

**No. 35864. Israel and Ukraine**

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF UKRAINE. JERUSALEM, 12 JANUARY 1993 [*United Nations, Treaty Series, vol. 2070, I-35864.*]

PROTOCOL AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF UKRAINE. JERUSALEM, 22 FEBRUARY 2010

**Entry into force:** 26 January 2011 by notification, in accordance with article 9

**Authentic texts:** English, Hebrew and Ukrainian

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ACCORD RELATIF AU TRANSPORT AÉRIEN ENTRE LE GOUVERNEMENT DE L'ÉTAT D'ISRAËL ET LE GOUVERNEMENT D'UKRAINE. JÉRUSALEM, 12 JANVIER 1993 [*Nations Unies, Recueil des Traités, vol. 2070, I-35864.*]

PROTOCOLE MODIFIANT L'ACCORD RELATIF AU TRANSPORT AÉRIEN ENTRE LE GOUVERNEMENT DE L'ÉTAT D'ISRAËL ET LE GOUVERNEMENT D'UKRAINE. JÉRUSALEM, 22 FÉVRIER 2010

**Entrée en vigueur :** 26 janvier 2011 par notification, conformément à l'article 9

**Textes authentiques :** anglais, hébreu et ukrainien

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** Israël, 20 juillet 2012

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Protocol**  
**Amending the Air Transport Agreement**  
**Between**  
**The Government of the State of Israel**  
**And**  
**The Government of Ukraine**

The Government of the State of Israel and the Government of Ukraine (hereinafter referred to as "the Contracting Parties"),

having considered the Air Transport Agreement between the Government of Ukraine and the Government of the State of Israel (hereinafter referred to as "the Agreement"),

recognising the necessity to liberalize the air services between Ukraine and the State of Israel,

have agreed as follows:

#### **Article 1**

A paragraph j) shall be inserted into Article I "DEFINITIONS" of the Agreement as follows:

j) the term "standard" means any specifications for physical characteristics, configurations, materiel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which the Contracting Parties will confirm in accordance with the Convention; in the event of impossibility of compliance, notification to the International Civil Aviation Organization (ICAO) is compulsory under Article 38 of the Convention.

#### **Article 2**

Paragraph 1 of Article III "DESIGNATION OF AIRLINES AND OPERATING AUTHORIZATION" of the Agreement shall be replaced by the text hereafter:

Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the routes specified in the Annex to this Agreement and to withdraw or alter such designation.

#### **Article 3**

Article VI "TARIFFS" of the Agreement shall be replaced by the text hereafter:

#### **Article VI TARIFFS**

1. The aeronautical authorities of each Contracting Party may require notification and filing of tariffs for international air services operated pursuant to this Agreement from a designated airline.

2. Without limiting the application of general competition and consumer law of the State of each Contracting Party, intervention of the aeronautical authorities of the Contracting Parties shall be limited to:

- a) prevent unreasonably low or discriminatory tariffs or practices; or
- b) protect consumers from tariffs that are unreasonably high or unreasonably restrictive due either to the abuse of a dominant position or to concerted practices among airlines; or
- c) protect airlines from tariffs that are artificially low because of direct or indirect governmental subsidy or support excluding state aid for security expenses.

3. If the aeronautical authorities of either Contracting Party believe that any such tariff is inconsistent with the considerations set forth in this Article, they shall send appropriate notice to a designated airline in question and, on receipt of that notice, such designated airline shall immediately suspend application of the tariff. Simultaneously the aeronautical authorities of other Contracting Party shall be requested for consultations concerning tariffs and notified of the reasons for the dissatisfaction. These consultations shall be held not later than thirty (30) days after the date of receipt of the request. If no agreement is reached, the decision of the aeronautical authorities of the Contracting Party of country of origin of air service shall prevail.

#### **Article 4**

An Article IX a "SAFETY" shall be inserted into the Agreement as follows:

##### **Article IX a SAFETY**

1. Each Contracting Party may request consultations with the other Contracting Party at any time concerning safety standards in any area relating to aeronautical facilities, aircrew, aircraft or their operation adopted by the other Contracting Party. Such consultations shall take place within thirty (30) days of the date of receipt of that request.

2. If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards in any such area that are at least equal to the minimum standards established at that time pursuant to the Convention, the first Contracting Party shall notify the other Contracting Party of those findings and the steps considered necessary to conform with those minimum standards and that other Contracting Party shall take appropriate

corrective action. Failure by the other Contracting Party to take appropriate action within the agreed period of time shall constitute grounds for the application of Article IV of this Agreement.

3. In accordance with the Article 16 of the Convention the Contracting Parties agreed that the aircraft operated by the airline(s) of one Contracting Party on service to or from the territory of the State of the other Contracting Party, may, while within the territory of the State of the other Contracting Party, be the subject of a search by the authorized representatives of the aeronautical authorities of the other Contracting Party (in this Article called "ramp inspection"), provided this does not cause unreasonable delay in transportation. Recognizing the validity of the aircraft documentation, the licences of its crew pursuant to Article 33 of the Convention, the mentioned documents and licences, the condition of an aircraft and its equipment may be subject to verifying of their conformity to the standards established at that time pursuant to the Convention, while the search.

4. If any ramp inspection or series of ramp inspections gives rise to:

a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Convention, or

b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Convention,

the Contracting Party carrying out the inspection shall be free to conclude that the requirements under which the certificate or licences in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid, or that the requirements under which that aircraft is operated, are not equal to or above the minimum standards established pursuant to the Convention.

5. In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by the airline of one Contracting Party in accordance with paragraph 3 of this Article is denied by the representative of that airline, the other Contracting Party shall be free to infer that serious concerns of the type referred to in paragraph 4 of this Article exist and draw the conclusions referred to in that paragraph.

6. Each Contracting Party reserves the right to suspend or alter the operating authorization of the airline(s) of the other Contracting Party immediately in the event the first Contracting Party concludes, whether as a result of the consultations, ramp inspections, a denial of access for ramp inspection or otherwise, that immediate action is essential to the safety of the airline(s) operation.

7. Any action by one Contracting Party in accordance with paragraph 2 or paragraph 6 of this Article shall be discontinued once the basis for taking that action ceases to exist.