

No. 7343

**FINLAND
and
POLAND**

**Agreement (with annex) concerning civil air transport.
Signed at Helsinki, on 10 June 1963**

Official text: English.

Registered by Finland on 24 July 1964.

**FINLANDE
et
POLOGNE**

**Accord (avec annexe) relatif aux transports aériens civils.
Signé à Helsinki, le 10 juin 1963**

Texte officiel anglais.

Enregistré par la Finlande le 24 juillet 1964.

No. 7343. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND CONCERNING CIVIL AIR TRANSPORT. SIGNED AT HELSINKI, ON 10 JUNE 1963

The Government of the Republic of Finland and the Government of the People's Republic of Poland, called hereafter "the Contracting Parties",

Desiring to promote their mutual relations in the field of civil air transport,

Have agreed as follows :

Article 1

For the purpose of the present Agreement, and of the Annex thereto

a) the term "aeronautical authorities" means, in the case of the Republic of Finland, the Ministry for Communications and Public Works, and, in the case of the People's Republic of Poland, the Minister of Transport, or, in both cases, any person or body authorized to perform any functions exercised by the said authorities;

b) the term "designated airline" means any airline which has been designated for the purpose of operating the agreed services on the routes specified in the Annex to the present Agreement and which has been provided with the operating authorizations in accordance with Article 3 of the present Agreement.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement, for the purpose of establishing scheduled international air services on the routes specified in an Annex hereto. Such services and routes are hereafter called "the agreed services" and "the specified routes" respectively. The airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

¹ Came into force on 15 May 1964, the date of the exchange of notes confirming the approval of the Agreement by the Contracting Parties, in accordance with article 16. [As of the date of entry into force of this agreement, the Convention between Finland and Poland concerning the operation of scheduled air services, signed at Helsinki on 29 July 1938, was terminated by a Protocol signed at Helsinki on 4 November 1963 and which came into force on the same date as the above-mentioned agreement.

- 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 take up and to put down, in the international service, passengers, baggage, cargo and mail at the points on the specified routes subject to the provisions of the present Agreement and the Annex thereto.

Article 3

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes. This designation should be given in writing by the aeronautical authorities of one Contracting Party to the aeronautical authorities of the other Contracting Party.

2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant to each airline designated by the other Contracting Party the appropriate operating authorization.

3. The aeronautical authorities of one Contracting Party may require an 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 and reasonably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention on International Civil Aviation (Chicago, 1944).¹

4. Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph 2 of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of the present Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. Having received such authorization as referred to in paragraph 2 of this Article the designated airline may begin at any time to operate the agreed services, provided that a tariff established in accordance with the provisions of Article 10 of the present Agreement is in force in respect of that service.

Article 4

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend exercise of the right specified in Article 2 of the present Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights :

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; for subsequent actions relating to this Convention, see references in Cumulative Indexes 1 to 4, as well as Annex B in volumes 409 and 472.

a) 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 such Contracting Party, or

b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights, or

c) in case the airline otherwise fails to operate the agreed services in accordance with the conditions prescribed under the present Agreement and the Annex thereto.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

Article 5

1. The designated airlines shall offer the capacity adequate to the current and reasonably anticipated requirements for international carriage on the specified routes.

2. The conditions of operating the agreed services, and especially those relating to the capacity and frequency of services, the schedules as well as the conditions of commercial and technical cooperation will be subject to agreements between the designated airlines.

3. The agreements referred to in paragraph 2 of this Article, shall be subject to the approval of the aeronautical authorities if it is required under their national regulations.

Article 6

1. Aircraft operated on international services by the designated airline of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores i.a. food, beverages and tobacco on board such aircraft shall be exempt from all customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided such aircraft will be re-exported and such equipment and supplies remain on board of the aircraft up to such time as they are re-exported.

2. There shall also be exempt from the same duties, fees and taxes, with the exception of charges corresponding to the services performed :

a) aircraft stores taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on board aircraft engaged in an international service of the other Contracting Party;