

No. 8687

**UNITED STATES OF AMERICA
and
AUSTRIA**

**Air Transport Agreement (with schedule). Signed at Vienna,
on 23 June 1966**

Official texts: English and German.

Registered by the United States of America on 19 July 1967.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

**Accord relatif aux transports aériens (avec tableau de routes).
Signé à Vienne, le 23 juin 1966**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 19 juillet 1967.

No. 8687. AIR TRANSPORT AGREEMENT¹ BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE AUSTRIAN FEDERAL GOVERNMENT. SIGNED
AT VIENNA, ON 23 JUNE 1966

The Government of the United States of America and the Austrian Federal Government,

Desiring to conclude an agreement for the purpose of promoting air communications between their respective territories,

Have accordingly appointed authorized representatives for this purpose, who have agreed as follows:

Article 1

Each Contracting Party grants to the other Contracting Party rights necessary for the conduct of air services by the designated airlines, as follows: the rights of transit, of stops for non-traffic purposes, and of taking on and discharging international traffic in passengers, cargo, and mail, separately or in combination, at the points in its territory named on each of the routes specified in the appropriate paragraph of the Schedule of this Agreement.

Article 2

Air service on a route specified in the Schedule of this Agreement may be inaugurated by an airline or airlines of one Contracting Party at any time after that Contracting Party has designated such airline or airlines for that route and the other Contracting Party has given the appropriate necessary permission. Subject to the provisions of Article 3, such other Contracting Party shall give this permission with a minimum of procedural delay, provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that Contracting Party, under the laws and regulations normally applied by these authorities, before being permitted to engage in the operations contemplated by this Agreement.

¹ Came into force on 23 July 1966, thirty days after the date of signature, in accordance with article 20.

Article 3

(A) Each Contracting Party reserves the right to withhold, revoke or impose conditions on the permission provided for in Article 2 of this Agreement with respect to an airline designated by the other Contracting Party in the following circumstances:

(1) in the event of the failure by such airline to qualify before the aeronautical authorities of that Contracting Party under the laws and regulations normally applied by these authorities;

(2) in the event of failure by such airline to comply with the laws and regulations referred to in Articles 4 and 5 hereof; or

(3) in any case where it is not satisfied that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party.

(B) Unless immediate action to withhold or revoke the permission provided for in Article 2 of this Agreement is essential to prevent further infringement of the laws and regulations referred to in Articles 4 and 5, the right to withhold or revoke such permission shall be exercised only after consultation with the other Contracting Party.

Article 4

The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines designated by the other Contracting Party and shall be complied with by such aircraft upon entrance into or departure from and while within the territory of the first Contracting Party.

Article 5

The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft, including regulations relating to entry, clearance, immigration, passports, customs, and quarantine, shall be complied with by or on behalf of such passengers, crew or cargo of the airline or airlines of the other Contracting Party upon entrance into or departure from and while within the territory of the first Contracting Party.

Article 6

Certificates of airworthiness, certificates of competency, and licenses, issued or rendered valid by one Contracting Party and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services provided for in this Agreement, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation.¹ Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by the other Contracting Party.

Article 7

Each Contracting Party may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control, provided that such charges shall not be higher than the charges imposed for use by its national aircraft engaged in similar international services.

Article 8

(A) Each Contracting Party shall exempt the designated airlines of the other Contracting Party to the fullest extent possible under its national law from import restrictions, customs duties, excise taxes, inspection fees, and other national duties and charges on fuel, lubricating oils, consumable technical supplies, spare parts including engines, regular equipment, ground equipment, stores, and other items intended for use solely in connection with the operation or servicing of aircraft of the airlines of such other Contracting Party in international air service.

(B) The immunities granted by this Article shall apply to the items referred to in paragraph (A):

(1) introduced into the territory of one Contracting Party by the other Contracting Party or its nationals;

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; for the texts of the Protocols amending this Convention, see Vol. 320, pp. 209 and 217; Vol. 418, p. 161, and Vol. 514, p. 209.

(2) retained on aircraft of the airline of one Contracting Party upon arriving in or leaving the territory of the other Contracting Party; or

(3) taken on board aircraft of the airlines of one Contracting Party in the territory of the other and intended for use in international air service;

whether or not such items are used or consumed wholly within the territory of the Contracting Party granting the immunity.

Article 9

There shall be a fair and equal opportunity for the airlines of each Contracting Party to operate on any route covered by this Agreement.

Article 10

In the operation by the airlines of either Contracting Party of the air services described in this Agreement, the interest of the airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same route.

Article 11

(A) The air services made available to the public by the airlines operating under this Agreement shall bear a close relationship to the requirements of the public for such services.

(B) Services provided by a designated airline under this Agreement shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the countries of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in this Agreement shall be exercised in accordance with the general principles of orderly development to which both Contracting Parties subscribe and shall be subject to the general principle that capacity should be related:

(1) to traffic requirements between the country of origin and the countries of ultimate destination of the traffic;