

**Agreement between the Republic of Austria and the Republic of Cyprus
on the use of airports and other facilities in the Republic of Cyprus in case of
evacuations from third countries**

The Republic of Austria and the Republic of Cyprus (hereinafter referred to as “Parties”);

Acknowledging the willingness of the Republic of Cyprus to allow the use of airports and other facilities by the Republic of Austria in case of evacuations of Austrian citizens from third countries during a consular crisis;

Desiring to regulate the procedures to be applied and the status of Austrian military personnel while present on the territory of the Republic of Cyprus;

have agreed as follows:

Article 1

(1) The Republic of Austria shall have the right to use designated airports and other facilities situated in the Republic of Cyprus during an evacuation operation of Austrian citizens from third countries to Austria via Cyprus. The Republic of Cyprus shall designate at least one airport for such use through diplomatic channels.

(2) If such an evacuation operation is necessary, the Republic of Austria shall request permission to use the airports and other facilities designated pursuant to paragraph 1. After having received written permission issued by the Republic of Cyprus, the airport may be used for the evacuation operation.

Article 2

(1) Austrian military personnel present in the territory of the Republic of Cyprus shall respect the laws and regulations of the Republic of Cyprus.

(2) Subject to the provisions of this article,

(a) the competent authorities of the Republic of Austria shall have the right to exercise within the Republic of Cyprus all criminal and disciplinary jurisdiction conferred on them by Austrian law;

(b) the competent authorities of the Republic of Cyprus shall have jurisdiction over Austrian military personnel present in the territory of the Republic of Cyprus with respect to offences committed within the territory of the Republic of Cyprus and punishable by Cypriot law.

(3) The competent authorities of the Republic of Austria shall have the right to exercise exclusive jurisdiction over persons who are by Austrian law subject to the jurisdiction of Austrian Courts with respect to offences relating to its security, punishable by Austrian law, but not by the law of the Republic of Cyprus.

(4) The authorities of the Republic of Cyprus shall have the right to exercise exclusive jurisdiction over Austrian military personnel with respect to offences, including offences relating to the security of the Republic of Cyprus, punishable by the law of the Republic of Cyprus, but not punishable by the law of the Republic of Austria.

(5) In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) the competent authorities of the Republic of Austria shall have the primary right to exercise jurisdiction over its military personnel in relation to-

(i) offences solely against the property or security of the Republic of Austria, offences solely against the person or property of another member of its military personnel;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In case of any other offence, the authorities of the Republic of Cyprus shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance and in cases of minor offences where the Republic of Cyprus has the primary right and where the competent authorities of the Republic of Austria can impose a suitable punishment by disciplinary action without recourse to a court.

Article 3

(1) Unless European Union law is applicable to claims arising out of acts or omissions of Austrian military personnel present in the territory of the Republic of Cyprus done outside their official duty or when fulfilling contractual obligations, the following rules shall apply to claims arising out of acts or omissions of Austrian military personnel present in the territory of the Republic of Cyprus (hereinafter referred to "claims").

(a) Claims shall be dealt with by the Republic of Austria in accordance with the applicable law of the Republic of Austria, if the damage has been caused to the Republic of Austria or to a member of its military personnel.

(b) All other claims shall be dealt with in accordance with the applicable law of the Republic of Cyprus. The Republic of Cyprus shall exert all possible efforts in compliance with its applicable law to settle third-party claims relating to injury, death, damage or property loss or damage. The Republic of Cyprus shall notify any such claims to the Republic of Austria and the latter shall fully cooperate with the Republic of Cyprus in dealing with the said claims. The Republic of Austria shall fully pay and/or indemnify the Republic of Cyprus in respect of any damages or compensation that the Republic of Cyprus may be called upon to pay in satisfaction of such claims, either as a result of a settlement, or as a result of final adjudication.

(2) In the case of an accident or incident involving an aircraft from the Republic of Austria, at least one Austrian observer may be present during any investigation concerning the accident or incident and a copy of the investigation report shall be issued to the Republic of Austria.

Article 4

(1) Austrian military personnel may enter and leave the territory of the Republic of Cyprus by using passports or civilian identity cards in connection with military identity cards.

(2) The Republic of Cyprus shall accept as valid driving permits or pilot's licences issued by the Republic of Austria. Austrian military personnel present in the territory of the Republic of Cyprus shall enjoy freedom of movement to fulfil their tasks in the territory of the Republic of Cyprus.

(3) Austrian military personnel present in the territory of the Republic of Cyprus may wear uniform.

(4) Weapons and ammunitions will be kept in the airplanes. In the event of a transfer through the territory of the Republic of Cyprus, this will be done with the escort of the Cyprus Police and the ammunitions and weapons will be stored in special boxes after written request and written approval by the Republic of Cyprus. In the event of a need of a temporary storage of the ammunitions it will be arranged after written request by the Republic of Austria and written approval by the Republic of Cyprus

(5) Upon written request of the Republic of Austria and written approval by the Republic of Cyprus, Austrian military personnel shall have the right to install and operate sending and receiving wireless stations (including satellite systems) as well as telephone, telegraph and fax systems, or any other equipment necessary to facilitate communications between Austrian military personnel and the Austrian telecommunications network in the territory of the Republic of Cyprus. Austrian military personnel shall have the right to use the required frequencies and will make the necessary arrangements for this with the approval of the competent authorities of the Republic of Cyprus

Article 5

All costs for evacuation operations of Austrian citizens from third countries to Austria via Cyprus shall be borne by the Republic of Austria.

Article 6

The Ministries of Defence of the Parties shall agree on detailed implementing arrangements to this Agreement.

Article 7

Any dispute regarding the interpretation or application of this Agreement shall be settled by negotiations between the Parties.

Article 8

(1) This Agreement is concluded for an indefinite period of time and enters into force on the first day of the second month after the date of the receipt of the latest written notification by which the Parties have notified each other, through diplomatic channels, that their national legal requirements necessary for its entry into force have been fulfilled.

(2) This Agreement may be amended any time on the basis of mutual written approval of the Parties. The amendments shall enter into force in accordance with paragraph 1.

(3) Each Party may, at any time, terminate this Agreement by written notification to the other Party, through diplomatic channels. In this case, the termination takes effect six months after the date of the receipt of the respective notification.

Done at Nicosia on 27 August 2013 in two originals in the English language.

For the
Republic of Austria

Karl Müller m.p.

For the
Republic of Cyprus

Euripides L. Evriviades m.p.