

No. 7266

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**CZECHOSLOVAKIA**  
and  
**AFGHANISTAN**

**Air Transport Agreement (with annex). Signed at Prague,  
on 28 May 1960**

*Official text: English.*

*Registered by the International Civil Aviation Organization on 8 June 1964.*

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**TCHÉCOSLOVAQUIE**  
et  
**AFGHANISTAN**

**Accord relatif aux transports aériens (avec annexe). Signé  
à Prague, le 28 mai 1960**

*Texte officiel anglais.*

*Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.*

No. 7266. AIR TRANSPORT AGREEMENT<sup>1</sup> BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE KINGDOM OF AFGHANISTAN. SIGNED AT PRAGUE, ON 28 MAY 1960

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The Government of the Czechoslovak Republic and the Government of the Kingdom of Afghanistan, desiring to strengthen further the economic and cultural relations between both countries, decided to conclude an Agreement for the purpose of promoting mutual air transport and establishment of air services between and beyond their respective territories and have agreed as follows :

*Article 1*

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement and the Annex<sup>2</sup> thereto for the purpose of establishing and operating air services on the routes specified in the Annex. These 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 Contracting Party shall have the right to designate an airline for the purpose of operating the agreed services on the specified routes.

2. On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant to the airline designated the appropriate operating authorisation.

3. The Aeronautical Authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations normally applied to the operation of international air services.

4. Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the operating authorisation or to impose such conditions in the grant as it may deem necessary if it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or its nationals

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<sup>1</sup> Applied from 28 May 1960, the date of signature, and came into force on 15 September 1961, the date on which the Contracting Parties notified each other of its approval by their appropriate authorities, in accordance with article 14.

<sup>2</sup> See p. 138 of this volume.

or in a case when the designated airline does not comply with the laws and regulations of the Contracting Party granting the authorisation or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement. This provision, unless immediate suspension of the services or imposition of conditions is essential to prevent further infringements of laws or regulation shall be applied only after previous consultation with the other Contracting Party.

#### *Article 3*

1. The laws and regulations of one Contracting Party relating to the 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 the aircraft of the designated airline 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, customs and quarantine, shall be applicable to the passengers, crew and cargo of the aircraft of the designated airline of the other Contracting Party on entry into or departure from and while within the territory of the first Contracting Party.

3. Certificates of Airworthiness, Certificate of Competency, and licences issued or rendered valid by one Contracting Party and still in force shall normally be recognised as valid by the other Contracting Party for the purpose of operating the routes and services specified in the Annex. Each Contracting Party reserves the right, however, to refuse to recognise for the purpose of flight over its own territory Certificates of Airworthiness and Competency granted to its own nationals by the other Contracting Party.

#### *Article 4*

1. The aircraft of the designated airline of one Contracting Party used for operating international transport services, as well as fuel, lubricating oils, regular aircraft equipment, spare parts and aircraft stores shall, when introduced into or taken from the territory of the other Contracting Party, be accorded exemption from customs duties and inspection fees even though such supplies are used or consumed by or on such aircraft on flights in the said territory.

2. Fuel, lubricating oils, regular aircraft equipment, spare parts and aircraft stores introduced or taken on board aircraft in the territory of one Contracting Party by the designated airline of the other Contracting Party or on its behalf and intended for use by the aircraft of the latter Contracting Party shall, in respect of customs duties, inspection fees or other similar national or local duties and charges, be accorded treatment not less favourable than that accorded to an airline of a State enjoying the most favoured nation treatment.

3. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores for use in the operation of the agreed services may be stored at airports served by the designated airlines.

4. The supplies exempted under the provisions of paragraph 1 of this Article may not be discharged without consent of the Customs Authorities of the Contracting Party concerned. If they cannot be used or consumed they shall be re-exported within the required period and in the meantime they shall remain at the disposal of the designated airline but under the supervision of the Customs Authorities.

#### *Article 5*

1. Each Contracting Party shall, on the basis of reciprocity, accord the designated airline of the other Contracting Party exemption in its territory from all taxes on profits or incomes accruing from the operation of the agreed air services.

2. Each Contracting Party may impose or permit to be imposed just and reasonable charges for the use of airports and other facilities, provided that those charges shall not be higher than those paid by other airlines engaged in similar international air services.

#### *Article 6*

The designated airline of one Contracting Party shall have the right to maintain in the territory of the other Contracting Party technical and commercial staff adequate to the extent of exercised air services.

#### *Article 7*

The transport capacity provided by each designated airline for the operation of agreed air services shall be adequate to the requirements of the public and, in respect of the common parts of the routes, shall be agreed between the respective designated airlines and shall be subject to the approval of the Aeronautical Authorities of both Contracting Parties.

