

**No. 53477\***

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**Austria  
and  
Hong Kong Special Administrative Region (under authorization  
by the Government of the People's Republic of China)**

**Agreement between the Austrian Federal Government and the Government of the Hong Kong Special Administrative Region of the People's Republic of China concerning Air Services (with annex). Vienna, 19 October 2015**

**Entry into force:** *13 January 2016, in accordance with article 22*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Austria, 12 February 2016*

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**Autriche  
et  
Région administrative spéciale de Hong Kong (par autorisation  
du Gouvernement de la République populaire de Chine)**

**Accord entre le Gouvernement fédéral d'Autriche et le Gouvernement de la Région administrative spéciale de Hong-Kong de la République populaire de Chine relatif aux services aériens (avec annexe). Vienne, 19 octobre 2015**

**Entrée en vigueur :** *13 janvier 2016, conformément à l'article 22*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Autriche, 12 février 2016*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT  
AND THE GOVERNMENT OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

CONCERNING AIR SERVICES

The Austrian Federal Government and the Government of the Hong Kong Special Administrative Region of the People's Republic of China ("the Hong Kong Special Administrative Region") having been duly authorised by the Central People's Government of the People's Republic of China (hereinafter referred to as the "Contracting Parties"),

Desiring to organize, in a safe and orderly manner, international air services and to promote in the greatest possible measure international cooperation in respect of such services;

Desiring to promote an international aviation system which offers fair and equal opportunities to their respective airlines for the operation of the services which allows them to compete in accordance with the laws and regulations of each Contracting Party; and

Desiring to conclude an Agreement for the purpose of providing the framework for air services between the Republic of Austria and the Hong Kong Special Administrative Region,

Have agreed as follows:

## **ARTICLE 1**

### **Definitions**

For the purpose of this Agreement, unless the context otherwise requires:

- (a) the term “aeronautical authorities” means in the case of the Austrian Federal Government, the Ministry for Transport, Innovation and Technology, and in the case of the Hong Kong Special Administrative Region, the Director-General of Civil Aviation, or, in both cases, any person or body authorised to perform any functions at present exercisable by the above-mentioned authorities or similar functions;
- (b) the term “designated airline” means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;
- (c) the term “area” in relation to the Republic of Austria has the meaning assigned to “territory” in Article 2 of the Chicago Convention and in relation to the Hong Kong Special Administrative Region includes Hong Kong Island, Kowloon and the New Territories;
- (d) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the Chicago Convention;
- (e) the term “this Agreement” includes the Annex hereto and any amendments to it or to this Agreement;

- (f) the term “Chicago Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944;
- (g) the term “tariff” means any fare, rate or charge for the carriage of passengers, baggage and/or cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge; and
- (h) the term “user charge” means a charge made to airlines by the competent authorities or permitted by them to be made for the provision of airport property or facilities or of air navigation facilities, or aviation security facilities or services, including related services and facilities, for aircraft, their crews, passengers and cargo.

## **ARTICLE 2**

### **Provisions of the Chicago Convention Applicable to International Air Services**

In implementing this Agreement, the Contracting Parties shall act in conformity with the provisions of the Chicago Convention, including the Annexes and any amendments to the Convention or to its Annexes which apply to both Contracting Parties, insofar as these provisions are applicable to international air services.

**ARTICLE 3**  
**Grant of Rights**

(1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its international air services:

- (a) the right to fly across its area without landing;
- (b) the right to make stops in its area for non-traffic purposes.

(2) Each Contracting Party grants to the other Contracting Party the rights hereinafter specified in this Agreement for the purpose of operating international air services on the routes specified in the appropriate Section of the Annex to this Agreement. Such services and routes are hereinafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route the designated airlines of each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article the right to make stops in the area of the other Contracting Party at points determined for that route in accordance with the Annex to this Agreement for the purpose of taking on board and discharging passengers and cargo, including mail, separately or in combination.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, at one point in the area of the other Contracting Party, passengers and cargo, including mail, carried for hire or reward and destined for another point in the area of the other Contracting Party.

(4) If because of armed conflict, political disturbances or developments, or special and unusual circumstances, a designated airline of one Contracting Party is unable to operate a service on its normal routing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate temporary rearrangements of routes.