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**Legislative Decree No. (3) of 2001, ratifying the Air Transfer Convention between the Government of the State of Bahrain and the Government of the Republic of Italy**

We, Hamad bin Isa Al Khalifa, Emir of the State of Bahrain

Having reviewed the Constitution;

Emiri Order No. (4) of 1975;

And the Air Transfer Convention between the Government of the State of Bahrain and the Government of the Republic of Italy signed in Rome on 16 October 2000,

And upon the submission of the Minister of Transportation;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One:**

The Air Transfer Convention between the Government of the State of Bahrain and the Government of the Republic of Italy signed in Rome on 16 October 2000, and attached to this law, has been ratified.

**Article Two**

The Minister of Transportation shall implement this Law, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

**Promulgated at Riffa Palace:**

**On 2 Dhul-Qi’dah 1421 AH**

**Corresponding to 27 January 2001**

**Air Transfer Convention between the Government of the State of Bahrain and the Government of the Republic of Italy**

Since they are among the signatory parties to the International Civil Aviation Treaty in Chicago on 7 December 1944, and their desire to enter into an Convention complementary to what was stated in that aforementioned treaty to provide air transport services between them and through them beyond their countries,

The governments of the State of Bahrain and the Republic of Italy agreed on the following:

**Article (1)**

**Definitions**

For the purposes of this Convention , and unless the context otherwise requires, the following expressions shall have the meanings indicated next to each:

(a) “Treaty” means: The International Civil Aviation Convention, which was presented for signature in the city of Chicago, United States of America, on 7 December 1944, including all of its annexes in accordance with Article (90) thereof, and any amendment to that treaty or its annexes shall be made in accordance with the text of Articles (90) and (94)(a) of that convention to the extent that those annexes and amendments contained therein are applicable to both parties to this Convention .

(b) “Aviation authorities” means, in the government of the State of Bahrain, the Ministry of Transportation represented by the Department of Civil Aviation Affairs, and in the government of the Republic of Italy, the Ministry of Transportation, or in both countries, any entity or person authorised to carry out any tasks currently carried out by the aforementioned authorities, or any other tasks similar to those tasks.

(c) “Specified flight line” means any flight line designated and authorised under Article “4” of this Convention.

(d) “Agreed Services” means scheduled international air services on any line or lines specified in the Annex accompanying this Convention for the transport of passengers and their baggage and the transport of goods and mail within the limits of agreed capacities.

(e) “Specified Line” means the line specified in this Convention .

(f) “Capacity” means, in relation to an aircraft, the fare-paid load on any air route or part of that line. As for “agreed upon services,” it means the power of the aircraft used in that service multiplied by the vibrations used in that aircraft during a specific period on that line or part thereof.

(g) “This Convention ” means this Convention , the accompanying Appendix, and any amendments made thereto or to that Appendix.

(h) “Area” has the meaning given to it in Article (2) of the Convention , and the phrases “air service,” “international service,” “airline,” and the phrase “stop for purposes other than movement” shall have the meanings assigned to them in Article (96) of the Convention . .

(i) “Tariff” means the prices payable for the carriage of passengers and their baggage and the carriage of goods and the conditions to be applied to such prices, including commissions, fees and other fees paid to agencies or sales of transport documents, excluding the fees and conditions required for the carriage of mail.

(j) “Appendix” means the appendix accompanying this Convention and the amendment contained therein, provided that the appendix is an integral part of this Convention and every reference to this Convention includes a reference to that appendix unless the context requires another meaning.

(k) “Traffic” means the movement of passengers, passenger baggage, freight transportation and air mail.

(l) “Shared code” means the operations carried out by each specific airline during which it uses the communication code and flight number of another airline in addition to its own code and flight number.

(m) “Scale change” means changing the plane at points on specified lines.

**Article (2)**

**Application of the Chicago Convention of 1944**

The application of the provisions of this Convention depends on their conformity with the provisions of the Chicago Convention of 1944 and to the extent that the provisions of this Convention are applicable to its international air transport services.

**Article (3)**

**Granting rights**

(1) Each party to this Convention shall grant the other party the following rights in exchange for its international air services:

(a) The right to fly through its airspace without landing.

