

No. 48124

**Spain
and
Singapore**

Air Services Agreement between the Kingdom of Spain and the Republic of Singapore (with annexes). Madrid, 14 April 2010

Entry into force: *2 January 2011 by notification, in accordance with article 21*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Spain, 24 January 2011*

**Espagne
et
Singapour**

Accord entre le Royaume d'Espagne et la République de Singapour relatif aux services aériens (avec annexes). Madrid, 14 avril 2010

Entrée en vigueur : *2 janvier 2011 par notification, conformément à l'article 21*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Espagne, 24 janvier 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AIR SERVICES AGREEMENT BETWEEN
THE KINGDOM OF SPAIN
AND
THE REPUBLIC OF SINGAPORE**

The Kingdom of Spain and the Republic of Singapore hereinafter referred to as the Contracting Parties;

Desiring to promote an international aviation system which offers fair and equal opportunities to their respective airlines for the operation of the services and which allows them to compete in accordance with the laws and regulations of each Contracting Party;

Desiring to facilitate the expansion of international air transport opportunities;

Desiring to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property; and

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944;

Have agreed as follows:

ARTICLE 1 DEFINITIONS

For the purpose of the interpretation and application of this Agreement, except as otherwise provided herein:

- (a) **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, any amendment of the Annexes or the Convention under Article 90 and 94 thereof so far as those Annexes and amendments have become effective for or have been ratified by both Contracting Parties;
- (b) **Aeronautical Authorities** means in the case of the Kingdom of Spain, on the civil level, the Ministry of Fomento (General Directorate of Civil Aviation), and in the case of the Republic of Singapore, the Civil Aviation Authority of Singapore or, in both cases, any person or body duly authorized to perform any function related to this Agreement exercised by the said Authorities;
- (c) the term **designated airline** means the airline providing international air services that each Contracting Party has designated to operate the agreed services on the specified routes as established in the Annex to this Agreement and in accordance with Article 3 of this Agreement;
- (d) **territory, international air service, and stop for non traffic purposes** have the meanings specified in Articles 2 and 96 of the Convention;
- (e) **Agreement** means this Agreement, its Annex and any amendments thereto;
- (f) **specified routes** means the routes established or to be established in the Annex to this Agreement;
- (g) **agreed services** means the international air services which can be operated, according to the provisions of this Agreement, on the specified routes;
- (h) **tariff** means the prices established for the carriage of passengers, baggage and freight (except mail) including any significant additional benefit granted or provided together with the said transport as well as the commission to be paid in connection with the sale of tickets and with the corresponding transactions for the carriage of goods. It also includes the conditions for the application of the transport price and the payment of the appropriate commission.
- (i) **capacity** means, in relation to an aircraft, the availability of seats and/or cargo of the said aircraft and, in relation to the agreed services, it means the capacity of the aircraft used on the said services, multiplied by the number of frequencies operated by the said aircraft during each season on one route or on one sector of a route;

- (j) **EC Member State** means a member state of the European Community; and
- (k) **nationals**, in the case of Spain, shall be understood as referring to nationals of European Community Member States.

ARTICLE 2 OPERATING RIGHTS

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement, for the purpose of establishing scheduled international air services on the routes specified in Annex I.
2. The airlines designated by each Contracting Party, shall enjoy, while operating an agreed service on a specified route, the following rights:
 - (a) to fly over the territory of the other Contracting Party without landing;
 - (b) to make stops in the said territory for non-traffic purposes;
 - (c) to make stops in the said territory at points specified in the Route Schedule in the Annex to this Agreement for the purpose of taking on or putting down international traffic of passengers, cargo and mail, jointly or separately, in accordance with the provisions of the Annex to this Agreement, to or from the territory of the other Contracting Party or to or from the territory of another State;
3. Airlines of either Contracting Party other than the designated airlines shall be ensured the rights specified in paragraphs (a) and (b) above.
4. Nothing in this Agreement shall be deemed to confer on the designated airlines of one Contracting Party rights of cabotage in the territory of the other Contracting Party.

ARTICLE 3

DESIGNATION OF AIRLINES

1. Each Contracting Party shall have the right to designate by written notification through diplomatic channels to the other Contracting Party as many airlines as it wishes for the purpose of operating the agreed services on the specified routes.. Such designation shall specify the scope of the authorization granted to each airline in relation to the operation of the agreed services.

2. On receipt of such designation, and on application from the designated airline, in the form and manner prescribed, the other Contracting Party shall grant without delay the appropriate operating authorizations, subject to the provisions of paragraphs 3 and 4 of this Article.

3. The Aeronautical Authorities of one Contracting Party may require any airline 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 to the operation of international air services by such authorities in conformity with the provisions of the Convention.

4. The granting of the operating authorizations referred to in paragraph 2 of this Article shall require:

(a) in the case of an airline designated by the Kingdom of Spain:

- (i) that it is established in the territory of the Kingdom of Spain under the Treaty establishing the European Community ("EC") and has a valid Operating Licence from an EC Member State in accordance with European Community law; and
- (ii) that the effective regulatory control of the airline is exercised and maintained by the EC Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (iii) that the airline has its principal place of business in the territory of the EC Member State from which it has received the valid Operating Licence; and
- (iv) that the airline is owned directly or through majority ownership and is effectively controlled by EC Member States and / or nationals of EC Member States, and / or by other states listed in Annex II and / or nationals of such other states.

(b) In the case of an airline designated by the Republic of Singapore: