

No. 7813

**GREECE
and
POLAND**

Agreement on commercial scheduled air transport (with annex). Signed at Athens, on 21 December 1963

Official text: English.

Registered by Greece on 14 June 1965.

**GRÈCE
et
POLOGNE**

Accord relatif aux transports aériens commerciaux réguliers (avec annexe). Signé à Athènes, le 21 décembre 1963

Texte officiel anglais.

Enregistré par la Grèce le 14 juin 1965.

NO. 7813. AGREEMENT¹ BETWEEN THE ROYAL HELLENIC GOVERNMENT AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND ON COMMERCIAL SCHEDULED AIR TRANSPORT. SIGNED AT ATHENS, ON 21 DECEMBER 1963

The Royal Hellenic Government and the Government of the People's Republic of Poland, hereinafter called in the present Agreement the "Contracting Parties", both being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December 1944² hereinafter referred to in the present Agreement as the "Convention", and desiring to make arrangements for the purpose of establishing commercial scheduled air services between their countries and beyond, have agreed on the following :

Article 1

1. For the purpose of the present Agreement and the Annex thereto, the following terms have the following meaning, unless otherwise stated in the text :

(a) "Aeronautical Authorities" means, in the case of the Royal Hellenic Government, the Minister of Communications, and in the case of the Government of the People's Republic of Poland, the Minister of Communications or in both cases, any person or authority empowered to perform the functions presently exercised by the said Authorities.

(b) "Designated airline" means the airline that one of the Contracting Parties shall have designated in writing to the other Contracting Party in accordance with Article 3 of this Agreement as the airline which is to operate the international air services on the routes specified in the Annex to the present Agreement.

2. "Territory", "air services", "international air services" and "stop for non-traffic purposes" shall have, in the application of the present Agreement, the meaning specified in Articles 2 and 96 of the Convention.

3. The Annex to the present Agreement will be regarded as an integral part of the Agreement, and any reference to the Agreement will include also reference to the Annex, except otherwise expressly provided.

¹ Provisionally applied as from 21 December 1963, the date of signature, and came into force on 21 December 1964, the date on which the Contracting Parties notified each other that their constitutional requirements for the entry into force of the Agreement had been fulfilled, in accordance with the provisions of article 19.

² 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.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in the Annex to the present Agreement for the purpose of establishing scheduled international air services on the routes specified in the said Annex.

Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively.

Article 3

1. Each Contracting Party shall have the right to designate by notification to the other Contracting Party one airline for the purpose of operating the agreed services on the specified routes.

2. On receipt of such notification, the other Contracting Party shall, subject to the provisions of paragraphs (4) and (5) of this Article, without delay, grant to the designated airline the appropriate operating authorization.

3. Each Contracting Party shall have the right, by notification to the other Contracting Party, to withdraw the designation of an airline and to designate another airline.

4. 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 fulfill 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.

5. Each Contracting Party shall have the right to refuse to grant the operating authorization 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 the Annex, 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.

6. When an airline has been so designated and authorized, it 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. There shall be fair and equal opportunity for the designated airline of each Contracting Party to operate on any route specified in the Annex to the present Agreement.

2. In the operation of international air services on the routes specified in the Annex to the present Agreement, the designated airline of one Contracting Party shall take into account the interests of the designated airline of the other

Contracting Party so as not to affect unduly the air services which the latter airline provides on the same routes or parts of them.

3. The capacity offered by the designated airlines shall be adapted to the traffic requirements on the routes specified.

The designated airline of each Contracting Party shall have as its primary objective to provide adequate capacity permitting to cover at a reasonable load factor the current of reasonably expected traffic requirements for the carriage of passengers, cargo and mail between the territory of the Contracting Party designating the airline and the country of ultimate destination of the traffic.

The right of carrying passengers, cargo and mail taken up or set down in third countries shall be exercised in accordance with the general principle that capacity shall be related to :

(a) the traffic requirements to and from the territory of the Contracting Party designating the airline;

(b) the traffic requirements existing in the areas through which the airline passes, taking into account local and regional services;

(c) the requirements of an economical operation of through services.

Article 5

The designated airline of each Contracting Party shall communicate for approval to the Aeronautical Authorities of the other Contracting Party not later than thirty days prior to the inauguration of services on the routes specified in the Annex to the present Agreement, the flight schedules including frequencies, the types of aircraft to be used and other relevant information. This shall likewise apply to later changes.

Article 6

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

(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 in accordance with the conditions prescribed under the present Agreement.

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 7

1. The laws and regulations of each Contracting Party relating to the entry into, stay in and departure from its territory of aircraft engaged in international air navigation and relating to the operation, navigation and generally to the conduct of these aircraft while in its territory shall equally apply to the aircraft of the designated airline of the other Contracting Party.

2. The laws and regulations applicable in the territory of each Contracting Party to the entry, stay and departure of passengers, crews, mail and cargo, and in particular regulations regarding passports, customs, currency and sanitary formalities, shall be applicable to passengers, crews, mail and cargo transported by the aircraft of the designated airline of the other Contracting Party.

Article 8

Passengers in direct transit across the territory of either Contracting Party shall be subject to no more than a very simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.

Article 9

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 the aircraft stores including 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 equipment and supplies shall remain on board the aircraft up to such time as they are re-exported.

2. There shall also be exempt from the same duties and taxes with the exception of charges corresponding to the service 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 operated on international services of the other Contracting Party;