

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE GOVERNMENT OF MALTA**

**AND**

**THE GOVERNMENT OF THE STATE OF KUWAIT**

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1. Representatives of the Government of the State of Kuwait and the Government of Malta, have met in Malta on 11 and 12 April 2013 to discuss and to initial a revised Air Services Agreement (herein and after referred to as the 'ASA') between the Government of the State of Kuwait and the Government of Malta.
2. The discussions were held in a cordial and friendly atmosphere, and both Governments expressed their desire to further promote their aeronautical relations in a spirit of cooperation and complete understanding for their mutual benefits. The delegation lists are attached as Appendix (1)
3. The main objective of these discussions was to continue to build on previous agreements reached between Malta and the State of Kuwait.



4. Both Governments agreed on the following:

**4.1. ASA Agreement:**

The two delegations agreed to initial a revised ASA between the Government of the State of Kuwait and the Government of Malta and initialed today by the heads of the two delegations. The text of the revised ASA is attached as Appendix (2). The two Contracting Parties have agreed to sign the ASA after completing all the necessary formalities. The Aeronautical Authorities of both Contracting Parties shall apply the Agreement initialed today provisionally until it comes into force subject to Article 24 (Entry into Force) of the Agreement.

**4.2. Designation of Airlines:**

- i. The Government of the State of Kuwait has designated **Kuwait Airways Company** and **Jazeera Airways Company**, to operate the agreed air services on the specified routes, and the Government of Malta has acknowledged and accepted these designations.
- ii. The Government of Malta has designated **Air Malta plc**, to operate the agreed air services on the specified routes, and the Government of the State of Kuwait has acknowledged and accepted this designation.

**4.3. Route Schedule:**

Subject to the provisions of the Route Schedule annexed to the ASA, the designated airline(s) of each Contracting Party shall be entitled to operate an unlimited number of frequencies in each direction with full third, fourth and fifth freedom traffic rights with any type of aircraft for passenger/ combi/ dedicated cargo flights.



#### **4.4. Taxation on Aviation Fuel:**

With regard to Article 10 (Exemption from Customs Duties and Other Duties) of the revised ASA, the Maltese delegation proposed the inclusion of a new paragraph 7 with regard to taxation on aviation fuel as follows:

*7. Notwithstanding any other provision to the contrary, nothing in this Agreement shall prevent Malta from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated airline of the State of Kuwait that operates between a point in the territory of Malta and a point in the territory of another European Union Member State.*

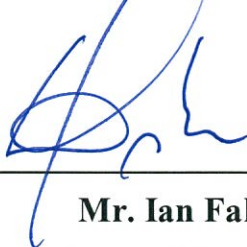
The delegation of the State of Kuwait took note of the Maltese proposal. However, the delegation of the State of Kuwait informed the Maltese delegation that at present they are not in a position to agree on this provision.

#### **5. Entry Into Force:**

The Contracting Parties agreed that this Memorandum of Understanding will enter into effect on the date of signature. This Memorandum of Understanding shall supersede the previous Memorandum of Understanding signed by both Aeronautical Authorities on 31 May 1994, the provisions of which are no longer applicable to the designated airlines of the Contracting Parties.

**Done in Malta on 12 April 2013.**

**For the Government  
of Malta**



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**Mr. Ian Falzon  
Director General for Civil Aviation**

**For the Government  
of the State of Kuwait**



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**Mr. Fawaz A. Al-Farah  
President of the Directorate  
General of Civil Aviation**

**APPENDIX 1**

**Delegation of the State of Kuwait**

Mr. Fawaz A. Al-Farah President of the Directorate General of Civil Aviation	Head
Mr. Khalid Al-Enezi Head of Agreements Section	Member
Mr. Nasser Bouresli Air Transport Researcher	Member
Mr. Thamer Almeseb Second Secretary – Embassy of the State of Kuwait in Malta	Member



## APPENDIX 1

### Delegation of Malta

Mr. Ian Falzon Director General for Civil Aviation	Head
Mr. Paul Abela Specialist - Air Transport Regulation Civil Aviation Directorate	Member
Dr. Catherine Tabone Consultant - Aviation, Travel and Tourism Law Civil Aviation Directorate	Member
Mr. Johan Debattista Ministry Secretariat - Aviation Coordinator Ministry for Tourism	Member
Dr. Nadia Giordimaina General Manager International Affairs Air Malta plc	Observer

