

**No. 7343**

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**FINLAND  
and  
POLAND**

**Agreement (with annex) concerning civil air transport.  
Signed at Helsinki, on 10 June 1963**

*Official text: English.*

*Registered by Finland on 24 July 1964.*

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**FINLANDE  
et  
POLOGNE**

**Accord (avec annexe) relatif aux transports aériens civils.  
Signé à Helsinki, le 10 juin 1963**

*Texte officiel anglais.*

*Enregistré par la Finlande le 24 juillet 1964.*

No. 7343. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND CONCERNING CIVIL AIR TRANSPORT. SIGNED AT HELSINKI, ON 10 JUNE 1963

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The Government of the Republic of Finland and the Government of the People's Republic of Poland, called hereafter "the Contracting Parties",

Desiring to promote their mutual relations in the field of civil air transport,

Have agreed as follows :

*Article 1*

For the purpose of the present Agreement, and of the Annex thereto

a) the term "aeronautical authorities" means, in the case of the Republic of Finland, the Ministry for Communications and Public Works, and, in the case of the People's Republic of Poland, the Minister of Transport, or, in both cases, any person or body authorized to perform any functions exercised by the said authorities;

b) the term "designated airline" means any airline which has been designated for the purpose of operating the agreed services on the routes specified in the Annex to the present Agreement and which has been provided with the operating authorizations in accordance with Article 3 of the present Agreement.

*Article 2*

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement, for the purpose of establishing scheduled international air services on the routes specified in an Annex hereto. Such services and routes are hereafter called "the agreed services" and "the specified routes" respectively. The airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

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<sup>1</sup> Came into force on 15 May 1964, the date of the exchange of notes confirming the approval of the Agreement by the Contracting Parties, in accordance with article 16. As of the date of entry into force of this agreement, the Convention between Finland and Poland concerning the operation of scheduled air services, signed at Helsinki on 29 July 1938, was terminated by a Protocol signed at Helsinki on 4 November 1963 and which came into force on the same date as the above-mentioned agreement.

- a) to fly without landing across the territory of the other Contracting Party;
- b) to make stops in the said territory for non-traffic purposes;
- c) to take up and to put down, in the international service, passengers, baggage, cargo and mail at the points on the specified routes subject to the provisions of the present Agreement and the Annex thereto.

### Article 3

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes. This designation should be given in writing by the aeronautical authorities of one Contracting Party to the aeronautical authorities of the other Contracting Party.

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

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 fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention on International Civil Aviation (Chicago, 1944).<sup>1</sup>

4. Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph 2 of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of the present Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. Having received such authorization as referred to in paragraph 2 of this Article the designated airline may begin at any time to operate the agreed services, provided that a tariff established in accordance with the provisions of Article 10 of the present Agreement is in force in respect of that service.

### Article 4

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend exercise of the right specified in Article 2 of the present Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights :

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 15, p. 295; for subsequent actions relating to this Convention, see references in Cumulative Indexes 1 to 4, as well as Annex B in volumes 409 and 472.

a) 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 such Contracting Party, or

b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights, or

c) in case the airline otherwise fails to operate the agreed services in accordance with the conditions prescribed under the present Agreement and the Annex thereto.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

#### *Article 5*

1. The designated airlines shall offer the capacity adequate to the current and reasonably anticipated requirements for international carriage on the specified routes.

2. The conditions of operating the agreed services, and especially those relating to the capacity and frequency of services, the schedules as well as the conditions of commercial and technical cooperation will be subject to agreements between the designated airlines.

3. The agreements referred to in paragraph 2 of this Article, shall be subject to the approval of the aeronautical authorities if it is required under their national regulations.

#### *Article 6*

1. Aircraft operated on international services by the designated airline of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores i.a. food, beverages and tobacco on board such aircraft shall be exempt from all customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided such aircraft will be re-exported and such equipment and supplies remain on board of the aircraft up to such time as they are re-exported.

2. There shall also be exempt from the same duties, fees and taxes, with the exception of charges corresponding to the services performed :

a) aircraft stores taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on board aircraft engaged in an international service of the other Contracting Party;

b) spare parts and regular equipment entered into the territory of either Contracting Party for the operation, maintenance or repair of aircraft used on international services by the designated airline of the other Contracting Party;

c) fuel and lubricants destined to supply aircraft operated on international services by the designated airline of the other Contracting Party, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

3. If it is required by the national laws or regulations of either Contracting Party the materials referred to in paragraphs 1 and 2 of the present Article shall be kept under customs control of this Contracting Party.

