

Protocol
on the Amendment of the Air Transport Agreement
between the Austrian Federal Government and the Government of Georgia

The Austrian Federal Government and the Government of Georgia thereafter referred to as “the Contracting Parties”,

Desiring to improve air services between their respective territories,

Taking into account the negotiation process between representatives of the European Commission and of the Aeronautical Authority of Georgia concerning also amendments of certain provisions of the existing bilateral agreement between Austria and Georgia by the Agreement between the European Community and the Government of Georgia on certain aspects of air services (Horizontal Agreement)

Have agreed as follows:

A) The Air Transport Agreement between the Austrian Federal Government and Government of Georgia, signed on 15th of December 1997 shall be amended as follows:

1. Point 6 of Article 3 of the Agreement is to be amended as follows:

“(6) When an airline has been so designated and authorized, it may at any time begin to operate the air services, provided that a tariff, established in accordance with the provisions of Article 11 of the present Agreement, is in force and the flight schedules have been approved in accordance with the provisions of Article 5 of the present Agreement.”

2. Article 5 of the Agreement is to be amended as follows:

“Article 5 CAPACITY REGULATIONS

- (1) Each Contracting Party shall allow fair and equal opportunity for the designated airlines of both Contracting Party to compete in providing the international air transport governed by this Agreement.
- (2) Each Contracting Party shall allow each designated airline to determine the frequency and the capacity of the international air transport it offers based upon its own commercial considerations in the marketplace. Consistent with this right, neither Contracting Party shall unilaterally limited the volume of traffic, frequency or regularity of service, or the aircraft type or types operated by the designated airlines of the other Contracting Party, except as may be required for customs, technical, operational of environmental reasons under uniform conditions consistent with Article 15 of the Convention.
- (3) Airlines designated by a Contracting Party are required to submit their flight schedules for approval to the aeronautical authorities of the other Contracting Party at least (30) days before the proposed date of their introduction. In special cases this time limit may be reduced subject to the consent of the said authorities.”

3. Article 11 of the Agreement is to be amended as follows:

“Article 11 TRANSPORT TARIFFS

- (1) Tariffs for international air transport operated pursuant to this Agreement may be required to be filed with the aeronautical authorities of either Contracting Party.
- (2) Intervention by the aeronautical authorities should be limited especially to:
 - (i) preventing unreasonably discriminatory tariffs or practices;
 - (ii) protecting consumers from tariffs that are unreasonably high or unreasonably restrictive due either to the abuse of a dominant position or to concerted practices among air carriers; and
 - (iii) protecting airlines from tariffs that are artificially low because of direct or indirect governmental subsidy or support.”

B) The Contracting Parties also reached the following Code share-agreement:

In operating or holding out the authorized services on the agreed routes, any airline designated by one Contracting Party may enter into co-operative marketing arrangements like code sharing with

- an airline or airlines designated by this Contracting Party
- an airline or airlines designated by the other Contracting Party
- an airline or airlines of a third country

provided that all airlines in such arrangements

- hold the appropriate authority on the routes and segments concerned
- meet the requirements normally and reasonably applied to such arrangements and
- must, in respect of any ticket sold by it, make it clear to the purchaser at the point of sale which airline will actually operate each sector of the service and with which airline or airlines the purchaser is entering into a contractual relationship.

This Protocol shall enter into force after the fulfilment of the constitutional procedures in accordance with Article 19 of the Agreement.

Done, at Vienna, 27th of March 2006 in duplicate in the English language.

For the Austrian Federal Government:

Hans WINKLER m.p.

For the Government of Georgia:

Irakli CHOGOVDZE m.p.