

No. 8209

**SOUTH AFRICA
and
LUXEMBOURG**

**Agreement relating to air services (with annex). Signed at
Cape Town, on 31 January 1962**

Official text: English.

Registered by the International Civil Aviation Organization on 3 June 1966.

**AFRIQUE DU SUD
et
LUXEMBOURG**

**Accord relatif aux services aériens (avec annexe). Signé au
Cap, le 31 janvier 1962**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 3 juin 1966.

No. 8209. AGREEMENT¹ RELATING TO AIR SERVICES BETWEEN THE REPUBLIC OF SOUTH AFRICA AND THE GRAND DUCHY OF LUXEMBOURG. SIGNED AT CAPE TOWN, ON 31 JANUARY 1962

1. For the purposes of the present agreement which shall include the Annex hereto—
 - (a) the term “Party” or “Parties” means a Party or Parties, as the case may be, to this agreement ;
 - (b) the term “territory” in relation to a Party means the land areas and territorial waters adjacent thereto in the sovereignty, suzerainty, protection, administration or trusteeship of that Party ;
 - (c) the term “air service” means any air service performed by aircraft for the public transport of passengers, mail or cargo ;
 - (d) the term “stop for non-traffic purposes” means a landing for any purposes other than picking-up or setting down passengers, mail or cargo.

2. (1) The Parties grant each other the rights specified in the Annex hereto for the operation of international air services therein described to their respective territories.
 - (2) Each Party may designate an airline for the operation of the air services specified in the Annex² hereto.

3. (1) Each Party shall, subject to the provisions of paragraph 8, without undue delay deliver an appropriate operating permission to the designated airline of the other Party.
 - (2) A designated airline may, however, before being authorized to inaugurate the service specified in the Annex hereto, be required to satisfy the aeronautical authorities of the other Party that it is qualified to fulfil the conditions prescribed in the laws and regulations normally applied by that authority.

 - (3) Each Party reserves the right to withhold or revoke the grant of an operating permission to the designated airline of the other Party when it is not satisfied that

¹ Came into force on 1 February 1962, in accordance with Section 10.

² See p. 158 of this volume.

substantial ownership and effective control of that designated airline are vested in that other Party or citizens thereof.

4. The Fares and rates to be charged by the airlines designated by the Parties and the conditions of carriage applicable to each such airline shall be those approved by the aeronautical authorities of the Parties.

5. (1) The laws and regulations of the one Party governing entry into and departure from its territory of aircraft engaged in international air navigation or flights of such aircraft within its territory shall apply to the designated airline of the other Party.

(2) The laws and regulations of the one Party governing entry into, sojourn in, or departure from its territory of passengers, crew, mail or cargo such as those relating to formalities, immigration, passports, customs and quarantine shall apply to passengers, crew, mail or cargo carried by the aircraft of the designated airline of the other Party while they are within the said territory.

(3) Passengers in transit across the territory of the one Party shall be subject to a simplified control and baggage and cargo in direct transit shall be exempt from customs duties, inspection fees and similar charges.

(4) Each Party agrees not to give preference to its own airlines over the airline of the other Party in the application of its regulations concerning customs, visas, immigration, quarantine, exchange control or other regulations affecting air transportation.

6. (1) Fuel introduced into or taken on board aircraft in any territory of one Party by or on behalf of the designated airline of the other Party and remaining on board on departure from the last airport of call in that territory shall, subject to compliance in other respects with the customs regulations of the territory be exempt from customs duties, inspection fees and similar charges imposed therein.

(2) The treatment set out in sub-paragraph (1) shall be in addition to that accorded in Article 24 of the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944.¹

7. (1) The airline designated by a Party shall at the request of the aeronautical authorities of the other Party, supply such periodic or other statements of statistics as may be necessary to determine the amount of traffic carried on its service specified in the Annex hereto and the origins and destinations of such traffic.

(2) Discussions between representatives of the aeronautical authorities of the Parties for the purpose of reviewing the position in the light of traffic statistics shall take place from time to time.

¹ See footnote 2, p. 135 of this volume.

8. Notwithstanding the provisions of paragraph 3 a Party shall have the right to suspend the air service operated in terms of this agreement by the airline designated by the other Party if that airline fails to comply with any law or regulation of the first-mentioned Party or fails to comply with any term or condition prescribed in this agreement or in the Annex hereto: Provided that unless immediate suspension is essential to prevent further infringement of a law or regulation or term or condition above-mentioned, this right shall be exercised only after consultation with the other Party.

9. Amendments to the Annex hereto may be agreed upon between the aeronautical authorities of the Parties.

10. This agreement shall come into force on the first day of February, 1962, and shall remain in force indefinitely unless six months notice in writing of termination is given by either Party to the other.

DONE at Cape Town in duplicate original on this thirty-first day of January, 1962.

For the Government
of the Republic of South Africa :

B. SCHOEMAN

For the Government
of the Grand Duchy of Luxembourg :

P. HAMER

A N N E X

1. (1) The air services undertaken by the airlines designated by the Parties hereto shall be operated on the following route pattern in both directions :

Johannesburg – Salisbury – Entebbe/Nairobi/Luanda – Kano/Khartoum/Wadi Halfa – Cairo/Benina – Malta/Palma/Vienna – Luxembourg.

(2) Any or all of the points on the route specified in sub-paragraph (1) may be omitted on any or all flights at the option of the designated airline concerned.

2. The points on the route specified in sub-paragraph (1) of paragraph 1 of this Annex at which, subject to the concurrence of any third country that may be involved, traffic from or for the territory of the Grand Duchy of Luxembourg—

(a) may be set down or picked up, i.e. are agreed traffic stops ;

(b) may not be set down or picked up, i.e. are stops for non-traffic purposes,

by the airline designated by the Government of the Republic of South Africa are the following :

<i>Traffic Stops</i>	<i>Stops for non-traffic purposes</i>
Johannesburg	Salisbury
Cairo	Entebbe or Nairobi or Luanda
Malta or Palma	
Luxembourg	Kano or Khartoum or Wadi Halfa
	Benina
	Vienna

3. The points on the route specified in sub-paragraph (1) of paragraph 1 of this Annex at which, subject to the concurrence of any third country that may be involved, traffic from or for territory of the Republic of South Africa—

(a) may be set down or picked up, i.e. are agreed traffic stops ;

(b) may not be set down or picked up, i.e. are stops for non-traffic purposes,

by the airline designated by the Grand Duchy of Luxembourg are the following :

<i>Traffic Stops</i>	<i>Stops for non-traffic purposes</i>
Luxembourg	Vienna
Palma or Malta	Benina
Cairo	Wadi Halfa or Khartoum or Kano
Johannesburg	Luanda or Nairobi or Entebbe
	Salisbury

4. (1) Notwithstanding the provisions of paragraph 2 of this Annex, the airline designated by the Government of the Republic of South Africa shall not at Luxembourg pick up or set down more than seventy-four passengers on any one flight and there shall be no carry over of unused passenger capacity from one flight to any other flight.

(2) Notwithstanding the provisions of paragraph 3 of this Annex, the airline designated by the Government of the Grand Duchy of Luxembourg shall not at Johannesburg pick up or set down more than seventy-four passengers on any one flight and there shall be no carry over of unused passenger capacity from one flight to any other flight.

5. (1) The frequency of the air service provided by the airline designated by the Government of the Republic of South Africa shall be once per week.

(2) The frequency of the air service provided by the airline designated by the Government of the Grand-Duchy of Luxembourg shall be once per week.