

No. 559

**CZECHOSLOVAKIA
and
SWITZERLAND**

**Provisional Agreement regarding air services (with annex).
Signed at Berne, on 10 September 1947**

*Czech and French official texts communicated by the Secretary-General of the
International Civil Aviation Organization. The registration took place on
7 September 1949.*

**TCHÉCOSLOVAQUIE
et
SUISSE**

**Accord provisoire sur les lignes aériennes (avec annexe).
Signé à Berne, le 10 septembre 1947**

*Textes officiels tchèque et français communiqués par le Secrétaire général de
l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu
le 7 septembre 1949.*

TRANSLATION — TRADUCTION

No. 559. PROVISIONAL AGREEMENT¹ BETWEEN SWITZERLAND AND CZECHOSLOVAKIA REGARDING AIR SERVICES. SIGNED AT BERNE, ON 10 SEPTEMBER 1947

THE SWISS FEDERAL COUNCIL
AND
THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC,
considering

that the possibilities of commercial aviation as a means of transport have greatly increased,

that it is desirable to organize the regular air services in a safe and orderly manner and to further as much as possible the development of international co-operation in this field, and

that it is therefore necessary to conclude between Switzerland and Czechoslovakia an agreement regulating air transport by regular airlines,

have appointed representatives who, being duly authorized, have agreed on the following provisions:

Article 1

(a) The Contracting Parties shall grant each other, in time of peace, the rights specified in the annex hereto for the establishment of the international services described in that annex, which cross or serve their respective territories.

•

(b) Each Contracting Party shall designate an airline or airlines to operate any services which it may so establish, and shall fix the date on which these services shall be inaugurated.

Article 2

(a) Each Contracting Party shall, subject to article 6 below, be bound to issue the necessary operating permit to the airline or airlines designated by the other Contracting Party.

¹ Came into force on 14 April 1948, the date on which the Czechoslovak Government notified the Swiss Federal Council of the ratification of the Agreement by the President of the Czechoslovak Republic in accordance with article 9 (a).

(b) Nevertheless, such airlines may be required, before receiving permission to inaugurate the services specified in the annex hereto, to furnish evidence of their qualifications to operate an air service in accordance with the laws and regulations normally applied by the aeronautical authorities issuing the operating permit.

Article 3

(a) Each of the Contracting Parties agrees that the charges imposed by it on the airline or airlines 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 air services.

(b) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of either Contracting Party by or on behalf of an airline designated by the other Contracting Party and intended solely for use by the aircraft of such airline, shall be accorded, with respect to customs duties, inspection fees or other national duties and charges, the same treatment as that applied to its national airlines and to airlines of the most favoured nation.

(c) Aircraft operated by the airline or airlines designated by either Contracting Party on the air routes covered by the present agreement, and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft, shall, upon entering or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees or other similar duties and charges, even though such supplies be used or consumed by or on such aircraft on flights over that territory.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either Contracting Party and still in force shall be recognized as valid by the other Contracting Party for the purpose of operating the services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize as valid, for the purpose of flight over its own territory, certificates of competency or licences issued to its own nationals by another State.

Article 5

(a) The laws and regulations of either Contracting Party concerning the admission to or departure from its territory of aircraft engaged in international

air navigation, or flights of such aircraft over the said territory, shall apply to the aircraft of the airline or airlines of the other Contracting Party.

(b) The laws and regulations of either Contracting Party concerning the admission to, stay in or departure from its territory of passengers, crew or cargo, such as those relating to formalities, immigration, passports, customs and quarantine, shall apply to the passengers, crew and cargo carried by the aircraft of airlines of the other Contracting Party while such aircraft are within its territory.

(c) Passengers in transit through the territory of either Contracting Party shall undergo a simplified form of examination. Luggage and goods in transit shall be exempted from customs duties, inspection fees and similar charges.

Article 6

Each Contracting Party reserves the right to withhold or revoke the operating permit of any airline designated by the other Contracting Party if it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of one or the other Contracting Party, or if the airline fails to comply with the laws and regulations mentioned in article 5 or to perform its obligations under the present agreement.

