



Treaty Series No. 8 (2003)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Malta

amending the Air Services Agreement done at Valletta on 10 July 1967

Valletta, 7 October and 29 November 2002

[The Exchange of Notes entered into force on 29 November 2002]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2003*

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF MALTA AMENDING THE AIR SERVICES AGREEMENT DONE AT VALLETTA ON 10 JULY 1967¹

No. 1

The British High Commissioner at Valletta to the Prime Minister of Malta.

*Valletta
7 October 2002*

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Malta for Air Services between and beyond their respective Territories done at Valletta on 10 July 1967, as amended (“the Agreement”).

Following correspondence dated 17 and 27 June 2002 between our aeronautical authorities, I have the honour, in accordance with Article 13 of the Agreement, to propose that the revised Article 8 (Tariffs) set out in the Annex to this Letter should be substituted for that contained in the Agreement.

If the foregoing proposal is acceptable to the Government of Malta, I have the honour to propose that this Letter, together with its Annex and your reply to that effect, shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

VINCENT FEAN

ANNEX

ARTICLE 8

(1) Tariffs

(1) For the purposes of these arrangements the term tariff means the prices to be paid for the carriage of passengers, baggage and freight and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services, but excluding remuneration or conditions for the carriage of mail.

(2) Each Contracting Party shall allow tariffs for air services to be established by each designated airline based upon commercial considerations in the market place. Neither Contracting Party shall require their airlines to consult other airlines about the tariffs they charge or propose to charge for services covered by these arrangements.

(3) Each Contracting Party may require notification or filing of any tariff to be charged by its own designated airline or airlines. Neither Contracting Party shall require notification or filing of any tariffs to be charged by the designated airline or airlines of the other Contracting Party. Tariffs may remain in effect unless subsequently disapproved under paragraphs 5 or 6 below.

(4) Intervention by the Contracting Parties shall be limited to:

(a) the protection of consumers from tariffs that are excessive due to the abuse of market power;

¹ Treaty Series No. 87 (1967) Cmnd 3451.

- (b) the prevention of tariffs whose application constitutes anti-competitive behaviour which has or is likely to have or is explicitly intended to have the effect of preventing, restricting or distorting competition or excluding a competitor from the route.
- (5) Each Contracting Party may unilaterally disallow any tariff filed or charged by one of its own designated airlines. However, such intervention shall be made only if it appears to the aeronautical authority of that Contracting Party that a tariff charged or proposed to be charged meets either of the criteria set out in paragraph 4 above.
- (6) Neither Contracting Party shall take unilateral action to prevent the coming into effect or continuation of a tariff charged or proposed to be charged by an airline of the other Contracting Party. If one Contracting Party believes that any such tariff is inconsistent with the considerations set out in paragraph 4 above, it may request consultations and notify the other Contracting Party of the reasons for its dissatisfaction. These consultations shall be held not later than 14 days after receipt of the request. Without a mutual agreement the tariff shall take effect or continue in effect.
- (7) Notwithstanding paragraphs 3,5 and 6 above, neither Contracting Party shall require the filing of tariffs for the carriage of cargo between the two states. Such tariffs shall take effect when the airline concerned so decides.
- (8) A Contracting Party shall not require the filing for its approval of tariffs to be charged by the designated airline or airlines of the other Contracting Party for carriage between the first contracting Party and a third state. Such tariffs shall take effect when the airline concerned so decides.

No. 2

The Minister of Foreign Affairs of Malta to the British High Commissioner at Valletta.

Valletta

29 November 2002

I have the honour to refer to your letter dated 7 October, 2002 and addressed to The Hon. Prime Minister Dr Edward Fenech Adami, concerning the proposed amendment to the Air Services Agreement between the Government of Malta and the Government of UK and which reads as follows:

[As in No. 1.]

Having found this proposal to be acceptable to the Government of Malta, I have the honour to inform you that the above quoted letter together with its Annex and the present reply to it shall constitute an agreement between the Government of Malta and the Government of the United Kingdom of Great Britain and Northern Ireland which shall come into force on the date carried here above.

JOE BORG

