

No. 30411

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**AUSTRIA
and
CANADA**

**Agreement on air transport (with annex). Signed at Vienna on
22 June 1993**

Authentic texts: German English and French.

Registered by Austria on 26 October 1993.

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**AUTRICHE
et
CANADA**

**Accord sur le transport aérien (avec annexe). Signé à Vienne
le 22 juin 1993**

Textes authentiques : allemand, anglais et français.

Enregistré par l'Autriche le 26 octobre 1993.

AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF CANADA ON AIR TRANSPORT

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The Austrian Federal Government and the Government of Canada, hereinafter called in this Agreement the Contracting Parties,

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago, on the seventh of December, 1944,²

Desiring to conclude an agreement on air transport, supplementary to the said Convention,

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement, unless otherwise stated:

¹ Came into force on 1 September 1993, i.e., the first day of the second month following the date on which the Contracting Parties had notified each other (on 19 and 20 July 1993) of the completion of their respective constitutional procedures, in accordance with article 24.

² United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

- a) "Aeronautical authorities" means, in the case of the Republic of Austria, the Federal Minister for Public Economy and Transport or any other authority legally empowered to perform the functions exercised by the said authorities, and in the case of Canada, the Minister of Transport and the National Transportation Agency of Canada or any other authority or person empowered to perform the functions exercised by the said authorities;
- b) "Agreed services" means scheduled air services on the routes specified in this Agreement for the transport of passengers and cargo, including mail, separately or in combination;
- c) "Agreement" means this Agreement, any Annex thereto, and any amendments to the Agreement or to any Annex;
- 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 the Convention under Articles 90 and 94 thereof insofar as these have become effective for both Contracting Parties;
- e) "Designated airline" means an airline which has been

designated and authorized in accordance with Article 3 of this Agreement;

- f) "Tariffs" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for other services performed by the carrier in connection with air transportation, but excluding remuneration and conditions for the carriage of mail;
- g) "Territory", "Air service", "International air service", "Airline" and "Stop for non-traffic purposes" have the meaning respectively assigned to them in Articles 2 and 96 of the Convention.

ARTICLE 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air services by the airline or airlines designated by that other Contracting Party:

- a) to fly without landing across its territory;
- b) to land in its territory for non-traffic purposes; and
- c) except as otherwise determined in this Agreement, to land in its territory for the purpose of taking up and discharging, on the routes specified in this Agreement, international traffic in passengers and cargo, including mail, separately or in combination.

2. The airlines of each Contracting Party, other than those designated under Article 3 of this Agreement, shall also enjoy the rights specified in paragraphs 1 (a) and (b) of this Article.

3. Nothing in paragraph 1 of this Article shall be deemed to confer on a designated airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers and cargo, including mail, carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE 3

Authorizations

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one airline or airlines for the purpose of operating the agreed services for such a Contracting Party.

2. Each Contracting Party shall have the right, by written notification to the other Contracting Party, to withdraw the designation of any such airline and to designate another one.

3. On receipt of such designation, the aeronautical authorities of the other Contracting Party shall, subject to the provisions of Article 4, grant without delay to the designated airline or airlines the appropriate operating authorizations.

4. Upon receipt of such authorizations the designated airline may begin at any time to operate

the agreed services, in whole or in part, provided that the airline complies with the applicable provisions of this Agreement, in particular, that tariffs are established in accordance with the provisions of Article 11 of this Agreement.

ARTICLE 4

Revocation, Suspension and Limitation of Authorizations

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorizations referred to in Article 3 of this Agreement with respect to an airline designated by the other Contracting Party, to revoke or suspend such authorizations or impose conditions, temporarily or permanently:

- a) in the event of failure by such airline to qualify under the laws and regulations normally and reasonably applied in conformity with the Convention;
- b) in the event of failure by such airline to comply with the laws and regulations of the Contracting Party granting the rights in accordance with Article 2 of this Agreement;
- c) in the event that they are not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals; and
- d) in case the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

2. Unless immediate action is essential to prevent infringement of the laws and regulations referred to above, the rights enumerated in paragraph 1 of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party in conformity with paragraph 1 of Article 19 of this Agreement.

ARTICLE 5

Application of Laws

1. The laws, regulations and procedures of one Contracting Party relating to the admission to, remaining in, or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft shall be complied with by the designated airline or airlines of the other Contracting Party upon entrance into, departure from and while within the said territory.

2. The laws and regulations of one Contracting Party respecting entry, clearance, transit, immigration, passports, customs and quarantine shall be complied with by the designated airline or airlines of the other Contracting Party, and by or on behalf of its crews, passengers, cargo and mail upon transit of, admission to, departure from and while within the territory of such a Contracting Party.

3. In the application of its customs, immigration, quarantine and similar regulations, neither Contracting Party shall give preference to its own or any other airline over an airline of the other

Contracting Party engaged in similar international air services.

ARTICLE 6

Recognition of Certificates and Licences

1. Certificates of airworthiness, certificates of competency and licences, issued or rendered valid by one Contracting Party and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services provided that such certificates or licences were issued or rendered valid pursuant to, and in conformity with, the standards established under the Convention. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party.

2. If the privileges or conditions of the licences or certificates referred to in paragraph 1 above, issued by the aeronautical authorities of one Contracting Party to any person or designated airline or in respect of an aircraft operating the agreed services, should permit a difference from the standards established under the Convention, and which difference has been filed with the International Civil Aviation Organization, the aeronautical authorities of the other Contracting Party may request consultations in accordance with paragraph 1 of Article 19 of this Agreement with the aeronautical authorities of that Contracting Party with a