

No. 9246

**AUSTRIA
and
AUSTRALIA**

**Agreement relating to air services (with schedule). Signed at
Vienna, on 22 March 1967**

Official texts: German and English.

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

**AUTRICHE
et
AUSTRALIE**

**Accord relatif aux services aériens (avec tableau). Signé à
Vienne, le 22 mars 1967**

Textes officiels: allemand et anglais.

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

No. 9246. AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA RELATING TO AIR SERVICES. SIGNED AT VIENNA ON 22 MARCH 1967

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

Desiring to conclude an agreement relating to air transport, agree as follows :

Article 1

DEFINITIONS

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

- (a) the term “aeronautical authorities” means, in the case of the Austrian Federal Government, the Federal Ministry of Communications and of Nationalized Enterprises and any other authority legally empowered to perform the functions exercised by the Federal Ministry of Communications and of Nationalized Enterprises or similar functions; and in the case of the Commonwealth of Australia, the Director-General of Civil Aviation and any person or body authorised to perform the functions exercised by the Director-General of Civil Aviation 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 “designated airline” means an airline or airlines which one Contracting Party has designated in writing to the other Contracting Party in accordance with Article 4 as being the airline or airlines authorised to operate international air services in accordance with the provisions of Article 3;
- (d) the term “air service” means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (e) the term “international air service” means an air service which passes through the air space over the territory of more than one State;

¹ Came into force on 22 March 1967 by signature, in accordance with article 15.

- (f) the term “airline” means any air transport enterprise offering or operating an international air service; and
- (g) 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 Schedule to this Agreement forms an integral part of the Agreement, and all references to the “Agreement” shall be deemed to include reference to the Schedule except where otherwise provided.

Article 2

CHICAGO CONVENTION

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, 1944¹ (hereinafter called “the Convention”), shall remain in force in their present form as between the Contracting Parties for the duration of this Agreement as if they were incorporated herein, unless both Contracting Parties ratify any amendment to the Convention which shall have come into force, in which case the Convention as amended shall remain in force as aforesaid.

Article 3

GRANT OF RIGHTS

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

Article 4

NECESSARY AUTHORISATIONS

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, but not before :

- (a) the Contracting Party to which the rights have been granted has designated an airline for that route; and

¹ See footnote 2, p. 4 of this volume.

- (b) the Contracting Party granting the rights has given the necessary permissions to the airline concerned. Such permissions shall, subject to the provisions of paragraphs (2) and (3) of this Article, be given without delay.

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 national laws and regulations normally applied by those authorities to the operation of international air services.

3. Each Contracting Party reserves the right to withhold the rights granted under Article 3 or to impose conditions on the exercise of those rights in any case where :

- (a) it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party; or
- (b) the designated airline fails to comply with the national laws and regulations referred to in paragraph (2) of this Article.

Article 5

TRANSIT AND TRAFFIC RIGHTS

Subject to the provisions of this Agreement, the designated airline of each Contracting Party shall enjoy, while operating an agreed service on a specified route, 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 that territory for non-traffic purposes; and
- (c) the right to make stops in that territory, at the points specified for that route in the Schedule, for the purposes of putting down and of taking on international traffic in passengers, cargo or mail.

Article 6

EXEMPTION FROM CUSTOMS AND OTHER DUTIES

Fuel, lubricating oils, spare parts, regular 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 or taken on board those aircraft in that