

No. 781

**DENMARK
and
FINLAND**

**Air Transport Agreement (with annex and exchange of notes).
Signed at Helsinki, on 26 August 1949**

Official texts: Danish, Finnish and Swedish.

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

**DANEMARK
et
FINLANDE**

**Accord relatif aux transports aériens (avec annexe et échange
de notes). Signé à Helsinki, le 26 août 1949**

Textes officiels danois, finnois et suédois.

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

TRANSLATION¹ — TRADUCTION²

No. 781. AIR TRANSPORT AGREEMENT³ BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF FINLAND. SIGNED AT HELSINKI, ON 26 AUGUST 1949

The Government of Finland and the Government of Denmark having decided to conclude an Agreement regarding civil air communications between Finland and Denmark, 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 attached Annex, 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.

¹ Translation communicated by the International Civil Aviation Organization.

² Traduction transmise par l'Organisation de l'aviation civile internationale.

³ Came into force on 26 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 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 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 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 regulations relating to entry, departure, immigration, passports, customs, and quarantine.

Article 6

Each contracting party reserves 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 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, 1944¹.

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 Helsinki in duplicate this 26th day of August 1949, in the Finnish and Danish languages, both texts being equally authentic.

For the Government of Finland
(Signed) Carl ENCKELL

For the Government of Denmark
(Signed) STEENSEN-LETH

¹ 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.

ANNEX

I

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

Copenhagen — Helsinki, via intermediate points, in both directions;

Copenhagen — Helsinki, via intermediate points and points beyond, in both directions.

The Government of Denmark 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 routes specified below:

Helsinki — Copenhagen, via intermediate points, in both directions;

Helsinki — Copenhagen, via intermediate points and points beyond, in both directions.

II

The airlines designated by each of the contracting parties 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 to 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, shall be applied in accordance with the general principles of orderly development of air transporta-

tion 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

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

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

In the absence of such recommendations, the Finnish and Danish 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.

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

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

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

TRANSLATION — TRADUCTION

TRADUCTION — TRANSLATION

EXCHANGE OF NOTES

The following notes were exchanged on the signing of the Agreement:

I

ROYAL DANISH LEGATION

Helsinki, 26 August 1949

The Minister of Foreign Affairs

Sir,

With reference to the Air Transport Agreement signed today between Denmark and Finland, I have the honour to inform you that in accordance with Article 2 of the Agreement, the Danish Government has designated *Det Danske Luftfartsselskab* (DDL) to operate the air routes specified in part I of the Annex.

In this connexion, I beg to refer you to the corresponding Agreements between Finland, on the one hand, and Norway and Sweden respectively on the other hand, and on behalf of the Danish Government have the honour to confirm that in the course of the negotiations which preceded the signature of the Agreement, agreement was reached on the following:

1. In exercise of the rights conferred by the Agreement, *Det Danske Luftfartsselskab* (DDL) may operate the services concerned as a partner in the Scandinavian Airlines System (SAS). The latter is a joint operating

ÉCHANGE DE NOTES

Au moment de la signature de l'Accord, les notes suivantes ont été échangées:

I

LÉGATION ROYALE DE DANEMARK

Helsinki, le 26 août 1949

Monsieur le Ministre,

Me référant à l'Accord relatif aux transports aériens qui a été signé ce jour entre le Danemark et la Finlande, j'ai l'honneur de vous faire savoir que le Gouvernement danois, conformément aux dispositions de l'article 2 de l'Accord, a désigné la compagnie *Det Danske Luftfartsselskab* (DDL) pour exploiter les routes aériennes indiquées à la première section de l'annexe.

A ce propos, et me référant aux accords analogues conclus entre la Finlande, d'une part, et la Norvège et la Suède, d'autre part, j'ai l'honneur de vous confirmer, au nom du Gouvernement danois, qu'au cours des pourparlers qui ont précédé la signature de l'Accord, il a été convenu ce qui suit:

1) La compagnie *Det Danske Luftfartsselskab* (DDL) pourra exercer les droits qui lui ont été accordés aux termes de l'Accord en tant que co-participant du *Scandinavian Airlines System* (SAS). Ce dernier est un

concern, in which *Det Norske Luftfartselskab* (DNL) and the *Aktiebolaget Aerotransport* (ABA) are partners as well as the DDL, and is was established in accordance with the provisions of Chapter XVI of the Convention on International Civil Aviation.¹ Consequently the DDL may, in accordance with detailed provisions laid down by the competent aeronautical authorities, operate the services for which authorization is granted in the Agreement by means of aircraft, crews and equipment belonging either to the DNL or to the ABA or to both.

