

AUGLÝSING

um breytingu á viðskiptasamningi við Þýska alþýðulýðveldið.

Með orðsendingaskiptum í Reykjavík 8. og 30. júlí 1987 var gengið frá breytingu á 12. gr. viðskiptasamnings milli Íslands og Þýska alþýðulýðveldisins frá 6. febrúar 1973, sbr. auglýsingu í C-deild Stjórnartíðinda nr. 8/1973. Breytingin öðlaðist gildi 30. júlí 1987.

Ný 12. gr. samningsins er birt sem fylgiskjal með auglýsingu þessari.

Þetta er hér með gert almenningi kunnugt.

Utánríkisráðuneytið, Reykjavík, 10. ágúst 1987.

Steingrímur Hermannsson.

Hannes Hafstein.

Fylgiskjal.

Article 12

This Agreement shall come into force upon signing and shall remain valid until December 31st, 1991. It shall be automatically renewed by periods of one year each, unless one of the Contracting Parties gives notice in writing to terminate it three months before the expiry of its validity.

AUGLÝSING

um breytingu á samkomulagi um sameiginlega greiðslu kostnaðar á tiltekinni flugþjónustu á Íslandi.

Hinn 10. ágúst 1987 var samþykktarskjali Íslands vegna bókunar um breytingu á samkomulagi frá 25. september 1956 um sameiginlega greiðslu kostnaðar á tiltekinni flugþjónustu á Íslandi komið til vörslu hjá Alþjóðaflugmálastofnuninni. Bókunin var gerð í Montreal 3. nóvember 1982 og undirrituð fyrir Íslands hönd sama dag. Samkomulagið er birt í Samningum Íslands við erlend ríki, nr. 109, sbr. auglýsingu í A-deild Stjórnartíðinda nr. 3/1958.

Ákvæði bókunarinnar önnur en 9. gr. öðluðust gildi til bráðabirgða 1. janúar 1983. Tilkynnt verður um endanlega gildistöku síðar.

Bókunin er birt sem fylgiskjal með auglýsingu þessari.

Þetta er hér með gert almenningi kunnugt.

Utánríkisráðuneytið, Reykjavík, 31. ágúst 1987.

Steingrímur Hermannsson.

Hannes Hafstein.

Fylgiskjal.

PROTOCOL
for the Amendment of the Agreement on the Joint Financing of Certain Air Navigation Services in
Iceland done at Geneva on 25 September 1956

THE GOVERNMENTS undersigned, being party to the Agreement on the Joint Financing of Certain Air Navigation Services in Iceland done at Geneva on 25 September 1956 (hereinafter referred to as "the Agreement"),

CONSIDERING that it is desirable to amend the Agreement,
HAVE AGREED as follows:

CHAPTER I
AMENDMENTS TO THE AGREEMENT

Article 1

Article V of the Agreement shall be deleted and replaced by the following:

"Article V

The total costs of the Services computed in accordance with Annexes II and III to this Agreement shall not, for any one calendar year, exceed 4 321 166 United States dollars. This limit may be increased by the Council either with the consent of all the Contracting Governments or as a result of the application of the provisions of Article VI."

Article 2

In Article VI, paragraph 1, the reference to paragraph 2 of Article VII shall be deleted and a reference to paragraph 6 of Article VII shall be inserted.

Article 3

Article VII of the Agreement shall be deleted and replaced by the following:

"Article VII

1. Subject to the provisions of Article V and paragraph 2 of Article VI, the Contracting Governments agree to share ninety-five per cent of the approved actual costs of the Services, as determined pursuant to the provisions of Article VIII, in proportion to the aeronautical benefit derived therefrom by each Contracting Government. Such proportion shall be determined for each Contracting Government in respect of each calendar year by the number of crossings between Europe and North America any portion of which lies north of the 45th parallel North between the meridians of 15° West and 50° West performed in that year by its civil aircraft. In addition,

- a) a crossing between only Greenland and Canada, Greenland and the United States of America, Greenland and Iceland or Iceland and Europe shall be counted as one-third of a crossing;
- b) a crossing between only Greenland and Europe, Iceland and Canada or Iceland and the United States of America shall be counted as two-thirds of a crossing; and
- c) a crossing to or from Europe or Iceland which does not cross the coast of North America but crosses the meridian of 30° West north of the 45th parallel North shall be counted as one-third of a crossing.

