

No. 410

**FRANCE
and
SWEDEN**

**Agreement relating to air transport (with annex). Signed at
Paris, on 2 August 1946**

*French official text communicated by the Secretary-General of the International
Civil Aviation Organization. The registration took place on 13 April 1949.*

**FRANCE
et
SUEDE**

**Accord relatif aux transports aériens (avec annexe). Signé à
Paris, le 2 août 1946**

*Texte officiel français communiqué par le Secrétaire général de l'Organisation
de l'aviation civile internationale. L'enregistrement a eu lieu le 13 avril 1949.*

TRANSLATION — TRADUCTION

No. 410. AGREEMENT¹ RELATING TO AIR TRANSPORT
BETWEEN FRENCH AND SWEDISH TERRITORIES.
SIGNED AT PARIS, ON 2 AUGUST 1946

THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC AND THE
GOVERNMENT OF THE KINGDOM OF SWEDEN,

CONSIDERING

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

that it is desirable to organize scheduled international 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 the agreements hitherto contracted between the two Governments with respect to the operation of scheduled air services should be replaced by a more general agreement in harmony with the new conditions of air transport, have appointed representatives who, being duly authorized to this end, have agreed as follows:

Article I

The Contracting Parties grant each other the rights specified in the annex hereto for the establishment of the services enumerated in that annex. The said services may be inaugurated immediately or at a later date, at the option of the Contracting Party to whom the rights are granted.

Article II

(a) Each of the air services enumerated in the annex may be put into operation as soon as the Contracting Party to whom the rights specified in the said annex have been granted has designated an airline or airlines to operate the routes in question.

(b) The airline or airlines so designated by either Contracting Party may be required, before receiving permission to inaugurate the services covered by the present agreement, to satisfy the competent aviation authorities of the other

¹ Came into force on 2 August 1946, as from the date of signature, in accordance with the provisions of article X.

Contracting Party, in accordance with the laws and regulations in force in the latter country, as to its (their) qualifications to operate commercial airlines.

Article III

In order to avoid discrimination and to ensure equality of treatment, it has been agreed as follows:

(a) Each of the Contracting Parties agrees that the charges imposed 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 services;

(b) Fuel, lubricating oils and spare parts brought into 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, as regards customs duties, inspection fees or other local duties and charges, treatment not less favourable than that granted to national airlines or to airlines of the most-favoured nation;

(c) Aircraft operated by the airline or airlines designated by one Contracting Party on the air routes covered by the present agreement, as well as the fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board the said aircraft, shall, on arrival in or departure from 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 such aircraft on flights over that territory.

Article IV

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

Article V

(a) The laws and regulations of either Contracting Party relating to the 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 airline or airlines of the other Contracting Party.

(b) Passengers, crews and consignors of cargo shall be bound to comply, either personally or through a third party acting in their name and on their behalf, with the laws and regulations governing in the territory of each Contracting Party the entry, stay or departure of passengers, crew or cargo, such as those relating to entry, clearance, immigration, passports, customs and quarantine.

Article VI

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

Article VII

(a) The Contracting Parties agree to submit to arbitration any dispute regarding the interpretation and application of this agreement or of the annex thereto which cannot be settled by direct negotiation.

(b) Any such dispute shall be laid before the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944¹, or, pending the entry into force of the said convention between the two Contracting Parties, to the Interim Council set up by the Interim Agreement on International Civil Aviation signed at Chicago on the same date.

(c) Nevertheless, the Contracting Parties may by common agreement settle the dispute by referring it either to an arbitral tribunal or to some other person or body appointed by them.

(d) The Contracting Parties undertake to abide by the decision given.

Article VIII

Should the two Contracting Parties ratify a multilateral aviation convention or accede thereto, the present agreement or its annex shall be amended

¹ United Nations, *Treaty Series*, Volume 15, page 295.

to conform with the provisions of such convention, as soon as that convention shall have come into force between them.

Article IX

This agreement and all contracts arising out of it shall be deposited with the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on 7 December 1944.

Article X

The present agreement shall come into force on the date of its signature.

If either of the Contracting Parties considers it desirable to modify any clause of the annex to this agreement, such modification may be made by direct agreement between the competent aviation authorities of the two Contracting Parties.

Either Contracting Party may at any time give notice to the other Contracting Party of its desire to terminate the present agreement. Such notice shall take effect twelve months after the date of its receipt by the other Contracting Party, unless it is withdrawn by mutual agreement before the expiry of that period.

DONE in duplicate, at Paris, this second day of August 1946.

For the French Government:

Pierre SCHNEITER

For the Swedish Government:

F. DE STACKELBERG

ANNEX

Section I

The Government of the Kingdom of Sweden grants the Government of the French Republic the right to designate one or more French airlines to conduct air transport services on the routes (enumerated in schedule A annexed hereto) which cross or serve Swedish territory.

The airline or airlines so designated, in accordance with the conditions laid down in the agreement, shall enjoy in Swedish territory, on the routes enumerated in section IV of the present annex, the rights specified in the said section.

Section II

The Government of the French Republic grants the Government of the Kingdom of Sweden the right to designate one or more Swedish airlines to conduct air transport services on the routes (enumerated in schedule B annexed hereto) which cross or serve metropolitan France or French territories.