(b) The right to stop in its lands for any purposes other than the purposes of movement.

(c) Stopping in the areas specified for that air route in the annex accompanying this Convention for the purpose of unloading or loading during international movement in bulk or individually.

(2) The provisions of paragraph (1) of this Article shall not entitle any air transport corporations of either party to this Convention to transport passengers or their baggage or to transport goods, including mail, for a fee, from a starting point in the area of the other party to an end point in another area of that other party.

**Article (4)**

**Identifying and licensing air transport institutions**

(1) Each party to this Convention shall have the right to designate no more than two airlines for the other party in writing for the purposes of operating the agreed upon services on the specified lines and may withdraw or change any of those establishments.

(2) Upon receipt by either party of this Convention of the aforementioned designation of those institutions, the other party, taking into account what is stated in paragraphs (3) and (4) of this Article, shall have the right to grant the line or lines of licence or necessary licences it has specified without delay.

(3) The aviation authorities of either party to this Convention may request that the airline specified by the other party provide it with everything that proves that it is qualified to fulfil all of the conditions stipulated in the laws and regulations applicable to international aviation services provided by those authorities in a way that does not conflict with the provisions of the Chicago Convention.

(4) Each Party to this Convention shall have the right to refuse to grant the licence provided for in paragraph (2) of this Article or to impose such conditions as it deems necessary for any airline to enjoy the rights set forth in Article (3) of this Convention in any case where it is not satisfied that the true ownership or effective management of that line is with the other Party, designated by that line, or with the nationals of that other Party.

(5) If the airline is identified and granted the necessary licence, it may begin operating the agreed-upon services at any time, provided that the tariff determined pursuant to Article (7) of this Convention has become effective for those services.

**Article (5)**

**Cancellation or suspension of the operating licence**

1- Each party to this Convention has the right to cancel the operating licence or stop the air transport organisation appointed by the other party from exercising the rights mentioned in Article (3) of this Convention or impose any conditions it deems necessary to exercise those rights in the following cases: -

(a) If it is not satisfied that the real ownership or effective management of the airline belongs to the nationals of the Party that determined that line.

(b) If the airline concerned fails to comply with the laws and regulations of the party granting those rights.

(c) In the event that the airline fails to operate in accordance with the conditions stipulated in this Convention .

2 - Unless the cancellation, suspension, or immediate imposition of the conditions stipulated in Paragraph (1) of this Article is necessary to reduce non-compliance with laws and regulations, this right shall be exercised only after consultation with the other party, provided that consultation takes place within (30) days from the date the other party receives the relevant report in writing.

3 - If either party takes any action under this article, this must be without prejudice to the rights of the other party stipulated in Article (25) of this Convention .

**Article (6)**

**Principles governing the agreed services**

1- It is available to the airlines of both parties on the basis of equality and fairness to operate the specified and agreed upon lines.

2- The airlines of either party must take into account the rights and interests of the air transport companies appointed by the other party in operating the agreed upon services.

3- The airlines of both parties must take into account the people’s need for public transportation on the lines specified in their provision of agreed-upon services, and their primary goal should be to provide transportation with reasonable and sufficient capacity to meet the current and expected future needs of transporting goods and passengers, including air mail services to and from the various regions of the two parties.

Providing goods and passenger transportation services includes mail services transported by air to and from regions of other countries other than those whose lines have been determined, provided that the transportation capacity, in accordance with general principles, is related to the following:

(a) The needs of movement to and from the area of either of the parties designated by such institution or lines.

(b) Traffic needs for the space required to provide the agreed-upon services, taking into account the transportation services provided by airlines of other countries through the same space.

(c) Other airline operating requirements.

**Article (7)**

**Tariffs**

1- The transportation tariff via the airline of either party to and from the areas of the other party must be determined according to reasonable levels and the necessary consideration must be given to all factors determining that tariff, including operating cost, reasonable profit, and the tariff of other airlines.

2. An Convention shall be made between the airlines of the two parties, as far as possible, on the tariff mentioned in paragraph (1) of this Article, after consultation with the administrations of the other airlines operating in those specified airlines or any part thereof, provided that such Convention shall be made as far as possible in accordance with the procedures of the International Air Transport Association for determining the transport tariff.

