified in article I of this Agreement by a designated airline of the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights, in cases where :

(a) It is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party ; or

(b) That airline has failed to comply with the laws and regulations of the Contracting Party granting these rights ; or

(c) That airline fails to operate in accordance with the provisions of this Agreement.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of this article is essential to prevent further infringements of laws or regulations, such right may only be exercised after consultation with the other Contracting Party.

¹ See footnote 2, p. 30 of this volume.

Article IV

1. The airlines designated by the Contracting Parties for the operation of the agreed services shall offer a capacity adequate to meet the current and reasonably anticipated requirements of international air traffic for such services.
2. The operating conditions of the agreed services shall be governed by separate arrangements between the designated airlines.
3. If the national regulations of a Contracting Party so require, the arrangements mentioned in paragraph 2 of this article shall be submitted for approval to the aeronautical authorities of that Contracting Party.

Article V

1. Aircraft employed in international service by the designated airlines of one Contracting Party together with their regular equipment, supplies of fuel and lubricants, and aircraft stores (including foodstuffs, beverages and tobacco) shall, on arrival in the territory of the other Contracting Party, be exempt from all customs duties, inspection fees and other duties or charges, provided that such equipment, supplies and stores remain on board the aircraft until re-exported.
2. The following shall also be exempt from the same duties, fees and charges, with the exception of fees and charges levied as consideration for services rendered :
 - (a) Aircraft stores taken on board in the territory of one Contracting Party in quantities within the limits fixed by the competent authorities of the said Contracting Party, and destined for use on board the aircraft employed on international services by the designated airlines of the other Contracting Party ;
 - (b) Normal equipment and spare parts imported into the territory of one Contracting Party for the maintenance or repair of aircraft employed on international services by the designated airlines of the other Contracting Party ;
 - (c) Fuel and lubricants intended for aircraft employed on international services by the designated airlines of the other Contracting Party, even when such supplies are to be used on that part of the flight which takes place over the territory of the Contracting Party in which they were taken on board.
3. If national laws or regulations so require, the materials specified in paragraphs 1 and 2 of this article shall be subject to Customs control.

Article VI

Regular equipment, supplies and stores on board the aircraft of one Contracting Party may be unloaded in the territory of the other Contracting Party only with

the approval of the Customs authorities of that territory. In such case, they may be placed under the supervision of the said authorities until they are re-exported or otherwise disposed of under authorization of those authorities.

Article VII

1. The laws and regulations of one Contracting Party relating to entry into, stay in or departure from its territory of aircraft employed in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall apply also to aircraft of the designated airlines of the other Contracting Party.

2. The laws and regulations governing, within the territory of one Contracting Party, the entry, stay and departure of passengers, crews, mail or cargo of aircraft (in particular those governing passports, customs and public health) shall apply to passengers, crews, mail and cargo taken on board aircraft of the other Contracting Party.

Article VIII

Passengers in direct transit across the territory of one Contracting Party shall be subject only to a very simplified control.

Baggage and cargo in direct transit shall be exempt from customs duties and other similar charges.

Article IX

1. The tariffs to be charged by the airlines of one Contracting Party for carriage to or from the territory of the other Contracting Party shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit and the tariffs of other airlines.

2. The tariffs referred to in paragraph 1 of this article shall, if possible, be agreed by the designated airlines of the two Contracting Parties, in consultation with other airlines operating over the whole or part of the route. Such agreement shall, where possible, be reached through the rate-fixing machinery set up by the International Air Transport Association.

3. The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Contracting Parties at least forty-five (45) days before the proposed date of their introduction. In special cases this time-limit may be reduced, subject to the agreement of the said authorities.

4. If the designated airlines cannot agree on any of these tariffs, or if for any other reason a tariff cannot be fixed in accordance with the provisions of paragraph 2 of this article, or if during the first thirty (30) days of the forty-five (45) day period referred to in paragraph 3 of this article one Contracting Party gives the other Contracting Party notice of its dissatisfaction with any tariff agreed in accordance with the provisions of paragraph 2 of this article, the aeronautical authorities of the Contracting Parties shall try to determine the tariff by agreement between themselves.

5. No tariff shall come into force if the aeronautical authorities of either Contracting Party have not approved it.

6. The tariffs established in accordance with the provisions of this article shall remain in force until new tariffs have been established in accordance with the provisions of this article.

