AUGLÝSING

um samkomulag við Bretland um greiðslur vegna flugþjónustu.

Samkomulag milli Íslands og Bretlands um greiðslur vegna flugþjónustu var undirritað í Lundúnum 1. desember 1982. Samkomulagið tekur gildi 1. janúar 1983 og kemur þá í stað samkomulags frá 27. júní 1974, sbr. auglýsingu í C-deild Stjórnartíðinda nr. 12/1974.

Samkomulagið er birt sem fylgiskjal með auglýsingu þessari.

Þetta er hér með gert almenningi kunnugt.

Utanríkisráðuneytið, Reykjavík, 20. desember 1982.

Ólafur Jóhannesson.

Ingvi S. Ingvarsson.

Fylgiskjal.

MEMORANDUM OF UNDERSTANDING

between the Government of Iceland and the Government of the United Kingdom of Great Britain and Northern Ireland regarding the Billing and Collection by the United Kingdom of Air Navigation Charges Levied by Iceland.

The Government of Iceland and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to draw up arrangements for the billing and collection of charges imposed by the Government of Iceland at the request of the Council of the International Civil Aviation Organisation ("ICAO") pursuant to Article XIV of the Agreement of the Joint Financing of Certain Air Navigation Services in Iceland opened for signature at Geneva on 25 September 1956, as amended by the Protocol opened for signature at Montreal on 3 November 1982 ("the Agreement") and as called for in Recommendation 7 of the Second Conference on 1956 Danish and Icelandic Joint Financing Agreements, have entered into this Memorandum of Understanding.

1.1 The Government of the United Kingdom will, subject to the necessary approval of Parliament, make regulations for requiring charges (including the fee referred to in paragraph 2.5) in respect of air navigation services provided by the Government of Iceland in pursuance of the Agreement to be paid to the Civil Aviation Authority of the United Kingdom ("the Authority") by the operator of every aircraft wherever registered, which

(a) makes a crossing between Europe and North America; and

(b) at any time during the crossing is in an area north of the 45th parallel North beween the meridians of 15° West and 50° West; and

(c) in respect of which a flight plan is communicated to the appropriate air traffic control unit, being a flight plan involving the flight of the aircraft in that area.

1.2 Flights between the following areas will, subject to subparagraph (c) of the preceding paragraph, also be taken into account as follows:

Greenland and Canada, Greenland and the United States of America, Greenland and Iceland or Iceland and Europe — one third of a crossing; Greenland and Europe, Iceland and Canada or Iceland and the United States of America — two thirds of a crossing; a crossing to or from Europe or Iceland not crossing the coast of North America but which crosses the meridian of 30° West north of the 45th parallel North — one third of a crossing.

For the purposes of this paragraph and the preceding paragraph:

(a) a crossing will be counted even if the point of take-off or landing is not in the areas mentioned in this or the preceding paragraph;

(b) "Europe" does not include Iceland or the Azores.

2.1 Subject as aforesaid, the Authority will bill and collect charges and fees under these arrangements in respect of flights made on or after 1 January 1983.

2.2 The rate of the charge for each crossing made on or after 1 January 1983 will be £28.38p being the rate notified by the Government of Iceland to the Government of the United Kingdom as the sterling equivalent of the rate determined by the Council of ICAO.

2.3 For each year subsequent to 1983 the rate of the charge determined under the preceding paragraph will apply unless it is changed in accordance with paragraph 2.4.

2.4 Should the Council of ICAO determine that the rate of the charge is to be changed, the Government of Iceland will notify the Government of the United Kingdom of the sterling equivalent of the new rate. Furthermore, should there at any time be a substantial change in the rate of exchange between the United States dollar and sterling, the Government of Iceland may notify the Government of the United Kingdom of the new sterling equivalent of the rate of charge. For this purpose a change of less than 10% in the value of the pound in relation to United States dollars will not be considered substantial. It is recognised that at least three months must elapse between the notification of a change and the coming into force of the necessary amendment to the regulations referred to in paragraph 1.1.

2.5 On billing the operator, the Authority will add to the charge a fee, not exceeding 5% of the charge, in respect of the Authority's services in collecting and accounting for the charges (other than costs and expenses referred to in paragraph 4.4). The Authority will from time to time inform the Directorate of Civil Aviation in Iceland ("the DCA") of the basis on which the fee is calculated.

3.1 Payment by the operator will become due at the time of the flight in question and will be payable in sterling to the Authority by the person who is the operator of the aircraft at the time of that flight. If there is doubt as to who is the operator the Authority may give notice to the person who it believes was the owner of the aircraft at the time of the flight that it will treat him as the operator until he can establish that some other person is the operator and that until he does so he is liable to make the payment. All references in this Memorandum to the operator will be construed accordingly.

