

No. 13390

**FRANCE
and
ITALY**

**Civil Air Transport Agreement (with protocol of signature).
Signed at Paris on 3 February 1949**

**Exchange of letters constituting an agreement amending the
above-mentioned Agreement. Rome, 20 April and 4 May
1972**

Authentic texts: French and Italian.

Registered by France on 18 June 1974.

**FRANCE
et
ITALIE**

**Accord relatif aux relations aériennes civiles (avec protocole de
signature). Signé à Paris le 3 février 1949**

**Échange de lettres constituant un accord modifiant l'Accord
susmentionné. Rome, 20 avril et 4 mai 1972**

Textes authentiques : français et italien.

Enregistrés par la France le 18 juin 1974.

[TRANSLATION — TRADUCTION]

CIVIL AIR TRANSPORT AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE ITALIAN REPUBLIC

The Government of the French Republic and the Government of the Italian Republic, desiring to facilitate air relations between their respective territories, have for this purpose appointed representatives who, being duly authorized, have agreed as follows:

TITLE I. GENERAL PROVISIONS

Article I. For the purposes of this Agreement:

1. The term “aeronautical authorities” means, in the case of France, the Office of the Secretary General of Civil and Commercial Aviation, and, in the case of Italy, the Ministry of Defence, Department of Civil Aviation, and, in both cases any person or agency authorized to perform the functions at present exercised by them;

2. The word “territory” has the meaning assigned to it in article 2 of the Convention on International Civil Aviation concluded at Chicago on 7 December 1944;²

3. The term “designated airline” means any airline which has been selected by one of the Contracting Parties to operate the agreed services specified in articles XXII and XXIII and in respect of which a written communication has been transmitted to the aeronautical authorities of the other Contracting Party, in accordance with the provisions of article XIV of this Agreement.

Article II. The civil aircraft, commercial or private, of each Contracting Party shall have the right, in the territory of the other Party, to fly without landing across that territory and to land thereon for non-traffic purposes at airports open to international traffic.

It is agreed that the aforesaid right does not apply in the case of zones where overflight is prohibited.

Article III. Certificates of airworthiness, certificates of competency and licences issued by one of the Contracting Parties shall, during the period in which they are in force, be recognized as valid by the other Contracting Party.

Each Contracting Party reserves the right, however, to refuse to recognize as valid for the purpose of flight over its own territory, certificates and licences granted to its own nationals by the other Contracting Party or by a third State.

¹ Applied provisionally from 3 February 1949, the date of signature, and came into force definitively on 19 May 1953, the date by which the two Contracting Parties had notified each other of the completion of their respective constitutional formalities, in accordance with article XXX.

² United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; and vol. 514, p. 209.

Article IV. 1. The laws and regulations of each Contracting Party relating to the entry into, stay in or departure from its territory, of aircraft engaged in international air navigation, or to the operation, handling and navigation of such aircraft while within its territory, shall apply to the aircraft of the airline or airlines of the other Contracting Party.

2. The laws and regulations governing the entry into, stay in or departure from the territory of each Contracting Party of passengers, crews and cargo of aircraft, such as regulations relating to police formalities, entry, immigration, emigration, passports, clearance, customs and health, shall apply to passengers, crews and cargo of aircraft of the other Contracting Party.

Article V. Subject to the provisions resulting from the entry into force of the Franco-Italian Customs Union and in order to prevent discrimination and to respect the principle of equality of treatment:

1. The charges and other duties which each of the Contracting Parties may impose or permit to be imposed for the use of airports and other "facilities" on aircraft of the other Contracting Party shall not be higher than would be paid for the use of such airports and "facilities" by its national aircraft in the same category;

2. Fuel, lubricating oils, spare parts, regular aircraft equipment and material in general intended solely for use by the aircraft of one of the Contracting Parties engaged in an international flight and brought into the territory of the other Contracting Party by or on behalf of the owner or the operator or taken on board such aircraft in that territory for use on board the aircraft shall be accorded by the latter Contracting Party, with respect to customs duties, inspection fees or other national charges or duties, treatment as favourable as the treatment applied to its own national aircraft of the same category or to those of the most favoured nation;

3. Any aircraft of either Contracting Party engaged in an international flight, as well as fuel, lubricating oil, spare parts, regular aircraft equipment and aircraft stores remaining on board such aircraft shall be exempted in the territory of the other Contracting Party from customs duties, inspection fees or other similar duties and charges, even though such supplies may be consumed or used on flights over the said territory;

4. The supplies which are enumerated in paragraph 3 of this article and which are exempt as described above may only be unloaded with the approval of the customs authorities of the other Contracting Party. Such supplies, if they are to be re-exported, shall be kept under customs supervision by the other Contracting Party until re-exported, while remaining at the disposal of the owners or operators of the aircraft.

