

No. 30765

**AUSTRIA
and
RUSSIAN FEDERATION**

**Air Transport Agreement (with annex). Signed at Vienna on
8 November 1993**

Authentic texts: German and Russian.

Registered by Austria on 28 February 1994.

**AUTRICHE
et
FÉDÉRATION DE RUSSIE**

**Accord relatif aux transports aériens (avec annexe). Signé à
Vienne le 8 novembre 1993**

Textes authentiques : allemand et russe.

Enregistré par l'Autriche le 28 février 1994.

[TRANSLATION — TRADUCTION]

AIR TRANSPORT AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF THE RUSSIAN FEDERATION

The Austrian Federal Government and the Government of the Russian Federation, hereinafter referred to as “the Contracting Parties”,

Being parties to the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944,²

Desiring to conclude an Agreement for the purpose of establishing air transport between their respective territories and beyond their boundaries,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Agreement, the terms listed below shall have the following meanings:

(a) “Aeronautical authorities” shall mean, in the case of the Austrian Federal Government, the Federal Minister for Public Economy and Transport, and in the case of the Government of the Russian Federation, the Ministry of Transport in the form of the Department of Air Transport or, in both cases, any person or body authorized to perform the functions currently exercised by the said authorities;

(b) “Designated airline(s)” shall mean the airline or airlines designated and authorized in accordance with article 4 of this Agreement;

(c) “Territory” in relation to a State shall mean the land areas, the territorial and internal waters, and the air space above it which are under the sovereignty of that State;

(d) “The Convention” shall mean the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including any annex adopted in accordance with article 90 of that Convention and any amendment to the annexes or the Convention adopted in accordance with articles 90 and 94 of the Convention, to the extent that they apply to both Contracting Parties;

(e) “Air service”, “international air service”, “airline” and “stop for non-traffic purposes” shall have the same meanings as in article 96 of the Convention;

(f) “Capacity” shall mean:

¹ Came into force on 1 January 1994, i.e., the first day of the second month after the date on which the Contracting Parties had notified each other (on 25 and 29 November 1993) of its approval pursuant to their respective national procedures, in accordance with article 22.

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.

- (i) In relation to an aircraft, the holding capacity of the aircraft over its route or part of its route;
- (ii) In relation to a specified service, the capacity of the aircraft used on that service multiplied by the frequency of flights made by that aircraft over the entire route or part of the route in a specified period.

Article 2

GRANTING OF RIGHTS

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing international air services on the routes specified in the annex to this Agreement (hereinafter referred to as “the agreed services” and “the specified routes” respectively).

Article 3

COMMERCIAL RIGHTS

1. The airlines designated by each Contracting Party shall, while operating an agreed service on a specified route, enjoy the following rights:

(a) The right to fly over the territory of the other Contracting Party without making stops;

(b) The right to make stops in the territory of the other Contracting Party for non-traffic purposes at the points specified in the annex to this Agreement;

(c) The right to make stops at the points in the territory of the other Contracting Party specified in the annex to this Agreement, for the purpose of taking on and/or discharging international air traffic in passengers, mail and cargo.

2. Nothing in this article shall be interpreted as conferring on the designated airline of one Contracting Party the right to take on passengers, mail and cargo carried for remuneration or hire between points in the territory of the other Contracting Party.

3. The routes of aircraft operating the agreed services and the points for crossing national boundaries shall be established by each Contracting Party with respect to its territory.

4. Questions relating to the operation of the agreed services shall be settled by agreements between the designated airlines and submitted as required for the approval of the aeronautical authorities of the Contracting Parties.

Article 4

DESIGNATION AND GRANTING OF PERMITS

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party the airline (or airlines) which is (or are) to operate the agreed services on the specified routes and shall notify the other Contracting Party accordingly.

2. On receiving notice of such designation, the other Contracting Party shall, without delay, subject to the provisions of paragraphs 3 and 4 of this article, grant the appropriate operating permit to each designated airline.

3. Prior to the issuance of the operating permit, the aeronautical authorities of one Contracting Party may require the designated airline of the other Contracting Party to show proof that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities to the operation of international air services.

4. Each Contracting Party shall have the right to withhold the operating permit referred to in paragraph 2 of this article or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in article 3 of this Agreement, if that Contracting Party is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals.

5. When an airline has been thus designated and granted an operating permit, it may commence operation of the agreed services at any time, provided that the flight schedule and tariffs laid down for such services in accordance with the provisions of articles 10 and 11 of this Agreement have entered into force.

Article 5

REVOCATION OR SUSPENSION OF RIGHTS

1. Each Contracting Party shall have the right to revoke the operating permit granted to the airline(s) designated by the other Contracting Party, to suspend the exercise by such airline(s) of the rights referred to in article 3 of this Agreement, or to impose such conditions as it may deem necessary on the exercise of those rights, if:

(a) It is not satisfied that substantial ownership and effective control of the airline(s) are vested in the Contracting Party designating the airline or in its nationals; or

(b) The airline (or airlines) is (or are) not complying with the laws or regulations of the Contracting Party granting those rights; or

(c) The airline (or airlines) fails (or fail) in some other way to operate the agreed services in accordance with the conditions prescribed in this Agreement.

2. Unless revocation, suspension or immediate imposition of the conditions referred to in paragraph 1 of this article is necessary to prevent further infringements of the laws or regulations, the right referred to in that paragraph shall be exercised only after consultation between the aeronautical authorities of the Contracting Parties. Such consultations shall be held within thirty (30) days of such action being requested.

Article 6

APPLICATION OF LAWS AND REGULATIONS

1. The laws and regulations of one Contracting Party relating to the admission to and departure from its territory of aircraft on international flights, or relating

to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the designated airline of the other Contracting Party.

2. The laws and regulations of one Contracting Party relating to the admission to, presence in or departure from its territory of passengers, crew, cargo and mail, and, in particular, formalities regarding passport, customs, currency and health regulations, shall be applied to passengers, crew, cargo and mail transported by the aircraft of the designated airline of the other Contracting Party while within the said territory.

Article 7

RECOGNITION OF LICENCES AND CERTIFICATES

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.

2. Each Contracting Party reserves the right not to recognize as valid, for the purpose of flights over its own territory, licences and certificates issued to its nationals by the other Contracting Party.

Article 8

SIMPLIFICATION OF FORMALITIES

Taxes and other charges imposed in the territory of one Contracting Party on the airlines of the other Contracting Party for the use of airports and other aeronautical service facilities in the territory of the former Contracting Party shall not exceed those imposed on any other airline operating similar flights.

Article 9

DIRECT TRANSIT

1. Passengers, baggage, cargo and mail in direct transit across the territory of one Contracting Party which do not leave the area of the airport designated for that purpose shall be subject to no more than a simplified control, except when it is necessary to take security measures to deal with violence, air piracy and trafficking in narcotic drugs.

2. Baggage, cargo and mail in direct transit shall be exempt from customs duties and other similar charges.

Article 10

CAPACITY

1. The designated airlines of the Contracting Parties shall be offered fair and equitable terms for the operation of the agreed services on the specified routes between their respective territories.