

No. 936

**NORWAY
and
AUSTRIA**

**Air Transport Agreement (with annex and exchange of notes). Signed
at Vienna, on 2 December 1949**

Official text of the Agreement and annex: English.

Official text of the exchange of notes: German.

Registered by the International Civil Aviation Organization on 5 October 1950.

**NORVÈGE
et
AUTRICHE**

**Accord relatif aux transports aériens (avec annexe et échange de notes).
Signé à Vienne, le 2 décembre 1949**

Texte officiel de l'Accord et de l'annexe: anglais.

Texte officiel de l'échange de notes: allemand.

Enregistré par l'Organisation de l'aviation civile internationale le 5 octobre 1950.

No. 936. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF NORWAY AND THE AUSTRIAN FEDERAL GOVERNMENT. SIGNED AT VIENNA, ON 2 DECEMBER 1949

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

Article I

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

Article II

(a) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights specified in the Annex have been granted has designated an airline or airlines to operate the specified routes, and the contracting party granting the rights has given the appropriate operating permission to the airline or airlines concerned (which, subject to the provisions of paragraph (b) of this article and of Article VI, it shall do without undue delay).

(b) The airline or airlines designated by one of the contracting parties may be required to satisfy the competent aeronautical authorities of the other contracting party that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

Article III

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

¹ Came into force on 15 January 1950, the date determined by an exchange of notes of 13 January 1950, in accordance with article XI.

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 to 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 flight 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 IV

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 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 V

(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 the other contracting party 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 and 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 VI

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 of that airline are vested in the contracting party designating the airline or in nationals of the contracting party designating the airline, or in case of failure of such an airline to comply with the laws as described in Article V hereof or to perform its obligations under this Agreement.

Article VII

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organisation set up by the Convention¹ on International Civil Aviation.

Article VIII

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 IX

Any dispute between the contracting parties relating to the interpretation or application of this Agreement or of the Annex thereto, shall be referred for decision to the Council of the International Civil Aviation Organisation, unless the contracting parties agree to settle the dispute by reference to an Arbitral Tribunal appointed by agreement between the contracting parties, or to some other person or body. The contracting parties undertake to comply with the decision given.

Article X

This Agreement shall terminate twelve months after the date of receipt by one contracting party from the other contracting party of notice to terminate, unless the notice is withdrawn by agreement before the expiry of this period. Such notice shall be simultaneously communicated to the Council of the International Civil Aviation Organisation. In the absence of acknowledgement of receipt, notice

¹ United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 346, and Volume 51, page 336.

shall be deemed to have been received fourteen days after receipt of the notice by the Council of the International Civil Aviation Organisation.

Article XI

The coming into force of this Agreement will be determined through an exchange of notes.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement and affixed thereto their seals.

DONE this 2nd day of December 1949 in duplicate at Vienna in the English language.

For the Royal Norwegian Government: (Signed) ROLF ANDERSEN For the Austrian Federal Government: (Signed) GRUBER

ANNEX

TO THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF NORWAY AND THE AUSTRIAN FEDERAL GOVERNMENT

Section I

It is agreed between the contracting parties:

A. That the designated airlines of the two contracting parties operating on the routes described in this Annex shall enjoy fair and equal opportunity for the operation of the said routes.

B. That the air transport capacity offered by the designated airlines of both countries shall bear a close relationship to traffic requirements.

C. That in the operation of common sections of trunk routes, described in the present Annex, the designated airlines of the contracting parties shall take into account their reciprocal interests so as not to affect unduly their respective services.

D. That the services provided by a designated airline under this Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic.

E. That the right to embark and to disembark at points in the territory of the other country international traffic destined for or coming from third countries at a point or points specified in this Annex, shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity shall be related:

1. To traffic requirements between the country of origin and the countries of destination;

2. To the requirements of through airline operation; and
 3. To the traffic requirements of the area through which the designated airline passes after taking account of local and regional services.
- F. That the appropriate aeronautical authorities of each of the contracting parties will consult from time to time, or at the request of one of the parties, to determine the extent to which the principles set forth in paragraphs A to E inclusive of this section, are being followed by the airlines designated by the contracting parties. When these authorities agree on further measures necessary to give these principles practical application, the executive authorities of each of the contracting parties will use their best efforts under the powers available to them to put such measures into effect.

Section II

1. Airlines designated by the Government of Norway 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:

Points in Norway, via intermediate points, if desired, to points in Austria and points beyond, if desired.