Article VI. Should either of the Contracting Parties consider it desirable to modify any clause of the Agreement or to avail itself of the right referred to in article XV, it may request that consultation on the matter be held between the aeronautical authorities of both Contracting Parties. Such consultation shall begin within a period of sixty (60) days from the date of the request. Any modification to the Agreement agreed upon between the said authorities shall enter into force when it has been confirmed by an exchange of notes through the diplomatic channel.

Article VII. The two Contracting Parties agree to establish a standing Mixed Commission to co-ordinate air relations between the two countries under this Agreement and to submit to the aeronautical authorities of the two countries any draft decisions which it may draw up.

The Commission shall be composed of two representatives of the aeronautical authorities of each of the two Contracting Parties assisted by representatives of the airlines concerned, depending on the nature of the questions discussed.

It shall meet alternately at Paris and at Rome under the chairmanship of one of the representatives of the Contracting Party in whose territory the meeting is held.

Article VIII. Any dispute relating to the interpretation or application of this Agreement which cannot be settled by direct consultation either between the airlines concerned or between the aeronautical authorities or between the respective Governments shall be submitted to arbitration in accordance with the usual rules of international law.

The Contracting Parties undertake to comply with any provisional measures ordered in the course of the proceedings and with the arbitral award, which shall in every case be final.

Article IX. Either of the Contracting Parties may at any time notify the other Contracting Party of its desire to terminate this Agreement. In such an event, notice to that effect shall be sent simultaneously to the other Contracting Party and to the International Civil Aviation Organization. The termination shall take effect twelve (12) months after the date of receipt of the notice by the other Contracting Party.

If no acknowledgement of receipt is made by the Contracting Party to which the notice was sent, it shall be deemed to have been received fourteen (14) days after its receipt by the International Civil Aviation Organization.

If, before the expiry of the period of twelve (12) months stipulated for the termination of the Agreement, the two Contracting Parties agree on a new Agreement or agree that the notice of termination should be withdrawn, notice to that effect shall be communicated to the International Civil Aviation Organization.

Article X. In the event of the two Contracting Parties ratifying a multilateral aviation convention, or acceding thereto, this Agreement shall be amended so as to conform to the provisions of the said convention as soon as that convention enters into force between them.

Article XI. This Agreement and all other instruments designed to supplement or modify it shall be registered with the International Civil Aviation Organization established by the Convention on International Civil Aviation concluded at Chicago on 7 December 1944.

Article XII. The provisions of Title I shall apply to all transport referred to in Title II (Agreed commercial services) and to all transport referred to in Title III (Other air transport).

TITLE II. AGREED COMMERCIAL SERVICES

Article XIII. The Government of the French Republic shall grant to the Government of the Italian Republic and the Government of the French Republic the right to have the air services specified in articles XXII and XXIII operated by one or more of the airlines respectively designated by them. The said services shall hereinafter be referred to as "agreed services".

Article XIV. 1. Each of the agreed services may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights have been granted, provided that:

- (a) The Contracting Party to which the rights have been granted has designated the airlines which are to operate on the specified routes,
- (b) The Contracting Party granting the rights has issued to the airlines concerned an operating permit for the agreed services, which it shall do without delay subject to the provisions of paragraph 2 of this article and of article XV.

2. The designated airlines may be required to furnish the aeronautical authorities of the Contracting Party granting the rights with proof that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities for the operation of commercial air services.

Article XV. Each Contracting Party reserves the right to withhold from an airline designated by the other Contracting Party the operating permit provided for in article XIV of this Agreement or to revoke such permit for well-founded reasons when it deems that it has not been proved that substantial ownership and effective control of such airline are vested in nationals of the latter Contracting Party or in case of failure by that airline to comply with the laws and regulations referred to in article IV above or to fulfil the obligations imposed on it under this Agreement.

