

No. 16969

**ROMANIA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning civil air transport (with annex).
Signed at Bucharest on 22 December 1976**

Authentic texts: Romanian and Russian.

Registered by Romania on 14 September 1978.

**ROUMANIE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord relatif aux transports aériens civils (avec annexe).
Signé à Bucarest le 22 décembre 1976**

Textes authentiques : roumain et russe.

Enregistré par la Roumanie le 14 septembre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING CIVIL AIR TRANSPORT

The Government of the Socialist Republic of Romania and the Government of the Union of Soviet Socialist Republics, wishing to contribute to the development and strengthening of co-operation in the field of air traffic, and for the purpose of establishing regular air services between and beyond the territories of the two countries, have agreed as follows:

Article 1. For the purposes of this Agreement and the annex thereto, unless the context otherwise requires:

(a) The term "Agreement" means this Agreement and its annex, which is an integral part thereof;

(b) The term "Contracting Parties" means the Government of the Socialist Republic of Romania and the Government of the Union of Soviet Socialist Republics;

(c) The term "civil aeronautical authority" means, in the case of the Socialist Republic of Romania, the Department of Civil Aviation or any individual or body corporate authorized to perform the functions exercised by it; in the case of the Union of Soviet Socialist Republics, the Ministry of Civil Aviation or any individual or body corporate authorized to perform the functions exercised by the Ministry;

(d) The term "territory" in relation to a State means the land areas, the adjacent territorial and inland waters and the air space above them, under the sovereignty of that State;

(e) The term "designated airline" means the airline designated by each Contracting Party to operate the agreed services;

(f) The term "air service" means the air service established for the transport by aircraft of passengers, baggage, cargo and mail;

(g) The term "international air service" means an air service which passes through the territory of more than one State;

(h) The term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Article 2. Each Contracting Party grants to the other Contracting Party the rights specified in the annex to this Agreement for the purpose of establishing scheduled air services on the routes specified in the annex to this Agreement (hereinafter called the "agreed services" and the "specified routes").

¹ Applied provisionally from 22 December 1976, the date of signature, and came into force on 11 May 1977 by the exchange of diplomatic notes by which the Contracting Parties notified each other of the completion of the formalities required by their national legislation, in accordance with article 21 (1).

Article 3. 1. Each Contracting Party shall have the right to designate one airline for the purpose of operating the agreed services on the specified routes and shall so notify the other Contracting Party in writing.

2. Upon receipt of such notification, the other Contracting Party shall, subject to the provisions of paragraph 3 of this article, without delay grant the appropriate operating authorization to the designated airline.

3. The civil aeronautical authority of one Contracting Party may require the designated airline of the other Contracting Party to provide proof that it is able to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by it in accordance with international practice relating to the operation of international air services.

4. The designated airline may begin at any time to operate the agreed services after receiving the authorization provided for in paragraph 2 of this article.

Article 4. 1. Each Contracting Party reserves the right temporarily to suspend or to revoke the rights specified in the annex to this Agreement in the event that the designated airline fails to fulfil the conditions prescribed in this Agreement.

2. This right shall be exercised only after consultation between the civil aeronautical authorities of the two Contracting Parties, unless such measures are required immediately to prevent further infringements of laws and other regulations in force.

Article 5. 1. The airlines of the two Contracting Parties shall be given fair and equal opportunities to operate the agreed services on the specified routes.

2. In operating the agreed services, the airline of each Contracting Party shall take into account the interests of the airline of the other Contracting Party so as not to affect the airline operating over the whole or part of the same route.

3. The agreed services provided by the designated airline of each Contracting Party shall bear a close relationship to the requirements of the public for transport on the specified routes and shall have as their objective the provision of capacity adequate to meet the requirements for the carriage of passengers, cargo and mail between the territories of the two Contracting Parties.

4. Provision for the carriage of passengers, cargo and mail taken on in the territory of the other Contracting Party and put down at the points on the specified routes in the territories of third countries and vice versa shall be made in accordance with the general principle that capacity shall be related to:

- (a) Traffic requirements in the territory and from the territory of the Contracting Party which designated the airline;
- (b) Traffic requirements of the area through which the airline passes, after taking account of other transport services established by airlines of the Parties in that area;
- (c) The requirements of through airline operation.

Article 6. 1. In accordance with the provisions of this Agreement, all questions relating to the technical servicing of aircraft on the ground and commercial questions concerning the operation of the agreed services, including the

establishment of flight schedules, frequency of flights, types of aircraft and methods of financial accounting, shall be decided directly between the designated airlines of the Contracting Parties.

2. The schedules established in accordance with paragraph 1 of this article shall be submitted to the aeronautical authorities for approval 60 (sixty) days before the beginning of the new period of operations.

3. If the designated airlines fail to reach agreement on the establishment of schedules, the schedules shall be agreed between the civil aeronautical authorities of the Contracting Parties.