2. In so far as the DDL makes use of aircraft, crews or equipment belonging to the other partners in the SAS, the provisions of the Agreement shall apply to such aircraft, crews and equipment exactly as if they belonged to the DDL, and the competent Danish authorities or the DDL, as the case may be, shall assume full responsibility with regard to them under the Agreement.

I have the honour etc.

(Signed) STEENSEN-LETH

The Honourable Carl Enckell
Minister of Foreign Affairs
etc., etc., etc.
Finnish Ministry of Foreign Affairs

organisme d'exploitation en commun, auquel participent, outre la DDL, les compagnies *Det Norske Luftfartselskab* (INL) et *Aktiebolaget Aerotransport* (ABA) et qui a été constitué conformément aux dispositions du chapitre XVI de la Convention relative à l'aviation civile internationale¹. En conséquence, la DDL pourra, conformément aux dispositions détaillées édictées par les autorités aéronautiques compétentes, exploiter les services qui lui ont été attribués aux termes de l'Accord, en utilisant à cet effet les aéronefs, les équipages et l'équipement appartenant à la DNL, ou à l'ABA, ou à ces deux compagnies.

2) Dans la mesure où la DDL utilise des aéronefs, des équipages ou de l'équipement appartenant aux autres compagnies participant au SAS, les dispositions de l'Accord seront applicables auxdits aéronefs, équipages ou équipement, tout comme si ceux-ci appartaient à la DDL, et les autorités danoises compétentes ou, le cas échéant, la DDL, assumeront à leur sujet toute la responsabilité qui leur incombe aux termes de l'Accord.

Veuillez agréer, Monsieur le Ministre, l'assurance de ma très haute considération.

(Signé) STEENSEN-LETH

A Son Excellence
Monsieur Carl Enckell
Ministre des affaires étrangères
etc., etc., etc.
Ministère des affaires étrangères
de Finlande

¹ United Nations, *Treaty Series*, Volume 15, page 348.

¹ Nations Unies, *Recueil des Traités*, volume 15, page 349.

II

MINISTRY OF FOREIGN AFFAIRS

Helsinki, 26 August 1949

Sir,

With reference to the Air Transport Agreement signed today between Finland and Denmark I have the honour to inform you that, in accordance with Article 2, the Finnish Government has designated the *Aero Osakeyhtiö* (Aero) to operate the air routes specified in section I of the Annex.

In this connexion I beg to refer you to the corresponding agreements between Finland, on the one hand, and Norway and Sweden respectively, on the other hand, and on behalf of the Finnish Government have the honour to confirm that in the course of the negotiations which preceded the signature of the Agreement, agreement was reached on the following:

[See note I]

I have the honour etc.

(Signed) Carl ENCKELL

His Excellency
Mr. Vincens Steensen-Leth
Royal Danish Minister
Helsinki

II

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Helsinki, le 26 août 1949

Monsieur le Ministre,

Me référant à l'Accord relatif aux transports aériens qui a été signé ce jour entre la Finlande et le Danemark, j'ai l'honneur de vous faire savoir que le Gouvernement finlandais, conformément aux dispositions de l'article 2 de l'Accord, a désigné la compagnie *Aero Osakeyhtiö* (Aero) pour exploiter les routes aériennes indiquées à la première section de l'annexe.

A ce propos, et me référant aux accords analogues conclus entre la Finlande, d'une part, et la Norvège et la Suède, d'autre part, j'ai l'honneur de vous confirmer, au nom du Gouvernement finlandais, qu'au cours des pourparlers qui ont précédé la signature de l'Accord, il a été convenu ce qui suit:

[Voir note I]

Veillez agréer, Monsieur le Ministre, l'assurance de ma très haute considération.

(Signé) Carl ENCKELL

A Son Excellence
Monsieur Vincens Steensen-Leth
Ministre royal de Danemark
Helsinki