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**Israel
and
Australia**

Agreement between the Government of the State of Israel and the Government of Australia relating to air services (with annex). Sydney, 23 February 2017

Entry into force: *13 December 2017 by notification, in accordance with article 23*

Authentic texts: *English and Hebrew*

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**Israël
et
Australie**

Accord entre le Gouvernement de l'État d'Israël et le Gouvernement de l'Australie relatif aux services aériens (avec annexe). Sydney, 23 février 2017

Entrée en vigueur : *13 décembre 2017 par notification, conformément à l'article 23*

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Agreement

Between

The Government of the State of Israel

and

The Government of Australia

Relating to Air Services

PREAMBLE

The Government of the State of Israel and the Government of Australia hereinafter referred to as the “Parties”;

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement, unless otherwise stated, the term:

- a) “aeronautical authorities” means, in the case of the Government of the State of Israel, the Ministry of Transport and Road Safety by the Civil Aviation Authority; and in the case of the Government of Australia, the Department of Infrastructure and Regional Development; or in both cases any other authority or person empowered to perform the functions exercised by the said authorities;
- b) “Agreement” means this Agreement, its Annex, and any amendments thereto;
- c) “capacity” means the amount(s) of services provided under the Agreement, usually measured in the number of flights (frequencies) or seats or tons of cargo offered in a market (city pair, or country-to-country) or on a route during a specific period, such as daily, weekly, seasonally or annually;
- d) “Convention” means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention, and any amendment of the Annexes or Convention under Articles 90 and 94, insofar as such Annexes and amendments have become effective for both Parties;
- e) “designated airline” means an airline which has been designated and authorized in accordance with Article 3 (Designation and Authorization) of this Agreement;
- f) “tariff” means any fare, rate or charge for the carriage of passengers, baggage and/or cargo (excluding mail) in air transportation (including any other mode of transportation in connection therewith), charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;
- g) “territory” in relation to a Party has the meaning assigned to it in Article 2 of the Convention;
- h) “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;

- i) "air service", "international air service", "airline", and "stop for non-traffic purposes", have the meanings assigned to them in Article 96 of the Convention.
- j) "agreed services" means scheduled air services on the routes specified in the Annex to this Agreement for the transportation of passengers, cargo and mail, separately or in combination;
- k) "ground equipment" and "aircraft stores" have the meanings respectively assigned to them in Annex 9 of the Convention.

ARTICLE 2

Grant of Rights

- 1. Each Party grants to the other Party the rights specified in this Agreement for the purpose of operating international air services on the routes specified in the Route Schedule of the Annex.
- 2. Subject to the provisions of this Agreement, the designated airline(s) of each Party shall enjoy, while operating international air services, the following rights:
 - a) the right to fly without landing across the territory of the other Party;
 - b) the right to stop for non-traffic purposes in the territory of the other Party; and
 - c) the right to make stops at the point(s) on the route(s) specified in the Route Schedule of the Annex to this Agreement for the purpose of taking on board and discharging international traffic in passengers, cargo or mail separately or in combination;
- 3. The airlines of each Party, other than those designated under Article 3 (Designation and Authorization) of this Agreement shall also enjoy the rights specified in paragraphs 2 a) and b) of this Article.
- 4. Nothing in paragraph 2 of this Article shall be deemed to confer on the designated airline(s) of one Party the privilege of taking on board, in the territory of the other Party, passengers, cargo and mail for remuneration and destined for another point in the territory of the other Party.

ARTICLE 3

Designation and Authorization

- 1. Each Party shall have the right to designate in writing to the other Party one or more airlines to operate the agreed services and to withdraw or alter such designation.

2. On receipt of such a designation, and of an application from the designated airline, in the form and manner prescribed for operating authorization, each Party shall grant the appropriate operating authorization with minimum procedural delay, provided that:
 - a) the airline is incorporated and has its principal place of business in the territory of the Party designating the airline;
 - b) the Party designating the airline is in compliance with the provisions set forth in Article 8 (Aviation Safety) and Article 9 (Aviation Security); and
 - c) the designated airline is qualified to meet other conditions prescribed under the laws and regulations normally applied to the operation of international air transport services by the Party receiving the designation.
3. On receipt of an operating authorization pursuant to paragraph 2 above, a designated airline may at any time begin to operate the agreed services for which it is so designated, provided that the airline complies with the applicable provisions of this Agreement.

ARTICLE 4

Withholding, Revocation and Limitation of Authorization

1. The aeronautical authorities of each Party shall have the right to withhold the authorizations referred to in Article 3 (Designation and Authorization) of this Agreement with respect to an airline designated by the other Party, and to revoke, suspend or impose conditions on such authorizations, temporarily or permanently in the event:
 - a) that they are not satisfied that the airline is incorporated and has its principal place of business in the territory of the Party designating the airline;
 - b) of failure of the Party designating the airline to comply with the provisions set forth in Article 8 (Aviation Safety) and Article 9 (Aviation Security); or
 - c) that the designated airline fails to meet other conditions prescribed under the laws and regulations normally applied to the operation of international air transport services by the Party receiving the designation.
2. Unless immediate action is essential to prevent infringements of laws and regulations referred to above, or unless safety or security requires action in accordance with Article 8 (Aviation Safety) and Article 9 (Aviation Security), the rights enumerated in paragraph 1 of this Article shall be exercised only after consultation between the aeronautical authorities in conformity with Article 17 (Consultations) of this Agreement.