

No. 9238

**AUSTRIA
and
SPAIN**

**Air Transport Agreement (with annex). Signed at Vienna,
on 19 February 1962**

Official texts: German and Spanish.

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

**AUTRICHE
et
ESPAGNE**

**Accord relatif aux transports aériens (avec annexe). Signé à
Vienne, le 19 février 1962**

Textes officiels allemand et espagnol.

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

[TRANSLATION — TRADUCTION]

No. 9238. AIR TRANSPORT AGREEMENT¹ BETWEEN AUSTRIA AND SPAIN. SIGNED AT VIENNA, ON 19 FEBRUARY 1962

The Federal Government of Austria and the Government of Spain,

Both being signatories to the Convention on International Civil Aviation signed at Chicago in 1944,²

Desiring to regulate and develop civil air traffic between their respective territories, Austria and Spain,

Have, for that purpose and in accordance with the recommendations of the European Civil Aviation Conference, agreed upon the following provisions :

Article 1

TRAFFIC RIGHTS

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing regular international air services on the routes specified. The airlines designated by each Contracting Party shall, while operating an agreed service on a specified route, enjoy the following rights :

- (a) The right to fly without landing across the territory of the other Contracting Party;
- (b) The right to make stops in the said territory for non-traffic purposes;
- (c) The right to make stops at the points in the territory of the other Contracting Party specified in the schedule of routes for the purposes of picking up and setting down international traffic in passengers, mail and cargo, excluding any cabotage in the said territory.

2. The routes over which the designated airlines will be authorized to operate international air services shall be specified in a schedule of routes (hereafter called « the agreed services » and « the specified routes ») which shall be established by agreement between the aeronautical authorities of the two Contracting Parties.

¹ Came into force on 11 May 1962, the date on which the Contracting Parties communicated to each other by an exchange of notes, which took place in Vienna, the fulfilment of their constitutional procedures for the approval of the Agreement, in accordance with article 14.

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.

Article 2

PERMITS REQUIRED

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the operation of the agreed services on the specified routes.

2. On receiving notice of such designation, the other Contracting Party shall without delay, subject to the provisions of paragraphs 4 and 5 of this article, grant the necessary permits to the designated airline or airlines.

3. Each Contracting Party shall have the right, by giving notice in writing to the other Contracting Party, to revoke the designation of an airline and to designate another.

4. The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to show proof, in accordance with the provisions of the Convention on International Civil Aviation (Chicago, 1944), that it is able to fulfil the conditions prescribed by the laws and regulations normally and reasonably applied by the said authorities to the operation of international air services.

5. Each Contracting Party shall have the right to withhold the permits referred to in paragraph 2 of this article if the said Contracting Party is not satisfied that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in its nationals.

6. When an airline has been thus designated and authorized, it may commence operation of any agreed service at any time, provided that a tariff fixed in accordance with the provisions of article 6 of this Agreement is applied to such service.

Article 3

REVOCATION AND SUSPENSION

1. Each Contracting Party shall have the right to revoke a permit or to suspend the exercise of the rights specified in article 1 of this Agreement by an airline designated by the other Contracting Party if :

- (a) It is not satisfied that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in its nationals; or

- (b) The airline has not complied with the laws or regulations of the Contracting Party granting those rights; or
- (c) The airline fails to operate the agreed services in accordance with the conditions prescribed in this Agreement.

2. Unless revocation or immediate suspension is necessary to prevent further infringements of the laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

EXEMPTION FROM CUSTOMS DUTIES AND OTHER FEES

1. Aircraft employed in international traffic by the designated airlines of one Contracting Party and their regular equipment, supplies of fuel and lubricants and aircraft stores (including food, beverages and tobacco), shall be exempt, on arriving in the territory of the other Contracting Party, from all customs duties, inspection fees and other duties and charges, provided such equipment and supplies remain on board the aircraft until re-exported.

2. The following shall likewise be exempt from the same duties and charges, excluding payment for services rendered :

- (a) Aircraft stores taken on board in the territory of one Contracting Party within limits fixed by the authorities of the said Contracting Party and intended for use on board aircraft operating an international service of the other Contracting Party;
- (b) Spare parts introduced into the territory of one Contracting Party for the maintenance or repair of aircraft employed in international traffic by the designated airlines of the other Contracting Party;
- (c) Fuel and lubricants intended for aircraft employed in international traffic by the designated airlines of the other Contracting Party, even if such supplies are consumed during that part of the flight which takes place over the territory of the Contracting Party in which they were taken on board.

The stores referred to in sub-paragraphs (a), (b) and (c) above may be required to be kept under customs supervision or control.

3. Regular equipment, other supplies and stores on board the aircraft of one Contracting Party may not be unloaded in the territory of the other Contracting Party save with the consent of the customs authorities of that territory. When so unloaded, they may be placed under the supervision of the said authorities until they are re-exported or otherwise disposed of in accordance with customs regulations.