#### *Article 8*

1. The tariffs on any agreed services shall be established by negotiation between the designated airlines at reasonable levels, due regard being paid to all relevant factors including cost of operation, characteristics of service and the tariffs of other airlines.

2. The tariffs shall be subject to the approval by the Aeronautical Authorities of both Contracting Parties if the designated airline cannot agree on the tariffs, the Aeronautical Authorities shall determine these tariffs between themselves ;

failing agreement, the dispute shall be settled in accordance with the provisions of Article 10 of the present Agreement.

*Article 9*

There shall be direct contact and consultation as necessary between the Aeronautical Authorities of the Contracting Parties to ensure close collaboration in all matters affecting the fulfilment of the present Agreement and Annex thereto.

*Article 10*

If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement and the Annex thereto, the Contracting Parties shall settle it by direct negotiations between the Aeronautical Authorities or, in case of failure of the negotiations, through diplomatic channels.

*Article 11*

1. Either Contracting Party may at any time suggest to the other Contracting Party any modifications of the present Agreement or the Annex thereto which it may deem desirable. Negotiations between both Contracting Parties on any such modification shall be inaugurated not later than sixty days after submission by one Contracting Party of the modification proposal and may be conducted directly between the Aeronautical Authorities of both Contracting Parties.

2. Modifications of the Annex to the present Agreement may be made by agreement between the Aeronautical Authorities of the Contracting Parties. Modifications of the Agreement shall come into effect when confirmed by an exchange of diplomatic notes between the Contracting Parties.

*Article 12*

For the purpose of the implementation of the present Agreement and the Annex thereto :

1. the term "Aeronautical Authorities" shall mean in the case of the Czechoslovak Republic the Ministry of Transport—Civil Aviation Department or any organ authorised to perform the functions presently exercised by the aforesaid authority ; in the case of the Kingdom of Afghanistan the Afghan Air Authority or any organ authorised to perform the functions presently exercised by the aforesaid authority ;
2. the term "agreed services" and "specified routes" shall mean the international air services and the routes specified in the Annex to the present Agreement ;
3. the term "designated airline" shall mean an airline that one Contracting Party has notified the other Contracting Party to be the airline which will operate any of the agreed services.

*Article 13*

Either Contracting Party may at any time give notice to the other Contracting Party of its desire to terminate the present Agreement. If such notice is given, the present Agreement shall continue effective still twelve months after the date of receipt of the notice by the other Contracting Party.

*Article 14*

The present Agreement shall enter into force on the day on which the Contracting Parties have notified each other of its approval by their appropriate authorities.

It is, however, agreed by the Contracting Parties that the provisions of the present Agreement shall be applied from the date of its signature.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having been duly authorised to that effect by their respective Governments, have signed the present Agreement.

DONE in Prague this 28th day of May 1960, in duplicate in the English language.

For the Government  
of the Czechoslovak Republic :

Karel ŠTEKL v. r.

For the Government  
of the Kingdom of Afghanistan :

A. K. HAKIMI v. r.

## A N N E X

## SECTION I

1. The Government of the Czechoslovak Republic shall, on the basis of reciprocity, grant to the airline designated by the Government of the Kingdom of Afghanistan the necessary authorisation to operate the following international air services :

Kabul or Kandahar — intermediate points which will be agreed between the Aeronautical Authorities — Prague and points beyond in both directions.

2. This operating authorisation shall include :

- a) the right to operate overflights without landing or with technical landing ;
- b) commercial rights, i.e. :

—the right to load in Czechoslovakia passengers, freight and mail destined to Afghanistan or to other States ;

—the right to unload in Czechoslovakia passengers, freight and mail loaded in the territory of Afghanistan or of other States.

3. The designated airline shall have the right to leave out permanently or in individual flights landings at any of the intermediate points specified in the description of routes under paragraph 1.

## SECTION II

1. The Government of the Kingdom of Afghanistan shall, on the basis of reciprocity, grant to the airline designated by the Government of the Czechoslovak Republic the necessary authorisation to operate the following international air services :

Prague — intermediate points which will be agreed between the Aeronautical Authorities — Kabul or Kandahar and points beyond in both directions.

2. This operating authorisation shall include :

- a) the right to operate overflights without landing or with technical landing;
- b) commercial rights, i.e. :
  - the right to load in Afghanistan passengers, freight and mail destined to Czechoslovakia or to other States ;
  - the right to unload in Afghanistan passengers, freight and mail loaded in the territory of Czechoslovakia or of other States.

3. The designated airline shall have the right to leave out permanently or in individual flights landings at any of the intermediate points specified in the description of routes under paragraph 1.