

October 29, 1968

**AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF
THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES**

FRANCE

AIR TRANSPORT

Agreement signed at Paris 29 October 1968,

With Annex;

Entered into force 30 September 1969.

The Government of the French Republic and the Government of the Republic of the Philippines, hereinafter described as the Contracting Parties,

Being parties to the Convention on International Civil Aviation^[1] and the International Air Services Transit Agreement^[2] both opened for signature at Chicago on the 7th day of December, 1944,

Desiring to apply to air transport the principles and provisions therein established, and

Desiring to conclude an agreement for the purpose of establishing and operating air services between and beyond the territories of France and the Philippines;

Hereby agree as follows:

ARTICLE I

For the purpose of the present Agreement, unless the context otherwise requires:

(a) the term "aeronautical authorities" means, in the case of the French Republic, the Secretariat General a l'Aviation Civile or any person or body authorized to perform any functions exercised at present by the said Secretariat General a l'Aviation Civile or similar functions, and, in the case of the Republic of the Philippines, the Civil Aeronautics Board or any person or body authorized to perform any functions exercised at present by the said Civil Aeronautics Board or similar functions;

(b) the term "designated airline or airlines" means an airline or airlines which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with the provisions of Article III of the present Agreement, for the operation of air services on the routes specified in the Annex hereto;

(c) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, trusteeship or administration of that State;

(d) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;

(e) the terms "air services," "international air service," "airline" and "stop for non-traffic purposes" have the meaning respectively assigned to them in Article 96 of the Convention;

(f) the term "agreed services" means any scheduled air service operated on the routes specified in the Annex to this Agreement.

ARTICLE II

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in the Annex to this Agreement.

(2) Subject to the provisions of the present Agreement, the airline or airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges:

(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 make stops in the said territory at the points specified for that route in the Annex to the present Agreement for the purpose of putting down and an international traffic in passengers, cargo and mail coming from or destined for other points so specified.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airline or airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE III

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes;

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorization.

(3) The aeronautical authorities of one Contracting Party may require an airline or airlines designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations normally and reasonably applied by them in a manner not inconsistent with the provisions of the Convention to the operation of international commercial air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of an airline or airlines and to withhold or revoke the grant to an airline or airlines of

the privileges specified in paragraph (2) of this Article or to impose such conditions as it may deem necessary in the exercise by an airline or airlines of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline or airlines are vested in the Contracting Party designating the airline or airlines or in nationals of the Contracting Party designating the airline or airlines.

(5) Subject to the provisions of Article VII of the present Agreement, and to the statutory powers of the aeronautical authorities of the Contracting Parties, at any time after the provisions of paragraphs (1), (2) and (3) of this Article have been complied with, an airline or airlines so designated and authorized may begin to operate the agreed services.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline or airlines of the privileges specified in paragraph (2) of this Article or to impose such conditions as it may deem necessary on the exercise by an airline or airlines of those privileges in any case where the airline or airlines fails to comply with the laws and regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement: provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

ARTICLE IV

(1) Aircraft operated on International services by the designated airline or airlines of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from all customs duties, inspection fees and other duties, or taxes on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are re-exported.

(2) There shall also be exempt from the same duties and taxes, with the exception of charges corresponding to the service performed:

(a) aircraft stores taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on board aircraft engaged in an international air service of the other Contracting Party;

(b) spare parts entered into the territory of either Contracting Party for the maintenance or repair of aircraft used on international air services by the designated airline or airlines of the other Contracting Party.

(c) fuel and lubricants destined to supply aircraft operated on international air services by the designated airline or airlines of the other Contracting Party, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

(3) The supplies of regular equipment and aircraft stores on board aircraft of one Contracting Party may not be unloaded on the territory of the other Contracting Party except with the permission of the customs authorities of that territory. In that

case, the supplies shall be kept under the supervision of such authorities pending re-exportation or compliance with normal customs procedures.

ARTICLE V

Each designated airline or airlines is authorized to maintain in the territory of the other Contracting Party its own technical and administrative personnel, without prejudice to the national regulations of the respective Contracting Parties.

ARTICLE VI

Either Contracting Party undertakes to grant the other Party free transfer, at the official rate of exchange, of the excess of receipts over expenditure achieved on its territory in connection with the carriage of passengers, baggage, mail shipments and freight by the designated airline or airlines of the other Party. Whenever the payments system between Contracting Parties is governed by a

special agreement, said agreement shall apply.

ARTICLE VII

(1) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air services, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines designated by the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(2) The laws and regulations of one Contracting Party as to the entrance into, stay within, or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the airline or airlines designated by the other Contracting Party upon entrance into or departure from or while within the territory of the first party.

ARTICLE VIII

In order to develop the air transport services along the routes or segments thereof specified in the Annex hereof, for the purpose of achieving and maintaining equilibrium between the capacity of the specified air services and the requirements of the public for air transportation, as determined by the aeronautical authorities of the Contracting Parties, it is agreed that:

(1) The designated airline or airlines of each Contracting Party shall enjoy fair and equal opportunity for the operation of agreed services for the carriage of traffic between the territories of the two parties;

(2) In the operation by the designated airline or airlines of either Contracting Party of the agreed services, the interests of the designated airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same routes.

(3) The agreed services provided by a designated airline on the specified routes shall bear a close relationship to the requirements of the public or such services, and shall retain as their primary objective the provision at a reasonable load factor