#### *Article 7*

The regular airborne equipment, as well as the materials and supplies retained on board the aircraft used by the designated airline of either Contracting Party may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of such territory. In such case, they may be placed under the supervision of said authorities up to such time as they are re-exported or otherwise disposed of with consent of these authorities.

#### *Article 8*

Passengers in direct transit across the territory of either Contracting Party shall be subject to no more than a very simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.

#### *Article 9*

1. The laws and regulations of one Contracting Party relating to the entry into, stay in, and departure from its territory, of the aircraft engaged in international service or to the operation and navigation of the said aircraft while within its territory, shall also apply to the aircraft of the airline designated by the other Contracting Party.

2. The laws and regulations applicable in the territory of one Contracting Party to the entry, stay, and departure of passengers, crews, mail and cargo of aircraft, and in particular regulations regarding passports, customs and medical formalities, shall be applicable to passengers, crews, mail and cargo carried on board the aircraft of the airline designated by the other Contracting Party.

#### *Article 10*

1. The tariffs to be charged by the airline of one Contracting Party for carriage to or from the territory of the other Contracting Party shall be established

at reasonable levels due regard being paid to all relevant factors including cost of operation, reasonable profit, and the tariffs of other airlines.

2. The tariffs referred to in paragraph 1 of this Article shall, if possible, be agreed by the designated airlines concerned of both Contracting Parties, in consultation with other airlines operating over the whole or part of the route, and such agreement shall, where possible, be reached through the rate fixing machinery of the International Air Transport Association.

3. The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Contracting Parties at least thirty days before the proposed date of their introduction. In special cases, this time limit may be reduced, subject to the agreement of the said authorities.

4. If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be fixed in accordance with the provisions of paragraph 2 of this Article, or if during the first fifteen of the thirty days' period referred to in paragraph 3 of this Article the aeronautical authorities of one Contracting Party give the aeronautical authorities of the other Contracting Party notice of its dissatisfaction with any tariff agreed in accordance with the provisions of paragraph 2 of this Article, the aeronautical authorities of the Contracting Parties shall try to determine the tariff by agreement between themselves.

5. No tariff shall come into force if the aeronautical authorities of either Contracting Party have not approved it.

6. The tariffs established in accordance with the provisions of this Article shall remain in force until new tariffs have been established in accordance with the provisions of this Article.

#### *Article 11*

Accounts and payments between the designated airlines shall be settled according to the payment agreement being in force between the both Countries as well as the currency regulations being in force in their territories.

#### *Article 12*

In a spirit of close co-operation, the aeronautical authorities of the Contracting Parties shall consult each other from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of the present Agreement and the Annex thereto.

#### *Article 13*

Any dispute relating to the interpretation or application of the present Agreement or of the Annex thereto shall be settled by direct negotiations between

competent aeronautical authorities. If the aeronautical authorities fail to settle the dispute by such negotiations, it shall be settled between the Contracting Parties.

#### *Article 14*

1. Either Contracting Party may at any time propose to the other Contracting Party any amendment which it considers desirable to make to the present Agreement. The consultation between the Contracting Parties on the proposed modifications shall begin within a period of sixty days from the date of the presentation of the request by either Contracting Party.

2. If either of the Contracting Parties considers it desirable to amend the Annex to the present Agreement, the aeronautical authorities of the Contracting Parties may agree upon any such amendment.

3. Any amendments to the present Agreement or to its Annex pursuant to paragraphs 1 or 2 of this Article shall come into effect when confirmed by an Exchange of Notes between the Contracting Parties.

#### *Article 15*

The present Agreement shall be valid for an unlimited period. Either Contracting Party may at any time give notice to the other Contracting Party of its decision to terminate the present Agreement. If such notice is given, the present Agreement shall terminate twelve months after the date of receipt of the notice by the other Contracting Party.

#### *Article 16*

The present Agreement shall be approved by the Governments of the Contracting Parties and shall come into force on the day of Exchange of Notes confirming it.

DONE at Helsinki this 10th day of June 1963 in duplicate, in the English language, both texts having the same authenticity.

For the Government  
of the Republic of Finland :  
W. SCHRECK

For the Government  
of the People's Republic of Poland :  
J. ZWIERZYŃSKI

## A N N E X

A. The airline(s) designated by the Government of Finland shall be entitled to operate air services on the following route :

Points in Finland—Warsaw, in both directions.

B. The airline(s) designated by the Government of Poland shall be entitled to operate air services on the following route :

Points in Poland—Helsinki, in both directions.

C. The designated airline(s) of either Contracting Party shall be also entitled to desserve any intermediate point on these routes or to extend its services to any point beyond the territory of the other Contracting Party, provided that it will not be authorized to exercise commercial traffic rights between such an intermediate point, or a point beyond, and the territory of the other Contracting Party.

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