

No. 29907

**OMAN
and
SYRIAN ARAB REPUBLIC**

Agreement on air services between and beyond their respective territories (with annex). Signed at Muscat on 4 May 1992

Authentic text: Arabic.

Registered by Oman on 16 April 1993.

**OMAN
et
RÉPUBLIQUE ARABE SYRIENNE**

Accord relatif aux services aériens entre leurs territoires respectifs et au-delà (avec annexe). Signé à Mascate le 4 mai 1992

Texte authentique : arabe.

Enregistré par l'Oman le 16 avril 1993.

[TRANSLATION — TRADUCTION]

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE SULTANATE OF OMAN AND THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC ON AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

The Government of the Sultanate of Oman and the Government of the Syrian Arab Republic,

Being parties to the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944,²

Desiring to conclude an agreement, supplementary to the said Convention, for the purpose of establishing air services between and beyond their respective territories,

Have agreed as follows:

Article 1

DEFINITIONS

For the purpose of this Agreement, unless the text otherwise requires:

(a) The term “the Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes any annex adopted under article 90 of that Convention and any amendment to the annexes or the Convention under articles 90 and 94 thereof so far as those annexes and amendments have become effective for or been ratified by both Contracting Parties;

(b) The term “aeronautical authorities” means, in the case of the Government of the Sultanate of Oman, the Minister of Communications or any person or body authorized to perform the functions exercised at present by the said Minister; and in the case of the Government of the Syrian Arab Republic, the Minister of Transport or any person or body authorized to perform the functions exercised at present by the said Minister;

(c) The term “designated airline” means an airline which has been designated and authorized in accordance with article 3 of this Agreement;

(d) The term “territory” in relation to a State has the meaning assigned to it in article 2 of the Convention;

¹ Came into force provisionally on 4 May 1992, the date of signature, and definitively on 10 January 1993, the date on which the Contracting Parties exchanged notes confirming the completion of their respective constitutional procedures, in accordance with article 21.

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; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

(e) The terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in article 96 of the Convention;

(f) The term “capacity” in relation to an aircraft means the payload of that aircraft available on a route or section of a route;

(g) The term “capacity” in relation to an agreed service means the capacity of the aircraft used on such service multiplied by the frequency operated by such aircraft over a given period on a route or a section of a route;

(h) The term “route schedule” means the schedule annexed to this Agreement and any amendments to the schedule approved in accordance with the provisions of article 16 of this Agreement. The route schedule forms an integral part of this Agreement.

Article 2

GRANTING OF RIGHTS

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing and operating scheduled international air services on the routes specified in the annex to this Agreement. Such services and routes are hereafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route, the airline designated by each Contracting Party shall enjoy the following rights:

(a) To fly across the territory of the other Contracting Party without landing;

(b) To make stops in the said territory for non-traffic purposes;

(c) To discharge or take on passengers, cargo and mail at any point along the specified route in accordance with the provisions laid down in the route schedules annexed to this Agreement.

2. Nothing in paragraph 1 of this article shall be deemed to confer on the designated airline of one Contracting Party the right to take on board, in the territory of the other Contracting Party, passengers, cargo or mail carried for hire or remuneration and destined for another point in the territory of that other Contracting Party.

Article 3

DESIGNATION OF AIRLINES

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one airline for the purpose of operating the agreed services on the specified routes.

2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this article, without delay grant to the airline designated the appropriate operating authorizations.

3. The aeronautical authorities of one 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 and reason-

ably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention.

4. Each Contracting Party shall have the right to refuse to grant the operating authorizations 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 2 of this Agreement, in a 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. When an airline has been so designated and authorized it may begin at any time to operate the agreed services, provided that a tariff established in accordance with the provisions of article 9 of this Agreement is in force in respect of those services.

Article 4

REVOCATION OR SUSPENSION OF OPERATING AUTHORIZATIONS

1. Each Contracting Party shall retain the right to revoke an operating authorization or to suspend the exercise of the rights specified in article 2 of this Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights:

(a) In a case where it 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; or

(b) In the event of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights; or

(c) In the event that the airline otherwise fails to operate in accordance with the conditions prescribed in 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 shall be exercised only after consultation with the other Contracting Party.

3. In the event of action by one Contracting Party under this article, the rights of the other Contracting Party as specified in article 13 of this Agreement shall not be prejudiced.

Article 5

EXEMPTION FROM CUSTOMS DUTIES AND OTHER CHARGES

1. Aircraft operated on international air services by the designated airline of one Contracting Party, as well as supplies of fuel and lubricants, spare parts, regular aircraft equipment and aircraft stores (including food, beverages and tobacco) shall, upon arrival in the territory of the other Contracting Party, or when such supplies and equipment are placed on board an aircraft in that territory for use only by or on board aircraft of that airline, be exempt from customs duties, inspection fees and any other similar charges in the territory of that other Contracting Party, even if such

supplies and equipment are to be used on flights performed by such aircraft over that territory.

2. Supplies of fuels and lubricants, spare parts, regular aircraft equipment and aircraft stores (including food, beverages and tobacco) kept on board an aircraft of the designated airline of one Contracting Party shall be exempt from customs duties, inspection fees and other similar charges imposed in the territory of the other Contracting Party, even if those supplies are to be used on flights performed by such aircraft over that territory. Articles exempted from tax in accordance with these provisions may be unloaded only with the approval of the customs authorities of the other Contracting Party, and articles for re-export shall be placed under customs supervision until such time as they are re-exported under the supervision of the customs authorities.

3. The charges imposed or stipulated by either Contracting Party for the use of its airports or the other facilities which it administers by the designated airline of the other Contracting Party may not exceed those paid by the national airline of that Contracting Party for the use of the same airports and other facilities in the provision of similar international services.

Article 6

APPLICATION OF LAWS AND REGULATIONS

1. The laws and regulations in force in the territory of one Contracting Party shall be applicable to the navigation and operation of an aircraft belonging to the designated airline of the other Contracting Party during its entry into or departure from that territory, or while within or flying over that territory.

2. The laws and regulations in force in the territory of one Contracting Party governing the entry of passengers, crew and cargo of aircraft into or their departure from that territory, particularly passport, customs and currency regulations and health and quarantine requirements, shall be applicable to passengers, crew and cargo arriving in or departing from that territory on board the aircraft of the designated airline of the other Contracting Party.

Article 7

PRINCIPLES GOVERNING THE OPERATION OF AGREED SERVICES

1. There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

2. In operating the agreed services, the designated airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

3. The agreed services provided by the designated airlines of the two Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes, and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate for the current and reasonably anticipated requirements for the carriage of passengers and cargo