ACORD MULTILATERAL PRIVIND DREPTURILE COMERCIALE PENTRU TRANSPORTURILE AERIENE NEREGULATE ÎN EUROPA*

ADOPTAT LA PARIS, LA 13 APRILIE 1956

MULTILATERAL AGREEMENT ON COMMERCIAL RIGHTS OF NON-SCHEDULED AIR SERVICES IN EUROPE

DONE AT PARIS, ON 13 APRIL, 1956

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* *În vigoare pentru Republica Moldova din 23 martie 1999.*

THE UNDERSIGNED GOVERNMENTS,

CONSIDERING that it is the policy of each of the States parties to the Agreement that aircraft engaged in nonscheduled commercial flights within Europe which do not harm their scheduled services may be freely admitted to their territories for the purpose of taking on or discharging traffic,

CONSIDERING that the treatment provided by the provisions of the first paragraph of Article 5 of the Convention on International Civil Aviation drawn up at Chicago on 7 December 1944 (hereinafter called "the Convention") - which applies to the international movements of private and commercial aircraft engaged in nonscheduled operations on flights into or in transit non-stop across the territories of the States parties to that Convention and to stops therein for non-traffic purposes - is satisfactory, and

DESIRING to arrive at further agreement as to the right of their respective commercial aircraft to take on and discharge passengers, cargo or mail on international flights for remuneration or hire on other than international scheduled services, as provided in the second paragraph of Article 5 of the Convention,

HAVE CONCLUDED this Agreement to that end.

Article 1

This Agreement applies to any civil aircraft

(a) registered in a State member of the European Civil Aviation Conference, and

(b) operated by a national of one of the Contracting States duly authorized by the competent national authority of that State,

when engaged in international flights for remuneration or hire, on other than scheduled international air services, in the territories covered by this Agreement as provided in Article 11.

Article 2

(1) The Contracting States agree to admit the aircraft referred to in Article 1 of this Agreement freely to their respective territories for the purpose of taking on or discharging traffic without the imposition of the

"regulations, conditions or limitations" provided for in the second paragraph of Article 5 of the Convention, where such aircraft are engaged in:

(a) flights for the purpose of meeting humanitarian or emergency needs;

(b) taxi-class passenger flights of occasional character on request, provided that the aircraft does not have a seating capacity of more than six passengers and provided that the destination is chosen by the hirer or hirers and no part of the capacity of the aircraft is resold to the public;

(c) flights on which the entire space is hired by a single person (individual, firm, corporation or institution) for the carriage of his or its staff or merchandise, provided that no part of such space is resold;

(d) single flights, no operator or group of operators being entitled under this sub-paragraph to more than one flight per month between the same two traffic centres for all aircraft available to him.

(2) The same treatment shall be accorded to aircraft engaged in either of the following activities:

(a) the transport of freight exclusively;

(b) the transport of passengers between regions which have no reasonably direct connection by scheduled air services;

provided that any Contracting State may require the abandonment of the activities specified in this paragraph if it deems that these are harmful to the interests of its scheduled air services operating in the territories to which this Agreement applies; any Contracting State may require full information as to the nature and extent of any such activities that have been or are being conducted; and

further provided that, in respect of the activity referred to in sub-paragraph (b) of this paragraph, any Contracting State may determine freely the extent of the regions (including the airport or airports comprised), may modify such determination at any time, and may determine whether such regions have reasonably direct connections by scheduled air services.

Article 3

The Contracting States Further agree that in cases, other than those covered by Article 2, where they require compliance with regulations, conditions or limitations for the non-scheduled flights referred to in the second paragraph of Article 5 of the Convention, the terms of such regulations, conditions or limitations will be laid down by each Contracting State in published regulations, which shall indicate:

(a) the time by which the required information (with a request for prior permission if one is required) must be submitted; this shall not be more than two full business days in the case of a single flight or of a series of not more than four flights; longer periods may be specified for more extensive series of flights;

(b) the aviation authority of the Contracting State to which such information (with the request if one is required) may be made direct, without passing through diplomatic channels;

(c) the information to be furnished, which, in the case of permission for a single flight or of a series of not more than four flights, shall not exceed:

(1) name of operating company;

(2) type of aircraft and registration marks;

(3) date and estimated time of arrival at and departure from the territory of the Contracting State;

(4) the itinerary of the aircraft;

(5) the purpose of the flight, the number of passengers and the nature and amount of freight to be taken on or put down.