3- The agreed-upon tariff must be submitted for approval by the aviation authorities of both parties no less than (90) days before the date of its preparation, provided that this period may be reduced in special cases according to the mutual consent of the two parties to this Convention .

4- This tariff may be approved verbally, and in the event that any of the aviation authorities of either party does not expressly disclose its approval of that tariff within (30) days from the date of its submission to them in accordance with Paragraph (3) of this Convention , that tariff shall be deemed to have been approved automatically,. In the event that the period specified for submitting that tariff to the competent authorities is reduced in accordance with the provisions of Paragraph (3) of this Article, the aviation authorities of the two parties may agree to reduce the period required for submitting the tariff authorisation to less than (30) days.

5- In the event that the tariff is not agreed upon in accordance with Article (2) of this Convention , or in the event that either party’s aviation authorities notify the other party’s aviation authorities within the period specified in Paragraph (4) of this Article that they will not approve any tariff that was agreed upon in accordance with Paragraph (2) of this Article, the aviation authorities of the two parties, after consulting any aviation authorities of any other country that deems it useful to consult them, shall do everything in their power to reach a joint Convention on that tariff.

6- In the event that the aviation authorities of the two parties do not reach an Convention on any tariff submitted to them under Paragraph (3) of this Article, or in the event that no tariff is determined under Paragraph (5) thereof, the dispute must be settled in accordance with the provisions of Article (23) of this Convention .

7- The tariff that was determined in accordance with this article must be implemented until a new tariff is issued. However, it is not permissible to extend the implementation of that tariff in accordance with this paragraph for more than (12) months after the date on which it was supposed to end.

**Article (8)**

**Enforcement of laws and regulations**

(1) The provisions of the laws and regulations of either party to this Convention shall apply to the airlines of the other party during their aircraft entering, crossing the airspace, or taking off from the territory of that party whose laws and regulations apply.

(2) The provisions of the laws and regulations of either party to this Convention regarding the procedures for the entry of passengers or aircraft, or the entry of goods or mail into its territory, or their stay or departure from those territories, with regard to obtaining entry or exit visas, immigration procedures, passports, customs, health procedures, and quarantine shall be applied to passengers, crew of aircraft and the entry of goods and mail through the airline or airlines of the other party while they are in the territory of that party to which it belongs.

(3) Each party to this Convention must, upon request, provide the other party with copies of its laws and regulations.

**Article (9)**

**Recognition of certificates and licences**

(1) Each party to this Convention must recognise and acknowledge the validity of airworthiness certificates, certificates of competence and licences issued or provided by the other Party, which are in effect, for the purposes of operating the operations of the lines and services provided for in this Convention , provided that such conditions under which such were issued or deemed valid shall be equal to or above the minimum required level prescribed or may be determined in accordance with the provisions of this Convention .

(2) Each Party to this Convention reserves the right, with respect to flights through its airspace, not to recognise certificates of airworthiness, competence or licences granted to its nationals or deemed valid for them by the other Party.

**Article (10)**

**Leave tables**

Each airline or airlines designated by either party to this Convention must submit, at least 30 days before providing that air service or services, the proposed schedules to the aviation authorities of the other party for approval. These schedules must include the type of air service, the airline used to provide it, the flight schedule, and any other relevant information. Provided that this also applies in the event of any subsequent amendments to those schedules, and in some cases, the time limit stipulated in this article may be reduced according to what those authorities deem necessary.

**Article (11)**

**Marketing and selling air transportation services**

Taking into account the laws and regulations of each party to this Convention , each party must grant the air carriers of the other party the right to market and sell air transport services and all related products within its territory, including the right to open offices on or outside the lines.

**Article (12)**

**Computer booking system**

The two parties agree to use the computer booking system within their respective areas by:

(a) To protect the interests of consumers of air services and products from any misuse of computer information systems, including misleading information.

(b) To operate with the codes used by the International Civil Aviation Organisation in connection with the International System for the Distribution of Passengers, Cargo and Air Transport Services.

