

No. 557

**SWEDEN
and
IRELAND**

**Exchange of notes constituting an agreement relating to air
transport. Dublin, 29 May 1946**

*English official text communicated by the Secretary-General of the International
Civil Aviation Organization. The registration took place on 7 September
1949.*

**SUEDE
et
IRLANDE**

**Echange de notes constituant un accord relatif aux transports
aériens. Dublin, 29 mai 1946**

*Texte officiel anglais communiqué par le Secrétaire général de l'Organisation
de l'aviation civile internationale. L'enregistrement a eu lieu le 7 septembre
1949.*

No. 557. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENTS OF SWEDEN AND IRELAND RELATING TO AIR TRANSPORT. DUBLIN, 29 MAY 1946

I

The Acting Consul for Sweden to the Minister for External Affairs

SWEDISH CONSULATE
DUBLIN

Dublin, May 29, 1946

Your Excellency,

With reference to the recent Swedish-Irish discussions in Stockholm and Dublin regarding an Air Transport Agreement between Sweden and Ireland, I have the honour to bring to Your Excellency's knowledge that I have been authorised by my Government to conclude with the Government of Ireland, through an exchange of letters, such an agreement. The agreement, the text of which has been agreed upon in the course of the aforesaid discussions, reads as follows:

AIR TRANSPORT AGREEMENT BETWEEN SWEDEN AND IRELAND

Article 1

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of the establishment of the air services therein described (hereinafter referred to as the "agreed services"). The agreed services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article 2

(1) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline or airlines for the specified route or routes and the contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article and

¹ Came into force on 29 May 1946, by the exchange of the said notes.

of Article 6, be bound to grant without delay the appropriate operating permission to the airline(s) concerned.

(2) The airline(s) designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights that it (they) is (are) qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

Article 3

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated airline(s) of the other contracting party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(2) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one contracting party by, or on behalf of, the other contracting party or its designated airline(s) and intended solely for use by the aircraft of the other contracting party shall be accorded, with respect to customs duties, inspection fees or other charges imposed by the former contracting party, treatment not less favourable than that granted to national airline(s) engaged in international air transport or the airline(s) of the most favoured nation.

(3) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline(s) of one contracting party shall be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party and still in force shall be recognised as valid by the other contracting party for the purpose of operating the agreed

services. Each contracting party reserves the right, however, to refuse to recognise, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 5

(1) The laws and regulations of one contracting party relating to entry into or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory shall apply to aircraft of the designated airline(s) of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into or departure from its territory of passengers, crew or cargo of aircraft (such as regulations relating to entry, clearance, immigration, passports, customs and quarantine) shall be applicable to the passengers, crew or cargo of the aircraft of the designated airline(s) of the other contracting party while in the territory of the first contracting party.

Article 6

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that substantial ownership and effective control of the designated airline(s) of the other contracting party are vested in nationals of either contracting party, or in case of failure by the designated airline(s) to comply with its laws and regulations as referred to in Article 5, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article 7

This agreement shall be registered with the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on 7th December, 1944.

Article 8

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent aeronautical authorities of the contracting parties.

Article 9

Any disputes between the contracting parties relating to the interpretation or application of this Agreement or of the Annex thereto, shall be referred for decision to the Interim Council in accordance with the provisions of Article III Section 6 (8) of the Interim Agreement on International Civil Aviation signed at Chicago on December 7th, 1944, unless the contracting parties agree to settle the dispute by reference to an Arbitral Tribunal appointed by agreement between the contracting parties, or to some other person or body. The contracting parties undertake to comply with the decision given.

Article 10

If a general multilateral air Convention which is accepted by both contracting parties comes into force the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article 11

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the Provisional International Civil Aviation Organization. If such notice is given, this Agreement shall terminate on the date specified in the notice but in any case not less than 12 months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other contracting party notice shall be deemed to have been received fourteen days after the receipt of the notice by the Provisional International Civil Aviation Organisation.

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN SWEDEN AND IRELAND

A. Airlines of Sweden authorised under the present agreement are accorded in the territory of Ireland rights of transit, non-traffic stop, and commercial entry for international traffic in passengers, cargo and mail

- (1) at Shannon Airport on the following route:
Sweden to Ireland and countries beyond, via intermediate points, in both directions;
- (2) at Dublin Airport on the following route:
Sweden to Ireland via intermediate points, in both directions.

In view of the long transoceanic flight necessary on the first abovementioned route and considering the still limited development of aeronautical science, it is agreed that all Swedish aircraft on this route shall stop at Shannon airport.

B. Airlines of Ireland authorised under the present agreement are accorded in the territory of Sweden rights of transit, non-traffic stop and commercial entry for international traffic in passengers, cargo and mail on the following route in both directions:

Ireland to Sweden and countries beyond via intermediate points in both directions.

C. Aircraft of either contracting party availing itself of the non-traffic stops granted by this agreement may be required by the other contracting party to offer reasonable commercial services in passengers, cargo and mail, both outward and inward.

I shall appreciate to be advised by Your Excellency whether it is the understanding of the Government of Ireland that the terms of the agreement, resulting from the discussions earlier referred to, are as here above set forth. If so, it is suggested that the date of this note become the effective date of this agreement. If your Government concurs in this suggestion the Swedish Government will regard the agreement as becoming effective at such date.

Accept, etc.

(Signed) BO SIEGBAHN

II

The Minister for External Affairs to the Acting Consul for Sweden

ROINN GNÓTHAÍ EACHTRACHA

EIRE

DEPARTMENT OF EXTERNAL AFFAIRS

IRELAND

29th May 1946

Sir,

With reference to the recent Swedish-Irish discussions in Stockholm and Dublin, regarding an Air Transport Agreement between Sweden and Ireland, I have the honour to acknowledge the receipt of the Note of the 29th May by which you were good enough to inform the Department that you are now authorised by the Swedish Government to conclude such an Agreement with the Government of Ireland by an Exchange of Letters. I have the honour to confirm that the Agreement, the text of which was agreed upon in the course of the discussions referred to, reads as follows:

[Here follows text of agreement; see Note I]

The Government of Ireland accept the terms of the Agreement resulting from the discussions as set out above. They agree that the date of your Note and of this reply should be the effective date of the Agreement, and they will, therefore, regard the Agreement between the two countries as coming into operation on this date.

Accept, etc.

(Signed) ÉAMON DE VALÉRA