4. The aeronautical authorities of the Contracting Parties shall provide each other, upon request, with periodic statistical data or other similar information concerning the volume of traffic on the agreed services.

Article 7. 1. The designated airline of each Contracting Party shall have the right to maintain in the territory of the other Contracting Party an office with the commercial and technical personnel necessary to deal with problems connected with the operation of the agreed services.

2. The representatives referred to in this article, their staff and the members of the crews of aircraft belonging to the designated airlines shall be nationals of the Contracting Parties.

3. The number of employees of the offices appointed by each airline from among its nationals shall be established by agreement between the civil aeronautical authorities of the Contracting Parties.

4. The civil aeronautical authority of each Contracting Party shall provide the necessary assistance to the office of the airline of the other Contracting Party in establishing the necessary conditions for its work.

Article 8. The flight routes of aircraft on the agreed services and the points for crossing national boundaries shall be established by each Contracting Party within its territory.

Article 9. 1. The laws and regulations of one Contracting Party governing entry into and departure from its territory of aircraft engaged in international air services, or operation and navigation of such aircraft while within its territory, shall apply to aircraft of the designated airline of the other Contracting Party.

2. The laws and regulations of one Contracting Party governing entry into, sojourn in and departure from its territory of passengers, crew, baggage, cargo and mail including passports, immigration, customs, currency and quarantine regulations shall apply to passengers, crew, baggage, cargo and mail carried by the aircraft of the airline of the other Contracting Party while they are within the said territory.

Article 10. 1. Aircraft of the designated airline of one Contracting Party during flights over the territory of the other Contracting Party must have the appropriate nationality and registration marks established for international flights, certificates of registration, certificates of airworthiness and other aircraft documents recognized by the civil aeronautical authorities of the Contracting Parties and also radio licences.

Pilots and other crew members shall carry the required valid certificates.

2. All the aforementioned documents issued or recognized as valid by one Contracting Party shall be recognized as valid by the other Contracting Party.

Article 11. 1. In case of a forced landing or accident involving an aircraft of one Contracting Party within the territory of the other Contracting Party, the latter Contracting Party shall take all necessary measures to assist the aircraft, its crew and passengers and ensure the safety of the aircraft, and of the baggage, cargo and mail on board such aircraft.

2. The Contracting Party in whose territory the accident took place shall without delay notify the other Contracting Party thereof and shall take all necessary measures to investigate the circumstances and causes of the accident and shall grant the necessary permission to the representatives of that Contracting Party to participate in the investigation as observers.

3. The Contracting Party conducting the investigation of the accident shall submit to the other Contracting Party information on the results and findings of the investigation.

Article 12. 1. Aircraft used by the designated airline of one Contracting Party for the operation of international services, and their equipment, supplies of fuel and lubricants, and aircraft stores (including food and tobacco) shall on arrival in the territory of the other Contracting Party be exempt from all customs duties, taxes and other charges, on condition that such equipment and supplies remain on board the aircraft until its departure.

2. There shall also [be] exempted from such taxes and duties:

- (a) Aircraft stores (including food, beverages and tobacco) taken aboard in the territory of one Contracting Party or in the territory of a third country for use on board aircraft of the designated airlines engaged in international flights;
- (b) Fuel and lubricants for use on an international flight by the aircraft of the designated airline of the other Contracting Party, even when these supplies are to be used on the part of the journey performed within the territory of the Contracting Party in which they are taken on board;
- (c) Spare parts brought into the territory of one Contracting Party for maintenance or repair of aircraft used by the designated airline of the other Contracting Party for international air services.

3. On-board equipment supplies and food on board the aircraft of one Contracting Party may be unloaded in the territory of the other Contracting Party only with the consent of the customs authorities. In that event, such supplies may be kept under the supervision and control of the customs authorities until they are re-exported or otherwise disposed of in accordance with the customs regulations.

4. Passengers, baggage and cargo in direct transit across the territory of one Contracting Party and not leaving the area of the airport reserved for such purpose shall only be subject to simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.

Article 13. Fees and charges for the use of airports, including their installations, technical and other facilities and services as well as charges for the use

of air navigation and communication facilities and services shall be levied on the basis of the rates and tariffs established by each Contracting Party.

Article 14. All accounts between the designated airlines shall be settled in accordance with the provisions of the payments agreements in force governing financial relations between the Contracting Parties.

Article 15. Each Contracting Party shall exempt in its territory:

- (a) The designated airline of the other Contracting Party from all taxes and charges on income and profits derived by such airline from the operation of the agreed services;
- (b) The designated airline of the other Contracting Party from all taxes and charges on its property;
- (c) The salaries of staff of the office of the designated airline of the other Contracting Party who are nationals of that Party and perform their functions in the territory of the first Contracting Party, from all taxes on income.