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 Norwegian territory open to international air traffic on the following routes in both directions:

Points in Austria, via intermediate points, if desired, to points in Norway and points beyond, if desired.

EXCHANGE OF NOTES

I

GERMAN TEXT -- TEXTE ALLEMAND

TRANSLATION — TRADUCTION

LÉGATION ROYALE DE NORVÈGE
BERNE

ROYAL NORWEGIAN LEGATION
BERNE

Wien
Nr. 8/1949

Vienna
No. 8/1949

Unter Bezugnahme auf das am 2. Dezember d.J. zwischen Norwegen und Oesterreich unterzeichnete Luftfahrtsabkommen beehrt sich die Königlich Norwegische Gesandtschaft dem Bundeskanzleramt, Auswärtige Angelegenheiten, ergebenst mitzuteilen, dass, in Uebereinstimmung mit Artikel II (a) des Abkommens, die norwegische Regierung die norwegische Aktiengesellschaft Det Norske Luftfartsselskap A/S (D.N.L.) mit der Durchführung der in Artikel 1 in der Anlage zu diesem Abkommen bezeichneten Luftverkehrslinien beauftragt hat.

With reference to the Air Transport agreement concluded between Norway and Austria on 2 December last, the Royal Norwegian Legation has the honour to inform the Ministry of Foreign Affairs of the Federal Chancery that, in accordance with article II (a) of the agreement, the Norwegian Government has entrusted the operation of the airline services mentioned in article I of the annex to that Agreement to the Norwegian company Det Norske Luftfartsselskap A/S (D.N.L.).

In diesem Zusammenhang und unter Bezugnahme auf diejenigen Luftfahrtsabkommen, die gleichzeitig am selben Tage zwischen der Oesterreichischen Bundesregierung und den Regierungen von Dänemark und Schweden unterzeichnet wurden, erlaubt sich die Gesandtschaft, im Auftrage ihrer Regierung, die folgenden Einverständnisse, die im Laufe der Verhandlungen erzielt wurden und welche zur Unterzeichnung des Luftfahrtsabkommens führten, zu bestätigen:

In this connexion, with reference to the Air Transport Agreements signed on the same day between the Austrian Federal Government and the Governments of Denmark and Sweden, the Legation, acting on the instructions of its Government, wishes to confirm the following points, which were accepted in the course of the negotiations and led to the signing of the Air Transport Agreement:

(1) Det Norske Luftfartsselskap A/S (D.N.L.) — welche in Gemeinschaft mit dem dänischen Luftfahrtsunternehmen, Det Danske Luftfartsselskab (D.D.L.)

1. Det Norske Luftfartsselskap A/S (D.N.L.), which operates jointly with the Danish airline, Det Danske Luftfartsselskab (D.D.L.), and the Swedish

und dem schwedischen Luftfahrtsunternehmen, AB. Aerotransport (ABA), unter dem Namen Scandinavian Airlines System (SAS) arbeitet, wird den Flugdienst mit Flugzeugen, Besatzungen und Ausrüstungen, die der einen oder den beiden anderen Luftverkehrsunternehmen gehören, versehen, der ihr in diesem Luftfahrtsabkommen zuerkannt worden ist.

(2) In dem Ausmass, als Det Norske Luftfartselskap A/S (D.N.L.) Flugzeuge, Besatzungen und Ausrüstungen der anderen Luftverkehrsunternehmen, die in dem Scandinavian Airlines System (SAS) teilnehmen, anwendet, sollen die Bestimmungen dieses Luftfahrtsabkommens auch auf solche Flugzeuge, Besatzungen und Ausrüstungen Anwendung finden, als wenn diese Flugzeuge, Besatzungen und Ausrüstungen Eigentum der Gesellschaft Det Norske Luftfartselskap A/S (D.N.L.) wären und übernehmen die zuständigen norwegischen Behörden als auch Det Norske Luftfartselskap A/S, im Sinne dieses Abkommens, die volle Verantwortung hierfür.

Die Gesandtschaft benützt die Gelegenheit um dem Bundeskanzleramt, Auswärtige Angelegenheiten, die Versicherung ihrer ausgezeichneten Hochachtung zu erneuern.

p.t. Bern, den 7. Dezember 1949.

An das Bundeskanzleramt
Auswärtige Angelegenheiten
Ballhausplatz 1
Wien I

airline, AB Aerotransport (ABA), under the name of the Scandinavian Airlines System (S.A.S.), may supply the air transport services assigned to it under this Agreement with aircraft, crews and equipment which belong to either or both of the other airlines.

