

No. 3613

AUSTRIA
and
UNION OF SOVIET SOCIALIST REPUBLICS

**Air Transport Agreement (with annex). Signed at Vienna,
on 9 November 1955**

Official texts: German and Russian.

Registered by the International Civil Aviation Organization on 1 December 1956.

AUTRICHE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES

**Accord relatif aux transports aériens (avec annexe). Signé
à Vienne, le 9 novembre 1955**

Textes officiels allemand et russe.

Enregistré par l'Organisation de l'aviation civile internationale le 1^{er} décembre 1956.

[TRANSLATION — TRADUCTION]

No. 3613. AIR TRANSPORT AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT VIENNA, ON 9 NOVEMBER 1955

The Austrian Federal Government and the Government of the Union of Soviet Socialist Republics, recognizing the need for further development of air transport between Austria and the USSR, have concluded this Agreement as follows :

Article 1

(1) The Austrian Federal Government grants to civil aircraft of the USSR the right to make flights from the USSR to Vienna.

The Government of the Union of Soviet Socialist Republics grants to civil aircraft of Austria the right to make flights from Austria to Moscow.

(2) The purpose of the said flights shall be the international transportation by air of passengers, baggage, cargo and mail in both directions.

(3) Each Contracting Party shall prescribe for its own territory the flight routes to be followed by aircraft and the points at which aircraft are to cross its State frontiers.

(4) In making the flights referred to in paragraph (1) of this article the civil aircraft of each Contracting Party shall have the right to make stops for non-traffic purposes in the territory of the other Contracting Party at one or two points on the routes established for such flights.

(5) Flights by aircraft of the two Contracting Parties over the territory of a third State shall be made in accordance with the terms of an operating permit to be obtained by each Contracting Party from the Government of such third State.

Article 2

(1) For the purpose of operating flights in accordance with article 1 of this Agreement :

The Austrian Federal Government shall designate an airline, which shall be established in Austria in accordance with Austrian law, and shall inform the Soviet

¹ Came into force on 9 November 1955, the date of signature, in accordance with article 11.

authorities of the intention of such airline to inaugurate flights not later than three months before the commencement of such flights ;

The Government of the USSR designates the Central Civil Aviation Board of the Council of Ministers of the USSR (Aeroflot).

(2) All matters relating to the safety of flights and to the responsibility of the Contracting Parties in operating flights are set forth in the annex¹ to this Agreement and shall fall within the competence of the civil aviation authorities of the Contracting Parties. Amendments and additions to the said annex may be made hereafter in writing by agreement between the said civil aviation authorities.

(3) All commercial questions, and in particulier the fixing of the schedule of flights, including flight frequencies, and transportation rates and the procedures for financial settlements and the technical servicing of aircraft on the ground, shall be dealt with in a separate agreement between the designated Austrian airline and Aeroflot. In concluding this agreement, efforts shall be made to ensure that the transport capacity offered by both airlines meets the traffic demand as far as possible and that the interests of the airlines are not unduly affected.

Article 3

In order to ensure the safety of flights made under article 1 of this Agreement, each Contracting Party shall place at the disposal of the aircraft of the other Party such radio and lighting facilities and meteorological services as may be necessary and shall also communicate to the other Party particulars of these facilities and information concerning the airports at which landings may be made and the flight routes of aircraft in their respective territories.

Article 4

Each Contracting Party reserves the right to withhold an operating permit from the airline of the other Contracting Party referred to in article 2 of this Agreement or to revoke such permit if it has no proof that substantial ownership or effective control of that airline is vested in nationals or official bodies of that Contracting Party.

Article 5

(1) Fees and other charges for the use by the airline of the USSR of each airport in the territory of Austria and its installations and technical facilities shall be payable in accordance with the officially fixed rates and tariffs.

¹ See p. 270 of this volume.

(2) Fees and other charges for the use by the airline to be designated under article 2 by the Austrian Government of each airport in the territory of the USSR and its installations and technical facilities shall not be higher than the rates and tariffs payable by the airline of the USSR for similar services in the territory of Austria.

(3) Accounts shall be settled in accordance with the existing Payments Agreement between Austria and the USSR.

Article 6

(1) Aircraft making flights in accordance with article 1 of this Agreement and fuel, lubricating oils, spare parts, equipment and stores present on board such aircraft shall, on their arrival in and departure from the territory of the other Contracting Party, be exempt from import and export duties and other charges, even though such supplies be used or consumed on flights in the said territory, except in cases where they are disposed of in that territory.

(2) Spare parts, fuel and lubricating oils required for the operation and proper performance of flights in accordance with article 1 of this Agreement, as well as instruments intended to complete the equipment of the aircraft, may be imported into and exported from the territory of the other Contracting Party free of import and export duties and other charges but may not be disposed of in that territory.

(3) So long as the aforesaid articles remain in the territory of the other Contracting Party, they shall be subject to supervision by the customs authorities.

Article 7

(1) Aircraft of the airlines referred to in article 2 of this Agreement shall, on flights in the territory of the other Contracting Party, carry the identification marks of their State prescribed for international air traffic, certificates of registration, certificates of airworthiness and radio station licences. Furthermore, the competent authorities of each Contracting Party shall prescribe what additional aircraft documents their own aircraft are to carry on international flights and shall notify the competent authorities of the other Contracting Party of such documents. The pilots and other members of the crew shall be in possession of the prescribed personal papers.