**Article (13)**

**Providing internal services through non-citizen employees**

Each party to this Convention must allow the air carriers of the other party to do the following:

(a) Using non-citizen employees to manage commercial, administrative, technical, and other operational operations to provide air services from within its territory, provided that this is in accordance with the laws of entry, residence, and work in the territory of that other party.

(b) Using the services or employees of any other organisation, company or airline operating in its territory and licensed to provide air transport services.

**Article (14)**

**Payment of Local Expenses**

Each party to this Convention must allow the air carriers of the other party to pay local expenses within its territory, including its fuel purchases, in the local currency or, at the option of those carriers, in accordance with what is approved in any other convertible currency.

**Article (15)**

**Usage fees**

(1) The phrase “use fees” means the fees that the competent aviation authorities impose on airlines or allow to be imposed on airlines in exchange for the use of airport property and air navigation facilities or facilities, including special services and facilities provided to aircraft, their crews, passengers, and the transportation of goods.

(2) Neither party to this Convention may impose usage fees or allow usage fees to be imposed on airlines specified by the other party that are higher than those it imposes on its own airlines operating in the provision of similar air transport services.

(3) Each party to this Convention shall encourage consultations on usage fees between its competent authorities to impose those fees and the airlines using those services and facilities provided by those competent authorities, whenever possible, through representatives of those airlines. Provided that these users are given timely notice of each suggestion regarding such fees, so that they can express their opinions before such fees are imposed.

Each Party shall additionally encourage its charging authorities and those users to exchange information about usage charges.

**Article (16)**

**statistics**

The aviation authorities of either party to this Convention must provide periodic statistics lists or statistics upon the request of the other party, whenever this is appropriate, to review the capacities used in providing the agreed-upon services by the airline or airlines of the requesting party, provided that these statistics lists include all the information necessary to determine the amount of agreed-upon services transported by airlines and to determine the place of origin and arrival of those services.

**Article (17)**

**Customs Duties**

(1) Each party to this Convention must exempt the aircraft of the other party used in air transport services by the airline or airlines specified by that party and exempt their rotating equipment, fuel, lubricants, technical consumables and spare parts, including their machinery and hangars (Including, but not limited to, food, beverages and tobacco products) that are on board from all customs duties on the basis of reciprocity, as well as taxes and similar fees that are not based on the cost of the services provided upon arrival, provided that the aforementioned equipment and other items remain on board the aircraft.

(2) Each party to this Convention must exempt the other party for its periodically replaced equipment and devices, fuel, grease, consumable technical equipment, spare parts for aircraft machinery and hangars (including, but not limited to, food, beverages, and tobacco products), printed ticket inventory, air service bills and any other publications bearing the airline symbol or mark of that other Party and advertising materials distributed free of charge and brought into the territory of that Party by or on behalf thereof, or carried on board its aircraft, from all customs duties, taxes, similar charges and charges that are not based on the cost of the services provided at the arrival terminal on the basis of reciprocity even if the substituted equipment, devices and other items are intended to be used during part of the journey through its territory.

(3) Either party may request from the other party that such replaced equipment and devices and all of what is mentioned in the items mentioned in paragraphs (1) and (2) of this article remain under the control or management of its customs authorities.

(4) This equipment and other items mentioned in Paragraph (1) of this Article may be landed on the territory of the other party without the approval of its customs authorities. In this case, the exemptions contained therein shall be applied to these equipment and devices and all items mentioned in Paragraph (1) of this Article on the basis of reciprocal treatment until it is returned or disposed of in accordance with customs regulations. The customs authorities may request that such equipment and devices and all items mentioned above be placed under their control until the date.

(5) The exemptions provided for in this Article shall be applied in the event that any of the airline or airlines specified by either party enters with another airline or airline in an Convention to impose or transfer such equipment and devices to that third party within the territory of the other party mentioned in paragraphs (1) and (2) of this Article, provided that the airline or airline enjoys the same exemptions from the other party. Baggage and goods in direct transit on the territory of any of the the parties must be exempt by the other party from customs duties, taxes and all duties that are not based on the cost of services provided at the arrival terminal.

