

No. 413

**CZECHOSLOVAKIA
and
DENMARK**

**Agreement relating to air services (with annex). Signed at
Copenhagen, on 14 May 1947**

**Exchange of Notes constituting an agreement modifying the
annex to the above-mentioned agreement. Prague,
5 April 1948, and Copenhagen, 28 May 1948**

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

**TCHÉCOSLOVAQUIE
et
DANEMARK**

**Accord sur les services aériens (avec annexe). Signé à Copen-
hague, le 14 mai 1947**

**Echange de notes constituant un accord modifiant l'annexe
à l'accord susmentionné. Prague, 5 avril 1948, et Copen-
hague, 28 mai 1948**

*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. 413. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF
CZECHOSLOVAKIA AND DENMARK ON AIR SERVICES.
SIGNED AT COPENHAGEN, ON 14 MAY 1947

Article 1

The Contracting Parties grant each other the necessary rights, as specified in the attached annex, for the establishment of the international civil routes and the services enumerated in that annex, whether such services are inaugurated immediately or at a later date, at the option of the Contracting Party to whom the rights are granted.

Article 2

(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 shall have designated an airline to operate the routes in question.

(b) The airline thus 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 Contracting Party, in accordance with the laws and regulations in force in the latter country, as to its qualifications to operate a commercial air service.

Article 3

Any operating rights previously granted by one of the Contracting Parties to a third State or to an airline shall remain in force according to the terms of the contract in question.

Article 4

In order to avoid discrimination and to ensure uniform treatment, it is agreed that:

(a) Each of the Contracting Parties may levy, or permit to be levied, fair and reasonable charges for the use of airports and other installations. Each of the Parties concerned agrees, however, that such charges shall not be higher

¹ Came into force provisionally upon signature on 14 May 1947 and definitively on 24 January, by an exchange of letters, in accordance with article 11.

than those which would be paid for the use of such airports and installations by its national aircraft engaged in similar international services;

(b) Fuel, lubricating oils and spare parts brought into the territory of one Contracting Party by the other Contracting Party or by its nationals, and intended solely for use by the aircraft of the latter Contracting Party, shall, with respect to customs duties, inspection fees or other local charges, be granted by the Contracting Party whose territory the aircraft has entered either the same treatment as national aircraft or most-favoured-nation treatment;

(c) Fuel, lubricating oils, spare parts, regular equipment, and aircraft stores retained on board the civil aircraft of the airlines of the Contracting Parties authorized to operate the routes and services described in the annex shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from customs duties, inspection fees, or other similar charges, even though such supplies be used or consumed by such aircraft on flights over that territory.

Article 5

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 6

(a) The laws and regulations of either 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 airline of the other Contracting Party.

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

Article 7

Each Contracting Party reserves the right to withhold or to revoke the operating permit of an airline of 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 6 above, or to discharge its obligations under the present agreement.

Article 8

(a) The Contracting Parties agree to submit to arbitration any dispute regarding the interpretation and application of this agreement or its annex 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 1944, 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 any other person or body appointed by them.

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

Article 9

Should either of the Contracting Parties consider it desirable to amend any clause of the annex to this agreement, the competent aviation authorities of the two Contracting Parties may make such amendment by direct agreement between themselves.

Should the two Contracting Parties ratify a multilateral aviation convention or accede thereto, the present agreement or its annex shall be amended to conform with the provisions of such convention as soon as that convention shall have come into force between them.

Article 10

This agreement, and all contracts arising out of it, shall be deposited with the Provisional International Civil Aviation Organization.

Article 11

The above provisions shall be applied from the date of signature of this agreement. The agreement shall come into force as soon as the two Contracting Parties have mutually given notice, at Prague, by an exchange of letters, of their intention to consider it as definitive.

Either Contracting Party may at any time give notice to the other of its desire to terminate this 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.

IN FAITH WHEREOF, the undersigned representatives, being duly authorized by their respective Governments, have signed the present agreement and thereto affixed their seals.

DONE in duplicate, in the French language, at Copenhagen, this fourteenth day of May 1947.

For the Government
of the Kingdom of Denmark:
Gustav RASMUSSEN
[L.S.]

For the Government
of the Czechoslovak Republic:
Zdenek NEMECEK
[L.S.]

