

No. 1312

**GREECE
and
SWITZERLAND**

**Provisional agreement relating to air services (with annex
and exchange of notes). Signed at Athens, on 26 May
1948**

Official texts of the Agreement: Greek and French.

Official text of the exchange of notes: French.

Registered by the International Civil Aviation Organization on 18 July 1951.

**GRÈCE
et
SUISSE**

**Accord provisoire relatif aux lignes aériennes (avec annexe
et échange de notes). Signé à Athènes, le 26 mai 1948**

Textes officiels de l'Accord: grec et français.

Texte officiel de l'échange de notes: français.

Enregistré par l'Organisation de l'aviation civile internationale le 18 juillet 1951.

TRANSLATION — TRADUCTION

No. 1312. PROVISIONAL AGREEMENT¹ RELATING TO AIR SERVICES BETWEEN GREECE AND SWITZERLAND. SIGNED AT ATHENS, ON 26 MAY 1948

The Royal Greek Government and the Swiss Federal Council, being desirous of concluding an Agreement relating to the establishment of regular air communications between Greece and Switzerland, have for that purpose appointed their plenipotentiaries who have agreed as follows :

Article 1

The Contracting Parties shall grant each other, in time of peace, the rights specified in the annex hereto for the establishment of the international civil air routes and services described in that annex.

The said services may be inaugurated immediately or at a later date, at the option of the Contracting Party to whom these rights are granted.

Article 2

(a) (1) Each of the air services thus specified shall be brought into operation as soon as the Contracting Party entitled under article 1 to designate one or more airlines to operate the routes in question shall have done so.

(2) The Contracting Party granting that right shall be bound, subject to paragraph (b) of the present article and to article 6 below, to grant the necessary operating permit forthwith to the airline or airlines concerned.

(b) (1) Any airline so designated may be required, before receiving permission to inaugurate the services specified in the present Agreement, to satisfy the competent aeronautical authorities of the other Contracting Party that it possesses the necessary qualifications, in accordance with the laws and regulations in force in the latter country respecting the operation of international civil air services by commercial airlines.

(2) In areas under military occupation or affected thereby, the inauguration of such services shall be subject to the approval of the competent military authorities.

¹ Came into force on 26 May 1948, as from the date of signature, and became definitive on 1 June 1949, the date of the notification given by the Government of Greece to the Government of Switzerland of the ratification of the Agreement by the Greek Parliament, in accordance with article 13.

Article 3

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

(a) Each Contracting Party may impose, or permit to be imposed, fair and reasonable charges for the use of airports and other facilities. The Contracting Parties agree, however, that such charges shall not be higher than those payable for the use of such airports and facilities by their national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of either Contracting Party by or on behalf of an airline designated by the other Contracting Party and intended solely for use by aircraft of the latter, shall be accorded national or most-favoured-nation treatment with respect to Customs duties, inspection fees and other duties and charges imposed by the Contracting Party whose territory is entered.

(c) Aircraft employed by the airlines designated by either Contracting Party on the routes covered by the present Agreement, and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft, shall be exempt in the territory of the other Contracting Party, from Customs duties, inspection fees or other similar duties or charges, even though such supplies be used or consumed by or on such aircraft on flights over that territory.

(d) The supplies enumerated in paragraph (c) of the present article, and enjoying the exemption provided above, may only be unloaded with the approval of the Customs authorities of the other Contracting Party. They shall remain under the Customs supervision of the other Contracting Party until their re-exportation.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either Contracting Party and still in force shall be recognized by the other Contracting Party for the purpose of operating the services specified 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 either Contracting Party governing the admission to or departure from its territory of aircraft engaged in international

air navigation, or the operation and navigation of such aircraft while within its territory, shall apply to aircraft of the airline or airlines of the other Contracting Party.

(b) The laws and regulations of either Contracting Party governing the admission to, stay in or departure from its territory of passengers, crew or cargo, such as those relating to clearance, immigration, passports, Customs and quarantine, shall apply to the passengers, crew and cargo carried by the aircraft of the other Contracting Party while such aircraft are within its territory.

Article 6

Each Contracting Party reserves the right to withhold or revoke the grant of an operating permit to 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 of the airline to comply with the laws and regulations of the State over which it operates as provided in article 5 above, or to perform its obligations under the present Agreement.

