

No. 27467

**AUSTRALIA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Exchange of letters constituting an agreement relating to
cooperation in civil aviation. Moscow, 5 and 12 July 1989**

Authentic texts: English and Russian.

Registered by Australia on 30 July 1990.

**AUSTRALIE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Échange de lettres constituant un accord relatif à la coopéra-
tion en matière d'aviation civile. Moscou, 5 et 12 juillet
1989**

Textes authentiques : anglais et russe.

Enregistré par l'Australie le 30 juillet 1990.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO CO-OPERATION IN CIVIL AVIATION

I

Moscow, 5 July 1989

Your Excellency,

I have the honour to refer to discussions between the Governments of Australia and the Union of Soviet Socialist Republics concerning their desire to establish and promote co-operation between their two countries in civil aviation. In accordance with those discussions, I have the honour to propose the following terms:

The Governments of Australia and of the USSR, guided by a mutual desire to develop and promote aviation links between the two countries, have agreed as follows:

1. The international airline of each country (Aeroflot in the case of the USSR and Qantas in the case of Australia) shall be permitted to operate scheduled and non scheduled international air services on international routes over the territory of the other. For non-traffic purposes only, scheduled and non-scheduled Aeroflot services shall be permitted to land in Sydney and scheduled and non-scheduled Qantas services shall be permitted to land in Moscow.
2. In operating air services over the territory of the other country, the international airline of each country shall follow the route designated for it by the aeronautical authorities of the other country.
3. Aeroflot and Qantas shall be allowed to operate charter flights between points in Australia and points in the USSR where such international operations are permitted, in accordance with the guidelines and regulations on international charter flights of the other country. Neither airline shall be permitted to operate flights for commercial purposes between third countries and the country of the other airline.
4. The international airlines of the two countries shall remain free to discuss directly all technical and commercial matters.
5. The aeronautical authorities of the two countries shall monitor closely traffic flows between the two countries, taking into account the results of any charter operations conducted under this exchange. Should USSR Australia origin/destination traffic reach levels sufficient to sustain viable scheduled services by the international airlines of both countries, either country may request consultations to consider the possibility of establishing scheduled international air services.
6. The international airline of each country shall comply with all the laws and regulations of the other country, including those relating to international air navigation, immigration, customs and quarantine. Each country shall have the right to

¹ Came into force on 12 July 1989, the date of the letter in reply, in accordance with the provisions of the said letters.

suspend operations conducted under this exchange, temporarily or permanently, if the airline of the other country fails to comply with its laws or regulations or with the provisions of this exchange.

7. In the case of an aviation accident in the territory of the other country, the investigation shall be conducted in accordance with Article 26 of the Convention on International Civil Aviation concluded at Chicago on 7 December 1944¹ and the provisions of Annex 13 to the Convention which have been adopted by both countries.

8. The stationing of representatives of the international airline of one country in the territory of the other for the operation of any flights under this exchange shall be subject to the approval of the country in which it is proposed that the representatives be stationed.

9. Each country on a basis of reciprocity and to the fullest extent possible under its national laws, shall exempt the airline of the other country from customs duties, inspection fees and other charges and taxes on fuel, lubricants, spare parts, in flight equipment, and aircraft stores, including food, beverages, liquor, tobacco products and other goods for sale to or use by passengers in limited quantities during the flight provided these items are intended for use or used solely in connection with the operation or servicing of aircraft of the airline.

10. Fees and other charges for the use of each airport including its installations, technical and other facilities and services, as well as any charges for the use of aeronautical and communication facilities and services, shall be made in accordance with the rates and tariffs established by each country.

11. Any dispute relating to the interpretation or application of this exchange shall be settled by direct negotiations between the aeronautical authorities of the two countries. These negotiations may be conducted through negotiation or by correspondence. If the authorities fail to resolve the dispute it shall be settled through diplomatic channels.

12. If either country considers it desirable to modify the terms of this exchange it may request consultations with the aeronautical authorities of the other country. Consultations shall begin within sixty days from the date of the request, unless otherwise agreed.

13. The accord reached through this exchange of letters shall remain in force unless either country notifies the other in writing of its intention to terminate its validity. The accord shall terminate 6 months after the date of receipt of the notice by the other country unless the notice to terminate is withdrawn by mutual consent before the expiry of this period.

I have the honour to propose that, if the foregoing is acceptable to the Government of the Union of Soviet Socialist Republics, this letter and Your Excellency's reply to that effect shall together constitute an accord between our two Governments which shall enter into force on the date of your reply.

¹ 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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213 and vol. 1175, p. 297.

Accept, Your Excellency, assurances of my highest consideration.

[Signed]

C. R. ASHWIN
Ambassador of Australia

Mr. A. N. Volkov
Minister of Civil Aviation of the Union
of Soviet Socialist Republics
Moscow

II

[RUSSIAN TEXT — TEXTE RUSSE]

МИНИСТР ГРАЖДАНСКОЙ АВИАЦИИ
МОСКВА

12 Июля 1989

№:

Господин Посол,

Имею честь подтвердить получение Вашего письма от 5 июля 1989 г. следующего содержания.

«Имею честь сослаться на переговоры между Правительством Австралии и Правительством Союза Советских Социалистических Республик, касающиеся их желания установить и развивать сотрудничество между двумя странами в области гражданской авиации. В соответствии с данными переговорами, я имею честь предложить следующее:

Правительства Австралии и СССР, руководствуясь взаимным желанием содействовать развитию авиационных связей между двумя странами, договорились о нижеследующем:

1. Международной авиакомпании каждой страны (Аэрофлоту для СССР и Квонтасу для Австралии) разрешается осуществлять регулярные и нерегулярные полеты по международным маршрутам над территорией другой страны. Регулярным и нерегулярным рейсам Аэрофлота разрешается производить посадки в Сиднее, а регулярным и нерегулярным рейсам Квонтас разрешается производить посадки в Москве, без коммерческих прав перевозок.

2. При выполнении рейсов над территорией другой страны международная авиакомпания каждой страны будет совершать полеты по маршруту, определенному для нее авиационными властями другой страны.

3. Аэрофлоту и Квонтасу будет разрешено выполнять чартерные рейсы между пунктами Австралии и пунктами в СССР, выделенными для международных полетов, в соответствии с руководящими положениями и правилами выполнения международных чартерных рейсов другой страны.

[TRANSLATION — TRADUCTION]

II

MINISTER OF CIVIL AVIATION
MOSCOW

12 July 1989

No.: 7

Sir,

I have the honour to acknowledge receipt of your letter of 5 July 1989, which reads as follows:

[See letter I]

I have the honour to inform you that the Government of the Union of Soviet Socialist Republics agrees to the foregoing, and to confirm that your letter and this reply shall constitute an accord between the two Governments on this question, which shall enter into force on the date of this letter.

Accept, Sir, etc.

[Signed]

A. N. VOLKOV

Mr. C. R. Ashwin
Ambassador Extraordinary and Plenipotentiary of Australia
to the Union of Soviet Socialist Republics