Article 4

(1) If any dispute arises between Contracting States relating to the interpretation or application of the present Agreement, they shall in the first place endeavor to settle it by negotiation between themselves.

(2) (a) If they fail to reach a settlement they may agree to refer the dispute for decision to an arbitral tribunal or arbitrator.

(b) If they do not agree on a settlement by arbitration within one month after one State has informed the other State of its intention to appeal to such an arbitral authority, or if they cannot within an additional three months after having agreed to refer the dispute to arbitration reach agreement as to the composition of the arbitral tribunal or the person of the arbitrator, any Contracting State concerned may refer the dispute to the Council of the International Civil Aviation Organization for decision: No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. If said Council declares itself unwilling to entertain the dispute, any Contracting State concerned may refer it to the International Court of Justice.

(3) The Contracting States undertake to comply with any decision given under paragraph (2) of this Article.

(4) If and so long as any Contracting State fails to comply with a decision given under paragraph (2) of this Article, the other Contracting States may limit, withhold or revoke any rights granted to it by virtue of the present Agreement.

Article 5

(1) This Agreement shall be open to signature by States members of the European Civil Aviation Conference.

(2) It shall be subject to ratification by the signatory States.

(3) The instruments of ratification shall be deposited with the International Civil Aviation Organization

Article 6

(1) As soon as two of the signatory States have deposited their instruments of ratification of this Agreement, it shall enter into force between them three months after the date of the deposit of the second instrument of ratification. It shall enter into force, for each State, which deposits its instrument of ratification after that date, three months after the deposit of such instrument of ratification.

(2) As soon as this Agreement enters into force it shall be registered with the United Nations by the Secretary General of the International Civil Aviation.

Article 7

(1) This Agreement shall remain open for signature for six months after it has entered into force. Thereafter, it shall be open for adherence by any non-signatory State member of the European Civil Aviation Conference.

(2) The adherence of any State shall be effected by the deposit of an instrument of adherence with the International Civil Aviation Organization and shall take effect three months after the date of the deposit.

Article 8

(1) Any Contracting State may denounce this Agreement, by notification of denunciation to the President of the European Civil Aviation Conference and to the International Civil Aviation Organization.

(2) Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of the denunciation.

Article 9

(1) The Secretary General of the International Civil Aviation Organization shall give notice to the President and all States members of the European Civil Aviation Conference:

(a) of the deposit of any instrument of ratification or adherence and the date thereof, within thirty days from the date of the deposit, and

(b) of the receipt of any denunciation and the date thereof, within thirty days from the date of the receipt.

(2) The Secretary General of the International Civil Aviation Organization shall also notify the President and the States members of the European Civil Aviation Conference of the date on which the Agreement will enter into force in accordance with paragraph (1) of Article 6.

Article 10

(1) Not less than twenty-five percent (25 %) of the Contracting States shall be entitled, by request addressed to the International Civil Aviation Organization given not earlier than twelve (12) months after the entry into force of this Agreement, to call for a meeting of Contracting States in order to consider any amendments which it may be proposed to make to the Agreement. Such meeting shall be convened by the International Civil Aviation Organization, in consultation with the President of the European Civil Aviation Conference, on not less than three months' notice to the Contracting States.

(2) Any proposed amendment to the Agreement must be approved at the meeting aforesaid by a majority of all the Contracting States, two-thirds of the Contracting States being necessary to constitute a quorum.

(3) The amendment shall enter into force in respect of States which have ratified such amendment when it has been ratified by the number of Contracting States specified by the meeting aforesaid, and at the time specified by said meeting.

Article 11

This Agreement shall apply to all the metropolitan territories of the Contracting States, with the exception of outlying islands in the Atlantic Ocean and islands with semi-independent status in respect of which any Contracting State, at the time of the deposit of its instrument of ratification or adherence, may declare that its acceptance of this Agreement does not apply.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, has affixed their signatures on behalf of their respective Governments.

DONE at Paris, on the thirtieth day of the month of April of the year one thousand nine hundred and fifty-six, in duplicate in three texts, in the English, French and Spanish languages, each of which shall be of equal authenticity.

This Agreement shall be deposited with the International Civil Aviation Organization, which shall send certified copies thereof to all its Member States.