

No. 6714

**INDIA
and
ITALY**

Agreement relating to air services (with annex and exchange of notes). Signed at Rome, on 16 July 1959

Official texts: Hindi, English and Italian.

Registered by the International Civil Aviation Organization on 15 May 1963.

**INDE
et
ITALIE**

Accord relatif aux services aériens (avec annexe et échange de notes). Signé à Rome, le 16 juillet 1959

Textes officiels hindi, anglais et italien.

Enregistré par l'Organisation de l'aviation civile internationale le 15 mai 1963.

No. 6714. AGREEMENT¹ BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF ITALY RELATING TO AIR SERVICES. SIGNED AT ROME, ON 16 JULY 1959

The Government of India and the Government of the Italian Republic, hereinafter described as the "Contracting Parties",

Desiring to conclude an Agreement for the purpose of establishing and regulating air services between and beyond their respective territories,

Have agreed as follows :

Article I

For the purpose of the present Agreement, unless the context otherwise requires :

- (a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944 ;²
- (b) the term "aeronautical authorities" means, in the case of India, the Director General of Civil Aviation, and, in the case of Italy, the Ministry of Defence-Air (Directorate General of Civil Aviation and Air Traffic) or any person or body authorised to perform the functions presently exercised by the said Director General or by the said Ministry ;
- (c) the term "designated airline" means an airline which one Contracting Party shall have designated, through its aeronautical authorities and by written notification, to the aeronautical authorities of the other Contracting Party, in accordance with Article IV of the present Agreement, for the operation of air services on the routes specified in such notification ;
- (d) the terms "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Articles 2 and 96 of the Convention.

Article II

To the extent to which they are applicable to the air services established under the present Agreement, the provisions of the Convention shall remain in force in their present form between the Contracting Parties for the duration of the Agreement, as if they were an integral part of the Agreement, unless both Contracting Parties ratify

¹ Came into force on 12 March 1962, the date of the exchange of the instruments of ratification, in accordance with article XIV (3).

² See footnote 2, p. 22 of this volume.

any amendment to the Convention which shall have duly come into force in which case the Convention as amended shall remain in force for the duration of the present Agreement.

Article III

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in the Annex thereto (hereinafter called "the agreed services" and "the specified routes"). The agreed services may be inaugurated at any time after the provisions of Article IV have been complied with.

2. Subject to the provisions of the present Agreement, the airline designated by each Contracting Party shall enjoy the following rights :

- (a) to fly without landing across the territory of the other Contracting Party,
- (b) to make stops in the territory of the other Contracting Party for non-traffic purposes, and
- (c) while operating an agreed service on a specified route to make stops in the territory of the other Contracting Party at the points specified for that route in the Annex to the present Agreement for the purpose of putting down or taking on international traffic in passengers, cargo and mail originating in or destined for the territory of the first Contracting Party or of a third country.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the airline of one Contracting Party the privilege of taking on, in the territory of the other Contracting Party, passengers, cargo or mail destined for another point in the territory of that other Contracting Party.

4. The laws, regulations and instructions of one Contracting Party relating to entry into or departure from its territory of aircraft or air services operated in international air navigation or to the operation of such aircraft or air services while within its territory shall apply to aircraft and agreed services of the designated airline of the other Contracting Party.

Article IV

Each Contracting Party shall have the right—through its own aeronautical authorities—to designate in writing to the other Contracting Party one airline for the purpose of operating the agreed services on the specified routes.

2. On receipt of the designation, the Contracting Party shall, through its own aeronautical authorities and subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant to the designated airline the appropriate operating authorisation.

3. The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by them to the operations of air carriers and of international commercial air services.

4. Each Contracting Party shall have the right to refuse to accept the designation of the airline and to withhold or revoke the grant to the airline of the rights specified in paragraph 2 of Article III of the present Agreement or to impose such conditions as it may deem necessary on the exercise by the airline of those rights in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

5. The airline so designated and authorised may begin to operate the agreed services at any time provided that the provisions of Articles VIII and X have been complied with.

6. Each Contracting Party reserves the right to itself to withhold or revoke, or impose such appropriate conditions as it may deem necessary with respect to an operating authorization in case of failure by a designated airline of the other Party to comply with the laws and regulations of the former Party, or in case, in the judgment of the former Party, there is a failure to fulfil the conditions under which the rights are granted in accordance with this Agreement. Such action shall be taken only after consultation between the Contracting Parties. Such consultation shall begin within a period of sixty days from the date of the request.

Article V

Fuel, lubricating oils, spare parts and aircraft stores introduced into the territory of a Contracting Party or taken on board aircraft of the airline designated by the other Contracting Party which are in the said territory, for the exclusive use of aircraft of the same airline operating the agreed services shall be accorded, with respect to customs duties, inspection fees and other similar charges, treatment not less favourable than that granted to the national airlines operating scheduled international air services or to the airlines of the most favoured nation : provided that neither Contracting Party shall be obliged to grant to the designated airline of the other Contracting Party, exemption or remission of customs duties, inspection fees or similar charges unless such other Contracting Party grants exemption or remission of such charges to the designated airline of the first Contracting Party. The concessions in the matter to be granted on the basis of reciprocity will be adopted by mutual understanding between the respective Governments.

2. The aircraft of the designated airline engaged in the agreed services in flights from, to or across the territory of a Contracting Party, shall be admitted into the territory of the other Contracting Party temporarily free from customs duties, inspection

tion fees and other similar charges, in the same manner as the aircraft of the most favoured nation.

3. Fuel, lubricating oils, aircraft stores, spare parts and normal equipment retained on board aircraft of the designated airline of a Contracting Party authorized to operate the agreed services, shall, on the territory of the other Contracting Party, be exempt from customs duties and other similar charges, even when they are used or consumed during flights over the said territory.

4. Fuel, lubricating oils, spare parts, aircraft stores and normal equipment which are exempt from any duties and charges under the provisions of the above paragraph cannot be unloaded without the permission of the customs authorities of the other Contracting Party. When they cannot be used they must be re-exported. While awaiting use or re-exportation, they shall be kept under the supervision of the customs authorities.

Article VI

There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between and beyond their respective territories.

2. In the establishment and operation of the agreed services, the designated airline of each Contracting Party shall take into account the interests of the designated airline of the other Contracting Party so as not to affect unduly the services which the latter provides on any of the specified routes or sectors thereof.

3. The capacity provided by the designated airlines of both Contracting Parties on any specified route shall bear a close relationship to the requirements of the public for air transport on that route. The primary objective of a designated airline in providing capacity on a specified route shall be the carriage, at a reasonable load factor, of the traffic on that route between the territory of the Contracting Party designating the airline and the countries of destination of the traffic.

4. The designated airline of each Contracting Party may embark and disembark in the territory of the other Contracting Party traffic destined for and coming from third countries by utilising a part of the total capacity which may be provided by the airline in conformity with the provisions of paragraphs 1, 2, 3 and 5 of this Article.

5. The interpretation and application of these paragraphs shall be such as may be agreed from time to time between the aeronautical authorities of the Contracting Parties.

Article VII

In a spirit of close collaboration, the aeronautical authorities of the two Contracting Parties will consult regularly with a view to assuring the observance of the principles and the implementation of the provisions set forth in the present Agreement.