

No. 3616

**UNION OF SOUTH AFRICA
and
ITALY**

Agreement in regard to air services (with exchange of notes). Signed at Cape Town, on 21 May 1956

Official texts of the Agreement: English and Italian.

Official text of the exchange of notes: English.

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

**UNION SUD-AFRICAINE
et
ITALIE**

Accord relatif aux services aériens (avec échange de notes). Signé au Cap, le 21 mai 1956

Textes officiels de l'Accord: anglais et italien.

Texte officiel de l'échange de notes: anglais.

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

No. 3616. AGREEMENT¹ BETWEEN THE GOVERNMENT OF ITALY AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA IN REGARD TO AIR SERVICES. SIGNED AT CAPE TOWN, ON 21 MAY 1956

Article 1

For the purpose of the present agreement :

- (a) the term "territory" in relation to a party to this agreement means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, administration or trusteeship of that party ;
- (b) the term "air Service" means any sheduled air service performed by aircraft for the public transport of passengers, mail or cargo ;
- (c) the term "stop for non-traffic purposes" means a landing for any purpose other than picking up or setting down passengers, mail or cargo.

Article 2

(1) The Government of the Union of South Africa agree to an air service being operated by an airline designated by the Government of Italy on the route specified in paragraph (1) of Article 4.

(2) Substantial ownership and effective control of the airline designated by the Government of Italy shall be and shall continue to be vested in nationals of Italy.

Article 3

(1) The Government of Italy agree to an air service being operated by an airline designated by the Government of the Union of South Africa on the route specified in paragraph (1) of Article 5.

(2) Substantial ownership and effective control of the airline designated by the Government of the Union of South Africa shall be and shall continue to be vested in nationals of the Union of South Africa.

¹ Came into force on 3 April 1956, in accordance with article 14.

Article 4

(1) The air service undertaken by the airline designated by the Government of Italy shall be operated on the following route in both directions :

Rome-Athens-Cairo-Khartoum-Nairobi-Johannesburg.

(2) Any or all of the points on the route specified in paragraph (1) may be omitted on any or all flights at the option of the airline designated by the Government of Italy.

Article 5

(1) The air service undertaken by the airline designated by the Government of the Union of South Africa shall be operated on the following route in both directions :

Johannesburg-Lusaka/Livingstone/Salisbury-Nairobi-Khartoum-Cairo-Athens-Rome-Paris/Frankfurt-London.

(2) Any or all of the points on the route specified in paragraph (1) may be omitted on any or all flights at the option of the airline designated by the Government of the Union of South Africa.

Article 6

Points on the route specified in paragraph (1) of article 4 at which, subject to the concurrence of any third country that may be involved, traffic from or for territory of the Union of South Africa :

(a) may be set down or picked up, that is, are agreed traffic stops ; and

(b) may not be set down or picked up, that is, are stops for non-traffic purposes,

by the airline designated by the Government of Italy :

<i>Country</i>	<i>Traffic stops</i>	<i>Stops for non-traffic purposes</i>
Italy	Rome	
Greece	Athens	
Egypt	Cairo	
Sudan	Khartoum	
Kenya	Nairobi	
Union of South Africa	Johannesburg	

Article 7

Points on the route specified in paragraph (1) of article 5 at which, subject to the concurrence of any third country that may be involved, traffic from or for Italian territory :

(a) may be set down or picked up, that is, are agreed traffic stops; and

(b) may not be set down or picked up, that is, are stops for non-traffic purposes,

by the airline designated by the Government of the Union of South Africa :

<i>Country</i>	<i>Traffic stops</i>	<i>Stops for non-traffic purposes</i>
Union of South Africa	Johannesburg	
Federation of Rhodesia and Nyasaland	Lusaka/Livingstone/Salisbury	
Kenya	Nairobi	
Sudan	Khartoum	
Egypt	Cairo	
Greece	Athens	
Italy	Rome	
France		Paris
West Germany		Frankfurt
United Kingdom of Great Britain		London

Article 8

(1) The frequency of the air service provided by the airline designated by the Government of Italy shall not be more than two per week.

(2) The frequency of the air service provided by the airline designated by the Government of the Union of South Africa shall not be more than four per week.

Article 9

(1) Notwithstanding the provisions of article 6 the airline designated by the Government of Italy shall not at Johannesburg set down or pick up more than eighty passengers in any one week.

(2) Notwithstanding the provisions of article 7 the airline designated by the Government of the Union of South Africa shall not at Rome set down or pick up more than forty passengers in any one week.