**Article (18)**

**Converting proceeds in convertible currencies**

Each of the parties to this Convention shall allow the other party to transfer all its domestic revenues from the sales of its air services and activities directly related to them that are in excess of its domestic needs abroad at the option of the carrier and at its request, immediately and without any restrictions or discrimination after fulfilling all financial obligations due on such revenues at the exchange rate in force on the date of the request to convert its value into another currency and transfer it abroad.

**Article (19)**

**Aviation Safety**

(1) Either party may request consultation at any time regarding the required safety levels in any area regarding the safety of the crew and the aircraft or the operations of the other party, provided that such consultations take place within (30) days from the date of that request.

(2) In the event that either party discovers that the other party, after conducting those consultations, does not have those levels of safety or has not been employed effectively in any of those areas at least at the minimum level required, the first party must notify the other party of its findings in this regard and the necessary steps that must be taken to reach the minimum levels required for aviation safety, and the concerned party must take the necessary corrective measures. In the event that party fails to take these measures within (15) days or any longer period as agreed upon, that failure shall be a reason for applying the text of Article (5) of this Convention .

(3) Taking into account the obligations contained in Article (33) of the Convention , the two parties agreed that any aircraft belonging to any airline or airlines designated by the other party, during its journey to and from the territory of the other party, shall be subject to inspection by the accredited representatives of that party from inside and outside the country in order to ensure the validity of its documents and the documents pertaining to its crew, their apparent condition, and the condition of their equipment. “This examination is called for the purposes of this article (field examination),” provided that this examination does not cause any disruption to the aircraft’s operations.

(4) If that examination, through a series of superficial examinations, leads to:

(a) Serious facts that the aircraft or its operations do not, at that time, meet the minimum required levels of aviation safety established in accordance with the Convention.

(b) The serious facts of the lack of maintenance and effective management at that time of the which does not comply with the level of safety established by the Treaty.

The Party which then carried out such examination shall, for the purposes of Article (33) of the Convention, conclude at its own choice that either the requirements under which certificates or licences for such aircraft or crew have been issued shall be deemed to be valid or that the requirements required for such aircraft or crew shall not be equal to or greater than the minimum required levels and the provisions of the Convention .

(5) If a representative of the airline or airlines designated by the other concerned party refuses entry for the purpose of conducting a surface inspection of his or her aircraft in accordance with the provisions of paragraph (3) above, the other party shall be free to conclude that serious facts of the kind referred to in paragraph (4) above has been proven and the conclusions referred to in that paragraph can be drawn from that.

(6) Each Party to this Convention shall have the right to suspend or modify the licence to operate the operations of the relevant airline or airlines of the other Party as soon as that Party concludes from the results of the field examination, consultations or otherwise that an immediate action has become necessary for the safety of the operations of that airline or airlines.

((7) Each Party to this Convention shall suspend any action initiated in accordance with the provisions of paragraph (2) or paragraph (6) above as soon as the reasons for initiating such action cease to exist.

**Article (20)**

1. Securing the safety of a civil aircraft, its passengers and crew is one of the prerequisites for the provision of international air services. Therefore, the Parties affirm their commitment to each other with regard to the security of civil aviation from any unlawful interference, in particular their commitment to the provisions of the Chicago Convention with respect to Crimes and Other Acts Committed on Board Aircraft, which was signed in Tokyo on 14 September 1963.

The Convention for the Suppression of Unlawful Seizure of Aircraft signed in The Hague on 16 December 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed in Montreal on 23 September 1971, and the Protocol for the Suppression of Unlawful Acts of Use of Violence at Airports for Civil Aviation signed in Montreal on 24 February 1988 or any other aviation convention or protocol to which the parties are bound..

2. Each Party to this Convention shall, upon request, provide all necessary assistance to the other Party to prevent any unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, passengers and crew, airports and all auxiliary civil aviation facilities from any other threat that may be directed to the security of civil aviation.

3. The Parties shall work in their relations with each other to comply with the required levels of aviation security and to abide by the levels of aviation insurance established by the State Civil Aviation Organisation contained in the annexes accompanying the Chicago Convention and to require the owners of aircraft registered with them, or whose headquarters of business or permanent residence are located in their territories and employees at their airports, to comply fully with those provisions relating to the levels of aviation security. The reference to the levels of aviation security contained in this paragraph shall include any difference notified to the Party concerned, and each Party to this Convention shall inform the other Party in advance of its intention to be notified of any difference in those levels.

