

No. 7294

**FRANCE
and
AUSTRIA**

**Air Transport Agreement (with annex). Signed at Paris,
on 12 July 1963**

Official texts: French and German.

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

**FRANCE
et
AUTRICHE**

**Accord (avec annexe) relatif aux transports aériens. Signé
à Paris, le 12 juillet 1963**

Textes officiels français et allemand.

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

[TRANSLATION — TRADUCTION]

No. 7294. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE FEDERAL GOVERNMENT OF AUSTRIA. SIGNED AT PARIS, ON 12 JULY 1963

The Government of the French Republic and the Federal Government of Austria,

Desiring to promote the development of air transport between France and Austria and to further as much as possible international co-operation in this field;

Wishing to apply to such transport the principles and provisions of the Convention on International Civil Aviation signed at Chicago on 7 December 1944;²

Have agreed as follows :

Article 1

DEFINITIONS

1. For the purposes of this Agreement and its annex, except where the text provides otherwise :

(a) "Aeronautical authorities" shall mean, in the case of the French Republic, the Secretariat-General of Civil Aviation, Ministry of Public Works and Transport, and, in the case of the Republic of Austria, the Federal Ministry of Communications and Electric Power, or, in either case, any other authority empowered by the Contracting Parties to perform the functions at present exercised by them.

(b) "Designated airline" shall mean the airline which one of the Contracting Parties shall designate in writing to the other Contracting Party, in accordance with article 3 of this Agreement, as the airline authorized to operate international air services on the routes specified in the annex to this Agreement.

2. The terms "territory", "air services", "international air services" and "stop for non-traffic purposes" shall, for the purposes of this Agreement, have the meaning defined in articles 2 and 96 of the Convention on International Civil Aviation, hereinafter referred to as "the Convention".

¹ Came into force on 26 July 1963, fifteen days after the date of signature, in accordance with the provisions of article 16.

² See footnote 2, p. 5 of this volume.

Article 2

TRAFFIC RIGHTS

Each Contracting Party shall grant to the other Contracting Party the rights specified in this Agreement, for the purpose of establishing international air services on the routes specified in the annex hereto.

Such services and routes shall be called "the agreed services" and "the specified routes" respectively.

The airlines designated by each Contracting Party shall, while operating an agreed service on a specified route, enjoy the following rights :

(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;

(c) To make stops in the said territory at the points named on such route in the annex to this Agreement for the purposes of setting down and picking up international traffic in passengers, cargo and mail.

Article 3

PERMITS REQUIRED

1. Each Contracting Party shall enjoy the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

2. On receiving notice of such designation, the other Contracting Party shall without delay, subject to the provisions of paragraphs 4 and 5 of this article, issue the appropriate permit to the designated airline.

3. Each Contracting Party shall have the right, after giving notice in writing to the other Contracting Party, to revoke the designation of an airline and to designate another.

4. The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to show proof that it is able to fulfil the conditions prescribed by the laws and regulations normally and reasonably by those authorities, in accordance with the provisions of the Convention, to the operation of international air services.

5. Each Contracting Party reserves the right to withhold the permits referred to in paragraph 2 of this article or to impose such conditions as it may deem necessary on the exercise by the designated airline of the rights specified in article 2. This shall be the case particularly if the said Contracting Party considers that it has no proof that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in its nationals.

6. When an airline has been thus designated and authorized according to the conditions laid down in this article, it may commence operation of the agreed services at any time, provided that the tariffs applied to such services have been fixed in accordance with the provisions of article 9 of this Agreement.

Article 4

CAPACITY

1. The capacity placed in operation by the airlines designated by the Contracting Parties shall be adapted to traffic requirements on the specified routes.

2. In applying the principle laid down in paragraph 1 of this article :

a) The air services operated by a designated airline shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to satisfy the normal and reasonably foreseeable requirements of international air traffic originating in or destined for the territory of the Contracting Party designating the airline;

(b) The capacity provided for in sub-paragraph *(a)* above may be supplemented by additional capacity for the transport of international air traffic originating in or destined for points situated on the specified routes and in territory other than that of the Contracting Parties designating the airline.

3. The two Contracting Parties agree to recognize that the fifth freedom is supplementary to traffic requirements on the routes between the territories of the Contracting Parties and at the same time additional to third and fourth freedom traffic between the territories of the other Party and the territory of a third State situated on the route.

4. The agreed capacity and the frequency of services shall be periodically examined by the airlines designated by the two Contracting Parties.

5. The capacity to be placed in operation and the frequency of services on the specified routes shall be periodically examined by the competent authorities of both Contracting Parties.

6. In order to satisfy the provisions of the above-mentioned paragraphs, the airlines designated by the two Contracting Parties shall, subject to the approval of the competent authorities, reach agreement on their time-tables in due time before beginning or altering services.

7. If either Contracting Party does not wish to use, on one or more routes, part or all of the transport capacity it should provide by right, it shall, by agreement with the other Contracting Party, transfer to the latter, for a specified period, all or part of the transport capacity concerned.

The Contracting Party which transfers all or part of its rights may recover them at the end of the said period.