

**No. 780**

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**NORWAY  
and  
FINLAND**

**Air Transport Agreement (with annex). Signed at Helsinki,  
on 24 August 1949**

*Official texts: Norwegian and Finnish.*

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

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**NORVÈGE  
et  
FINLANDE**

**Accord relatif aux transports aériens (avec annexe). Signé à  
Helsinki, le 24 août 1949**

*Textes officiels norvégien et finnois.*

*Enregistré par l'Organisation de l'aviation civile internationale le 1<sup>er</sup> mai 1950.*

TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>

No. 780. AIR TRANSPORT AGREEMENT<sup>3</sup> BETWEEN THE GOVERNMENT OF FINLAND AND THE GOVERNMENT OF NORWAY. SIGNED AT HELSINKI, ON 24 AUGUST 1949

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The Government of Finland and the Government of Norway having decided to conclude an Agreement regarding civil air communications between Finland and Norway, have accordingly appointed representatives authorized for this purpose, who have agreed as follows:

*Article 1*

The contracting parties grant to each other the rights specified in the Annex to this Agreement, necessary for the establishment of the air routes and services therein indicated. The contracting party to whom the rights have been granted, may at its option take up traffic on these routes immediately or at a later date.

*Article 2*

(a) Each of the air services which one contracting party has granted the other the rights to establish, shall be put into operation as soon as the latter party has designated an airline or airlines to operate the route concerned. The contracting party granting the rights shall, subject to the stipulations of Article 6 hereof, be bound to grant without delay the appropriate operating permission to the airline or airlines designated.

(b) The contracting party granting the rights may, before giving the appropriate operating permission to the designated airline or airlines, to operate the air routes indicated in this Agreement, require such airline or airlines to qualify under the laws and regulations in force by aeronautical authorities of that contracting party.

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<sup>1</sup> Translation communicated by the International Civil Aviation Organization.

<sup>2</sup> Traduction transmise par l'Organisation de l'aviation civile internationale.

<sup>3</sup> Came into force on 24 August 1949, as from the date of signature, in accordance with article 11.

*Article 3*

In order to prevent discriminatory practices and to ensure equality of treatment, both contracting parties agree that:

(a) The charges which either of the contracting parties may impose on 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 introduced into the territory of one contracting party by or on behalf of an airline designated by the other contracting party and intended solely for use by the aircraft of that airline, 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 treatment not less favourable than that granted to national airlines or to the 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 one contracting party 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 duties, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights above the territory of the latter party.

*Article 4*

Certificates of airworthiness, certificates of competency and licences 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 licences granted to its own nationals by another state.

*Article 5*

(a) The laws and regulations of one contracting party relating to the admission 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 be applicable to the aircraft of the airline or airlines designated by the other contracting party.

(b) Passengers, crew and charterers shall comply, when acting personally or through an agent acting in their name and on their behalf, with the laws and regulations which, in the territory of each of the contracting parties, govern the entry, sojourn and departure of passengers, crew and, correspondingly of cargo, such as the regulations relating to entry, departure, immigration, passports, customs, and quarantine.

#### *Article 6*

Each contracting party reserve the right to withhold or revoke the operating permission of an 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 the latter contracting party, or in case of failure by such airline to comply as prescribed in Article 5 above with the laws and regulations of the state within the territory of which it operates air services, or otherwise fails to fulfil its obligations under this Agreement.

#### *Article 7*

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

#### *Article 8*

In the event that either of the contracting parties considers it desirable to modify any of the stipulations in the Annex to this Agreement, that party may request consultation between the competent aeronautical authorities of both contracting parties. Such consultation shall begin within 60 days from the date of the request. Modifications agreed upon by these aeronautical authorities will come into effect after having been confirmed by an exchange of diplomatic notes.

If a general multilateral air transport Convention accepted by both contracting parties enters into force, both contracting parties will negotiate with the purpose of conforming the present Agreement and Annex with the provisions of such Convention.

#### *Article 9*

(a) The contracting parties agree to submit any dispute relative to the interpretation or application of the present Agreement or its Annex, which cannot be settled through direct negotiations, to a tribunal of arbitration or to any other person or body mutually agreed upon.

(b) The contracting parties undertake to comply with the decision thus given.

(c) Any such dispute may, if both contracting parties so desire, be submitted to the Council of the International Civil Aviation Organization established through the Convention of International Civil Aviation signed in Chicago on December 7, 1944.<sup>1</sup>

#### Article 10

Either of the contracting parties may notify the other of its intention to terminate the present Agreement. This Agreement shall terminate twelve months after the day when the other contracting party received the notice of termination, unless the notice is withdrawn by mutual agreement prior to the expiry of this period.

#### Article 11

This Agreement comes into force on the day of signature.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in Helsingfors in duplicate this 24th day of August, 1949, in the Norwegian and Finnish languages, both texts being equally authentic.

For the Government of Finland

For the Government of Norway

(Signed) K.-A. FAGERHOLM

(Signed) Helge LEIKVANG

### A N N E X

#### I

The Government of Finland grants to the Government of Norway the right to conduct air transport services by one or more airlines designated by the Government of Norway on the air route specified below:

Oslo — via intermediate points — Helsingfors, and points beyond, in both directions.

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<sup>1</sup> United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 346 and Volume 51, page 336.

The Government of Norway grants to the Government of Finland the right to conduct air transport services by one or more airlines designated by the Government of Finland on the air route specified below:

Helsingfors — via intermediate points — Oslo, and points beyond, in both directions.

## II

The airlines designated by each of the contracting parties under the conditions provided in this Agreement will enjoy, in the territory of the other contracting party, rights of transit and of stops for nontraffic purposes, as well as the right to embark and disembark in international traffic, passengers, mail and cargo at the points enumerated on each of the routes specified above.

## III

The contracting parties agree that:

a) the traffic capacity provided by the airlines of either contracting party shall bear a close relationship of the traffic demand;

b) in the operation by the designated airlines of routes served by both contracting parties the interests of the other contracting party shall be taken into consideration so as not to affect unduly the services provided by the latter on all or part of such route;

c) the primary objective of the air services specified above shall be the provision of capacity adequate to the traffic demands between the country of which the airline is a national and the country of ultimate destination of the traffic;

d) the right to embark or to disembark on the specified points and routes international traffic destined for and coming from third countries (at a point or points on the specified routes), shall be applied in accordance with the general principles of orderly development of air transportation to which both contracting parties subscribe, and shall be subject to the general principle that the traffic capacity shall be related:

1. to traffic requirements between the country of origin and the countries of destination;

2. to the requirements of through airline operation;

3. to the traffic requirements in the areas through which the airline passes after taking account of local and regional services.

## IV

a) The determination of rates shall be made at reasonable levels, due regard being paid particularly to costs of operation, reasonable profit, and rates charged by other airlines, as well as the characteristics of each service such as speed and comfort.

b) In the determination of these rates due regard shall be paid to recommendations made by the International Air Transport Association (IATA).

c) In the absence of such recommendations, the Finnish and Norwegian airlines shall agree between them on the rates to be applied as to passengers and cargo on routes operated by both airlines after consultation, when necessary, with an airline of third country, operating the same route or part thereof.

d) The rates so agreed upon shall be subject to the approval of the competent aeronautical authorities of the contracting parties.

e) If the designated airlines cannot agree upon the determination of rates, the aeronautical authorities of the contracting parties shall endeavour to find a satisfactory solution.

f) In the last resort the matter shall be referred to arbitration as provided in article 9 of this Agreement.