

No. 52762*

**Netherlands (for the European part of the Netherlands)
and
Zambia**

Air Service Agreement between the Kingdom of the Netherlands and the Republic of Zambia (with annex). Lusaka, 16 May 2012

Entry into force: *1 May 2015, in accordance with article 24*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Netherlands, 16 June 2015*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Zambie**

Accord relatif au service aérien entre le Royaume des Pays-Bas et la République de Zambie (avec annexe). Lusaka, 16 mai 2012

Entrée en vigueur : *1^{er} mai 2015, conformément à l'article 24*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pays-Bas, 16 juin 2015*

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

**Air Service Agreement between the Kingdom of the Netherlands
and the Republic of Zambia**

Preamble

The Kingdom of the Netherlands
and
the Republic of Zambia, hereinafter referred to as the Contracting Parties;

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

Desiring to contribute to the progress of international aviation;

Desiring to guarantee the highest level of safety and security in international air transport;

Desiring to conclude an Agreement between the Republic of Zambia and the Kingdom of the Netherlands for Air Services between and beyond their respective territories;

Have agreed as follows:

CHAPTER I

INTRODUCTION

Article 1

Definitions

1. For the purpose of this Agreement:

a) the term "Aeronautical Authorities" means: for the Kingdom of the Netherlands, the Minister of Infrastructure and the Environment; for the Republic of Zambia, the Minister of Transport, Works, Supply and Communications, or in either case any person or body authorized to perform any functions at present exercised by the said Authorities;

b) the terms "Agreed Service" and "Specified Route" mean: International Air Service pursuant to this Agreement and the route specified in the Annex to this Agreement respectively;

c) the term "Agreement" means: this Agreement, its Annex drawn up in application thereof, as well as any amendment to the Agreement or the Annex;

d) the terms "Air Service", "International Air Service", "Airline" shall have the meaning respectively assigned to them in Article 96 of the Convention;

e) the term "Change of Aircraft" means: the operation of one of the Agreed Services by a Designated Airline in such a way that one or more sectors of the Specified Route are flown by different aircraft;

f) 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 of the Annexes or the Convention under Articles 90 and 94 thereof, insofar as those Annexes and amendments have become effective for, or been ratified by both Contracting Parties;

g) the term "Designated Airline" means: the Airline which has been designated and authorized in accordance with Article 3 of this Agreement (Designation and Authorization);

h) the term "Stores", means: articles of a readily consumable nature for use or sale on board an aircraft during flight including commissary supplies;

i) the term "Bonded Stores" means: Stores that are temporarily kept under customs custody;

j) the term "Price" means: any amount, excluding governmental levies, charged or to be charged by the Airline, directly or through their agents, to any person or entity for the carriage of passengers (and their baggage) and cargo (excluding mail) in air transportation, including:

(I) the conditions governing the availability and applicability of a Price; and

(II) the charges and conditions for any services ancillary to such carriage which are offered by the Airline;

k) the term "Territory" in relation to either Contracting Party shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, protection or mandate of the Contracting Party;

l) the term "User Charge" means: a charge imposed on Airlines for the provision of airport, air navigation, or aviation security facilities or services including related services and facilities;

m) the term "Capacity" means: the combination of frequency per week and (the configuration of) the type of aircraft used on the route offered to the public by the Designated Airline(s);

n) the term "EU Member state" means: a state that is now or in the future a contracting party to the Treaty on the European Union and the Treaty on the functioning of the European Union;

CHAPTER II

OBJECTIVES

Article 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party, except as otherwise specified in the Annex, the following rights for the conduct of international air transportation by the Designated Airline(s) of the other Contracting Party:

a) the right to fly across its Territory without landing;

b) the right to make stops in its Territory for non-commercial traffic purposes; and

c) while operating an Agreed Service on a Specified Route, the right to make stops in its Territory for the purposes of taking up and discharging international traffic in passengers, baggage, cargo and mail, separately or in combination.

d) the right for one Contracting Party's Airline(s) to participate in air transportation on a non-discriminatory basis between points in the Territory of the other Contracting Party (cabotage).

Article 3

Designation and Authorization

1. Either Contracting Party shall have the right, by written notification through diplomatic channels to the other Contracting Party, to designate one or more Airlines to operate International Air Services on the routes specified in the Annex and to substitute another Airline for an Airline previously designated.

2. On receipt of such a notification, each Contracting Party shall, without delay, grant to the Airline(s) so designated by the other Contracting Party the appropriate operating authorizations subject to the provisions of this Article, unless it is not satisfied that:

a) in the case of the airline(s) designated by the Kingdom of the Netherlands:

- (i) it is established in the Territory of the Kingdom of the Netherlands under the European Union Treaties and has a valid operating licence in accordance with European Union law, or
- (ii) effective regulatory control of the Airline is exercised and maintained by the EU Member State responsible for issuing its Air Operator's Certificate and the relevant Aeronautical Authority is clearly identified in the designation, or
- (iii) the Airline is owned, directly or through majority ownership, and is effectively controlled by Member States of the European Union or the European Free Trade Association and/or by nationals of such States;

b) in the case an Airline is designated by the Republic of Zambia:

- (i) it is established in the Territory of the Republic of Zambia and has a valid Operating Licence in accordance with applicable law of the Republic of Zambia, or
- (ii) effective regulatory control of the Airline is exercised and maintained by the Republic of Zambia, or
- (iii) the Airline is owned, directly or through majority ownership, and it is effectively controlled by the Republic of Zambia and/or by nationals of the Republic of Zambia;

and that:

c) the Government designating the Airline is maintaining and administering the standards set forth in Article 15 (Safety) and Article 16 (Aviation Security);

d) the Designated Airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operations of international air transportation by the Contracting Party considering the application or applications.

3. Upon receipt of the operating authorization of paragraph 2 of this Article, the Designated Airline(s) may at any time begin to operate the Agreed Services, in part or in whole, provided that it complies with the provisions of this Agreement.

Article 4

Revocation and Suspension of Authorization

1. Each Contracting Party shall have the right to withhold, revoke, suspend or limit the operating authorizations of an Airline designated by the other Contracting Party: