

No. 10168

**SOUTH AFRICA
and
BELGIUM**

**Agreement relating to air services (with annex). Signed
at Pretoria on 13 November 1967**

Authentic texts: Afrikaans, English, French and Dutch.

Registered by the International Civil Aviation Organization on 5 January 1970.

**AFRIQUE DU SUD
et
BELGIQUE**

**Accord relatif aux services aériens (avec annexe). Signé
à Pretoria le 13 novembre 1967**

Textes authentiques: afrikaans, anglais, français et néerlandais.

Enregistré par l'Organisation de l'aviation civile internationale le 5 janvier 1970.

AGREEMENT¹ RELATING TO AIR SERVICES BETWEEN THE REPUBLIC OF SOUTH AFRICA AND BELGIUM

1. For the purposes of the present agreement, which shall include the Annex hereto, the term :

- (a) “ aeronautical authority ” means:
 - (i) in the case of the Republic of South Africa, the Minister of Transport; and
 - (ii) in the case of Belgium, the Administration de l’Aéronautique; or in both cases any other person authorized to perform the functions exercised by the said authority;
- (b) “ air service ” means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (c) “ designated airline ” means an airline which one party has designated in writing to the other Party in accordance with the provisions of this agreement;
- (d) “ Party ” or “ Parties ” means a Party or Parties, as the case may be, to this agreement;
- (e) “ stop for non-traffic purposes ” means a landing for any purpose other than picking up or setting down passengers, cargo or mail;
- (f) “ territory ” in relation to a Party means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, administration or trusteeship of that Party.

2. (1) The Parties grant to each other the rights specified in the Annex hereto for the operation of scheduled international air services therein described to and from their respective territories.

(2) Each Party may designate an airline for the operation of the air service specified for that Party in the Annex.

3. (1) Each Party shall, subject to the provisions of paragraph 8, without undue delay, deliver appropriate operating permission to the designated airline of the other Party.

(2) A designated airline may, however, before being authorized to inaugurate an air service specified in the Annex, be required to satisfy

¹ Came into force on 13 November 1967, in accordance with paragraph 10 (1).

the aeronautical authority of the other Party that it is qualified to comply with the conditions prescribed in the laws and regulations normally applied by that aeronautical authority.

(3) Each Party reserves the right to withhold or revoke the grant of an operating permission to a designated airline of the other Party when it is not satisfied that substantial ownership and effective control of that designated airline are vested in that other Party or in citizens of that other Party.

4. (1) The passenger fares and cargo rates to be charged by the designated airlines and the conditions of carriage applicable to each such designated airline shall be those agreed upon by the International Air Transport Association and approved by the aeronautical authorities of the Parties.

(2) If the International Air Transport Association fails to agree upon such passenger fares and cargo rates or if such an agreement is not approved by the aeronautical authority of a Party, the aeronautical authorities of the Parties shall endeavour to secure agreement on the passenger fares or cargo rates to be charged by the designated airlines.

(3) If the position set out in subparagraph (2) obtains, the passenger fares and cargo rates in force on the date on which the International Air Transport Association so fails to agree or the aeronautical authorities concerned fail to approve, shall continue to be applied until new passenger fares or cargo rates have been established as provided in sub-paragraph (2).

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 relating to formalities, immigration, passports, customs or quarantine of the one Party governing entry into, sojourn in or departure from its territory of passengers, crew, cargo or mail shall apply to passengers, crew, cargo or mail 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 or 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 designated airline over the designated 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 subparagraph (1) shall be in addition to that accorded in terms of 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 designated airline of a Party shall, at the request of the aeronautical authority 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 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.

8. Notwithstanding the provisions of paragraph 3, a Party shall have the right to revoke, suspend or limit by the imposition of conditions, the operating permission granted to a designated airline of the other Party if that designated airline, in operating its air service in terms of this agreement, fails to comply with any law or regulation of the firstmentioned Party or fails to comply with any term or condition prescribed in this agreement or in the Annex: Provided that unless immediate suspension is essential to prevent further infringement of a law or regulation or term or condition abovementioned, this right shall be exercised only after consultation with the other Party.

9. (1) Amendments to the Annex may be agreed upon between the aeronautical authorities of the Parties.

(2) This agreement and its Annex shall be modified to accord with any multilateral convention which may hereafter become binding on both Parties.

10. (1) This agreement shall come into force on the thirteenth day of November, 1967 and shall remain in force indefinitely unless six months notice in writing of termination is given by either Party to the other.

¹ United Nations, *Treaty Series*, vol. 15, p. 295; for the texts of the protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161, and vol. 514, p. 209.

(2) As from the date on which it comes into operation this agreement shall supersede the agreement between the Government of the Union of South Africa and the Government of Belgium signed at Pretoria on 11 June, 1958.¹

DONE at Pretoria in duplicate original on the thirteenth day of November, 1967, in the Afrikaans, English, French and Netherlands languages, all texts being equally authentic.

For the Government of the Republic
of South Africa :

H. MULLER

For the Government of Belgium :

J. SMETS

ANNEX

1. (1) The air service undertaken by the designated airline of the Government of the Republic of South Africa shall be operated on the following route in both directions :

Johannesburg – Salisbury – Luanda – Las Palmas / Sal – Brussels – London.

(2) The air service undertaken by the designated airline of the Government of Belgium shall be operated on the following route in both directions :

Brussels – further points in Europe – Lagos – further points in Africa – Kinshasa – Lubumbashi – Johannesburg.

(3) Any or all of the points on a route specified for it may be omitted on any or all its flights at the option of the designated airline concerned.

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

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

¹ United Nations, *Treaty Series*, vol. 335, p. 63.

Traffic Stops

Johannesburg
Salisbury
Luanda

Sal
Brussels.

Stops for non-traffic purposes

Las Palmas

London.

3. The points on the route specified in sub-paragraph (2) of paragraph 1 of the 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 designated airline of the Government of Belgium are the following :

Traffic Stops

Brussels

Lagos

Kinshasa
Lubumbashi
Johannesburg.

Stops for non-traffic purposes

Further points in Europe

Further points in Africa.

4. (1) Notwithstanding the provisions of paragraph 2 of the Annex, the designated airline of the Republic of South Africa shall not at Brussels pick up or set down more than one hundred and fifteen passengers in any week : Provided that if incentive fares are hereafter established by the International Air Transport Association, the said designated airline may, over and above these one hundred and fifteen passengers, pick up or set down at Brussels in any week not more than twenty-five passengers carried at incentive fares on tickets sold in South Africa.

(2) Notwithstanding the provisions of paragraph 3 of the Annex, the airline designated by the Government of Belgium shall not at Johannesburg pick up or set down more than one hundred and fifteen passengers in any week : Provided that if incentive fares are hereafter established by the International Air Transport Association, the said designated airline may, over and above these one hundred and fifteen passengers, pick up or set down at Johannesburg in any week not more than twenty-five passengers carried at incentive fares on tickets sold in Europe.

(3) In sub-paragraphs (1) and (2) of this paragraph "incentive fare" means any fare for travel between South Africa and Europe, v.v. which is less than the applicable all year round economy fare for such travel fixed by the International Air Transport Association.

(4) There shall be no carry-over of unused passenger capacity from one week to any other week.

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

(2) The frequency of the air service provided by the designated airline of the Government of Belgium shall be two per week.

6. The airline designated by the Government of Belgium shall not publish or cause to be published any advertisement likely to encourage or promote on its services traffic from Great Britain to the territory of the Republic of South Africa or from the territory of the Republic of South Africa to Great Britain.