Article XVI. Each of the Contracting Parties shall have the right, provided that it gives prior notice to the other Contracting Party, to substitute one or more national airlines for the airline or airlines designated respectively to operate the agreed services. The new airline or airlines designated shall enjoy the same rights and shall have the same obligations as the airline or airlines which they have replaced.

Article XVII. 1. The airlines designated by each Contracting Party shall enjoy the right to pick up and set down international traffic in passengers, mail or cargo at the points mentioned in articles XXII and XXIII below.

2. The airlines designated by each Contracting Party shall be ensured just and equitable treatment so that they may enjoy equal opportunities in the operation of the agreed services.

3. The airlines designated by the two Contracting Parties shall, on joint routes, take into consideration their mutual interests so as not to affect unduly their respective services.

Article XVIII. In the operation of the routes in article XXII, the aeronautical authorities of both countries shall comply with the following rules:

1. The total capacity placed in operation on each route shall be adapted to reasonably foreseeable requirements.

In order to meet unforeseen or temporary traffic requirements on these routes, the designated airlines shall agree among themselves on appropriate measures to meet such temporary increase in traffic. They shall immediately report thereon to the aeronautical authorities of their respective countries, which may consult together if they see fit.

2. The capacity referred to in paragraph 1 shall so far as possible be distributed equally between the French and Italian airlines operating on the same routes.

3. If the aeronautical authorities of one Contracting Party do not wish to use, on one or more routes, all or part of the transport capacity allocated to them, they shall come to an agreement with the aeronautical authorities of the other Party with a view to transferring to the latter for a specified period all or part of the transport capacity available to them to the extent specified.

The authorities which transfer all or part of their rights may recover them at any time.

4. The airlines designated by the two countries to operate services on the same lines shall agree upon the conditions under which the said services shall be operated. Such agreement, which shall take into account the capacities to be placed in operation by each airline, shall specify the frequency of services, the organization of time-tables and the general conditions of operation.

5. Agreements reached between the airlines and any changes introduced therein shall be submitted to the aeronautical authorities of each country for approval.

Article XIX. 1. On all the routes listed in article XXIII, the agreed services shall have as their primary objective the provision, at a load factor regarded as reasonable, of capacity adequate to satisfy the normal and reasonably foreseeable requirements of international air traffic originating in or destined for the territory of the Contracting Party which has designated the airline operating the said services.

In addition, the airlines designated by either Contracting Party may, within the limit of the over-all capacity stipulated in the preceding paragraph, satisfy the requirements of traffic between the territories of third States lying on the agreed routes and the territory of the other Contracting Party.

2. Additional capacity over and above that mentioned in paragraph 1 may be provided whenever it is warranted by the traffic requirements of the countries served by the route.

Article XX. 1. The tariffs shall be fixed at reasonable levels, due regard being paid, in particular, to economy of operation, reasonable profit, the tariffs proposed by other airlines and the characteristics of each service such as standards of speed and accommodation;

2. The tariffs applicable on the agreed services between the points in French territory and the points in Italian territory mentioned in articles XXII and XXIII shall, whenever possible, be agreed upon between the French and Italian designated airlines.

The airlines concerned shall either:

- (a) Apply any resolutions adopted under the rate-fixing machinery of the International Air Transport Association; or
- (b) Reach direct agreement following consultations, where necessary, with airlines of third countries operating over the whole or part of the same routes.

3. The tariffs so fixed shall be submitted to the aeronautical authorities of each Contracting Party for approval not less than thirty (30) days before the date laid down for their entry into force. In special cases, the time-limit may be reduced, subject to agreement of the said authorities.

4. Should the designated airlines fail to agree on the fixing of a tariff in accordance with paragraph 2 above, or should one of the Contracting Parties make known its dissatisfaction with the tariff submitted to it in accordance with the provisions of paragraph 3 above, the aeronautical authorities of the two Contracting Parties shall endeavour to reach a satisfactory solution.

In the last resort, the matter shall be referred to arbitration as provided in article VIII of this Agreement.

Pending the announcement of the arbitral award, the Contracting Party making known its dissatisfaction shall have the right to require the other Contracting Party to maintain the tariffs previously in force.

