AIR TRANSPORT AGREEMENT BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

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The Austrian Federal Government and the Government of the Republic of the Philippines, being parties to the Convention on International Civil Aviation and the International Air Services Transit Agreement, both opened for signature at Chicago on the seventh day of December, 1944, and desiring to conclude an Agreement for the purpose of establishing air services between and beyond their respective territories, have agreed as follows:

ARTICLE 1

Definitions

- "Convention" means the Convention on International Civil Aviation, including any Annex adopted under Article 90 and any amendments under Articles 90 and 94.

- "Aeronautical authorities" refers to the Federal Ministry of Communications and Nationalized Enterprises (Austria) and the Civil Aeronautics Board or its authorized body (Philippines).

- "Designated airline" means an airline authorized under Article 3 of this Agreement.

- "Territory" means land areas and territorial waters under the sovereignty of a Contracting Party.

- "Air service," "international air service," "airline," and "stop for non-traffic purposes" have the meanings in Article 96 of the Convention.

- "Agreed services" means any scheduled air service operated on the routes specified in the Annex.

ARTICLE 2

Traffic Rights

- Each Contracting Party grants the rights specified for the purpose of establishing agreed services.

- The designated airline shall enjoy the following privileges:

- Fly without landing across the other Party's territory;

- Make stops in the territory for non-traffic purposes;

- Put down and take on international traffic at points specified in the Annex.

- Paragraph 2 does not confer rights to carry traffic for hire within the other Party's territory between two points therein.

ARTICLE 3

Operating Authorizations

- Each Party may designate one airline in writing for operating agreed services.

- The other Party shall grant operating authorizations without delay.

- Designated airlines must satisfy the other Party that they comply with international air service regulations.

- Operating authorizations may be refused, withheld, or revoked if substantial ownership and effective control are not vested in the designating Party or its nationals.

- Privileges may be suspended or conditioned if laws are not followed or operations are inconsistent with this Agreement.

- Exercise of privileges is subject to the aeronautical laws and regulations of the Contracting Parties.

ARTICLE 4

Regulation of Capacity

The designated airlines shall provide capacity in line with public demand and fair opportunity, considering other services on the same route and requirements of through airline operations.

ARTICLE 5

Applicability of Laws and Regulations

All laws relating to aircraft operation, admission, crew, passengers, cargo, customs, immigration, and quarantine must be complied with by the designated airline while in the other Party’s territory.

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ARTICLE 6

Recognition of Certificates and Licenses

Certificates of airworthiness, competency, and licenses valid in one Party shall be recognized by the other Party for operating agreed services, subject to minimum standards under the Convention.

ARTICLE 7

Exemption from Customs and Other Duties

Aircraft, equipment, spare parts, fuel, and stores used for agreed services are exempt from customs duties and taxes, with supervision and control as required.

ARTICLE 8

Transport Tariffs

Tariffs shall be reasonable, agreed by designated airlines, approved by aeronautical authorities, and remain in force until new tariffs are established.

ARTICLE 9

Currency

Excess receipts earned by a designated airline may be freely transferred in authorized currency according to foreign exchange regulations.

ARTICLE 10

Representation

Designated airlines may maintain technical and administrative personnel in the other Party’s territory.

ARTICLE 11

Consultations and Modifications

Aeronautical authorities shall consult on implementation and compliance. Modifications to the Agreement or Annex require mutual agreement and entry into force via diplomatic notes.

ARTICLE 12

Settlement of Disputes

Disputes shall first be negotiated within 60 days. If unresolved, arbitration by three arbitrators (one per Party, third from a third State) shall apply.

ARTICLE 13

Termination

Either Party may notify the other to terminate the Agreement, effective one year after receipt unless withdrawn.

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ARTICLE 14

Adaptation to Multilateral Convention

The Agreement shall be amended to conform to any general multilateral air transport convention applicable to both Parties.

ARTICLE 15

Registration

The Agreement and any modifications shall be registered with the International Civil Aviation Organization.

ARTICLE 16

Effectivity

The present Agreement shall take effect on the date fixed through diplomatic channels.

IN WITNESS WHEREOF The undersigned plenipotentiaries, duly authorized by their Governments, have signed this Agreement.

DONE in duplicate at Manila this 30th day 1970, in the English language.

ANNEX

Routes

1. Routes to be operated by the Austrian Federal Government Airline

Point of Departure Intermediate Points Point of Destination Points Beyond

Vienna Athens, Istanbul, Beirut, Tel Aviv, Teheran, Karachi, Points in India, Bangkok Manila Tokyo, Sydney (without traffic rights)

2. Routes to be operated by the Republic of the Philippines Airline

Point of Departure Intermediate Points Point of Destination Points Beyond

Manila Bangkok, Points in India, Karachi, Teheran, Tel Aviv, Beirut, Istanbul, Athens Vienna Two points beyond in Europe to be designated later, One point beyond in North America to be designated later

3. Except for points of departure and destination, points on the route may be omitted at the option of the designated airline on any or all flights.

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