

No. 8702

**AUSTRALIA
and
FRANCE**

**Agreement relating to air transport (with annex). Signed
at Canberra, on 13 April 1965**

Official texts: English and French.

Registered by the International Civil Aviation Organization on 31 July 1967.

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et
FRANCE**

**Accord relatif au transport aérien (avec annexe). Signé à
Canberra, le 13 avril 1965**

Textes officiels anglais et français.

Enregistré par l'Organisation de l'aviation civile internationale le 31 juillet 1967.

No. 8702. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO AIR TRANSPORT. SIGNED AT CANBERRA, ON 13 APRIL 1965

The Government of the Commonwealth of Australia and the Government of the French Republic (hereinafter referred to as the Contracting Parties),

Desiring to conclude an agreement relating to air transport,

Agree as follows:

Article 1

(1) For the purposes of this Agreement, unless the context otherwise requires:

- (a) the term "aeronautical authorities" means, in the case of the Commonwealth of Australia, the Director-General of Civil Aviation, and in the case of the French Republic, the Secretary-General of Civil Aviation, or in both cases any person or body authorised to perform the functions exercised by them or similar functions;
- (b) 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;
- (c) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (d) the term "international air service" means an air service which passes through the air space over more than one State;
- (e) the term "airline" means any air transport enterprise offering or operating an international air service;
- (f) the term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

(2) The Annex to this Agreement forms an integral part of the Agreement and all references to the "Agreement" shall be deemed to include reference to the Annex except where otherwise provided.

¹ Came into force on 13 April 1965, upon signature, in accordance with article 16.

Article 2

To the extent to which they are applicable to the air services established under this Agreement, the provisions of the Convention on International Civil Aviation signed at Chicago on December 7th, 1944,¹ (hereinafter called "the Convention") shall remain in force as between the Contracting Parties for the duration of this Agreement, as if they were incorporated herein. However, in the event that an amendment to the Convention ratified by the two Contracting Parties enters into force, the above provisions will apply to the Convention so amended.

Article 3

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement to enable its designated airline or airlines to establish and operate international air services on the routes specified in the Annex (hereinafter called "agreed services" and "specified routes" respectively).

Article 4

(1) The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under Article 3 of this Agreement, provided however:

- (a) that the Contracting Party to which the rights have been granted has designated an airline or airlines for that route;
- (b) that the Contracting Party granting the rights has given the appropriate operating permission to the airline or airlines concerned, this permission to be given without delay, subject to the provisions of paragraph (2) of this Article and of paragraph (1) of Article 8.

(2) An airline designated by one 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 applied by those authorities to the operation of international air services.

Article 5

Subject to the provisions of this Agreement, an airline designated by one Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights:

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.

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

Article 6

(1) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores on board aircraft of the designated airline of one Contracting Party on arrival in the territory of the other Contracting Party, while operating the agreed services, shall be exempted from all national or local duties and charges including customs duties and inspection fees imposed in that territory, provided that they are retained on board on departure from that territory or are used in or consumed by the aircraft on flights within that territory.

(2) In respect of all national or local duties and charges including customs duties and inspection fees imposed on fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores brought into the territory of one Contracting Party by or on behalf of the designated airline of the other Contracting Party, or taken on board aircraft of that designated airline in that territory and intended solely for use by or in aircraft of that airline in the operation of the agreed services, the following treatment shall be accorded:

- (a) by the Government of the French Republic to the designated airline of Australia, the treatment granted either to its national airline while operating international air services or to the airline of the most favoured nation, whichever is the more favourable;
- (b) by the Government of the Commonwealth of Australia to the designated airline of France, treatment not less favourable than that to which the designated airline of Australia is entitled in accordance with sub-paragraph (a) above.

Article 7

(1) The laws and regulations of each 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 aircraft of the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that Contracting Party.