5. In the case of a tariff proposed on the occasion of the inauguration of a newly agreed service, the Contracting Party which is dissatisfied with that tariff shall have the right to oppose the inauguration of the service only if the initial tariff proposed was not fixed by one of the two procedures specified in paragraph 2 of this article.

Article XXI. With effect from the entry into force of this Agreement, the aeronautical authorities of the two Contracting Parties shall communicate to each other, at the earliest possible date, information concerning the operating permits issued to their own designated airlines for the operation of the agreed services or parts thereof.

That information shall include copies of the operating permits granted, of any modifications that may be made therein, and of any documents annexed.

The aeronautical authorities of the two Contracting Parties shall communicate to each other, at least eight days before the effective inauguration of their respective services, information concerning complete time-tables, frequencies and the types of aircraft which will be used. They shall also inform each other of any modifications that may be made subsequently.

Article XXII. Agreed local services between the two countries:1. *French Services*

Points of departure
Points in metropolitan France, Algeria, Tunisia or Morocco

*Destination
in Italian territory*
Rome
Florence
Pisa San Giusto
Bologna
Genoa
Turin
Milan
Venice
Naples
Bari
Brindisi
Catania
Palermo
Trapani
Cagliari

2. *Italian Services*

Points of departure
Points in Italy

*Destination
in French territory*
Paris
Lille
Lyons
Bordeaux
Marseilles
Nice
Tunis
Algiers
Oran
Casablanca

Article XXIII. Other agreed services serving French and Italian territories:1. *French Services*

<i>Points of departure</i>	<i>Intermediate points</i>	<i>Destination in Italian territory</i>	<i>Points beyond</i>
1. Points in France		Milan or Rome, Brindisi or Bari	Points in Greece and beyond: (a) To Turkey (b) To the Near East, Egypt and the Middle East (c) To Pakistan, India, Indochina and the Far East
2. Points in France		Milan, Rome or Naples	Points in Egypt and beyond to Central Africa and South Africa
3. Points in France	Points in Switzerland	Genoa, Milan or Venice	To Central and Eastern Europe

2. *Italian Services*

<i>Points of departure</i>	<i>Intermediate points</i>	<i>Destination in French territory</i>	<i>Points beyond</i>
1. Points in Italy		Marseilles or Nice	Points in Spain
2. Points in Italy	Tripoli	Casablanca or Dakar	To Brazil, Uruguay, Argentina and Chile
3. Points in Italy	Tripoli	Dakar	
4. Points in Italy		Tunis or Algiers	To the Belgian Congo
5. Points in Italy		Tunis	Tripoli
6. Points in Italy		Paris	Points in Belgium, Great Britain, Ireland, Newfoundland, the United States of America or the Azores and the United States of America
7. Points in Italy	Lisbon, Natal	French Guyana	Points in Venezuela

TITLE III. OTHER AIR SERVICES

Article XXIV. The French and Italian Governments, desiring to facilitate air relations between their two countries other than those referred to in Title II, in particular air freight transport, shall adapt their general regulations in that area in order to limit, in a spirit of reciprocity, the number of cases requiring prior permission and the period of time required for the granting of permission.

Article XXV. In all cases, flights to a destination in the territory of one of the Contracting Parties shall require prior notice to the authorities of the other Contracting Party according to the conditions to be established by each Contracting Party. Such notice shall be equivalent to permission in all cases in which prior permission is not required under article XXVII.

Article XXVI. Except with special permission, an aircraft of one of the Contracting Parties may not make more than one traffic stop in the territory of the other Contracting Party.

Article XXVII. Prior permission shall be required:

1. In order to pick up or set down in the territory of the other Contracting Party passengers and cargo destined for or originating in a third country;
2. In the case of flights between stops (or between airfields geographically located near such stops) on the same route or the routes specified in articles XXII and XXIII whenever such flights involve the transport of more than four passengers;
3. For any flight to the Overseas Territories other than those in North Africa;
4. If a flight requires a derogation from the provisions of article XXVI, with the exception of cabotage.

Article XXVIII. Each Contracting Party reserves the right to prohibit any commercial traffic in its territory by any airline of the other Contracting Party operating the transport services referred to in this Title when it deems that it has not been proved that substantial ownership and effective control of such airline are vested in nationals of the latter Contracting Party.

