

No. 13339

**UNITED STATES OF AMERICA
and
BELGIUM**

**Memorandum of Understanding relating to passenger
charter air services (with annexes). Signed at Brussels
on 17 October 1972**

Authentic text: English.

Registered by the United States of America on 30 May 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
BELGIQUE**

**Mémoire d'accord relatif aux services aériens affrétés
pour le transport de passagers (avec annexes). Signé
à Bruxelles le 17 octobre 1972**

Texte authentique: anglais.

Enregistré par les Etats-Unis d'Amérique le 30 mai 1974.

MEMORANDUM OF UNDERSTANDING¹

Representatives of the Government of the United States of America and the Government of Belgium have discussed the regulation of passenger charter air services between their territories and have concluded that a bilateral non-scheduled air services agreement governing such services is not possible at this time. This Memorandum sets forth mutual adherence to certain basic regulatory principles which emerged from the discussion and describes the regulatory regimes each will apply to operations of the other's carriers over the foreseeable period extending from January 1, 1973, through December 31, 1975.

Mutually recognized principles

After a thorough review of their regulatory policies, the Parties recognize certain common elements important to both their Governments.

1. Passenger charter air services provide the citizens of their countries important opportunities for promoting cultural exchange, tourism, and air commerce.

2. The qualification of particular carriers to perform passenger charter air services, and the operating conditions applicable to the operation, navigation, servicing and handling of aircraft engaged in such services should be in conformity with the Chicago Convention,² its pertinent annexes, and equivalent to the treatment accorded to the Parties' designated scheduled carriers under articles II, III, V, and VI of the bilateral Air Services Agreement between Belgium and the United States, signed at Brussels April 5, 1946.³

3. While passenger charter air traffic should not be permitted to cause substantial impairment of scheduled air services, quota limits on the volume of passenger charter air traffic are not acceptable for this purpose. The Parties shall deal with this question by establishing and enforcing reasonable passenger charter regulations.

4. Possible difficulties arising from the regulation, operation or volume of passenger charter air service will be discussed between the Parties in the shortest possible time.

5. Unless otherwise specified in the annexes hereto, no discrimination should be permitted against a carrier or among carriers of the other Party performing operations within the regulatory framework annexed to this Memorandum, and such operations shall be permitted without advance approval of flights subject only to reasonable notice requirements.

¹ Came into force on 17 October 1972 by signature.

² 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; vol. 514, p. 209; and vol. 740, p. 21.

³ *Ibid.*, vol. 4, p. 125.

6. To provide a sound and secure foundation for passenger charter air service for the foreseeable future, there is set forth in the attached annexes the regulatory regime each Party intends to apply from January 1, 1973, to December 31, 1975. Each Party acknowledges its satisfaction with the policies of the other and confirms there will be no change in these regimes within the terms of the annexes, unless otherwise understood between them.

DONE at Brussels, October 17, 1972.

For the United States of America:

[Signed]

ROBERT STRAUSS-ZHUPÉ
Ambassador

For Belgium:

[Signed]

FERNAND DELMOTTE
Ministre des Communications

ANNEX 1

U.S. REGULATORY POLICY

In the exercise of their regulatory functions, the United States civil aviation authorities, for the period extending from January 1, 1973, through December 31, 1975, will:

1. Continue the existing on-route charter authority of the Belgian designated route carrier for all charter types as are or may be authorized to foreign scheduled airlines (including travel group charters).
2. Treat off-route charter operations of the Belgian designated route carrier in a manner consistent with the treatment accorded them prior to 1970.
3. Authorize the Belgian designated route carrier to operate under paragraphs 1 and 2, inclusive tour charters authorized by Civil Aeronautics Board rules.
4. Authorize the Belgian designated route carrier to lease a Belgian registered aircraft with crew from another Belgian certificated carrier for operations under paragraphs 1, 2 and 3, in accordance with existing Civil Aeronautics Board rules and procedures.
5. Continue in force the other charter foreign air carrier permit currently held by a Belgian carrier.
6. Accord liberal treatment under existing procedures to applications of other Belgian carriers for limited and infrequent charter flights to and/or from the United States.

ANNEX 2

BELGIAN REGULATORY POLICY

In the exercise of their regulatory functions, the Belgian civil aviation authorities, for the period extending from January 1, 1973, through December 31, 1975, will:

1. Permit all United States carriers certificated to provide passenger charter service to and from Belgium to exercise the right to pick up and set down in Belgium such

passenger charter traffic moving between a point or points in the United States and a point or points in Belgium (one way or round-trip, nonstop or via intermediate countries, as well as to or from points beyond or behind) for all charter type traffic as is or may be authorized by the Civil Aeronautics Board (including travel group charters).*

2. Continue to permit the same operations by the same carriers as in paragraph 1 above when the traffic is moving in either direction between Belgium and a point or points in North America outside the United States and such charter flights are authorized by the competent authorities of the third country.
 3. Grant liberal treatment to applications of other Civil Aeronautics Board authorized United States carriers for limited and infrequent charter flights to and/or from Belgium.
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* Where authority to uplift a particular Belgium-originating charter flight composed of third-country residents has been denied by another European authority, the Belgian authorities reserve the right to require prior approval. [Footnote in the original.]