

No. 27816

**AUSTRIA
and
YUGOSLAVIA**

**Agreement supplementing the Agreement of 11 November
1953 concerning air services, as amended. Signed at
Dürnstein on 29 September 1988**

Authentic text: English.

Registered by Austria on 19 December 1990.

**AUTRICHE
et
YOUgoslavie**

**Accord complétant l'Accord du 11 novembre 1953 relatif aux
services aériens, tel que modifié. Signé à Dürnstein on
29 septembre 1988**

Texte authentique : anglais.

Enregistré par l'Autriche le 19 décembre 1990.

AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE FEDERAL EXECUTIVE COUNCIL OF THE ASSEMBLY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA SUPPLEMENTING THE AIR SERVICES AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, SIGNED ON THE ELEVENTH OF NOVEMBER 1953²

The Austrian Federal Government and the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia,

Desiring to conclude an Agreement Supplementing the Air Services Agreement between the Republic of Austria and the Federal People's Republic of Yugoslavia, signed in Vienna on the Eleventh of November, 1953,² as amended by the exchange of notes of the Twenty-sixth of February, 1974³ and the Twenty-fourth of May, 1974,³ respectively,

Having taken into account the nature of the respective markets and the market access which each Contracting Party is prepared to make available to the other,

Wishing to assure an equitable exchange of opportunities for the designated airlines of each Contracting Party,

Have agreed as follows:

Article I

The Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia grants the designated airline of Austria the following rights in respect of the sale of scheduled air transportation in the territory of Yugoslavia:

1. The right to sell scheduled air transportation on all of its worldwide services directly through its own Representative Office(s) and, at its discretion, through Yugoslav agencies, to any person, organization or association, freely, for convertible currency using its own transportation documents, and to convert and transfer freely and promptly receipts from such sales to Austria.

2. The right to sell scheduled air transportation directly through its own Representative Office(s) and, at its discretion, through Yugoslav agencies, to any person, organization or association, for Yugoslav national currency using its own transportation documents for the following carriages:

- (a) on the direct services operated by the designated airline of Austria between Yugoslavia and Austria and vice versa;
- (b) on any services operated by the designated airline of Yugoslavia between Yugoslavia and Austria and within Yugoslavia where that transportation forms part of a journey between the two countries;
- (c) on any services operated by the designated airline of Yugoslavia between Yugoslavia and points in Austria;
- (d) on any services operated by the designated airline of Austria within Austria in connection with the transportation to/from Austria.

3. The right to sell scheduled air transportation directly through its own Representative Office(s) and, at its discretion, through Yugoslav agencies, to any person, organization or association, for Yugoslav national currency using the transportation documents of the designated airline of Yugoslavia for the following carriages:

- (a) on the direct services operated by the designated airline of Austria between Yugoslavia and Austria and vice versa;

¹ Came into force on 1 February 1990, i.e., the first day of the third month following the month in which the Contracting Parties had informed each other (on 27 and 28 November 1989) of the completion of their respective constitutional procedures, in accordance with article V.

² United Nations, *Treaty Series*, vol. 363, p. 149.

³ *Ibid.*, vol. 1426, p. 331.

- (b) on any services operated by the designated airline of Yugoslavia between Yugoslavia and Austria and within Yugoslavia where that transportation forms part of a journey between the two countries;
 - (c) on any services operated by the designated airline of Yugoslavia between Yugoslavia and points in Austria;
 - (d) on any services operated by the designated airline of Austria within Austria in connection with the transportation to/from Austria.
4. All other sales of scheduled air transportation by the designated airline of Austria in Yugoslavia shall be made through the designated airline of Yugoslavia and Yugoslav agencies using the transportation documents of its appointed General Sales Agent.

Article II

Sales of transportation documents of the designated airline of Austria for convertible currencies are subject to the following provisions:

1. Sales by agents of the designated airline of Austria:
 - (a) Sales reports and audit coupons relating to the sales under Article I, paragraph 1 will be submitted by the agents directly to the authorized Representative Office of the designated airline of Austria in Yugoslavia at the end of each month.
 - (b) Receipts from sales performed under Article I, paragraph 1 will be transferred to the account of the designated airline of Austria with the authorized bank in Yugoslavia.
 - (c) The designated airline of Austria is entitled to pay from its account with the authorized bank in Yugoslavia all its expenses or any part thereof in connection with its operations in Yugoslavia.
 - (d) The designated airline of Austria shall be permitted to transfer to Austria all or any part of the receipts from the sales referred to in Article I, paragraph 1 in freely convertible currency within a period of sixty (60) days.

2. Sales by the designated airline of Austria from its own sales outlets:

Receipts from such sales will be treated in the same manner and the designated airline of Austria shall enjoy the same rights in relation to the use and transfer of such receipts as stipulated in paragraph 1 above.