ANNEX

Section I

The Czechoslovak Government shall grant, on a basis of reciprocity, to a Danish airline designated by the Danish Government the necessary authorization to operate the following air routes:

1. (a) Copenhagen — (Berlin) — Prague
(b) Stockholm — Copenhagen — (Berlin) — Prague
(c) Oslo — Copenhagen — (Berlin) — Prague
2. Copenhagen — Prague — Venice — Rome — Tripoli
3. Copenhagen — Prague — Athens — Lydda

in both directions, in so far as the said air routes pass over Czechoslovak territory.

Such authorization shall include:

The right to pick up in Czechoslovakia passengers, cargo and mail for Denmark or other States.

The right to set down in Czechoslovakia passengers, cargo and mail from Denmark or other States.

Section II

The Danish Government shall grant, on a basis of reciprocity, to a Czechoslovak airline designated by the Czechoslovak Government the necessary authorization to operate the following air routes:

1. Prague — (Berlin) — Copenhagen
2. Prague — (Berlin) — Copenhagen — Stockholm
3. Prague — (Berlin) — Copenhagen — Oslo

in both directions, in so far as the said routes pass over Danish territory.

Such authorization shall include:

The right to pick up in Denmark passengers, cargo and mail for Czechoslovakia or other States.

The right to set down in Denmark passengers, cargo and mail from Czechoslovakia or other States.

Section III

It is agreed between the Contracting Parties:

(a) That the capacity offered by the airlines of the two countries shall be related to traffic requirements;

(b) That on common routes the airlines of the two countries 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 present annex shall be the provision of capacity adequate to traffic requirements between the country to which the airline belongs and the country of destination;

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

- (1) traffic requirements between country of origin and countries of destination;
- (2) the requirements of economic operation of trunk services;
- (3) the traffic requirements in the areas traversed, after taking account of local and regional services.

Section IV

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 Czechoslovak and Danish 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 airlines of third countries operating over the whole or part of the same routes.

Section V

The transport capacity of the airlines of both countries on common sections shall be fixed by direct agreement between the airlines concerned and adjusted from time to time according to traffic requirements.

Section VI

The agreements referred to in sections IV and V above shall be submitted for approval to the competent aviation authorities of the two countries.

If the airlines are unable to reach agreement on fixing rates or determining transport capacity, 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 8 of the Agreement.

EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT AMENDING THE ANNEX TO THE AGREEMENT ON AIR SERVICES. PRAGUE, 5 APRIL 1948, AND COPENHAGEN, 28 MAY 1948

I

MINISTRY OF COMMUNICATIONS DEPARTMENT OF CIVIL AVIATION

No 41/17-L I/4-48.

Subject: Amendments to the Annex
to the Agreement between
Czechoslovakia and Denmark
on Air Services.

Department of Air Transport
Ministry of Public Works
Copenhagen
Torvegade 45

Prague, 5 April 1948

Sir,

The Department of Civil Aviation of the Czechoslovak Ministry of Communications has the honour to confirm, in accordance with the provisions of

¹ Came into force on 28 May 1948, by the exchange of the said notes.

article 9 of the agreement between Czechoslovakia and Denmark on air services dated 14 May 1947, that the following amendments to the annex to the said agreement will come into force as soon as they have been confirmed by you in writing.

The following routes shall be added to section I:

4. Copenhagen — (Berlin) — Prague — Budapest — Belgrade,
5. Copenhagen — (Berlin) — Prague — Vienna.

The routes stipulated in section II shall be as follows:

1. Prague — (Berlin) — Copenhagen,
2. Prague — (Berlin) — Copenhagen — (Malmö) — Stockholm — (Helsinki),
3. Prague — (Berlin) — Copenhagen — (Göteborg) — Oslo,
4. Prague — (Berlin) — Copenhagen — Helsinki.

I have the honour, etc.

Gen. V. STANOVSKY
Director of the Czechoslovak Department
of Civil Aviation

II

MINISTRY OF PUBLIC WORKS
(MINISTRY OF TRANSPORT)

Journal No. G. 8224 d.
Letter No. G.
W/THJ.

Copenhagen, 28 May 1948

Slotsholsgade 10 C.
KP.

Gentlemen, .

In reply to the letter dated 5 April 1948 from the Director of the Czechoslovak Department of Civil Aviation (No. 41/17-L I/4-48) concerning the amendments to the annex to the agreement between Czechoslovakia and Denmark on air services dated 14 May 1947, I have the honour to inform you that the Ministry of Public Works agrees that the following amendments to the annex should come into force as of to-day's date.

[See note I]

I have the honour, etc.

For the Minister:
Svend GARDE