

No. 5038

**IRELAND
and
ITALY**

Agreement (with annex) for air services between the two countries. Signed at Dublin, on 21 November 1947

Exchange of notes constituting an agreement modifying the annex to the above-mentioned Agreement. Dublin, 3 October 1957, and Rome, 15 November 1957

Official texts of the Agreement: English and Italian.

Official text of the notes: English.

Registered by the International Civil Aviation Organization on 11 March 1960.

**IRLANDE
et
ITALIE**

Accord (avec annexe) relatif aux services aériens entre les deux pays. Signé à Dublin, le 21 novembre 1947

Échange de notes constituant un accord modifiant l'annexe à l'Accord susmentionné. Dublin, 3 octobre 1957, et Rome, 15 novembre 1957

Textes officiels de l'Accord: anglais et italien.

Texte officiel des notes: anglais.

Enregistrés par l'Organisation de l'aviation civile internationale le 11 mars 1960.

No. 5038. AGREEMENT¹ BETWEEN IRELAND AND ITALY
FOR AIR SERVICES BETWEEN THE TWO COUNTRIES.
SIGNED AT DUBLIN, ON 21 NOVEMBER 1947

The Government of Ireland and the Government of Italy,

Desiring to conclude an Agreement for the purpose of establishing air communications as soon as possible between Ireland and Italy,

Have agreed as follows :

Article 1

Each contracting party grants to the other contracting party the rights specified in the Annex² to this Agreement for the purpose of the establishment of the air services therein described (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 2

(1) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline or airlines for the specified route or routes and the contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article and of Article 6, be bound to grant without delay the appropriate operating permission to the airlines concerned.

(2) The airlines designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights 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 3

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated airlines of the other contracting party for the use of airports and other facilities 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.

¹ Came into force on 21 November 1947, the date of signature, in accordance with article 12.

² See p. 80 of this volume.

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

(3) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airlines of one contracting party shall be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges.

Article 4

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

Article 5

(1) The laws and regulations of one contracting party relating to entry into 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 apply to aircraft of the designated airlines of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into 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 applicable to the passengers, crew or cargo of the aircraft of the designated airlines of the other contracting party while in the territory of the first contracting party.

Article 6

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that substantial ownership and effective control of the designated airlines of the other contracting party are vested in nationals of either contracting party, or in case of failure by the designated airlines to comply with its laws and regulations as referred

to in Article 5, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement and its Annex.

Article 7

This Agreement shall be registered with the International Civil Aviation Organization set up under the Convention on Civil Aviation done at Chicago on 7th December, 1944.¹

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 disputes between the contracting parties, regarding the interpretation or application of the present Agreement or its Annex, which cannot be resolved by means of consultation, will be submitted to an Arbitral Tribunal composed of three members, one to be named by each contracting party and the third to be designated by the President of the Council of the International Civil Aviation Organization from a panel of arbitrators maintained by the Organization provided that the person designated shall not be a national of either of the contracting parties. The contracting parties undertake to abide by the decision of the Arbitral Tribunal.

Article 10

If a general multilateral air Convention which is accepted by both contracting parties comes into force the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article 11

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. If such notice is given, this Agreement shall terminate on the date specified in the notice but in any case not less than 12 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

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362; Vol. 252, p. 410, and Vol. 324, p. 340.

of this period. In the absence of acknowledgement of receipt by the other contracting party notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Article 12

This Agreement shall enter into force on the date of signature.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in Dublin in duplicate this twenty-first day of November, 1947, in the English and Italian languages, both texts being equally authentic.

For the Government of Ireland :

Eamon DE VALERA

For the Government of Italy :

Francesco BABUSCIO RIZZO

A N N E X

I. The Irish Government accords to an airline or to airlines designated by the Italian Government the right to embark and disembark in Ireland international traffic in passengers, freight and mail on the following routes in both directions, with or without intermediate stops in the territory of other States.

- A. (1) Rome – Milan – Dublin,
- (2) Rome – Dublin,
- (3) Milan – Dublin.
- B. (1) Rome – Milan – Shannon – points beyond,
- (2) Rome – Shannon – points beyond,
- (3) Milan – Shannon – points beyond.

The grant of rights on routes B is subject to the condition that all Eastbound aircraft of the Italian Airlines flying on these routes must stop at Shannon Airport as first European port of call and that all Westbound aircraft on the same routes must also stop there.

II. The Italian Government accords to an airline or to airlines designated by the Irish Government the right to embark and disembark in Italy international traffic in passengers, freight and mail on the following routes in both directions, with or without intermediate stops in the territory of other States.

- A. (1) Dublin – Milan – Rome – points beyond,
- (2) Dublin – Milan – points beyond,
- (3) Dublin – Rome – points beyond.
- B. (1) Shannon – Milan – Rome – points beyond,
- (2) Shannon – Milan – points beyond,
- (3) Shannon – Rome – points beyond.

E. DE V.

F. B. R.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN IRELAND AND ITALY MODIFYING THE
ANNEX TO THE AGREEMENT OF 21 NOVEMBER 1947²
FOR AIR SERVICES BETWEEN THE TWO COUNTRIES.
DUBLIN, 3 OCTOBER 1957, AND ROME, 15 NOVEMBER
1957

I

DEPARTMENT OF INDUSTRY AND COMMERCE
DUBLIN

C.A.1899.

3 October, 1957

Sir,

I am directed by the Minister for Industry and Commerce to refer to the Agreement between Ireland and Italy for Air Services which was signed at Dublin on 21st November, 1947.²

2. The second paragraph of Part I of the Annex to the Agreement provides as follows :

“The grant of rights on routes B is subject to the condition that all East-bound aircraft of the Italian Airlines flying on these routes must stop at Shannon Airport as first European port of call and that all Westbound aircraft on the same routes must also stop there.”

3. The Government of Ireland have ceased, as from 2nd May, 1957, to require aircraft flying over the territory of Ireland to land at Shannon Airport.

4. I am, accordingly, to propose that the second paragraph of Part I of the Annex to the Agreement should be deleted and to suggest that, if this proposal is acceptable to you, this letter and your reply thereto constitute confirmation of an agreed modification of the Annex within the meaning of Article 8 of the Agreement.

I am, Sir,

Your obedient servant,

(Signed) J. C. B. MACCARTHY

Secretary

Department of Industry and Commerce

Gen. Renato Abbriata
Director-General of Civil Aviation and Air Transport
Ministero della Difesa Aeronautica
Rome, Italy

¹ Came into force on 15 November 1957 by the exchange of the said notes.

² See p. 74 of this volume.

II

MINISTERO DELLA DIFESA
IL SOTTOSEGRETARIO DI STATO¹

15 November 1957

Sir,

I have the honour to acknowledge receipt of your letter dated October 3, 1957, which reads as follows :

[See note I]

I have the honour to inform you that the Aeronautical Authorities of Italy agree to the decisions taken by the Aeronautical Authorities of Ireland and, consequently your letter quoted above and mine can be considered as constituting an amendment to the Annex to the Air Agreement between Italy and Ireland, which was signed at Dublin on the 21st November, 1947.

I am, Sir,

Your obedient servant,

(Signed) [illegible]

Mr. J. C. B. MacCarthy
Secretary
Department of Industry and Commerce
Dublin

¹ Ministry of Defense,
The Under-Secretary of State.