

No. 5647

**THAILAND
and
AUSTRALIA**

**Agreement (with schedule) relating to air services. Signed
at Bangkok, on 26 February 1960**

Official texts: English and Thai.

Registered by the International Civil Aviation Organization on 27 March 1961.

**THAÏLANDE
et
AUSTRALIE**

**Accord (avec tableau) relatif aux services aériens. Signé
à Bangkok, le 26 février 1960**

Textes officiels anglais et thaï.

Enregistré par l'Organisation de l'aviation civile internationale le 27 mars 1961.

No. 5647. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA RELATING TO AIR SERVICES. SIGNED AT BANGKOK, ON 26 FEBRUARY 1960

The Government of the Kingdom of Thailand and The Government of the Commonwealth of Australia, (hereinafter referred to as the Contracting Parties)

Desiring to conclude an agreement relating to air transport,
Agree as follows :

Article 1

(1) For the purposes of this Agreement, unless the context otherwise requires :

- (a) the term “ aeronautical authorities ” means, in the case of the Kingdom of Thailand, the Director-General of Department of Transport, Ministry of Communications, and any person or body authorised to perform the functions exercised by the Director-General of Department of Transport or similar functions, and in the case of the Commonwealth of Australia, the Director General of Civil Aviation and any person or body authorised to perform the functions exercised by the Director-General of Civil Aviation or similar functions;
- (b) the term “ territory ” in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State;
- (c) the term “ airline ” means any air transport enterprise offering or operating an international air service;
- (d) the term “ designated airline ” means an airline or airlines which one Contracting Party has designated in writing to the other Contracting Party in accordance with article 4 as being the airline or airlines authorised to operate international air services in accordance with the provisions of article 3;

¹ Came into force on 26 February 1960, the date of signature, in accordance with article 15.

- (e) the term “air service” means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (f) the term “international air service” means an air service which passes through the air space over the territory of more than one State; and
- (g) the term “stop for non-traffic purposes” means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

(2) The Schedule¹ to this Agreement forms an integral part of the Agreement, and all references to the “Agreement” shall be deemed to include reference to the Schedule except where otherwise provided.

Article 2

To the extent to which they are applicable to the air services established under this Agreement, the provisions of the Convention on International Civil Aviation signed at Chicago on December 7th, 1944,² (hereinafter called “the Convention”) shall remain in force in their present form as between the Contracting Parties for the duration of this Agreement as if they were incorporated herein, unless both Contracting Parties ratify any amendment to the Convention which shall have come into force, in which case the Convention as amended shall remain in force as aforesaid.

Article 3

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement to enable its designated airline to establish and operate international air services on the routes specified in the Schedule (hereinafter called “agreed services” and “specified routes” respectively).

Article 4

(1) The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under article 3 of this Agreement, but not before :

- (a) the Contracting Party to which the rights have been granted has designated an airline for that route; and

¹ See p. 276 of this volume.

² United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362; Vol. 252, p. 410; Vol. 324, p. 340, and Vol. 355, p. 418.

- (b) the Contracting Party granting the rights has given the appropriate operating permission to the airline concerned. Operating permission shall, subject to the provisions of paragraph (2) of this article and of paragraph (1) of article 7, be given without delay.

(2) An airline designated by one Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfil the conditions prescribed by the laws and regulations normally applied by those authorities to the operation of international air services.

Article 5

Subject to the provisions of this Agreement, the designated airline of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

- (a) the right to fly without landing across the territory of the other Contracting Party;
- (b) the right to make stops in that territory for non-traffic purposes; and
- (c) the right to make stops in that territory, at the points specified for that route in the Schedule, for the purposes of putting down and of taking on international traffic in passengers, cargo or mail.

Article 6

Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board aircraft of the designated airline of one Contracting Party on arrival in the territory of the other Contracting Party or taken on board those aircraft in that territory, and not unloaded from the aircraft without the consent of the customs authorities, if intended solely for use by or in aircraft of that airline in the operation of the agreed services, shall, subject to compliance in other respects with the customs requirements of the latter Contracting Party, be exempted from customs duties, inspection fees and similar national or local duties and charges imposed in the territory of the latter Contracting Party, even though the supplies are used in or consumed by the aircraft on flights in that territory.

Article 7

(1) Each Contracting Party reserves the right to withhold or revoke the rights granted under article 3 in respect of an airline designated by the other Contracting Party, or to impose such conditions as it deems necessary on the exercise of those rights, in any case where it is not satisfied that substantial