

No. 411

**IRELAND
and
CZECHOSLOVAKIA**

**Agreement relating to air transport between their territories
(with annex). Signed at Dublin, on 29 January 1947**

*English and Czech official texts communicated by the Secretary-General of the
International Civil Aviation Organization. The registration took place on
13 April 1949.*

**IRLANDE
et
TCHECOSLOVAQUIE**

**Accord relatif aux transports aériens entre les territoires des
deux pays (avec annexe). Signé à Dublin, le 29 janvier
1947**

*Textes officiels anglais et tchèque communiqués par le Secrétaire général de
l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu
le 13 avril 1949.*

No. 411. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF CZECHOSLOVAKIA AND IRELAND RELATING TO AIR TRANSPORT BETWEEN THEIR TERRITORIES. SIGNED AT DUBLIN, ON 29 JANUARY 1947

The Government of the Czechoslovak Republic and the Government of Ireland, desiring to conclude an Agreement for the purpose of establishing direct air communications as soon as possible between their territories, have appointed their representatives for this purpose, who being duly authorised to this effect, have agreed as follows:—

Article 1

Each contracting party grants to the other contracting party the rights specified in the Annex to the Agreement, for the purpose of the establishment of the air services therein described. Such 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 specified air services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline for the specified route or routes and the contracting party granting the rights shall, subject to paragraph 2, of this Article and to Article 6, be bound to grant without delay the appropriate operating permission to the airline concerned.

2. The airline designated may be required to satisfy the competent air authorities of the contracting party granting the rights that it is 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 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.

¹ Came into force provisionally on 29 January 1947, as from the date of signature, and definitively on 11 August 1947 by notifications of approval, in accordance with article 12.

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 and intended solely for use by the latter's aircraft 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 airlines or the airline 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 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 routes and services described in the Annex. 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 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 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 an operating permission in any case in which it is not satisfied that substantial ownership and effective control of the designated airline of the other contracting party are vested in nationals of the other contracting party, or in case of failure by

the designated airline 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 Organisation set up under the Interim Agreement on International Civil Aviation drawn up at the Chicago Conference in December, 1944.

Article 8

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

Article 9

Any dispute 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 111 of the Interim Agreement on International Civil Aviation signed in Chicago on December 7th, 1944, unless the contracting parties agree to settle the dispute by referring 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 comes into force which is accepted by both contracting parties, 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. If such notice is given, this Agreement shall terminate 12 months after the date of its receipt by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period.

Article 12

This Agreement shall enter into force immediately on a provisional basis and shall enter into force definitively as soon as the two Governments have notified each other that it has been approved.

DONE in Dublin this 29th day of January, 1947, in duplicate in the English and Czech languages, both texts being equally authentic.

For the Government
of the Czechoslovak Republic:
Karel KOSTÁL, *m.p.*

For the Government
of Ireland:
EÁMON DE VALÉRA, *m.p.*

A N N E X

1. The airline designated by the Government of the Czechoslovak Republic for the purpose of the operation of the air services on the routes specified in Schedule I to the Annex shall be Československé Aerolinie—ČSA, or such other airline as may be notified in due course by the competent aeronautical authority of the Czechoslovak Republic.

2. The airline designated by the Government of Ireland for the purpose of the operation of the air services on the routes specified in Schedule II to this Annex shall be Aer Lingus Teóranta, or such other airline as may be notified in due course by the competent aeronautical authorities in Ireland.

3. For the purpose of operating air services on the routes specified in Schedule I the designated Czechoslovak airline referred to in paragraph 1 above shall be accorded in Irish territory the right to pick up and discharge international traffic in passengers, cargo and mail as hereinafter provided, and the use on the said routes of aerodromes and ancillary facilities designated for international traffic.

4. For the purpose of operating air services on the routes specified in Schedule II the designated Irish airline referred to in paragraph 2 above shall be accorded in Czechoslovak territory the right to pick up and discharge international traffic in passengers, cargo and mail as hereinafter provided, and the use on the said routes of aerodromes and ancillary facilities designated for international traffic.

5. (a) The designated Czechoslovak airline shall be entitled to set down and pick up at places in Irish territory specified in Schedule I traffic embarked in or destined for places outside Irish territory.
- (b) The designated Irish airline shall be entitled to set down and pick up at places in Czechoslovak territory specified in Schedule II traffic embarked in or destined for places outside Czechoslovak territory.
- (c) The air transport capacities provided by the designated airlines of Czechoslovakia and Ireland shall bear a close relationship to the requirements of the public for such transport.
- (d) The airlines referred to in paragraphs 1 and 2 above shall enter into consultation with each other concerning the frequencies of the services to be operated. This consultation shall take into account the principles laid down in sub-paragraph (c) of this paragraph. If agreement is not reached, the matter shall be referred to the competent air authorities of both contracting parties, who shall endeavour to reach agreement.

- (e) In order to meet unexpected traffic demands of a temporary character the airlines referred to in paragraphs 1 and 2 above may agree between them on such temporary increases of frequency as are necessary to meet the traffic demands.
- (f) The provisions of sub-paragraphs (d) and (e) shall not apply in cases where the designated airline of one contracting party is operating on a route not served by the designated airline of the other contracting party.

6. Insofar as the airline of one contracting party may not wish to operate its full share of the frequencies agreed under sub-paragraph (d) of paragraph 5, that airline may arrange with the airline of the other contracting party under terms and conditions to be agreed between them and approved by the respective air authorities of the contracting parties to operate additional frequencies, provided, however, that the total number of frequencies shall not exceed that agreed under sub-paragraph (d) of paragraph 5. It shall also be a condition of any such agreement that if the first-above-mentioned airline should at any time decide to commence to operate, or to increase the frequency of its services within its agreed share, the other airline shall withdraw correspondingly some or all of the additional frequencies which it had been operating.

7. It is the understanding of both contracting parties that services provided by their designated airlines shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which the designated airline is a national and the country of the ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point on the routes specified in the Schedule of this Annex, shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related:

- (a) to traffic requirements between the country of origin and the countries of destination;
- (b) to the requirements of through airline operation, and
- (c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

8. Fares shall be fixed at reasonable levels, with particular regard to economy of operation, normal profits and the characteristics of each service, such as standards of speed and comfort.

In fixing fares, regard shall be had to the recommendations of the International Air Transport Association.

In the absence of a recommendation from the said Association, the Irish and Czechoslovak companies shall mutually agree on the passenger fares and freight rates to be applied on the sections common to the routes of each, after consultation, if necessary, with the air companies of third countries operating the same routes in whole or in part.

Such agreements shall be subject to the approval of the competent aeronautical authorities of both countries.

Should the air companies be unable to reach agreement on the rates to be fixed, the competent aeronautical authorities of both countries shall endeavour to arrive at a satisfactory settlement.

In the last resort, recourse should be had to arbitration as provided in Article 9 of the Agreement.

9. In view of the long transoceanic flight necessary on the first two routes specified in Schedule I to this Annex and considering the still limited development of aeronautical science, all eastbound aircraft on the routes in question shall stop at the Shannon Airport as the first European port of call and all westbound aircraft on the same routes shall also stop there.

10. 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.

SCHEDULE I

ROUTES OF THE CZECHOSLOVAK AIRLINE

- Praha—(Brussels or Amsterdam)—London—Shannon—Gander—New York.
2. Praha—Shannon—Gander—New York.
 3. Praha via intermediate points to Dublin.

SCHEDULE II

ROUTES OF THE IRISH AIRLINE

Dublin and/or Shannon via intermediate points to Praha and points beyond.