

No. 7271

**AUSTRALIA
and
ITALY**

Agreement relating to air services (with schedule, memorandum and exchange of notes). Signed at Rome, on 10 November 1960

Official texts: English and Italian.

Registered by the International Civil Aviation Organization on 8 June 1964.

**AUSTRALIE
et
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Accord relatif aux services aériens (avec annexe, mémorandum et échange de notes). Signé à Rome, le 10 novembre 1960

Textes officiels anglais et italien.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

No. 7271. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC RELATING TO AIR SERVICES. SIGNED AT ROME, ON 10 NOVEMBER 1960

The Government of the Commonwealth of Australia and the Government of the Italian Republic (hereinafter referred to as the "Contracting Parties"),

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

Article 1

(1) For the purpose of this 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 the Commonwealth of Australia, the Director-General of Civil Aviation, or any person or body authorized to perform the functions presently exercised by the Director-General of Civil Aviation, or similar functions, and, in the case of Italy, the Ministero della Difesa-Aeronautica (Direzione Generale dell'Aviazione Civile e del Traffico Aereo), or any person or body authorized to perform the functions presently exercised by the said Ministry or similar functions ;

(c) the term "designated airline" means the airline which the aeronautical authorities of one Contracting Party have designated in writing, through the diplomatic channel, to the aeronautical authorities of the other Contracting Party, in accordance with Article 5, as being the airline authorized to operate international air services in accordance with the provisions of Article 3 ;

(d) the terms "territory", "air service", "international air service", "airline", and "stop for non-traffic purpose" have the meanings respectively assigned to them in Articles 2 and 96 of the Convention.

(2) The Schedule³ 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.

¹ Came into force on 10 May 1963, the day on which the Government of Italy notified the Government of Australia that it had ratified the Agreement, in accordance with article 15.

² See footnote 2, p. 30 of this volume.

³ See p. 260 of this volume.

Article 2

To the extent to which they are applicable to the air services established under this Agreement, the provisions of 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 at any time at the option of the Contracting Party to which the rights are granted under Article 3 of this Agreement, but not before

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

(b) the aeronautical authorities of the Contracting Party granting the rights have given the appropriate operating permission to the designated airline. Operating permission shall, subject to the provisions of paragraph (2) of this Article and of Article 5, be given without delay.

(2) The designated airline of 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

(1) The aeronautical authorities of one Contracting Party shall have the right to designate in writing, through the diplomatic channel, to the aeronautical authorities of the other Contracting Party an airline to operate the agreed services on the specified routes.

(2) Each Contracting Party reserves the right to withhold, suspend or revoke the rights granted under Article 3 in respect of an airline designated by the aeronautical authorities of 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 satis-

fied that substantial ownership and effective control of the airline are vested in the Contracting Party whose aeronautical authorities have designated the airline or in nationals of that Contracting Party.

(3) Each Contracting Party reserves the right to suspend the exercise by a designated airline of the other Contracting Party of the rights granted under Article 3, or to impose such conditions as it deems necessary on the exercise of those rights, in any case where the airline fails to operate in accordance with the conditions specified in this Agreement.

(4) The rights reserved in paragraphs (2) and (3) of this Article shall be exercised by a Contracting Party only after consultation with the other Contracting Party unless the immediate suspension of the rights or the imposition of the conditions is necessary to prevent further infringements of the laws and regulations of the first mentioned Contracting Party.

Article 6

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 and mail.

Article 7

(1) Fuel, lubricating oils, spare parts, regular aircraft 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 aircrafts in that territory for the exclusive use of those aircrafts in the operation of the agreed services shall be exempted from customs duties, inspection fees and other similar charges, subject to the Customs regulations of the second Contracting Party, even if they are used or consumed by those aircrafts during flights in that territory.

(2) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores which are exempted under the provisions of paragraph (1) shall not be unloaded without approval of the Customs authorities of the second Contracting Party. If unloading is approved, they shall remain subject to the regulations of these Customs authorities.

(3) The aircraft of the designated airline of one Contracting Party operating the agreed services on the specified routes to, from or across the territory of the other

Contracting Party shall be admitted into that territory temporarily free of customs duties, inspection fees and other similar charges subject to the Customs regulations of the second Contracting Party.

Article 8

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

(2) In operating the agreed services the designated airline of each Contracting Party shall take into consideration the interest of the designated airline of the other Contracting Party so as not to affect unduly the services which the latter provides on the whole or part of the same route.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transportation on the specified routes. The agreed services provided by a designated airline shall have as their primary objective the provision of capacity adequate for the requirements of traffic originating in or destined for the territory of the Contracting Party whose aeronautical authorities have designated that airline. Provision for the carriage on the agreed services of traffic both originating in and destined for the territories of States other than that whose aeronautical authorities have designated the airline shall be made in accordance with the general principles that capacity shall be related to :

(a) the requirements of traffic originating in or destined for the territory of the Contracting Party whose aeronautical authorities have designated the airline ;

(b) the traffic requirements of the area through which the airline passes, after taking account of local and regional services ; and

(c) the requirements of through airline operations.

(4) The capacity which may be provided in accordance with this Article by the designated airline of each of the Contracting Parties on the agreed services shall be such as is agreed between the aeronautical authorities of the Contracting Parties before the commencement by the designated airline concerned of an agreed service and from time to time thereafter.

Article 9

(1) The tariffs on any agreed services shall be established at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of the service (such as standards of speed and accommodation) and, where it is deemed suitable, the tariffs of other airlines for any part of the specified route. These tariffs shall be fixed in accordance with the provisions of this Article.