Article 7

(a) The Contracting Parties agree to submit to arbitration any dispute relating to the interpretation or application of the present agreement or of the annex thereto that cannot be settled by direct negotiation.

(b) Such dispute shall be referred to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.¹

(c) Nevertheless, the Contracting Parties may by common agreement settle the dispute by submitting it either to an arbitral tribunal or to any other person or body they may appoint. In all cases the right of recourse to the procedure referred to in paragraph (b) above shall remain reserved.

(d) The Contracting Parties undertake to comply with the decision given.

Article 8

The present agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.

¹United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402, and Volume 33, page 352.

Article 9

(a) The above provisions shall be applied as from the date of signature of the present agreement, which shall come into force as soon as the Czechoslovak Government has notified the Swiss Federal Council of the ratification of the said agreement by the President of the Czechoslovak Republic.

(b) In a spirit of close collaboration, the competent aeronautical authorities of the Contracting Parties shall from time to time consult together with a view to ensuring the application and satisfactory implementation of the principles laid down in the agreement and its annex.

(c) The present agreement and its annex shall be amended so as to conform with any agreement of a multilateral nature which may become binding upon the two Contracting Parties.

(d) If either of the Contracting Parties desires to modify the terms of the annex to the present agreement, it may request a consultation between the competent aeronautical authorities of the Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. Any modification to the annex which may be agreed upon by the said authorities shall come into force as soon as it has been confirmed by an exchange of diplomatic notes.

(e) Either Contracting Party may terminate the agreement by giving one year's notice to the other Contracting Party.

DONE at Berne, this tenth day of September, 1947, in duplicate, in the French and Czech languages, both texts being equally authentic.

For the Swiss Federal Council:

(Signed) Max PETITPIERRE

For the Government of the
Czechoslovak Republic:

(Signed) ANDRIÁL

ANNEX

1.

For the purpose of operating the air services specified in the schedules to this annex, the designated Swiss and Czechoslovak airlines shall have the right of transit through, and the right to make non-traffic stops in, the territory of the other Contracting Party; they may also use airports and ancillary facilities designated for international traffic. They shall further have the right, within the territory of the other Contracting Party and on the services specified in the schedules to this annex, to pick up and set down international passenger, mail and cargo traffic, under the terms of the present annex.

2.

It is agreed between the Contracting Parties:

(a) That the transport facilities provided by the airlines of the Contracting Parties shall bear a close relationship to the requirements for such transport.

(b) That on common routes the airlines of the Contracting Parties shall take their mutual interests into consideration so as not to affect unduly their respective services.

(c) That the primary objective of the services provided for in the schedules to this annex shall be the provision of capacity adequate to the traffic demands between the country to which the airline belongs and the country of ultimate destination of the traffic.

(d) That the right to pick up and set down, at the points specified in the schedules to this annex, international traffic to or from a third country shall be exercised in accordance with the general principles of orderly development to which the Swiss and Czechoslovak Governments have subscribed and in such a way that capacity shall be related to:

1. The traffic requirements between the country of origin and the countries of destination;
2. The requirements of economical operation of the services in question;
3. The traffic requirements of the areas traversed, after taking account of local and regional services.

Rates shall be fixed at reasonable levels, taking into account operating costs, a reasonable profit margin and the characteristics of each service, such as speed and comfort. The recommendations of the International Air Transport Association (IATA) shall also be taken into consideration. Failing any such recommendations, the Swiss and Czechoslovak airlines shall consult the airlines of third countries operating over the same routes. Arrangements between the Swiss and Czechoslovak airlines shall be submitted for the approval of the competent aeronautical authorities of the Contracting Parties. If the airlines fail to reach agreement, the said authorities shall endeavour to find a solution. In the last resort, the procedure prescribed in article 7 of the present agreement shall be applied.

SCHEDULE I

SERVICES WHICH MAY BE OPERATED BY SWISS AIRLINES

1. Zurich—Prague.
2. Zurich—Prague—Warsaw.

SCHEDULE II

SERVICES WHICH MAY BE OPERATED BY CZECHOSLOVAK AIRLINES

1. Prague—Zurich.
 2. Prague—(Zurich)—(Geneva)—Marseilles—Algiers.
-