Article XXIX. In view of the particular character of the air traffic referred to in this Title, the aeronautical authorities of the Contracting Parties shall consult each other whenever necessary concerning the application of the foregoing provisions.

TITLE IV. FINAL PROVISIONS

Article XXX. This Agreement shall be applied provisionally from the date of its signature. It shall enter into force definitively when the two Contracting Parties have notified each other of the completion of their respective constitutional formalities.

DONE at Paris, on 3 February 1949, in duplicate, in the French and Italian languages, both texts being equally authentic.

[Signed]
R. SCHUMAN
[Signed]
C. PINEAU

[Signed]
C. DE VERA D'ARAGONA
[Signed]
R. GIUSTINIANI

PROTOCOL OF SIGNATURE

In the course of the negotiations resulting in the conclusion on today's date of the Civil Air Transport Agreement between France and Italy, the two delegations specified the functions of the Mixed Commission referred to in article VII of the Agreement.

The Mixed Commission shall be an essentially technical body and shall be responsible for maintaining effective co-operation between the French and Italian civil air services.

Its functions shall include:

1. The co-ordination of services operated by the airlines of each of the Contracting Parties in order to ensure rational and harmonious services for their respective territories;
2. The study of any modifications to the Agreement;
3. The periodic revision of articles XXII and XXIII of the Agreement with a view to adapting them to the requirements of air traffic;
4. The establishment of the initial frequencies to be introduced on each newly agreed service;

5. The examination, with the help of the statistical data which the Contracting Parties undertake to transmit to each other, of the conditions for the application of the provisions of article XIX to the various stops;
6. The study of joint operating problems with a view to facilitating their solution;
7. The examination of the conditions in which flights other than those of commercial agreed services shall be effected;
8. The study of any other question concerning the smooth operation and development of air relations between the two countries, in particular those which might arise from the entry into force of the Customs Union, taking into account the competence which the Mixed Commission might be recognized as having in the matter.

[Signed]

R. SCHUMAN

[Signed]

C. PINEAU

[Signed]

C. DE VERA D'ARAGONA

[Signed]

R. GIUSTINIANI

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND ITALY AMENDING THE CIVIL AIR TRANSPORT AGREEMENT OF 3 FEBRUARY 1949²

I

EMBASSY OF FRANCE IN ITALY

20 April 1972

Sir,

During consultations held at Paris from 23 to 25 November and at Rome on 6 and 7 December 1971 and 21 and 22 February 1972, in accordance with article VI of the Air Transport Agreement² in force between the French Republic and the Italian Republic, the French and Italian authorities have agreed as follows:

I. Article XXII of the Air Transport Agreement between France and Italy concluded at Paris on 3 February 1949 shall be modified as follows:

Agreed local services between the two countries:

1. For French designated airlines: points in France to the following final destination points: Rome, Milan, Turin, Venice, Naples.

2. For Italian designated airlines: points in Italy to the following final destination points: Paris, Marseilles, Nice, Ajaccio, Strasbourg.

II. Article XXIII of the Air Transport Agreement between France and Italy concluded at Paris on 3 February 1949 shall be deleted.

If the foregoing provisions are acceptable to the Italian Government, I have the honour to propose that this letter and Your Excellency's reply thereto should constitute an amendment to the Air Transport Agreement between France and Italy of 3 February 1949, in accordance with article VI of that Agreement.

Accept, Sir, etc.

RENÉ SERVOISE

His Excellency Mr. Aldo Moro
Minister for Foreign Affairs
Palazzo Farnesina
Rome

¹ Came into force on 4 May 1972, in accordance with the provisions of the letter in reply.

² See p. 182 of this volume.

II

Minister of Foreign Affairs

142/672

Rome, 4 May 1972

Sir,

I have the honour to refer to your letter dated 20 April 1972, which reads as follows:

[*See letter I*]

I have the honour to inform you that the foregoing provisions are acceptable to the Italian Government and that accordingly the proposed amendment to the Air Transport Agreement of 3 February 1949 will enter into force with effect from today's date.

Accept, Sir, etc.

[*Signed*]
ALDO MORO

Mr. René Servoise
Chargé d'affaires a.i.
Embassy of France
Rome
