

No. 5927

**DENMARK
and
POLAND**

Civil Air Transport Agreement (with annex and exchange of notes). Signed at Warsaw, on 17 January 1961

Official text : French.

Registered by the International Civil Aviation Organization on 25 October 1961.

**DANEMARK
et
POLOGNE**

Accord relatif aux transports aériens civils (avec annexe et échange de notes). Signé à Varsovie, le 17 janvier 1961

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 25 octobre 1961.

[TRANSLATION — TRADUCTION]

No. 5927. CIVIL AIR TRANSPORT AGREEMENT¹ BETWEEN
THE ROYAL GOVERNMENT OF DENMARK AND THE
GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC.
SIGNED AT WARSAW, ON 17 JANUARY 1961

The Royal Government of Denmark and the Government of the Polish People's Republic (hereinafter referred to as the Contracting Parties), desiring to regulate mutual relations in the field of civil aviation and to promote the development of air services between the two countries, have agreed on the following provisions :

Article I

The two Contracting Parties grant each other the rights necessary for the establishment and operation of air services by the designated airlines. These rights and services are specified in detail in the annex² to this Agreement.

Article II

1. The air services shown in the annex to this Agreement may be inaugurated as soon as the Contracting Party to which the rights referred to in article I are granted has designated an airline for this purpose and as soon as the Contracting Party granting the rights has issued to the airline the appropriate operating permit.

2. Subject to the provisions of paragraph 4 of this article, each Contracting Party shall without delay issue the requisite operating permit to the airline designated by the other Contracting Party.

3. The aeronautical authority of either Contracting Party may, before authorizing the airline designated by the other Contracting Party to inaugurate the air services shown in the annex to this Agreement, require the said airline to prove that it is qualified to fulfil the conditions prescribed by its laws and regulations currently and normally applied to the operation of international air services.

¹ Applied provisionally from 17 January 1961, the date of signature, and came into force on 21 April 1961, in accordance with the provisions of article XVII.

² See p. 123 of this volume.

4. Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party or to revoke such a permit in any case where it is not satisfied that preponderant ownership and effective control of such airline are vested in the other Contracting Party or in nationals or bodies corporate of that Contracting Party, or in case of failure of such airline to comply with the laws and regulations referred to in article X, or where the operating conditions for the routes mentioned in the annex to this Agreement have not been established in accordance with the provisions of article IV. Unless revocation of the permit is essential to prevent further infringements, this right shall be exercised only after consultation with the other Contracting Party.

Article III

Each of the Contracting Parties shall specify the flight paths to be followed over its territory by aircraft of the airline designated by the other Contracting Party for the purpose of operating on the routes mentioned in the annex to this Agreement. In establishing the flight paths to be followed by such aircraft, regard shall be paid, so far as possible, to economy of operation and to the safety of traffic.

Article IV

All commercial questions, including the regulations governing the settlement of accounts and the technical servicing of aircraft on the ground, and the fixing of flight schedules and rates, shall be dealt with by special agreements between the designated airlines.

Where appropriate, these agreements shall be subject to approval by the competent aeronautical authorities of both Contracting Parties.

Article V

Fees and other charges for the use of airports, airport installations and technical facilities in the territory of each Contracting Party shall be payable in accordance with the fees and rates officially established.

Article VI

1. Aircraft making flights in accordance with article I of this Agreement and fuel, lubricating oils, spare parts, regular equipment and stores present on board such aircraft shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from import and export duties and other duties and charges, even though such supplies are used or consumed in flight over that territory, unless, however, they are transferred in the territory of the other Contracting Party to third parties.

2. Spare parts, fuel and lubricating oils necessary for the performance and safety of flights made in accordance with article I of this Agreement and tools intended to complete the equipment of the aircraft shall, on importation into the territory of the other Contracting Party, be exempt from import duties and other duties and charges but may not be transferred, in that territory, to third parties. On exportation from the territory of the other Contracting Party, the aforesaid articles and supplies shall be exempt from export duties and other duties and charges. Stocks of fuel, lubricants and spare parts may be stored by each of the designated airlines at aerodromes served by them under the terms of the annex to this Agreement.

3. The aforesaid supplies shall, in the territory of the other Contracting Party, be kept under customs supervision.

4. Spare parts, fuel, lubricants and tools taken on board in the territory of the other Contracting Party for repair purposes or for the continuation of flights made in accordance with the provisions of article I of this Agreement, and aircraft stores (including food, beverages and tobacco) intended for consumption on board the aircraft during flights made in accordance with the provisions of article I of this Agreement, may be exported and shall be exempt from export duties.

Article VII

1. The rates to be applied by the designated airlines shall be fixed by agreement as regards the air routes enumerated in the annex to this Agreement. Such agreement shall so far as possible be concluded in accordance with the rate-fixing procedure established by the International Air Transport Association (IATA).

2. In accordance with the provisions of article IV, all rates so fixed shall be subject to approval by the aeronautical authorities of both Contracting Parties.

Article VIII

Aircraft of the designated airlines shall, on flights in the territory of the other Contracting Party, bear the nationality and registration marks of their countries prescribed for international air navigation and carry certificates of registration, certificates of airworthiness and a licence for the aircraft's radio station. In addition the competent authorities of each Contracting Party shall prescribe such additional aircraft documents as their aircraft engaged in international traffic shall be required to carry, and shall notify the competent authorities of the other Contracting Party thereof. Pilots in command of aircraft and other crew members shall be in possession of the prescribed licences.