

No. 779

CZECHOSLOVAKIA
and
FINLAND

**Air Transport Agreement (with annex). Signed at Helsinki,
on 13 July 1949**

Official text: English.

Registered by the International Civil Aviation Organization on 1 May 1950.

TCHÉCOSLOVAQUIE
et
FINLANDE

**Accord relatif aux transports aériens (avec annexe). Signé à
Helsinki, le 13 juillet 1949**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 1^{er} mai 1950.

No. 779. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF CZECHOSLOVAKIA AND THE GOVERNMENT OF FINLAND. SIGNED AT HELSINKI, ON 13 JULY 1949

The Government of Finland and the Government of Czechoslovakia,

having decided to conclude an Agreement for the purpose of promoting as direct and rapide air communications as practicable between their respective countries,

have accordingly appointed their representatives who, having been duly authorized thereto, have agreed as follows:

Article 1

Each Contracting Party grants to the other Contracting Party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be 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 so described shall be placed in operation as soon as the Contracting Party to whom the rights specified in the Annex have been granted has designated an airline for such route.

(b) The airline so designated may be required to qualify before the competent aeronautical authorities of the other Contracting Party under the laws and regulations normally applied in this country before being permitted to engage in the operations contemplated by this Agreement.

Article 3

Operating rights which may have been granted previously by either of the Contracting Parties to a third party or to an airline of such party shall continue in force according to their terms.

¹ Came into force on 19 January 1950 by notification of approval, in accordance with article 12.

Article 4

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

(a) Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities. Each of the Contracting Parties agrees, however, that these charges 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 introduced into the territory of the Contracting Party by the other Contracting Party or its nationals, and intended solely for use by aircraft of such Contracting Party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most-favoured-nation.

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

Article 5

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized 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 recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 6

(a) The laws and regulations of one Contracting Party relating to the admission to 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 be applied to the aircraft of the airline designated by the other Contracting Party.

(b) The laws and regulations of one Contracting Party as to the admission to 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 complied with by or on behalf of such passengers, crew or cargo of the airline designated by the other Contracting Party upon entrance into or departure from or while within the territory of the first party.

Article 7

Each Contracting Party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to this Agreement by an airline of the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other Contracting Party, or in case of failure by the airline to comply with the laws and regulations referred to in Article 6 hereof, or otherwise to fulfil the provisions of this Agreement and its Annex.

Article 8

Any dispute between the Contracting Parties relative to the interpretation or application of this Agreement or its Annex, which cannot be settled through direct consultation, shall be submitted for an advisory report to an arbitral tribunal of three arbitrators, one to be named by each Contracting Party within one month of the request for arbitration of a dispute, and the third to be agreed upon within three months of the request for arbitration. If the third arbitrator is not agreed upon within this time limitation, the vacancy thus created shall be filled by the appointment of a person, designated by the President of the Council of ICAO, from a panel of arbitral personnel maintained in accordance with the practice of ICAO. The Contracting Parties undertake to comply with the decision given.

Article 9

If either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting

the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

Article 10

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization.

Article 11

Either of the Contracting Parties may at any time notify the other its intention to terminate the present Agreement. Such denunciation shall take effect twelve months from the date of the receipt of the notification by the other Contracting Party unless such notification is withdrawn by agreement between the Contracting Parties before the expiration of that time.

Article 12

The provisions of this Agreement and its Annex shall be applied from the date of signature. The Agreement shall enter into force as soon as the Contracting Parties have notified each other by exchange of letters that it has been approved.

IN WITNESS WHEREOF, the undersigned have signed the present Agreement.

DONE at Helsinki in duplicate in the English language at this 13th day of July, 1949.

For the Government of Finland
(Signed) K.-A. FAGERHOLM

For the Government of Czechoslovakia
(Signed) Z. HELFERT

A N N E X

Section I

The Government of Czechoslovakia grants on the basis of reciprocity to an airline designated by the Government of Finland the right to operate on the following route:

Helsinki—one or more of the following intermediate points: Stockholm, Copenhagen, Berlin, Warsaw—Prague and beyond to Vienna or Budapest, in both directions.

The designated airline shall be accorded:

The right to pick up in the territory of Czechoslovakia international traffic in passengers, cargo and mail destined for Finland or other states;

the right to set down in the territory of Czechoslovakia international traffic in passengers, cargo and mail embarked in Finland or other states.

Section II

The Government of Finland grants on the basis of reciprocity to an airline designated by the Government of Czechoslovakia the right to operate on the following route:

Prague—one or more of the following intermediate points: Warsaw, Berlin, Copenhagen, Stockholm—Helsinki—(Leningrad), in both directions.

The designated airline shall be accorded:

The right to pick up in the territory of Finland international traffic in passengers, cargo and mail destined for Czechoslovakia or other states;

the right to set down in the territory on Finland international traffic in passengers, cargo and mail embarked in Czechoslovakia or other states.

Section III

Both Contracting Parties agree that:

(a) The air transport facilities provided by the designated airlines of Finland and Czechoslovakia shall bear a close relationship to the requirements of the public for such transport.

(b) In the operation by the airline of either Contracting Party of the trunk services, the interests of the airline of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

(c) Services provided by the designated airlines shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic.

(d) The right to embark or disembark at points and on the routes specified in the present Annex international traffic destined for and coming from third countries shall be applied in accordance with the general principles of orderly development to which both Contracting Parties subscribe and under such conditions that capacity should be related

(1) to traffic requirements between the country of origin and the country of destination.

(2) to the traffic requirements of through airline operation and

(3) to the traffic requirements of the area through which the airline passes after taking account of the degree to which local and regional services satisfy the existing traffic requirements.

Section IV

The determination of rates shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit and the characteristics of each service.

Section V

The capacity for routes where airlines of both Contracting Parties operate shall be determined through direct consultation between the airlines concerned and revised from time to time in accordance with the traffic requirements.

Section VI

Any Agreement relating to the provisions of the Section IV and Section V is subject to the approval of the competent aeronautical authorities of both countries.

In the event of disagreement between the airlines as to the fixation of tariffs or determination of capacity, the competent aeronautical authorities of the Contracting Parties shall endeavour to reach the satisfactory agreement.

In the last resort, recourse should be had to arbitration as provided in Article 8 of the Agreement.