3.2 All sums received by the Authority in pursuance of these arrangements (exclusive of the fees referred to in paragraph 2.5) will be remitted in sterling at monthly intervals by the Authority to the DCA, and with an indication of the total amount remitted, subdivided according to the nationality of the operators. The Government of the United Kingdom will facilitate the remission to Iceland in sterling of the sums in question.

4.1 The DCA will inform the Authority at weekly intervals of flights made through the Reykjavik Flight Information Region, giving the following particulars:

(a) the name of the operator or owner;

(b) the date of the flight;

(c) the flight number, if possible, or failing that the registration and nationality marks of the aircraft;

(d) the origin and destination of the flight;

(e) the type of the aircraft, where known;

provided that such information need not be furnished if in the course of the flight the aircraft enters the Shanwick Oceanic Flight Information Region.

4.2 The two Governments will endeavour to obtain similar information for the Authority in respect of flights to which these arrangements apply which pass through Flight Information Regions administered by other Governments and extending north of the 45th parallel North, other than flights in the course of which the aircraft enters the Reykjavik or Shanwick Oceanic Flight Information Region.

4.3 The Government of the United Kingdom will ensure that the Authority will use its best efforts to collect the sums due under the regulations referred to in paragraph 1.1, and that in the event of any difficulty in collecting the sums due the Authority will consult with the DCA as to the best method of proceeding. The Government of Iceland has no objection to the exercise of jurisdiction by the courts of the United Kingdom for the collection of the sums due whatever the nationality of the aircraft in question or of its operator, and whatever the place where the liability arose.

4.4 The Authority will not be obliged to detain any aircraft or to engage in litigation for the recovery of any sums due, and will not take either course of action without the consent of the DCA. If the Authority does so with that consent, the Government of Iceland will indemnify the Authority

against all costs and other expenses incurred by it and against any legal liability in respect of the detention of the aircraft, howsoever such costs, expenses or liability may arise.

4.5 The two Governments may decide that efforts under these arrangements to collect a particular sum due should be suspended, in which event the matter will be dealt with in accordance with arrangements made or to be made in pursuance of the Agreement.

5. The Government of the United Kingdom will cause the Authority to keep proper accounts of its receipts under these arrangements and to permit the DCA and ICAO to verify those accounts with the relevant vouchers at reasonable intervals. The accounts and vouchers will be retained by the Authority for that purpose for a period of three years after payment by the operator becomes due.

6. Nothing herein applies to military aircraft. An aircraft on the civil register of any State will not be considered to be a military aircraft.

7.1 These arrangements may be terminated by either Government giving to the other not less than twelve months notice in writing, such notice to expire not earlier than the last day of the year which follows the year in which the notice is received.

7.2 Upon the giving of notice of termination of the Agreement by any party thereto or on the occurrence of any substantial change in its operation, these arrangements will be reviewed by the two Governments at the request of either of them.

8. Any dispute between the two Governments arising out of the interpretation or application of these arrangements will be determined by referring it to an arbitrator appointed by both Governments jointly, or, if the Governments cannot decide on a mutually acceptable arbitrator, by the President of the European Court of Justice provided that he is neither a United Kingdom nor Icelandic national or, if he is such a national, by the next Senior Judge of that Court, in the order of precedence established by Article 6 of the Rules of Procedure of that Court, who is not such a national. The two Governments will abide by the decision of the arbitrator.

9. These arrangements will, as from 1 January 1983, supersede the Memorandum of Understanding signed on 27 June 1974.

For the Government of Iceland
Einar Benediktsson

For the Government of the
United Kingdom of Great
Britain and Northern Ireland
J. Grey

1 December 1982

Nr. 22 31. desember 1982

AUGLÝSING

um breytingu á samningi um stofnun Fríverslunarsamtaka Evrópu (EFTA).

Hinn 23. desember 1982 öðluðust gildi samþykkt ráðs Fríverslunarsamtaka Evrópu (EFTA) nr. 7/1982 og samþykkt hins sameiginlega ráðs samtakanna og Finnlands (FINEFTA) nr. 3/1982, sem gerðar voru 1. júlí 1982 um breytingu á viðauka G við samninginn frá 4. janúar 1960 um stofnun Fríverslunarsamtaka Evrópu, sbr. auglýsingu í C-deild Stjórnartíðinda nr. 7/1970.

Samþykkirnar eru birtar sem fylgiskjöl með auglýsingu þessari.

Þetta er hér með gert almenningi kunnugt.

Utanríkisráðuneytið, Reykjavík, 31. desember 1982.

Ólafur Jóhannesson.

Ingvi S. Ingvarsson.