2. Whenever Det Norske Luftfartselskap A/S (D.N.L.) uses aircraft, crews and equipment of the other airlines which are part of the Scandinavian Airlines System (S.A.S.), the provisions of this Air Transport Agreement shall apply to such aircraft crews and equipment as if they were the property of Det Norske Luftfartselskap A/S (D.N.L.) and the competent Norwegian authorities, as well as Det Norske Luftfartselskap A/S, shall, under this Agreement, assume full responsibility therefor.

The Legation has the honour to remain, etc.

Berne, 7 December 1949.

Federal Chancery
Ministry of Foreign Affairs
Ballhausplatz 1
Vienna

II

TRANSLATION — TRADUCTION

BUNDESKANZLERAMT
AUSWÄRTIGE ANGELEGENHEITENFEDERAL CHANCERY
MINISTRY OF FOREIGN AFFAIRS

Zl. 179.577—Wpol/49.

Zl. 179.577—Wpol/49

*Verbalnote**Note verbale*

Das Bundeskanzleramt, Auswärtige Angelegenheiten, beehrt sich, den Empfang der geschätzten Verbalnote Nr. 8/1949 vom 7. Dezember 1949 zu bestätigen und teilt mit, dass es nicht ermangelt hat, die österreichische Luftfahrtbehörde vom Inhalt dieser Note in Kenntnis zu setzen.

The Federal Chancery, Ministry of Foreign Affairs, has the honour to acknowledge receipt of your communication No. 8/1949 of 7 December 1949 and to say that it has duly informed the Austrian aviation authorities of its content.

Die österreichische Luftfahrtbehörde wird der Luftverkehrsgesellschaft "Det Norske Luftfartsselskap A/S" (D.N.L.), sobald diese einen entsprechenden Antrag gestellt haben wird, gemäss Artikel II, Absatz (a) des österreichisch-norwegischen Luftverkehrsabkommens vom 2. Dezember 1949 die für den Betrieb der in Punkt I des Abschnittes II des Anhanges dieses Abkommens bezeichneten Luftverkehrslinien erforderliche Betriebserlaubnis erteilen.

The Austrian aviation authorities will, in accordance with article II, paragraph (a), of the Austrian-Norwegian Air Transport Agreement of 2 December 1949, issue the requisite operation licence for the airlines mentioned in section II, point 1, of the annex to this Agreement, as soon as the aviation company Det Norske Luftfartsselskap A/S (D.N.L.) applies for it.

Die genannte Luftverkehrsgesellschaft müsste sich diesbezüglich, sobald das Abkommen in Kraft getreten sein wird, unmittelbar an das Bundesministerium für Verkehr, Amt für Zivilluftfahrt, in Wien I., Weihburggasse 9, als der zuständigen österreichischen Luftfahrtbehörde wenden.

The above-mentioned airline must apply directly to the Federal Ministry of Transport, Civil Aviation Department, Vienna I, Weihburggasse 9, the competent aviation authority, as soon as the Agreement comes into force.

Wie das Bundeskanzleramt, Auswärtige Angelegenheiten, bereits in Punkt I seiner Verbalnote Zl. 156.446-Wpol/49 vom 15. September 1949 auszuführen die Ehre hatte, wird diese Be-

As the Federal Chancery, Ministry of Foreign Affairs, already noted in point I of its *Note verbale* Zl. 156.446-Wpol/49 of 15 September 1949, so long as the occupation of Austria by the Allied

triebserlaubnis durch die österreichische Luftfahrtbehörde, solange die Besetzung Oesterreichs durch die alliierten Mächte andauert, nur unter dem Vorbehalt erteilt werden können, das zusätzlich auch noch die Genehmigung der militärischen Stellen jener Besatzungsmächte eingeholt werden muss, deren Besatzungszonen von den in Aussicht genommenen Luftverkehrslinien berührt werden, bzw. in deren Verwaltung die zur Landung benützten Flugplätze stehen.

Das Bundeskanzleramt, Auswärtige Angelegenheiten, benützt diese Gelegenheit, die Kgl. Norwegische Gesandtschaft seiner ausgezeichneten Hochachtung zu versichern.

Wien, am 7. Jänner 1950

An die Kgl. Norwegische Gesandtschaft
Wien

Powers continues, this operation licence can be issued by the Austrian aviation authorities only on condition that approval shall also be obtained from the military authorities of the occupying Powers, whose occupation zones must be crossed by the airlines concerned and which control the airports.

The Ministry of Foreign Affairs has the honour to remain, etc.

Vienna, 7 January 1950.

Royal Norwegian Legation
Vienna