

AIR AGREEMENT ON HUMANITARIAN, EMERGENCY, AIRTAXI
AND AMBULANCE FLIGHTS BETWEEN ITALY AND SPAIN

Desiring to conclude an Agreement to regulate the operation of this type of flights.

Desiring as well to grant, within the obligations entered by both Parties, and being signatories of the Convention on International Civil Aviation, opened for signature in Chicago on December 7th, 1944, and on the part of Spain being Party to the Multilateral Agreement on non-scheduled european services of April 30th 1956, some liberal procedures whose end is to reduce the administrative steps, and therefore allow a greater facility in their operations, without the imposition of the "regulation, conditions or limitations" coming within the option of the Contracting States according to paragraph 2 of Article 5 of the said Convention, and

Considering that the operation of this type of flights mentioned above, do not cause detriment to scheduled air services.

Have agreed as follows:

- I. For the purpose of the interpretation and implementation of the present Agreement, the following definitions are established:
 - a) the term "Agreement" will mean this Agreement;
 - b) the term "Aeronautical Authorities" means in the case of Italy, Ministero dei Trasporti - Direzione Generale dell'Aviazione Civile, and in the case of Spain, the Direction General of Air Transport, or in both cases any person or body duly authorised to assume the functions exercised by the said Authorities;
 - c) the term "authorised airline" means the airline or airlines that are authorised by the Aeronautical Authorities of a Contracting Party for the operation of the flights included in the present Agreement, and whose operative authorisation is communicated to the Aeronautical Authorities of the other Contracting Party;
 - d) the term "humanitarian and emergency flights" means any flight whose end is to satisfy humanitarian or emergency needs;

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e) the term "air taxi flight" means any flight operated by an aircraft with a seating capacity of not more than ten (10) persons with their baggage or cargo not exceeding 1200 kilograms, which operates a flight with an occasional character and on request, in which the entire space is hired by a single person, natural or juridical, and subject to the condition that no part of the space is resold to a third party;

f) the term "ambulance flight", means the flight operated by an aircraft engaged in the transportation of sick persons, injured, etc. subject to the same limitations and conditions established for flights included in subparagraph e) above.

II. The Aeronautical Authorities of each Contracting Party will communicate to the Aeronautical Authorities of the other Contracting Party, the list of airlines authorised for the operation of this type of flights, indicating the registration of the aircraft. Any change in the airlines or aircraft must be communicated well in advance prior to the operation.

III. The Aeronautical Authorities for one Party may demand from the Aeronautical Authorities of the other Party to show that substantial ownership and effective control of any "authorised airline" are vested in the Contracting Party that has authorised the airline or in its nationals.

IV. The respective Aeronautical Authorities will require that aircraft operated by the "authorised airlines", comply with the Laws and Regulations normally applied by the Aeronautical Authorities of the other Party, as well as with those relating to Customs and Police.

V. Any failure in the compliance by an airline or aircraft of a Party, of the conditions established in paragraphs II, III and IV above, may mean the immediate suspension to the said airline or aircraft of the authorisation granted by the other Contracting Party according to this Agreement.

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- VI. Aircraft of the "authorized airline" that comply with the requirements demanded for in the above paragraphs will be freely admitted in international civil airports and in military airbases open to international air traffic, of both Parties, with no more requirement than a previous notification of the ICAO flight plan.
- VII. Aircraft of the "authorized airline" of one of the Contracting Parties, engaged in operations related to in the present Agreement, may make one or more stops in the territory of the other Contracting Party, but may not embark or disembark, in the said stops, passengers other than those put on board the aircraft, and always within 36 hours of the time of arrival of the flight from the other Contracting Party.
- VIII. In relation to the operation of air taxis, the Aeronautical Authorities of each Contracting Party may ask for statistics of this traffic, limit the zones or regions for the operation of the same, or apply the restrictions or suspension of its activities, when it is considered that it may cause detriment to the interests of their respective air services.
- IX. If problems relating to explanatory questions over any unspecified point or over the terms of the Agreement arise in the implementation of the same, the Aeronautical Authorities shall endeavor to solve them by consultations bearing in mind as explanatory instruments the "Convention on International Civil Aviation" and the "Bilateral Agreement" in force for scheduled air services.
- X. This Agreement shall come into force on the date in which the two contracting parties will communicate each other the conclusion of their own respective requirements. It will apply for a period of two years and will be renewed in a tacit manner for the same period of time and thereafter, unless one Party notifies the other Party in writing, at least three (3) months before to each date of expiry, its intention to modify or terminate the Agreement.

Done in Rome on the *27th* of *July* 1984, in the English and Spanish languages, the two texts being equally authoritative.

FOR THE GOVERNMENT

OF ITALY

Renato Ruggiero

FOR THE GOVERNMENT

OF SPAIN

Jorge De Estaban

10/1/84