Article 16. 1. Tariffs in respect of carriage on the agreed services shall be agreed between the designated airlines of the two Contracting Parties in accordance with existing agreements of which the aeronautical authorities or designated airlines of the Contracting Parties are signatories.

2. The tariffs so agreed shall be submitted to the aeronautical authorities for approval not less than 30 (thirty) days before the proposed date of their introduction; in special cases, this time limit may be reduced.

3. If the designated airlines fail to reach agreement on the establishment of tariffs, the tariffs shall be agreed between the civil aeronautical authorities of the Contracting Parties.

Article 17. The civil aeronautical authorities of the Contracting Parties shall, as often as necessary, hold consultations for the purpose of ensuring compliance with the provisions of this Agreement and also on other questions relating to the practical application and implementation of the Agreement.

Article 18. 1. Each Contracting Party may, at any time after the entry into force of this Agreement, propose to the other Contracting Party such amendments to the Agreement as it may deem appropriate.

Negotiations between the two Contracting Parties on a proposed amendment shall begin within 60 (sixty) days after appropriate notification by one of the Contracting Parties.

2. Amendments to the Agreement shall take effect as from the date of the exchange of diplomatic notes.

3. Amendments to the annex of this Agreement may be introduced by agreement between the civil aeronautical authorities of the Contracting Parties.

Article 19. This Agreement, and the amendments thereto, shall be registered with the International Civil Aviation Organization.

Article 20. Any dispute arising in connection with the interpretation or application of this Agreement or the annex thereto shall be settled by direct negotiations between the civil aviation authorities of the two Contracting Parties. If those authorities fail to reach agreement, the dispute shall be settled through the diplomatic channel.

Article 21. 1. This Agreement shall enter into force on a provisional basis from the date of its signature. It shall enter into force definitively on the date of the exchange of diplomatic notes giving notice of completion of the formalities required by the national legislation of each Contracting Party for its approval.

2. Each Contracting Party may at any time give notice to the other Contracting Party of its intention to terminate this Agreement. This Agreement shall terminate 12 (twelve) months after receipt of such notice by the other Contracting Party unless the denunciation is withdrawn by agreement before the expiry of that period.

3. Upon the signature of this Agreement, the Agreement between the Government of the Romanian People's Republic and the Government of the Union of Soviet Socialist Republics, signed on 25 January 1955, and all documents pertaining to that Agreement shall cease to have effect.

DONE on 22 December 1976 at Bucharest, in two original copies, each in the Romanian and Russian languages, both texts being equally authentic.

For the Government
of the Socialist Republic of Romania:
[AUREL RĂICAN]

For the Government of the Union
of Soviet Socialist Republics:
[Illegible]

ANNEX

I. Agreed services

1. Routes to be operated in both directions by the designated airline of the Government of the Socialist Republic of Romania:
 - (a) Bucharest–Moscow;
 - (b) Points in the Socialist Republic of Romania–Moscow and/or another point in the Union of Soviet Socialist Republics;
 - (c) Points in the Socialist Republic of Romania–Moscow or another point in the Union of Soviet Socialist Republics (with landings)—and beyond to third countries in Europe;
 - (d) Points in the Socialist Republic of Romania—Flights over the territory of the Union of Soviet Socialist Republics, without landings, on the Staryava-Khust route to third countries in Europe.
2. Routes to be operated in both directions by the designated airline of the Government of the Union of Soviet Socialist Republics:
 - (a) Moscow–Bucharest;
 - (b) Points in the Union of Soviet Socialist Republics–Bucharest and/or another point in the Socialist Republic of Romania;
 - (c) Points in the Union of Soviet Socialist Republics–Bucharest or another point in the Socialist Republic of Romania (with landings)—and beyond to third countries in Europe;

(d) Points in the Union of Soviet Socialist Republics—Flights over the territory of the Socialist Republic of Romania, without landings, to third countries.

II. The points in the territories of the Contracting Parties referred to in items I.1 (b), I.1 (c) and I.2 (b) and I.2 (c) of this annex shall be specified in detail by agreement between the civil aeronautical authorities of the Contracting Parties.

III. In operating the agreed services specified in item I.1 and item I.2 of this annex, the designated airlines shall enjoy the right to take up and set down passengers, baggage, cargo and mail at points situated in the territory of the Contracting Parties.

IV. This right shall not be construed as a right accorded to the designated airline of a Contracting Party to take up passengers, cargo and mail for transport between points in the territory of the other Contracting Party for payment or under a leasing arrangement.

V. The right of the designated airline of a Contracting Party to take up or set down in the territory of the other Contracting Party passengers, cargo or mail in international traffic at points in third countries shall be the subject of an agreement between the civil aeronautical authorities of the Contracting Parties.

VI. Flights in or over the territory of the Contracting Parties, including supplementary and charter flights, shall be made by the designated airlines in conformity with the regulations in force in the territory of each Contracting Party, published in the relevant AIPs.