

**No. 270**

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**NETHERLANDS  
and  
AUSTRIA**

**Air Transport Agreement (with annex). Signed at Vienna,  
on 22 January 1948**

*English official text communicated by the Representative a.i. of the Netherlands  
to the United Nations. The registration took place on 27 July 1948.*

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**PAYS-BAS  
et  
AUTRICHE**

**Accord relatif aux transports aériens (avec annexe). Signé à  
Vienne, le 22 janvier 1948**

*Texte officiel anglais communiqué par le représentant a.i. des Pays-Bas auprès  
de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 27 juillet  
1948.*

No. 270. AIR TRANSPORT AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE NETHERLANDS AND THE AUSTRIAN FEDERAL GOVERNMENT. SIGNED AT VIENNA, ON 22 JANUARY 1948

The Governments of the Netherlands and Austria desiring to stimulate civil air transportation between the Netherlands and Austria, hereby conclude the following agreement, covering the scheduled airline services between their respective territories, which shall be governed by the following provisions:

*Article 1*

Each contracting party grants to the other contracting party rights to the extent described in the Annex to this Agreement for the purpose of the establishment of air services described therein (hereinafter referred to as "agreed services").

*Article 2*

(1) The agreed services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted, but not before (a) the contracting party to whom the rights have been granted has designated an air carrier or carriers for the specified route or routes, and (b) the contracting party granting the rights has given the appropriate operating permission to the air carrier or carriers concerned (which, subject to the provisions of paragraph (2) of this article and of Article 7, it shall do without undue delay).

(2) The designated air carrier or carriers may be required to satisfy the aeronautical authorities of the contracting party granting the rights that it or they is or are qualified to fulfill the conditions prescribed by or under the laws and regulations normally applied by these authorities to the operations of commercial air carriers.

<sup>1</sup> Came into force on 22 January 1948, as from the date of signature, in accordance with article 11.

(3) In areas of military occupation, or in areas affected thereby, such inauguration will continue to be subject, where necessary, to the approval of the competent military authorities.

### *Article 3*

Operating rights which may have been granted previously by any of the contracting parties to any state not a party to this Agreement or to an airline shall continue in force according to their terms.

### *Article 4*

In order to prevent discriminatory practices and to assure equality of treatment, it is agreed that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of airports, and other facilities. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of a contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall be accorded with respect of customs duties, inspection fees or other national duties or charges imposed by the former contracting party, treatment not less favourable than that granted to national or other foreign airlines engaged in international air transport.

(c) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of the contracting parties authorized to operate the routes and services described in the Annex shall upon arriving in or leaving the territory of the other contracting party, be exempt from customs duties, inspection fees or similar duties or charges, even though such supply be used or consumed by such aircraft on flights in that territory.

(d) Goods so exempted, may only be unloaded with the approval of the customs authorities of the other contracting party. These goods, which are to be re-exported shall be kept until re-exportation under customs-supervision.

#### *Article 5*

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse the right to recognize for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

#### *Article 6*

(a) The laws and regulations of a contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting parties without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that party.

(b) The laws and regulations of a contracting party as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of the passengers, crew and cargo of the designated airline or airlines of the other contracting party while within the territory of the former party.

#### *Article 7*

Each contracting party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to this Agreement by an airline designated by the other contracting party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a party to this Agreement, or in case of failure of an airline to comply with the laws of the States over which it is operated, as described in Article 6 hereof, or to perform its obligations under this Agreement.

*Article 8*

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent aeronautical authorities of the contracting parties.

*Article 9*

Any dispute between the contracting parties relating to the interpretation or application of this Agreement or of the Annex shall be referred for decision to an Arbitral Tribunal appointed by agreement between the contracting parties, or some other person or body. The contracting parties undertake to comply with the decision given.

*Article 10*

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. If such notice is given, this Agreement shall terminate twelve months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period.

*Article 11*

This Agreement will come into force on the day of signature.

DONE at Vienna this 22nd day of January 1948.

For the Government of the  
Netherlands:

F. D'ANSEMBOURG

For the Austrian Federal  
Government:

GRUBER  
ÜBELEIS

**ANNEX****TO THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE NETHERLANDS AND THE AUSTRIAN FEDERAL GOVERNMENT**

1. Airlines designated by the Government of the Netherlands are accorded rights of transit and non traffic stops as well as the right to pick up and set down international traffic of passengers, mail and cargo at places in Austrian territory open to international air traffic on the following routes in both directions:

(a) The Netherlands either directly or via intermediate points to Vienna and to points beyond;

(b) The Netherlands via Prague to Vienna and to points beyond;

(c) The Netherlands to Linz or Salzburg via intermediate points and to points beyond.

2. Airlines, designated by the Government of Austria are accorded rights of transit and non traffic stops as well as the right to pick up and set down international traffic of passengers, mail and cargo at places in the Netherlands territory, open to the international air traffic on the routes to be agreed upon between the two contracting parties at a later date.