Article X

In a spirit of close co-operation, the aeronautical authorities of the Contracting Parties shall consult together from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of the present Agreement and the annexes thereto.

Article XI

Any dispute concerning the interpretation or application of this Agreement or its annexes shall be settled by direct negotiations between the competent aeronautical authorities.

If the above-mentioned negotiations are unsuccessful, the dispute shall be settled between the Contracting Parties.

Article XII

For the purpose of this Agreement and its annexes, the term "aeronautical authorities" means :

- In the case of the Kingdom of the Netherlands, "*de Minister van Verkeer en Waterstaat*", or any agency authorized to perform the functions for which that Minister is at present responsible,
- In the case of the Polish People's Republic, "*Minister Komunikacji*", or any agency authorized to perform the functions for which that Minister is at present responsible.

Article XIII

1. Either Contracting Party may at any time propose to the other Contracting Party any amendment to this Agreement which it considers desirable. Consultation between the Contracting Parties on the proposed amendment shall begin within sixty (60) days of the date of the request therefor by either Contracting Party.

2. If either Contracting Party considers it desirable to amend an annex to this Agreement, the aeronautical authorities of the two Contracting Parties may consult each other with a view to making such amendment.

3. Any amendment to this Agreement or to its annexes pursuant to paragraphs 1 or 2 of this article shall come into effect after it has been confirmed by an exchange of notes between the Contracting Parties.

Article XIV

This Agreement shall be approved in accordance with the constitutional requirements of each of the two countries and shall come into force on the date of an exchange of notes confirming that those requirements have been fulfilled.

The provisions of this Agreement shall be provisionally applied as from the date of signature.

Article XV

This Agreement shall remain in force for an indefinite period ; either Contracting Party may denounce it at any time by giving notice in writing to the other Contracting Party. In such event this Agreement shall terminate twelve (12) months after the date of the receipt of such notice by the other Contracting Party.

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

DONE at Warsaw, on 21 July 1960, in duplicate in the French language.

For the Royal Government of the Netherlands :

(Signed) DUCO MIDDELBURG

For the Government of the Polish People's Republic :

(Signed) J. RUSTECKI

ANNEX I

AGREED SERVICES TO BE OPERATED BY THE AIRLINE OF THE KINGDOM OF THE NETHERLANDS

A. For the designated airline of the Kingdom of the Netherlands, the agreed services referred to in article I of the Agreement are defined as follows :

Service No. 1

Amsterdam – intermediate points – Warsaw, and vice versa.

Service No. 2

Amsterdam – intermediate points – Warsaw – one or two points in the European territory of the USSR, and vice versa.

Service No. 3

Amsterdam – intermediate points – Warsaw – points beyond, and vice versa.

B. The designated airline of the Kingdom of the Netherlands may make traffic stops at intermediate points between Amsterdam and Warsaw on services Nos. 1, 2 and 3, and exercise traffic rights between Warsaw and points beyond on service No. 3 only from the date when an understanding in this connexion with the designated airline of the Polish People's Republic has come into force, this understanding being subject to the provisions of article IV of the Agreement.

C. The designated airline of the Kingdom of the Netherlands may omit stops at one or more points on services Nos. 1, 2 and 3, provided, however, that the starting point of each service is situated in the territory of the Kingdom of the Netherlands.

ANNEX II

AGREED SERVICES TO BE OPERATED BY THE AIRLINE OF THE POLISH PEOPLE'S REPUBLIC

A. For the designated airline of the Polish People's Republic, the agreed services referred to in article I of the Agreement are defined as follows :

Service No. 1

Warsaw – intermediate points – Amsterdam, and vice versa.

Service No. 2

Warsaw – intermediate points – Amsterdam – one or two points in Europe (including the British Isles), and vice versa.

Service No. 3

Warsaw – intermediate points – Amsterdam – points beyond, and vice versa.

B. The designated airline of the Polish People's Republic may make traffic stops at intermediate points between Warsaw and Amsterdam on services Nos. 1, 2 and 3, and exercise traffic rights between Amsterdam and points beyond on service No. 3 only from the date when an understanding in this connexion with the designated airline of the Kingdom of the Netherlands has come into force, this understanding being subject to the provisions of article IV of the Agreement.

C. The designated airline of the Polish People's Republic may omit stops at one or more points on services Nos. 1, 2 and 3, provided, however, that the starting point of each service is situated in the territory of the Polish People's Republic.