2. For the purposes of paragraph 1 of this Article:

- a) a crossing shall be counted even if the point of take-off or landing is not in the territories mentioned in that paragraph; and
- b) "Europe" does not include Iceland or the Azores.

3. On or before 20 November each year the Council shall assess the Contracting Governments for the purpose of providing advances for the following year. For the year 1983 the assessments shall be on the basis of the number of crossings in 1981 and ninety-five per cent of the estimated costs for 1983.

The assessment of each Contracting Government shall be adjusted to take into account any difference between the amounts paid by it to the Organization as advances in respect of 1981 and its share, as determined by its crossings in 1981, of ninety-five per cent of the approved actual costs in 1981. The adjusted assessment of each Contracting Government shall be reduced by its share, as determined by its crossings in 1981, of the estimated revenues from user charges to be remitted under Article XIV to Iceland in 1983.

4. The procedure set forth in paragraph 3 of this Article shall apply to the assessments for the year 1984 with appropriate changes of year.

5. For 1985 the procedure in paragraph 3 of this Article shall apply, with appropriate changes of year, and, in addition, the assessment of each Contracting Government shall be further adjusted to take into account any difference between its share of the estimated revenues from user charges for 1983 and its share, as determined by its crossings in 1983, of the audited actual user charge revenues remitted to Iceland in 1983.

6. The procedure for 1985 shall apply in subsequent years with appropriate changes of year.

7. On 1 January and 1 July of each calendar year starting on 1 January 1983, each Contracting Government shall pay to the Organization, in half-yearly instalments, the amount assessed to it in respect of advances for the current calendar year, adjusted and reduced as provided in paragraphs 3, 4, 5 and 6 of this Article.

8. In the event of termination of this Agreement, the Council shall undertake adjustments so as to accomplish the objectives of this Article in respect of any period for which, at the date of termination of the Agreement, payments have not been adjusted pursuant to paragraphs 3, 4, 5 and 6 of this Article.

9. On or before 1 May of each year, each Contracting Government shall furnish to the Secretary General, in such form as the Secretary General may prescribe, full particulars of the crossings to which this Article applies performed during the preceding calendar year.

10. The Contracting Governments may agree that the particulars referred to in paragraph 9 of this Article will be furnished to the Secretary General on their behalf by another Government."

Article 4

In Article VIII of the Agreement

a) paragraph 1 shall be deleted and replaced by the following:

"1. The Government of Iceland shall furnish to the Secretary General, on or before 15 September of each year, estimates, expressed in United States dollars, of the costs of the Services for the following calendar year. The estimates shall be drawn up in accordance with Article III and with Annexes II and III to this Agreement."

b) paragraph 4 shall be deleted and replaced by the following:

"4. The statements of actual costs for each year shall be subject to approval by the Council."

Article 5

In Article IX of the Agreement

a) paragraph 2 shall be deleted and replaced by the following:

"2. The Council shall, after having satisfied itself that the estimates submitted by the Government of Iceland in accordance with paragraph 1 of Article VIII have been drawn up in accordance with Article III and with Annexes II and III to this Agreement, authorize the Secretary General to make payments to that Government in respect of each quarter, not later than the first day of the second month of that quarter. The payments shall be based on the estimates referred to and shall constitute advances, subject to adjustment as provided under paragraph 3 of this Article. The total amount of such payments shall not exceed, in respect of any one year, the limit determined pursuant to the provisions of Article V. With effect from 1 January 1983, the Government of Iceland shall treat all net revenues from user charges, collected from all civil aircraft operators under a system operated pursuant to Article XIV, as part of the advances for the year in which those revenues are received."

b) in paragraph 3 the words "beginning with the statement for the year 1957" shall be deleted.