4. Each Party to this Convention shall ensure that all effective measures have been taken within its territory to protect aircraft, monitor passengers and their cargo, and continue to inspect crews, cargo (including hand-held) and hangars in advance and during loading and boarding of aircraft, and that such measures have been carefully taken to address the growing threats in this regard.

Each party to this Convention has agreed that it may request its airlines to monitor the texts mentioned in Paragraph (3) regarding aviation security that the other party requests to provide for it in cases of entry into or departure from the territory of the party concerned, or while present in it. Each party must respond sincerely to any request from the other party to take special measures to confront any specific threats.

5. Each Party to this Convention shall assist the other Party in the event of any accident or threat of any accident with the unlawful seizure of any civil aircraft or the threat of any unlawful act that threatens the safety of the aircraft, passengers, aircraft crew, airports or any other civil aviation facilities by facilitating means of transportation and any other appropriate measures intended to be taken to bring to an expeditious end to what has happened or what may occur of as threat, as far as possible, and in proportion to it and with the least possible risks or threats to life.

**Article (21)**

**Commitment to the multilateral Convention**

In the event that the parties to this Convention enter into any general multilateral air transport convention the provisions of that convention shall prevail, provided that any discussions take place regarding the extent to which this Convention is compatible with that general international convention the extent to which this Convention can be cancelled, replaced, amended, or add any of the provisions of that general international convention in accordance with the provisions of Article (24) of this Convention .

**Article (22)**

**Consultations and Amendments**

(1) Each party to this Convention or its aviation authorities must consult the other party in a spirit of cooperation from time to time to ensure full implementation and compliance with the provisions of the Convention and its accompanying annexes.

(2) The aforementioned consultations shall begin within a period of (30) days from the date of the relevant request, unless this period is modified by mutual consent of the aviation authorities of both parties.

(3) Each party to this Convention shall have the right to seek advice from the other party at any time to amend this Convention or the Annexes accompanying it.

(4) Provided that each party ratifies any amendments to the texts of the Convention other than the texts of the schedules attached to it in accordance with its own constitutional procedures. Provided that any such amendments agreed upon shall begin to take effect from the date the two parties exchange diplomatic notes relating to such ratifications.

(5) Only amendments to the texts of the schedules annexed to the Convention may be agreed directly through consultations with the aviation authorities of the two parties. Provided that a new annex will be issued with the amendments agreed upon, and it will come into effect from the date of its ratification by the aviation authorities in the two countries.

**Article (23)**

**Settlement of disputes**

In the event of any dispute arising between the two parties to this Convention regarding the interpretation or application of this Convention , the two parties shall, in the first place, exert their efforts to settle that dispute through discussions between them.

**Article (24)**

**Termination of this Convention**

Either party to this Convention may, at any time, notify the other party in writing through diplomatic channels of its decision to terminate this Convention . At the same time, the International Civil Aviation Organisation shall be notified of that decision. In this case, the Convention shall terminate after (12) months from the date of receipt of that notice by the other party, unless the notice of termination of this Convention is withdrawn by Convention of both parties before the end of that period. In the event that the date of receipt of that notification by the other party is not known, it shall be deemed to have been received after (14) days from the date of receipt of that notification by the International Civil Aviation Organisation.

**Article (25)**

**Registration of the Convention with the International Civil Aviation Organisation (ICAO)**

this Convention and any amendments to it must be registered with the International Civil Aviation Organisation.

**Article (26)**

**Entry Into Force of this Convention**

this Convention shall enter into force after (30) days from the date of receipt of the second of the two notifications formally exchanged by the two parties regarding the completion of their internal procedures stipulated for this purpose.

In witness thereof, the two parties have signed this Convention below and are authorised by their governments to sign it.

**For The Government of the State of Bahrain For The Government of the Republic of Italy**

**Sheikh/Ali bin Khalifa Al Khalifa**

**Luca Dens**