

No. 7276.

**JAPAN
and
ITALY**

**Agreement for air services (with schedule). Signed at
Tokyo, on 31 January 1962**

Official text: English.

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

**JAPON
et
ITALIE**

**Accord relatif aux services aériens (avec tableau). Signé à
Tokyo, le 31 janvier 1962**

Texte officiel anglais.

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

No. 7276. AGREEMENT¹ BETWEEN JAPAN AND ITALY
FOR AIR SERVICES. SIGNED AT TOKYO, ON 31 JAN-
UARY 1962

The Government of Japan and the Government of Italy,

Desiring to conclude an agreement for the purpose of establishing and operating air services between their respective territories,

Being parties to the Convention on International Civil Aviation signed at Chicago on December 7, 1944² (hereinafter called "the Convention"),

Have agreed as follows :

Article 1

- (1) For the purpose of the present Agreement, unless the context otherwise requires :
- (a) the term "aeronautical authorities" means, in the case of Japan, the Ministry of Transportation and any person or body authorised to perform any functions on civil aviation exercised by the said Ministry or similar functions, and in the case of Italy, the Ministry of Defense—Air (General Direction of Civil Aviation and Air Traffic) and any person or body authorised to perform any functions on civil aviation exercised by the said authorities or similar functions ;
 - (b) the term "designated airline" means an airline which one Contracting Party has designated by written notification to the other Contracting Party for the operation of air services on the routes specified in such notification, and to which the appropriate operating permission has been given by that other Contracting Party, in accordance with the provisions of Article 3 of the present Agreement ;
 - (c) 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 ;
 - (d) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail ;

¹ Came into force on 26 July 1963, the date of the exchange of the instruments of ratification at Rome, in accordance with article 18.

² See footnote 2, p. 4 of this volume.

- (e) the term "international air service" means an air service which passes through the air space over the territory of more than one State ;
 - (f) the term "airline" means any air transport enterprise offering or operating an international air service ;
 - (g) the term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail ;
 - (h) the term "Schedule" means the Schedule to the present Agreement¹ or as amended in accordance with the provisions of Article 14 of the present Agreement.
- (2) The Schedule forms an integral part of the present Agreement, and all reference to the "Agreement" shall include reference to the Schedule except where otherwise provided.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in the present 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 3

- (1) The agreed services on any specified route may be inaugurated immediately after the coming into force of the present Agreement or at a later date at the option of the Contracting Party to which the rights are granted under Article 2 of the present Agreement, subject to the provisions of Article 10 of the present Agreement, and not before :
- (a) the Contracting Party to which the rights have been granted has designated an airline for that route, and
 - (b) the Contracting Party granting the rights has given the appropriate operating permission in accordance with its laws and regulations to the airline concerned ; which it shall, subject to the provisions of paragraph (2) of this Article and of paragraph (1) of Article 6, be bound to grant without delay.
- (2) An airline designated by either 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 and reasonably applied by those authorities to the operation of international air services.

¹ See p. 38 of this volume.

Article 4

(1) Subject to the provisions of the present Agreement, the designated airline of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

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

(2) Nothing in paragraph (1) of this Article shall be deemed to confer on the airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 5

(1) Fuels, lubricating oils, aircraft stores, spare parts and normal aircraft equipment introduced into the territory of a Contracting Party for the exclusive use of aircraft of the designated airline of the other Contracting Party, operating the agreed air services, are exempt from customs duties, inspection fees and other similar charges, subject to the customs regulations normally applied in the said territory ;

(2) The aircraft of the designated airline of a Contracting Party engaged in the agreed services, are admitted into the territory of the other Contracting Party, free from customs duties, inspection fees and other similar charges ;

(3) Fuels, lubricating oils, aircraft stores, spare parts and normal aircraft equipment retained on board aircraft of the designated airline of a Contracting Party to operate the agreed services, are admitted on the territory of the other Contracting Party exempt from customs duties, inspection fees and other similar charges, even when they are consumed or used by the said aircraft during flights over the said territory ;

(4) Fuels, lubricating oils, aircraft stores, spare parts and normal aircraft equipment taken on board aircraft of the designated airline of a Contracting Party in the territory of the other Contracting Party for the exclusive use of that aircraft are exempt from customs duties, inspection fees and other similar charges, provided that customs regulations of the said territory are observed ;