

No. 48363

**Japan
and
South Africa**

Agreement between Japan and the Republic of South Africa for air services (with annex and exchange of notes). Pretoria, 8 March 1994

Entry into force: *29 September 1994 by notification, in accordance with article 20*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Japan, 3 March 2011*

**Japon
et
Afrique du Sud**

Accord relatif aux services aériens entre le Japon et la République sud-africaine (avec annexe et échange de notes). Pretoria, 8 mars 1994

Entrée en vigueur : *29 septembre 1994 par notification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Japon, 3 mars 2011*

[ENGLISH TEXT - TEXTE ANGLAIS]

AGREEMENT BETWEEN
JAPAN AND THE REPUBLIC OF SOUTH AFRICA
FOR AIR SERVICES

The Government of Japan and the Government of the
Republic of South Africa,

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

Being parties to the Convention on International
Civil Aviation done at Chicago on December 7, 1944,

Have agreed as follows:

ARTICLE 1

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

- (a) the term "aeronautical authorities" means, in
the case of Japan, the Minister of Transport or
any person or body authorized to perform any
functions on civil aviation at present exercised
by the said Minister or similar functions, and,
in the case of the Republic of South Africa, the
Minister responsible for civil aviation or any
person or body authorized to perform any
functions on civil aviation at present exercised
by the said Minister or similar functions;
- (b) the term "designated airline" means an airline
which one Contracting Party has designated by
written notification to the other Contracting
Party for the operation of air services on the
routes specified in such notification, and to
which the appropriate operating permission has
been given by that other Contracting Party, in
accordance with the provisions of Article 3 of
the present Agreement;
- (c) the term "territory" in relation to a State
means the land areas and territorial waters
adjacent thereto under the sovereignty of that
State;

- (d) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (e) the term "international air service" means an air service which passes through the air space over the territory of more than one State;
- (f) the term "airline" means any air transport enterprise offering or operating an international air service;
- (g) the term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail;
- (h) the term "Annex" means the Annex to the present Agreement or as amended in accordance with the provisions of Article 16 of the present Agreement;
- (i) the term "specified route" means any of the routes specified in the Annex; and
- (j) the term "agreed service" means any air service operated on the specified routes.

2. The Annex forms an integral part of the present Agreement, and all reference to the present Agreement shall include reference to the Annex except where otherwise provided.

ARTICLE 2

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement, particularly to enable its designated airlines to establish and operate the agreed services.

ARTICLE 3

1. The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under Article 2 of the present Agreement, subject to the provisions of Article 11 of the present Agreement, and not before:

- (a) the Contracting Party to which the rights have been granted has designated an airline or airlines for that route, and
- (b) the Contracting Party granting the rights has given the appropriate operating permission in accordance with its laws and regulations to the airline or airlines concerned; which it shall, subject to the provisions of paragraph 2 of this Article and of paragraph 1 of Article 7, be bound to grant without delay.

2. Each of the airlines designated by either Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfil the conditions prescribed by the laws and regulations normally and reasonably applied by those authorities to the operation of international air services.

ARTICLE 4

1. The airlines of each Contracting Party shall enjoy the following privileges in respect of their international air services:

- (a) to fly across the territory of the other Contracting Party without landing; and
- (b) to make stops in the territory of the other Contracting Party for non-traffic purposes.

2. Subject to the provisions of the present Agreement, the designated airlines of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the privilege to make stops in the territory of the other Contracting Party at the points specified for that route in the Annex for the purposes of discharging and of taking on international traffic in passengers, cargo and mail separately or in combination.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking on, 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 5

The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airlines of the other Contracting Party for the use of airports and other facilities under its control shall be just and reasonable and not higher than would be paid for the use of such airports and facilities by the airlines of the most favoured nation or by any national airline of the first Contracting Party engaged in international air services.

ARTICLE 6

1. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft engaged in the agreed services operated by the designated airlines of either Contracting Party shall be exempt from customs duties, excise taxes, inspection fees and other similar duties, taxes or charges in the territory of the other Contracting Party, even when they are consumed or used on the part of the journey performed over that territory.

2. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores taken on board aircraft of the designated airlines of either Contracting Party in the territory of the other Contracting Party and used in the agreed services shall, subject to the regulations of the latter Contracting Party, be exempt from customs duties, excise taxes, inspection fees and other similar duties, taxes or charges.

3. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores introduced for the account of the designated airlines of either Contracting Party and stored in the territory of the other Contracting Party under customs supervision for the purpose of supplying aircraft of those designated airlines, shall, subject to the regulations of the latter Contracting Party, be exempt from customs duties, excise taxes, inspection fees and other similar duties, taxes or charges.

ARTICLE 7

1. Each Contracting Party reserves the right to withhold or revoke the privileges specified in paragraphs 1 and 2 of Article 4 of the present Agreement in respect of an airline designated by the other Contracting Party, or