

No. 9236

**AUSTRIA
and
AFGHANISTAN**

**Agreement relating to air services (with annex). Signed at
Vienna, on 21 July 1958**

Official text: English.

Registered by the International Civil Aviation Organization on 18 September 1968.

**AUTRICHE
et
AFGHANISTAN**

**Accord relatif aux services aériens (avec annexe). Signé à
Vienne, le 21 juillet 1958**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 18 septembre 1968.

No. 9236. AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF AFGHANISTAN RELATING TO AIR SERVICES. SIGNED AT VIENNA, ON 21 JULY 1958

The Republic of Austria and the Kingdom of Afghanistan, hereinafter described as the Contracting Parties,

Being Contracting Parties to the Convention on International Civil Aviation, signed at Chicago on the seventh day of December 1944² (hereinafter referred to as the "Convention"), the terms of which Convention are binding on both Parties,

In the intention to further the development of the economic and cultural relations between the two Countries,

Desiring to conclude to this end an Agreement for the operation of air transport services between and beyond their respective territories,

Have agreed as follows :

Article I

Each Contracting Party grants to the other Contracting Party the right to operate the air services specified in the Annex to this Agreement (hereinafter referred to as the "specified air services") on the routes specified in the said Annex (hereinafter referred to as the "specified air routes").

Article II

(A) Each of the specified air services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted, on condition that :

1. The Contracting Party to whom the rights have been granted shall have designated one or more airlines (hereinafter referred to as the "designated airlines") for the specified air routes.

2. The Contracting Party which grants the rights shall have given the appropriate operating permission to the airline or airlines, which it shall do with

¹ Came into force on 11 July 1959, by the exchange of the instruments of ratification, which took place at Kabul, in accordance with article XIV (B).

² 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.

the least possible delay, provided that the airline or airlines have, if called upon complied with the requirements of paragraph (B) of this Article.

(B) The designated airline or airlines may be required to satisfy the Aeronautical Authorities of the Contracting Party granting the rights that they are qualified to fulfill the conditions prescribed by or under the laws and regulations normally applied by those authorities to the operation of International air services.

(C) Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party and still in force shall normally be recognized as valid by the other Contracting Party for the purpose of operating the routes and services specified in the Annex. Each Contracting Party reserves the right, however, to refuse to recognise, for the purpose of flight over its own territory, certificates of competency and licenses granted to its own nationals by another State.

(D) The laws, regulations and instructions of one Contracting Party relating to entry into or departure from its territory of aircraft engaged in International air navigation or to the operation of such aircraft while within its territory shall apply to aircraft of the designated airline or airlines of the other Contracting Party.

(E) The laws, regulations and instructions of each Contracting Party relating to the entry into, stay at or departure from its territory of passengers, crew or cargo or aircraft (such as regulations relating to entry, exit, immigration, passport, customs and quarantine) shall be applicable to the passengers, crew and senders of air cargo as well as to their representatives.

Article III

The airlines designated by each Contracting Party shall enjoy, while operating the specified air services, the rights :

- (i) to fly their aircraft across the territory of the other Contracting Party;
- (ii) to make stops in the said territory for technical landing purposes; and
- (iii) subject to the provisions of Article IV to make stops in the said territory at the points specified in the Annex to this Agreement for the purposes of setting down and picking up International traffic in passengers, cargo and mail.

Nothing in this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article IV

In order to maintain equilibrium between the capacity of the specified air services and the requirements of the public for air transport on the specified air routes and in order to maintain proper relationship between the specified air services and other air services operating on the specified air routes or sections thereof, the Contracting Parties agree as follows :

(A) In the operation by the airlines of either Contracting Party of the specified air services the interest of the airlines of the other Party shall be taken into consideration so as not to effect unduly the services which the latter provide on all or part of the same route.

(B) The air transport offered by the air lines of each Contracting Party on different sections of specified air routes shall bear a close relationship to the needs of the public for air transport and to the traffic interests of the airlines concerned as defined in this Agreement.

(C) The services provided by a designated airline under this agreement shall retain as their primary objective the general principle that capacity shall be related :

1. to the requirements of traffic between the country of origin of the air services and the country of destination on the specified air routes;
2. to the air transport needs of the area through which the airline passes; and
3. to the adequacy of other air transport services established by air lines of the States concerned between their respective territories.

Article V

(A) The Aeronautical Authorities of both Contracting Parties shall exchange information as promptly as possible concerning the current authorizations extended to their respective designated airlines to render service to, through and from the territory of the other Contracting Party. This will include copies of current certificates and authorizations for service on the specified air routes, together with amendments, exemption orders and authorized service patterns.

(B) Each Contracting Party shall have the right to ask the designated airlines of the other Contracting Party to provide to the Aeronautical Authorities of the former Contracting Party, as long in advance as practicable, copies of time tables, traffic schedules including any modification thereof, and all other relevant information concerning the operation of the specified air services including