Article 6

In Article XI of the Agreement

a) paragraph 1 shall be deleted and replaced by the following:

“1. The annual assessments of Contracting Governments shall be expressed in United States dollars.”

b) paragraph 2 shall be deleted and replaced by the following:

“2. Each of the Contracting Governments shall make payments to the Organization pursuant to the provisions of Article VII in United States dollars or in sterling or, provided that the Government of Iceland consents thereto, in Icelandic kronur. The procedure for determining the rate of exchange applicable to a payment made in sterling or Icelandic kronur shall be determined by the Council in consultation with the Governments concerned.”

c) paragraph 4 shall be deleted.

Article 7

In Article XIII of the Agreement paragraph 2 shall be deleted and replaced by the following:

“2. The Council may, subject to the provisions of Articles V and VI and in agreement with the Government of Iceland, include under this Agreement services in addition to those set out in Annex I hereto and new capital expenditure in respect of such services, provided that any one of the following conditions is fulfilled:

a) the total amount of such expenditure in any one year does not exceed 3.5 per cent of the cost limit approved under Article V; or

b) such services are those to which all Contracting Governments have consented; or

c) such services are those to which Contracting Governments responsible in the aggregate for not less than ninety per cent of the total assessments made under the provisions of paragraphs 3, 4, 5 and 6 of Article VII have consented and in respect of which the provisions of Article VI have been applied.”

Article 8

Article XIV of the Agreement shall be deleted and replaced by the following:

“Article XIV

The Government of Iceland shall operate a system of user charges for the Services provided for all civil aircraft making crossings as defined in Article VII. These charges shall be calculated in accordance with Annex III to this Agreement. The net revenues from these charges shall be offset against payments due to the Government of Iceland pursuant to the provisions of this Agreement. Except with the consent of the Council, the Government of Iceland shall not impose any additional charges for the Services on other than its own nationals.”

Article 9

In Article XXVI of the Agreement

a) paragraph 1 shall be deleted and replaced by the following:

“1. Any proposal for an amendment of this Agreement may be initiated by a Contracting Government or by the Council. The proposal shall be communicated in writing to the Secretary General who shall circulate it to all Contracting Governments with the request that they advise him formally whether or not they agree to it.

2. Adoption of an amendment shall require the agreement of two-thirds of all Contracting Governments responsible in the aggregate for not less than ninety per cent of current assessments.

3. An amendment so adopted shall enter into force for all Contracting Governments on 1 January of the year following the year in which formal written acceptances of the amendment have been received by the Secretary General from Contracting Governments responsible in the aggregate for not less than ninety-eight per cent of the current assessments.

4. The Secretary General shall send certified copies of each amendment as adopted to all Contracting Governments and shall notify them of any acceptances and of the date of entry into force of any amendment.”

b) paragraph 2 shall be deleted.

c) paragraph 3 shall be renumbered as paragraph 5.

CHAPTER II
AMENDMENT TO ANNEX III
Article 10

New Sections III and IV, as set out in the Appendix to this Protocol, shall be added to Annex III to the Agreement.

CHAPTER III
FINAL CLAUSES
Article 11

The Agreement and this Protocol shall be read, interpreted and applied together as one single instrument.

Article 12

1. This Protocol shall be open for signature until 15 November 1982 at the Headquarters of the International Civil Aviation Organization by the Governments party to the Agreement (hereinafter referred to as "the present Parties"). Thereafter it shall be open for accession by any such Government.

2. This Protocol shall be subject to acceptance by the signatory Governments.

3. Instruments of acceptance or accession shall be deposited as soon as possible with the Secretary General.

Article 13

1. This Protocol shall enter into force on the sixtieth day after the date on which instruments of acceptance or accession have been deposited by all the present Parties.

2. Notwithstanding the foregoing paragraph, this Protocol, with the exception of Article 9, shall be applied provisionally from 1 January 1983.

