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**United Kingdom of Great Britain and Northern Ireland
and
Australia**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia concerning air services (with annex). London, 10 July 2008

Entry into force: *2 March 2012 by notification, in accordance with article 17*

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Australie**

Accord entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement de l'Australie relatif aux services aériens (avec annexe). Londres, 10 juillet 2008

Entrée en vigueur : *2 mars 2012 par notification, conformément à l'article 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF AUSTRALIA CONCERNING AIR SERVICES**

PREAMBLE

The Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland hereinafter referred as the “Contracting Parties”;

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944¹;

Desiring to promote an international aviation system based on competition among airlines in the marketplace and wishing to encourage scheduled and non-scheduled airlines to develop and implement innovative and competitive services;

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 jeopardise the safety of persons or property, adversely affect the operation of air transport, and undermine public confidence in the safety of civil aviation;

Noting the agreement between the European Community and Australia initialled on 7 April 2005 on certain aspects of air services;

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement, unless the context otherwise requires:

- (a) the term “the Chicago Convention” means the Convention on International Civil Aviation, open for signature at Chicago on 7 December 1944 and includes: (i) any amendment thereof which has been ratified by both Contracting Parties; and (ii) any Annex or any amendment thereto adopted under Article 90 of that Convention, insofar as such amendment or annex is at any given time effective for both Contracting Parties;
- (b) the term “aeronautical authority” means in the case of the United Kingdom, the Secretary of State for Transport and in the case of Australia, the Minister for Transport and Regional Services, or, in both cases, any person or body who may be authorized to perform any

¹ Treaty Series No. 008 (1953) Cmd 8742

functions at present exercisable by the above-mentioned authority or similar functions;

- (c) the term “designated airline” means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;
- (d) the term “territory” in relation to a State has the meaning assigned to it in Article 2 of the Chicago Convention;
- (e) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the Chicago Convention;
- (f) The term “this Agreement” means this Agreement, its Annexes and any amendments thereto;
- (g) the term “Air Operator’s Certificate” means a document issued to an airline which affirms that the airline in question has the professional ability and organisation to secure the safe operation of aircraft for the aviation activities specified in the certificate;
- (h) the term “tariffs” means the prices to be paid for the carriage of passengers, baggage and freight and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services, but excluding remuneration or conditions for the carriage of mail;
- (i) the term “EC Member State” means a State that is a contracting party to the Treaty establishing the European Community; and
- (j) the term “airlines of each Contracting Party” shall include, in the case of airlines of the United Kingdom, airlines that meet the conditions for designation in Article 4(2)(a) of this Agreement.

ARTICLE 2

Applicability of the Chicago Convention

The provisions of this Agreement shall be subject to the provisions of the Chicago Convention insofar as those provisions are applicable to international air services.

ARTICLE 3

Grant of Rights

(1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its international air services:

- (a) the right to fly across its territory without landing;
- (b) the right to make stops in its territory for non-traffic purposes.

(2) The designated airlines of each Contracting Party shall be entitled to perform international air services, whether for the carriage of passengers, cargo, mail or in combination, as follows:

Routes to be operated by the designated airline or airlines of the United Kingdom:

Points in the United Kingdom – Intermediate Points – Points in Australia – Points Beyond

Routes to be operated by the designated airline or airlines of Australia:

Points in Australia – Intermediate Points – Points in the United Kingdom – Points Beyond

These services and routes are hereinafter called “the agreed services” and “the specified routes” respectively.

(3) While operating an agreed service on a specified route the airline or airlines designated by each Contracting Party may, in addition to the rights specified above, on any or all flights and at the option of each airline:

- (a) operate flights in either or both directions;
- (b) combine different flight numbers within one aircraft operation;
- (c) serve intermediate and beyond points and points in the territories of the Contracting Parties on the routes in any combination and in any order;
- (d) omit stops at any point or points, including points within the territory of the Contracting Party designating the airline provided that, except as may from time to time be jointly determined by the aeronautical authorities of the Contracting Parties, the services commence or terminate in the territory of that Contracting Party;
- (e) transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes; and

- (f) exercise own stop-over rights at any point, including points in the territory of the other Contracting Party;

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement.

(4) The designated airlines of one Contracting Party may not pick up traffic at an intermediate point to be set down in the territory of the other Contracting Party nor pick up traffic in the territory of the other Contracting Party to be set down at a point beyond, and vice versa, except as may from time to time be jointly determined by the aeronautical authorities of the Contracting Parties.

(5) Nothing in this Article shall be deemed to confer on the designated airline or airlines of one Contracting Party the right to uplift, in the territory of the other Contracting Party, passengers, their baggage, cargo, or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE 4

Designation, Authorisation and Revocation

(1) Each Contracting Party shall have the right to designate airlines for the purpose of operating the agreed services on each of the specified routes and to withdraw or alter such designations. Such designations shall be made in writing and shall be transmitted to the other Contracting Party.

(2) On receipt of such a designation, and of applications from the designated airline(s), in the form and manner prescribed for operating authorisations and technical permissions, the other Contracting Party shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (a) In the case of an airline designated by the United Kingdom of Great Britain and Northern Ireland:
 - (i) it is established in the territory of the United Kingdom under the Treaty establishing the European Community and has a valid operating licence from an EC Member State in accordance with European Community law;
 - (ii) effective regulatory control of the airline is exercised and maintained by the EC Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation;