

No. 50905

**United States of America
and
Ukraine**

Air Transport Agreement between the Government of the United States of America and the Government of Ukraine (with annexes). Kiev, 5 June 2000

Entry into force: *5 June 2000 by signature, in accordance with article 17*

Authentic texts: *English and Ukrainian*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

**États-Unis d'Amérique
et
Ukraine**

Accord relatif au transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine (avec annexes). Kiev, 5 juin 2000

Entrée en vigueur : *5 juin 2000 par signature, conformément à l'article 17*

Textes authentiques : *anglais et ukrainien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AIR TRANSPORT AGREEMENT
BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF UKRAINE**

The Government of the United States of America and the Government of Ukraine,
hereinafter referred to as the Parties;

Desiring to facilitate the expansion of international air transport opportunities;

Desiring to make it possible for airlines to offer the traveling and shipping public
a variety of service options at the lowest prices that are not predatory or
discriminatory and do not represent abuse of a dominant position and wishing to
encourage individual airlines to develop and implement innovative and
competitive prices;

Desiring to ensure the highest degree of safety and security in international air
transport and reaffirming their grave concern about acts or threats against the
security of aircraft, which jeopardize the safety of persons or property, adversely
affect the operation of air transportation, and undermine public confidence in the
safety of civil aviation;

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

Desiring to conclude an Agreement for the purpose of establishing air services
between and beyond their respective territories;

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 United States, the Department of Transportation, or its successor, and in the case of Ukraine, the State Department of Aviation Transport, or its successor;
- b. "Agreement" means this Agreement, its Annexes, and any amendments thereto;
- c. "Air transportation" means any operation performed by aircraft for the public carriage of traffic in passengers, baggage, cargo and mail, separately or in combination, for remuneration or hire;
- d. "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944, and includes:
 - (1) any amendment which has entered into force under Article 94(a) of the Convention and has been ratified by both Parties; and
 - (2) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties.
- e. "Designated airline" means an airline designated and authorized in accordance with Article 3 of this Agreement;
- f. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead and reasonable return on assets after depreciation;
- g. "International air transportation" means air transportation which passes through the air space over the territory of more than one State;
- h. "Price" means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;
- i. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo and/or mail in air transportation;

- j. "User charge" means a charge imposed on airlines for the provision of airport, air navigation or aviation security facilities and services, including related services and facilities.

ARTICLE 2

Grant of Rights

1. Subject to the provisions of Annex V, each Party grants to the other Party the following rights for the conduct of international air transportation by the airlines of the other Party:
 - a. the right to fly across its territory without landing;
 - b. the right to make stops in its territory for non-traffic purposes; and
 - c. the rights otherwise specified in this Agreement.
2. The international air services which the designated airlines of the Parties will be authorized to operate shall be specified in Annex I and Annex II.
3. Nothing in paragraph 1 of this Article shall be deemed to grant the right for one Party's airlines to participate in air transportation between points in the territory of the other Party (cabotage).

ARTICLE 3

Designation and Authorization

1. Subject to the provisions of Annex I and Annex II, each Party shall have the right to designate airlines to conduct international air transportation in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the other Party in writing through diplomatic channels, and shall identify whether the airline is authorized to conduct the type of air transportation specified in Annex I or in Annex II or both.
2. On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorizations and technical permissions, the other Party shall grant appropriate authorizations and permissions with minimum procedural delay, provided:
 - a. substantial ownership and effective control of that airline are vested in the Party designating the airline, nationals of that Party, or both;
 - b. the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of

international air transportation by the Party considering the application or applications; and

c. the Party designating the airline is maintaining and administering the standards set forth in Article 6 (Safety) and Article 7 (Security).

ARTICLE 4

Revocation of Authorization

1. Each Party may revoke, suspend or limit the operating authorizations or technical permissions of an airline designated by the other Party where:
 - a. substantial ownership and effective control of that airline are not vested in the other Party, the other Party's nationals, or both;
 - b. that airline has failed to comply with the laws and regulations referred to in Article 5 (Application of Laws) of this Agreement; or
 - c. the other Party is not maintaining and administering the standards as set forth in Article 6 (Safety).
2. Unless immediate action is essential to prevent further non-compliance with subparagraphs 1b or 1c of this Article, the rights established by this Article shall be exercised only after consultation with the other Party.
3. This Article does not limit the rights of either Party to suspend, limit or condition air services in accordance with the provisions of Article 7 (Aviation Security).

ARTICLE 5

Application of Laws

1. While entering, within or leaving the territory of one Party, its laws and regulations relating to the operation and navigation of aircraft shall be complied with by the other Party's airlines.
2. While entering, within or leaving the territory of one Party, its laws and regulations relating to the admission to or departure from its territory of passengers, crew or cargo on aircraft (including regulations relating to entry, clearance, aviation security, immigration, passports, customs and quarantine or, in the case of mail, postal regulations) shall be complied with by or on behalf of such passengers, crew or cargo of the other Party's airlines.