Article 14

1. This Protocol shall also be open for accession by any Government not being a present Party.

2. Such accession shall be effected by the deposit of an instrument of accession with the Secretary General.

3. If the instrument of accession is deposited before the entry into force of this Protocol, the Government depositing the instrument shall apply this Protocol provisionally as from 1 January of the year following the year in which the instrument is deposited. If the instrument is deposited after the entry into force of this Protocol, it shall take effect on 1 January of the year following the year in which the instrument is deposited.

4. Such accession shall be deemed to constitute accession to the Agreement as amended by this Protocol.

Article 15

The Secretary General shall send certified copies of this Protocol to all signatory and acceding Governments and shall notify them of:

- a) all signatures of this Protocol;
- b) the deposit of any instrument of acceptance or accession; and
- c) the date on which this Protocol enters into force in accordance with Article 13.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto have signed this Protocol on behalf of their respective Governments.

DONE at Montreal on the third day of November of the year nineteen hundred and eighty-two in the English, French and Spanish languages, all three texts being equally authoritative, in a single copy which shall be deposited with the International Civil Aviation Organization.

APPENDIX

New Sections III and IV of Annex III to the Agreement:

**“SECTION III
USER CHARGES**

1. Pursuant to Article XIV of this Agreement, on or before 20 November 1982 the Council shall determine a single user charge per civil aircraft crossing for the calendar year 1983 for the Jointly Financed Services. The charge shall be calculated by dividing ninety-five per cent of the approved estimated costs, expressed in United States dollars, allocable to civil aviation for 1983 (as defined in paragraph 6 below) plus an adjustment for under-recovery or minus an adjustment for over-recovery in 1981 (calculated in accordance with paragraphs 3, 4 and 5 below) by the total number of crossings in 1981, rounded off to the nearest United States dollar.

2. The provisions of paragraph 1 above, with appropriate revision of the years mentioned therein, shall govern the calculation of the user charge per civil aircraft crossing for the calendar year 1984 and thereafter.

3. The over- or under-recovery referred to in paragraph 1 above is the difference between the amount subject to collection in any year (paragraph 4 below) and the total amounts billed to users in that year (paragraph 5 below).

4. The amount subject to collection in 1981 (for calculation of the 1983 user charge) is eighty per cent of ninety-five per cent of the approved costs allocable to civil aviation in 1981 plus the under-recovery in 1979. In 1982 it is ninety-five per cent of the approved costs allocable to civil aviation in 1982 plus the under-recovery in 1980. For 1983 and thereafter the amount subject to collection will be ninety-five per cent of the approved costs allocable to civil aviation in that year, less the over-recovery or plus the under-recovery of two years earlier.

5. In calculating the user charge for 1983, the amounts billed to users for 1981 (required to establish the over- or under-recovery for 1981) shall be calculated by multiplying that portion of the 1981 user charge in pounds sterling pertaining to this Agreement by the number of crossings in 1981, then converting to United States dollars at the rates of exchange agreed for 1981. In subsequent years the amounts billed to users shall be calculated in the same way with appropriate changes of year.

6. For the purpose of calculation of user charges, the following percentages of the jointly financed costs (i.e. ninety-five per cent of the total costs) are allocable to international civil aviation:

- a) 100 per cent of Air Traffic Services;
- b) 30 per cent of the Meteorological Services (surface and upper-air synoptic observations) and related meteorological telecommunication services;
- c) 100 per cent of the international aviation function of the Meteorological Office at Reykjavik;
- d) 100 per cent of Aeronautical Communication and the Cable Services (excluding MET/COM).

**SECTION IV
ACTUAL COST REPORTS**

The statement of actual costs of the Services referred to in paragraph 2 of Article VIII of this Agreement shall be furnished in United States dollars. For this purpose, actual Kronur expenditures in each calendar month shall be converted to United States dollars using the mid-market rate of exchange as provided by the Central Bank of Iceland for the first day of that month. These conversions shall be included in the audit referred to in paragraph 2 of Article VIII.”