

No. 44855*

**Lithuania
and
Poland**

Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Poland concerning civil air transport (with annex). Vilnius, 27 October 1992

Entry into force: *provisionally on 27 October 1992 by signature and definitively on 26 January 1993 by notification, in accordance with article 19*

Authentic texts: *English, Lithuanian and Polish*

Registration with the Secretariat of the United Nations: *Lithuania, 26 March 2008*

**Lituanie
et
Pologne**

Accord relatif aux transports aériens civils entre le Gouvernement de la République de Lituanie et le Gouvernement de la République de Pologne (avec annexe). Vilnius, 27 octobre 1992

Entrée en vigueur : *provisoirement le 27 octobre 1992 par signature et définitivement le 26 janvier 1993 par notification, conformément à l'article 19*

Textes authentiques : *anglais, lituanien et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Lituanie, 26 mars 2008*

* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.

[ENGLISH TEXT - TEXTE ANGLAIS]

A G R E E M E N T

between the Government of the Republic of Lithuania and the Government of the Republic of Poland concerning civil air transport.

The Government of the Republic of Lithuania and the Government of the Republic of Poland hereinafter called `the Contracting Parties`

desiring to promote the mutual relations in the area of civil aviation, have agreed as follows:

Article 1

For the purposes of this Agreement and of the Annex thereto:

- a) the term `aeronautical authority` shall mean in the case of the Republic of Lithuania - the Ministry of Transport, and, in the case of the Republic of Poland - the Ministry of Transport and Maritime Economy, or, in both cases, any person or body authorised to perform any functions being the responsibility of the said authorities;
- b) the term `designated airline` shall mean an airline which has been designated for the purpose of operating the agreed services on the routes specified in the Annex to this Agreement and which has obtained the operating authorization, in accordance with the provisions of Article 3 of this Agreement;
- c) the term `territory` shall have the meaning assigned to it in Article 2 of the Chicago Convention;
- d) the term `tariff` shall mean any amount charged or to be charged by airlines, directly or through their agents, to any person or entity for the carriage of passengers (and their luggage) and cargo (excluding mail) in air transportation, including:
 1. the conditions governing the availability and applicability of a tariff, and
 2. the charges and conditions for any services ancillary to such carriage which are offered by airlines.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing scheduled international air services on the routes specified in the Annex thereto.

Such services and routes are hereinafter called `the agreed services` and `the specified routes` respectively. The airlines

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

- a) to fly without landing across the territory of the other Contracting Party,
- b) to make stops in the said territory for non-traffic purposes,
- c) to take on and to put down in international traffic passengers, mail and cargo at the specified points on the specified routes, subject to the provisions of this Agreement and the Annex thereto.

Article 3

1. Each Contracting Party shall have the right to designate an airline for the purpose of operating the agreed services on the specified routes. This designation shall be notified by the aeronautical authorities of one Contracting Party to the aeronautical authorities of the other Contracting Party.

2. The Contracting Party having received the notification of designation shall, subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant the appropriate operating authorization to the airline designated by the other Contracting Party. The granted operating authorization shall not be transferred or transmitted to another airlines without consent of this Contracting Party which granted such authorization.

3. The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied to the operations of international air services by such authorities in conformity with the provisions of the Convention on International Civil Aviation opened for signature at Chicago on 7th December 1944, with the later amendments thereto.

4. Each Contracting Party shall have the right to refuse to grant the operating authorization 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 2 of this Agreement, if the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or its nationals.

5. When a designated airline has been so authorized under paragraph 2 of this Article, it may begin at any time to operate each agreed service provided that a tariff established in accordance with the provisions of Article 10 of this Agreement is in force in respect of that service.

Article 4

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 of this Agreement by an airline designated by the other Contracting Party or to impose such conditions as it may deem necessary on the exercise of these rights:

- a) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party, or,
- b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights, or
- c) in case the airline fails to operate in accordance with the conditions prescribed in this Agreement and the Annex thereto.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of this Article is essential to prevent further infringements of laws or regulations such right shall be exercised only after consultation with the other Contracting Party.

Article 5

1. The airlines designated by the Contracting Parties for the purpose of operating the agreed services shall provide capacity adequate to meet the current and reasonably anticipated requirements for the international carriage on these services.

2. If the national regulations of a Contracting Party so require the agreements, which may be concluded between the designated airlines for the purpose of operating the agreed services, shall be subject to the approval of the aeronautical authorities of the said Contracting Party.

Article 6

1. Aircraft engaged in international services by the

designated airline of either Contracting Party, as well as their regular equipment, supplies of fuel and lubricants and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided this aircraft is re-exported and such equipment, supplies and stores remain on board this aircraft up to such time as they are re-exported.

2. There shall also be exempt from the same duties, fees and taxes with the exception of charges corresponding to the performed service:

- a) aircraft stores of any origin taken in the territory of either Contracting Party, within limits fixed by the authorities of the said Contracting Party and destined for use on board outbounf aircraft operated on an international service by the designated airline of the other Contracting Party.
- b) spare parts and regular equipment entered into the territory of one of the Contracting Parties and destined for the maintenance or repair of aircraft engaged in an international service by the designated airline of the other Contracting Party,
- c) fuel and lubricants destined to supply aircraft engaged in an international service by the designated airline of the other Contracting Party even when these supplies are to be used on the part of the flight performed over the territory of the Contracting Party in which they are taken on board,
- d) advertising materials used by the designated airline on the territory of the other Contracting Party.

3. If national laws or regulations of either Contracting Party so require material referred to in paragraphs 1 and 2 of this Article shall be kept under customs control of the said Contracting Party.

Article 7

The regular airborne equipment, as well as the materials and supplies retained on board of the aircraft operated by the designated airline of either Contracting Party may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of such territory. In such case, they may be placed under the supervision of the said authorities up to such time as they are re-exported or otherwise disposed of in compliance with the customs regulations.