

No. 5653

**AUSTRIA
and
ITALY**

**Air Transport Agreement (with annex and protocol).
Signed at Rome, on 23 January 1956**

Official text: French.

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

**AUTRICHE
et
ITALIE**

**Accord (avec annexe et procès-verbal) relatif aux transports
aériens. Signé à Rome, le 23 janvier 1956**

Texte officiel français.

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

[TRANSLATION — TRADUCTION]

No. 5653. AIR TRANSPORT AGREEMENT¹ BETWEEN AUSTRIA AND ITALY. SIGNED AT ROME, ON 23 JANUARY 1956

The Federal Government of Austria and the Government of the Italian Republic, considering :

That the possibilities of commercial aviation as a means of transport have increased considerably;

That it is desirable to organize air communications in a safe and orderly manner and to continue to develop international co-operation in this field to the fullest possible extent; and

That it is necessary to conclude an agreement regulating scheduled air services between the territories of Austria and Italy and beyond those territories; have appointed representatives for this purpose, who, being duly authorized, have agreed on the following provisions :

Article 1

(a) The Contracting Parties grant each other the rights specified in the annex² to this Agreement for the establishment of the international air services therein described.

(b) Each Contracting Party shall designate to the other Contracting Party an airline or airlines to operate these air services and shall fix the date of inauguration of these services, subject to issue of the permit provided for in article 2.

Article 2

(a) Each Contracting Party shall, subject to the provisions of article 7 hereunder, issue the necessary operating permit without delay to the airline or airlines designated by the other Contracting Party.

(b) The aeronautical authorities of either Contracting Party may, before authorizing the airlines designated by the other Contracting Party to inaugurate the services described in the annex, require the said airlines to satisfy them that they are qualified to fulfil the conditions prescribed by the laws and regulations currently and normally applied by these authorities to the operation of international air services.

¹ Came into force on 1 July 1957 by an exchange of notes, in accordance with article 12.

² See p. 109 of this volume.

Article 3

(a) The tariffs shall be fixed at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of service (such as standards of speed and accomodation) and the tariffs of other airlines operating over the whole or part of the specified route. These tariffs shall be fixed in accordance with the following provisions of this article.

(b) The tariffs referred to in paragraph (a) of this article, together with the rates of agency commission used in conjunction with them, shall be agreed, in respect of each of the specified routes, between the designated airlines, in consultation with other airlines operating over the whole or part of that route. Such agreement shall, where possible, be reached through the tariff-fixing procedure of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both Contracting Parties.

(c) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be fixed in accordance with the provisions of paragraph (b) of this article, the aeronautical authorities of the Contracting Parties shall endeavour to determine the tariff by agreement between themselves.

(d) If the aeronautical authorities cannot approve any tariff submitted to them under paragraph (b) of this article or cannot determine any tariff under paragraph (c), the dispute shall be settled in accordance with the provisions of article 8 of this Agreement.

Article 4

(a) Each Contracting Party agrees that the charges imposed for the use of airports and other services by the airline or airlines designated by the other Contracting Party shall not be higher than those which would be paid for the use of such airports and services by its national aircraft engaged in similar international air services.

(b) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores introduced into or placed on board aircraft in the territory of either Contracting Party by or on behalf of an airline designated by the other Contracting Party and intended solely for use by aircraft employed by that airline for the operation of the services specified in the annex shall be accorded, with respect to customs duties, inspection fees and other national duties and charges, treatment not less favourable than that applied to national airlines or to the airlines of the most favoured State.

(c) All aircraft operated on the air services specified in the annex by an airline designated by one Contracting Party and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft on their arrival in or departure from the territory of the other Contracting Party shall be exempt from customs duties, inspection fees and other national duties and charges, even though such supplies be used or consumed by or on such aircraft on flights over the said territory.

(d) Supplies exempted under the above provisions may not be unloaded without the consent of the customs authorities of the other Contracting Party. If they cannot be used or consumed they shall be re-exported. Pending use or re-exportation, they shall be kept under the supervision of the said authorities but shall remain at the disposal of the airlines.

Article 5

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either Contracting Party shall be recognized by the other Contracting Party for the purpose of operating the services specified in the annex. Each Contracting Party reserves the right, however, to refuse to recognize as valid, for flights over its own territory, certificates of competency and licences issued to its own nationals by the other Contracting Party or by a third State.

Article 6

(a) The laws and regulations of either Contracting Party governing the admission to, stay in and departure from its territory of aircraft engaged in international air navigation or the operation, control and navigation of such aircraft while within its territory, shall also apply to aircraft of any airline designated by the other Contracting Party.

(b) Passengers, crews, consignors of cargo and designated airlines shall be required to comply, either in person or through a third party acting in their name and on their behalf, with the laws and regulations governing in the territory of each Contracting Party the admission, stay and departure of passengers, crews or cargo carried by air such as those relating to entry, clearance, immigration, passports, customs and health.

Article 7

Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party or to revoke such