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**Austria
and
Sri Lanka**

Air Transport Agreement between the Austrian Federal Government and the Government of the Democratic Socialist Republic of Sri Lanka (with annex). Vienna, 1 July 2016

Entry into force: *1 October 2016, in accordance with article 22*

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**Autriche
et
Sri Lanka**

Accord relatif aux transports aériens entre le Gouvernement fédéral d'Autriche et le Gouvernement de la République socialiste démocratique de Sri Lanka (avec annexe). Vienne, 1^{er} juillet 2016

Entrée en vigueur : *1^{er} octobre 2016, conformément à l'article 22*

Textes authentiques : *anglais et allemand*

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AIR TRANSPORT AGREEMENT
BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT
AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA

The Austrian Federal Government and the Government of the Democratic Socialist Republic of Sri Lanka hereinafter referred to as “the Contracting Parties” being Parties to the Convention of International Civil Aviation opened for signature at Chicago on the 7th of December 1944:

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; and

Desiring to establish an Agreement to foster the development of scheduled air services between and beyond their territories.

Have agreed as follows:

Article 1

Definitions

For the purpose of the present Agreement

- a) The term “Convention” means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944, including any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Article 90 and 94 (a) thereof, so far as those Annexes and amendments are applicable for both Contracting Parties;
- b) 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 Government of the Democratic Socialist Republic of Sri Lanka, the Minister in charge of the subject of Civil Aviation or, in both cases, any person or body authorized to perform any functions at present exercised by the said authorities or similar functions;
- c) the term “agreed services” means scheduled international air services on the route(s) specified in the Annex to this Agreement for the transport of passengers, baggage, cargo and mail;
- d) the term “designated airline” means any airline, which has been designated and authorized in accordance with Article 3 of the present Agreement;
- e) the term “territory” has the meaning assigned to it in Article 2 of the Convention;
- f) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meaning assigned to term in Article 96 of the Convention;
- g) the term “specified route” means a route specified in the Annex to this Agreement;

- h) the term "capacity" in relation to agreed services means the available payload of the aircraft used on such services, multiplied by the frequency operated by such aircraft over a given period on a route or section of a route;
- i) the term "tariff" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including commission charges and other additional remuneration for agency or sale of transportation documents, but excluding remuneration and conditions for the carriage of mail;
- j) the term "Annex" means the Annex to this Agreement as amended. The Annex forms an integral part of the Agreement and all references to the Agreement shall include reference to the Annex except where otherwise provided;
- k) the term "user charges" 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;
- l) the term "self-handling" means a situation in which the airport user directly provides for himself one or more categories of ground handling services and concludes no contract of any description with a third party for the provision of such services; for the purpose of this definition among themselves airport users shall not be deemed to be third parties where; a) one hold the majority in the other, or b) a single body has a majority holding in each;
- m) the term "State subsidy or support" means the provision of support on a discriminatory basis to a designated airline, directly or indirectly by the State or by a public or private body designated or controlled by the State. Without limitation, it may include the setting-off of operational losses; the provision of capital, non-refundable grants or loans on privileged terms; the granting of financial advantages by forgoing profits or the recovery of sums due; the forgoing of a normal return on public funds used; tax exemptions; compensation for financial

burdens imposed by the public authorities; or discriminatory access to airport facilities, fuels or other reasonable facilities necessary for the normal operation of air services;

- n) references in this Agreement to nationals of the Republic of Austria shall be understood as referring to nationals of European Union Member States;
- o) references in this Agreement to airlines of the Republic of Austria shall be understood as referring to airlines designated by the Republic of Austria;
- p) references in this Agreement to the “EU Treaties” shall be understood as referring to the Treaty on European Union and the Treaty on the Functioning of the European Union.

Article 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of operating scheduled international air services on the routes specified in the Annex to this Agreement.
2. Subject to the provisions of this Agreement the airlines designated by each Contracting Party shall enjoy, while operating the agreed services on the specified routes, the following rights;
 - a) The right to fly across its territory without landing and
 - b) The right to make stops in its territory for non- traffic purposes.
 - c) The right to make stops in the territory of the other Contracting Party at the points specified in the Annex for the purpose of taking on board and disembarking passengers, baggage, cargo including mail, separately or in combination destined for or coming from point(s) in the territory of the first Contracting Party.