Article III

Sales of transportation documents of the designated airline of Austria for Yugoslav national currency are subject to the following provisions:

1. Sales reports and audit coupons relating to the sales under Article I, paragraphs 2 and 3 will be submitted by the agents directly to the authorized Representative Office of the designated airline of Austria in Yugoslavia at the end of each month.
2. Receipts from sales performed under Article I, paragraphs 2 and 3 will be transferred in Yugoslav national currency to the account of the designated airline of Austria with the authorized bank in Yugoslavia, accompanied by copies of the respective sales reports and photostatic copies of the audit coupons.
3. The designated airline of Austria is entitled to pay from its Yugoslav currency account with the authorized bank in Yugoslavia all its expenses or any part thereof (those payable in Yugoslav national currency) in connection with its operations in Yugoslavia.
4. The designated airline of Austria shall be permitted to transfer to Austria revenues in excess of expenses from the sales referred to in Article I, paragraphs 2 and 3 within a period of sixty (60) days and with minimum restrictions through the following procedures:
 - (a) Once in a period of two weeks or in such intervals as may otherwise be agreed between the two designated airlines, the designated airline of Austria will:
 - submit to the designated airline of Yugoslavia a copy of the sales report which will specify, in respect of transportation transactions in Yugoslav national currency, ticket numbers, ticket itinerary and currency amount;

- authorize a bank transfer to the account of the designated airline of Yugoslavia with the authorized bank, for the amounts in Yugoslav national currency reduced for local payments effected by the designated airline of Austria in Yugoslav national currency, and submit to the designated airline of Yugoslavia a deposit slip verifying the transfer of Yugoslav national currency to the account of the designated airline of Yugoslavia;
 - submit a statement to the designated airline of Yugoslavia that the amount covered by the transfer in Yugoslav national currency originates solely from sales of transportation in Yugoslavia on the transportation documents of the designated airline of Austria to any person or association on the approved sectors.
- (b) It is understood that the following conversion procedure shall apply:
- Conversion into convertible currency of receipts from sales performed by the designated airline of Austria in Yugoslavia for Yugoslav national currency on the approved sectors shall be made by the designated airline of Yugoslavia at the commercial bank's selling rate in effect on the day of currency conversion according to the sales reports and transferred to the account of the designated airline of Austria with the Yugoslav commercial bank.
- (c) The designated airlines of both Contracting Parties shall work out the procedures for currency conversion and transfers consistent with the terms of this Article and in conformity with Yugoslav law, regulations and standard IATA agency procedures.
- Article IV**
- The Austrian Federal Government grants the designated airline of Yugoslavia the following rights in respect of the sale of scheduled air transportation in the territory of Austria:
1. The right to sell scheduled air transportation on all of its worldwide services directly through its own Representative Office(s) and, at its discretion, through Austrian agencies, to any person, organization or association, for Austrian currency or any other convertible currency using its own transportation documents, and to convert and transfer freely and promptly receipts from such sales to Yugoslavia.
 2. The right to sell scheduled air transportation directly through its own Representative Office(s) and, at its discretion, through Austrian agencies, to any person, organization or association, for Austrian currency using its own transportation documents, and to convert and transfer freely and promptly receipts from such sales to Yugoslavia, for the following carriages:
 - (a) on the direct services operated by the designated airline of Yugoslavia between Austria and Yugoslavia and vice versa;
 - (b) on any services operated by the designated airline of Austria between Austria and Yugoslavia and within Austria where that transportation forms part of a journey between the two countries;
 - (c) on any services operated by the designated airline of Austria between Austria and points in Yugoslavia;
 - (d) on any services operated by the designated airline of Yugoslavia within Yugoslavia in connection with the transportation to/from Yugoslavia.
 3. The right to sell scheduled air transportation directly through its own Representative Office(s) and, at its discretion, through Austrian agencies, to any person, organization or association, for Austrian currency using the transportation documents of the designated airline of Austria for the following carriages:
 - (a) on the direct services operated by the designated airline of Yugoslavia between Austria and Yugoslavia and vice versa;
 - (b) on any services operated by the designated airline of Austria between Austria and Yugoslavia and within Austria where that transportation forms part of a journey between the two countries;

- (c) on any services operated by the designated airline of Austria between Austria and points in Yugoslavia;
- (d) on any services operated by the designated airline of Yugoslavia within Yugoslavia in connection with transportation to/from Yugoslavia.
4. All other sales of scheduled air transportation by the designated airline of Yugoslavia in Austria shall be made through the designated airline of Austria and Austrian agencies using the transportation documents of its appointed General Sales Agent.
5. The designated airlines of both Contracting Parties shall work out the procedures for

transfers to be carried out in conformity with Austrian law, regulations and standard IATA agency procedures.

Article V

This Agreement shall enter into force on the first day of the third month following the month in which the Contracting Parties have informed each other by an exchange of notes that the requirements for its entry into force under their respective constitutional procedures have been fulfilled.

Done in duplicate at Dürnstein in the English language this Twenty-ninth day of September, 1988.

For the Austrian Federal Government:

Dr. RUDOLF STREICHER

For the Federal Executive Council of the Assembly
of the Socialist Federal Republic
of Yugoslavia:

FRANC HORVAT