The airline or airlines so designated, in accordance with the conditions laid down in the agreement, shall enjoy in metropolitan France and in French territories, on the routes enumerated in sections IV, V, VI of the present annex, the rights specified respectively in the said sections.

Section III

Rates shall be fixed at reasonable levels, after taking into account considerations of economic operation, reasonable profit and the features of each service, such as speed and comfort.

The recommendations of the International Air Transport Association shall be taken into consideration in fixing rates.

Failing any recommendation from the said association, the Swedish and French airlines shall fix by agreement the passenger and freight rates to be applied on the common sections of their routes, after consultation where necessary with the airlines of third countries operating over the whole or part of the same routes.

Such agreements shall be submitted for approval to the competent aviation authorities of the two countries.

If the airlines are unable to reach agreement on the rates to be fixed, the competent aviation authorities of the two countries shall endeavour to reach a satisfactory settlement.

As a last resort, recourse shall be had to arbitration as provided in article VII of the agreement.

Section IV

(a) On routes Nos. 1, 2 and 3 included in both schedules A and B, namely:

Route No. 1: Stockholm–Paris;

Route No. 2: Stockholm–Malmö (optional)–Copenhagen (optional)–Paris;

Route No. 3: Stockholm–Copenhagen–Zürich or Geneva–Nice,
and also on route No. 4 in schedule A, namely:

Paris–Helsinki via intermediate points and Stockholm,

the airlines of one Contracting Party operating services in accordance with the conditions laid down in sections I and II shall enjoy in the territory of the other Contracting Party the right to use airfields in the said territory in case of *force majeure*; the right to land for non-traffic purposes and the right to pick up and set down international passenger, mail and cargo traffic at Paris, Nice and Malmö.

(b) The competent aviation authorities of the two Contracting Parties shall consult together with a view to determining the operating regime to be applied to the routes enumerated in the present section, and to studying in particular the possibility of an operating pool between the French and Swedish airlines operating routes Nos. 1 and 2.

Section V

(a) On routes Nos. 4 and 5 in schedule B, namely:

Route No. 4: Stockholm–Paris–Bordeaux–Lisbon;

Route No. 5: Stockholm–Copenhagen–Paris–Lisbon–Dakar–South America,
the Swedish airlines operating services in accordance with the conditions laid down in section II shall enjoy in French territory the right to use airfields in the said territory in case of *force majeure*; the right to fly across the said territory without landing; the right to land for non-traffic purposes, and in addition:

1. The right to pick up and set down at Paris and Dakar passengers, mail and cargo from or to Stockholm;

2. The right to pick up and set down at Dakar international passenger, mail and cargo traffic from or to third countries;

3. The right to pick up and set down at Paris international passenger, mail and cargo traffic from or to points lying on the said routes and situated south of Paris.

(b) It is agreed between the Contracting Parties that the competent French aviation authorities reserve the right to suspend the exercise of the rights enumerated in the foregoing paragraph, sub-paragraphs 2 and 3, on giving notice to the competent Swedish aviation authorities. Such notice shall take effect thirty days after the date of its receipt by the Swedish authorities, irrespective of the latest date of seat reservations made with the Swedish airline or airlines concerned.

Section VI

(a) On routes Nos. 6 and 7 in schedule B, namely:

Route No. 6: Stockholm–Copenhagen–Paris–Marseilles–Rome–Athens–Ankara–Tehran;

Route No. 7: Stockholm–Copenhagen–Paris–Marseilles–Naples–(or Rome)–Athens–Cairo–Khartum–Addis Ababa,

the Swedish airlines operating services in accordance with the conditions laid down in section II shall enjoy in French territory the right to use airfields in the said territory in case of *force majeure*; the right to fly across the said territory without landing and the right to land for non-traffic purposes.

(b) It is nevertheless agreed that the competent Swedish aviation authorities undertake to arrange for the conveyance on route No. 7 between France and Addis Ababa, in both directions, of mail exchanged between France and French Somaliland, such mail being handed over by the French postal authorities or their representatives to the Swedish airline or airlines designated to operate the said route, at Paris or Marseilles at one end, and at Addis Ababa at the other end.

SCHEDULE A

ROUTES SERVED BY FRENCH AIRLINES

1. Paris–Stockholm, in both directions.
2. Paris–Copenhagen (optional)–Malmö (optional)–Stockholm, in both directions.
3. Nice–Geneva–Frankfurt–Copenhagen–Stockholm, in both directions.
4. Paris–Helsinki via intermediate points and Stockholm, in both directions.

SCHEDULE B

ROUTES SERVED BY SWEDISH AIRLINES

1. Stockholm–Paris, in both directions.
2. Stockholm–Malmö (optional)–Copenhagen (optional)–Paris, in both directions.
3. Stockholm–Copenhagen–Frankfurt–Zürich or Geneva–Nice, in both directions.
4. Stockholm–Paris–(Bordeaux)–Lisbon, in both directions.
5. Stockholm–Copenhagen–Paris–Lisbon–Dakar–South America, in both directions.
6. Stockholm–Copenhagen–Paris–Marseilles–Rome–Athens–Ankara–Tehran, in both directions.
7. Stockholm–Copenhagen–Paris–Marseilles–Naples (or Rome)–Athens–Cairo–Khartum–Addis Ababa, in both directions.