(3) There shall be no carry-over of unused capacity specified in paragraph (1) or (2) from one week to any other week.

Article 10

(1) The airline designated by the Government of Italy shall not publish or cause to be published any advertisement likely to encourage or promote on its

services traffic from Great Britain to the territory of the Union of South Africa or from territory of the Union of South Africa to Great Britain.

(2) The airline designated by the Government of the Union of South Africa shall not publish or cause to be published any advertisement likely to encourage or promote on its services traffic from Great Britain to territory of Italy or from territory of Italy to Great Britain.

Article 11

The fares and rates to be charged by the airlines designated by the parties to this agreement and the conditions of carriage applicable to carriage by each such airline shall be those agreed upon by the International Air Transport Association and approved by the Government of Italy and by the Government of the Union of South Africa.

Article 12

(1) The airline designated by the Government of Italy shall as soon as possible at the end of each quarter render monthly traffic statistics to the Secretary for Transport of the Union of South Africa in the form and manner required by him.

(2) The airline designated by the Government of the Union of South Africa shall as soon as possible at the end of each quarter render monthly traffic statistics to the Italian Ministry of Defence-Aeronautics (Directorate-general of Civil Aviation) in the form and manner required by it.

(3) Discussions between the parties to this agreement for the purpose of reviewing the position in the light of traffic statistics shall take place at regular intervals.

Article 13

A party to this agreement shall have the right to suspend the air service operated in terms of this agreement by the airline designated by the other party to this agreement if that airline fails to comply with any law or regulation of the firstmentioned party to this agreement or fails to comply with any term or condition prescribed in this agreement : Provided that unless immediate suspension is essential to prevent further infringement of a law or regulation or term or condition abovementioned, this right shall be exercised only after consultation with the other party to this agreement.

Article 14

This agreement shall come into force on the third day of April, 1956, and shall remain in force indefinitely unless six months' notice in writing of termination is given by either the Government of Italy or the Government of the Union of South Africa.

DONE at Cape Town in duplicate original on the twenty-first day of May, 1956, in the English and Italian languages, both texts being equally authentic.

For the Government of Italy :
Francesco SILJ

For the Government of the Union of South Africa :
B. J. SCHOEMAN

EXCHANGE OF NOTES

I

10/6/72

Cape Town, 21st May, 1956

Your Excellency,

Arising out of the conclusion of the Air Agreement¹ between our two Governments, I set out below the understanding of my Government in regard to articles 4 and 6 of the Agreement, which forms part of the basis on which the Air Agreement was reached :

- (a) the inclusion of Nairobi as a traffic stop for the airline designated by the Government of Italy is provisional and the question as to whether or not it is to remain a traffic stop for the airline mentioned will be considered by the Union authorities after the next meeting of the Southern Africa Air Transport Council;
- (b) the question of the inclusion of Kano and Salisbury in the route, mentioned in article 4 of the agreement, as alternates to Nairobi, and the question as to whether Kano and Salisbury will be traffic stops for the airline mentioned, will similarly receive the consideration of the Union authorities after the next meeting of the Southern Africa Air Transport Council ;
- (c) if any of the decisions of the Union Government on the matters mentioned in paragraphs (a) and (b) are favourable to the Italian Government, the two Governments will take steps to have the necessary consequential amendments

¹ See p. 328 of this volume.

effected to the agreement. On the other hand if any of the said decisions are unfavourable to the Italian Government the following matters will be reviewed, as soon as possible after the next meeting of the Southern Africa Air Transport Council, at a meeting to be held in Rome between representatives of the two Governments :

- (i) fifth freedom rights at Nairobi, Salisbury and Kano for each airline designated.
- (ii) Stop-over rights at Rome for each airline designated.

I shall be glad if you will kindly confirm that the foregoing correctly expresses the understanding between our two Governments.

Please accept, Your Excellency, the assurance of my highest consideration.

For the Minister of External Affairs :

(Signed) D. SPIES

Acting Secretary for External Affairs

His Excellency Marchese F. Silj D'Ussita
Ambassador Extraordinary and Plenipotentiary of Italy
Cape Town

II

AMBASCIATE D'ITALIA¹

Cape Town, 21st May, 1956

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which is the following ;

[See note I]

I am glad to confirm that the foregoing correctly expresses the understanding between our two Governments.

Please accept, Sir, the assurance of my high consideration.

(Signed) F. SILJ
Ambassador of Italy

Mr. D. Spies
Acting Secretary for External Affairs
Department of External Affairs
Cape Town

¹ Italian Embassy.