(2) All such documents issued or confirmed by either of the Contracting Parties shall be recognized as valid in the territory of the other Contracting Party.

Article 8

(1) The laws and regulations of each 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 within its territory shall also apply to the aircraft of the airlines referred to in article 2 of this Agreement and shall be complied with by such aircraft upon entering or departing from or while within the territory of that Contracting Party. In the event of violations of these laws and regulations the Contracting Parties shall take steps to investigate and terminate such violations forthwith and to prevent their occurrence in the future.

(2) The laws and regulations of each Contracting Party relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to passports, customs, currency and quarantine, shall apply to the passengers, crew and cargo of the airlines referred to in article 2 of this Agreement upon entering or departing from or while within the territory of that Contracting Party.

Article 9

(1) For the purpose of settling questions concerning air transport and the servicing of aircraft, the Contracting Parties mutually grant to the Austrian airline to be designated by the Austrian Federal Government to operate flights in accordance with article 1 of this Agreement, and to Aeroflot, the right to maintain representatives at Moscow and Vienna respectively.

(2) The representatives referred to in this article and the members of the crews of the aircraft operating flights in accordance with article 1 of this Agreement shall be citizens of Austria and the USSR respectively.

Article 10

In the event of an aircraft of one Contracting Party having to make a forced landing or being damaged or destroyed in the territory of the other Contracting Party, the Party in whose territory the accident occurred shall immediately notify the other Party thereof, take the necessary action to inquire into the causes of the accident and at the request of the other Party shall ensure the unrestricted entry into its territory of representatives of that Party to participate in the inquiry into such accident, and shall likewise take urgent steps to render assistance to the crew and passengers if injured in the accident, and provide for the safety of any mail, baggage and cargo on board the aircraft. The Party conducting the inquiry into the accident shall report the results thereof to the other Party.

Article 11

This Agreement shall enter into force on the date of its signature and shall remain in force until one of the Contracting Parties gives notice to the other Contracting Party of its desire to terminate the Agreement. If such notice is given, the Agreement shall cease to have effect twelve months after the notice of termination has been delivered to the other Contracting Party.

DONE at Vienna on 9 November 1955 in two original copies, each in the German and Russian languages, both texts being equally authentic.

By authorization of the Austrian Federal Government :

(Signed) Leopold FIGL

By authorization of the Government of the Union of Soviet Socialist Republics :

(Signed) ZHAVORONKOV

A N N E X

Pursuant to article 2 of the Air Transport Agreement between the Austrian Federal Government and the Government of the USSR, the civil aviation authorities of the Contracting Parties undertake to proceed in accordance with the following provisions :

1. The information necessary for the control of air traffic shall be communicated to the appropriate flight-control centres.
2. Aircrews shall be provided with written reports and oral briefings regarding weather conditions along the entire flight route and information on the condition of airports and navigational aids necessary for making flights.
3. Captains of aircraft shall submit their flight plans for approval by the appropriate flight control centres. An aircraft shall be permitted to take off only after the flight plan has been approved.
4. Flights shall be carried out in accordance with the approved flight plan. No changes may be made in the flight plan except with the approval of the flight-control centre concerned, whose instructions shall be binding upon the crew of the aircraft.
5. Aircraft shall at all times be prepared to receive on the transmitting frequency of the appropriate ground radio station and to transmit on the receiving frequency of that station. Communication between the ground and the aircraft shall be maintained in the "Q" code and, where possible, by radiotelephony on ultra-short or short waves, the English or German language to be used in Austrian territory and the Russian language in the territory of the Soviet Union.

On flights over the territory of the other Party, the crews of aircraft shall report their position when passing over the established control points.

6. During flight over the territory of Austria the crews shall be guided by the appropriate information set forth in the Austrian official air navigation manual, and during flight over the territory of the Soviet Union by the operative rules and regulations of Aeroflot.

7. The airlines shall advise the appropriate flight-control centres of the minimum weather conditions in which landings at airports will be permitted.

Landings of aircraft shall be made in accordance with the operative regulations of the civil aviation authorities of each Party.

8. Unscheduled flights by aircraft of the airlines referred to in article 2 of the Agreement may be carried out after advance notice has been given by the airline concerned, such notice to be given not less than twenty-four hours before the aircraft takes off.

9. For the purpose of transmitting information required in the operation of flights and the control of air traffic, the civil aviation authorities of the Contracting Parties shall establish direct two-way flight-control radio communication between the airports at Vienna and Moscow, and between the intermediate airports situated on the established flight route within the territories of the Contracting Parties.

10. In the event of accidents of any kind involving the aircraft, crews, passengers, baggage or cargoes of the airline of one Party resulting from failure of the civil aviation authorities, the airline or the airport management company of the other Party to fulfil the obligations assumed under this Agreement, or from gross negligence or intentional acts of their employees or representatives, the civil aviation authorities, airline or airport management company against which proceedings are instituted shall be materially liable to the extent of the damage actually caused, within the limits prescribed by the domestic legislation of the Parties at present in force or by their international undertakings under multilateral Conventions.

11. In the event of damage of any kind being caused by an aircraft of the airline of either Contracting Party to the other Contracting Party or to third parties on the ground, the responsible airline shall be materially liable under the laws of the Contracting Party in whose territory the accident occurred.

12. Amendments to this annex may be made in writing by agreement between the civil aviation authorities of the Contracting Parties.