Article 7

The present Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization established by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.¹

Article 8

In a spirit of close collaboration, the competent aeronautical authorities of the Contracting Parties shall from time to time, if necessary, consult together with a view to ensuring the application and satisfactory implementation of the principles laid down in the present Agreement and the annex thereto.

Article 9

Should either of the Contracting Parties consider it desirable to modify any clause of the annex to the present Agreement, such modification may be effected by direct agreement between the competent aeronautical authorities of the Contracting Parties.

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346, and Vol. 51, p. 336.

Article 10

Any dispute between the Contracting Parties regarding the interpretation or application of the present Agreement or the annex thereto which cannot be settled by direct negotiation shall be referred to the Council of the International Civil Aviation Organization, in accordance with article 84 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944. The Contracting Parties may, however, by agreement settle the dispute by referring it either to an arbitral tribunal or to any other person or body designated by them.

The Contracting Parties undertake to comply with the award.

Article 11

Should a multilateral international civil aviation convention come into force with respect to the two Contracting Parties, the present Agreement and the annex thereto should be amended so as to conform with that convention.

Article 12

Either Contracting Party may at any time give notice to the other Contracting Party if it desires to terminate the present Agreement. Such notice shall take effect twelve months after the date of receipt of the notice by the other Contracting Party, unless the notice to terminate be withdrawn by common consent before the expiry of that period.

Article 13

The present Agreement shall enter into force on the date of signature.

The Royal Greek Government shall communicate to the Swiss Federal Council the ratification of the present Agreement by the Greek Parliament, and the Swiss Federal Council shall consider this Agreement as definitive from the date of that communication.

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

DONE at Athens, this 26th day of May 1948, in duplicate, in the Greek and French languages, both texts being equally authentic.

For the Royal Greek Government :
(Signed) C. TSALDARIS

For the Swiss Federal Council :
(Signed) C. STUCKI

ANNEX

I

The Greek airline or airlines authorized under the present Agreement shall have the right to fly across Swiss territory, to make non-traffic stops therein and to pick up and set down international passenger, cargo and mail traffic, on the following routes :

ATHENS-SWITZERLAND (direct or via intermediate points) and beyond, and vice versa.

II

The Swiss airline or airlines authorized under the present Agreement shall have the right to fly over Greek territory, to make non-traffic stops therein and to pick up and set down international passenger, cargo and mail traffic, on the following routes :

SWITZERLAND-ATHENS (direct or via intermediate points) and beyond, and vice versa.

III

With a view to the establishment and operation of the air services covered by the present Agreement and the annex thereto, it is agreed between the Contracting Parties :

(1) That it is desirable to promote and encourage as wide a distribution as possible of the benefits of air travel for the general good of mankind at the lowest rates consistent with sound economic principles, to encourage international air travel as a means of promoting friendly understanding and goodwill between nations and at the same time to ensure the many indirect benefits to the common welfare of both countries of this new mode of transport.

(2) That the air services provided shall meet the requirements of the public for such transport.

(3) That there shall be a fair and equal opportunity for the airlines of the Contracting Parties to operate on the routes between their respective territories covered by the present Agreement and the annex thereto.

(4) That in the operation of the trunk services described in the present annex on common routes, the airlines of the Contracting Parties shall take their mutual interests into consideration so as not to affect unduly their respective services.

(5) That the primary objective of the air services offered shall be the provision of capacity adequate to the traffic demand between the country to which the airlines belong and the countries of ultimate destination of the traffic.

IV

The right to pick up and set down international traffic to or from a third country, on the routes specified in the present annex, shall be exercised in accordance with the general principles of orderly development to which the Contracting Parties have subscribed and in such a way that capacity shall be related to :

- (1) the traffic requirements between the country of origin and the countries of destination;
- (2) the requirements of economical through airline operation;
- (3) the traffic requirements of the areas traversed, after taking account of local and regional services.
- (4) Should the airline or airlines of either Contracting Party be temporarily prevented, as a result of difficulties due to the war, from taking immediate advantage of the benefits offered by section III of the present annex, the Contracting Parties should re-examine the position as soon as the said airline or airlines are capable of participating progressively in the operation of the air services.

EXCHANGE OF NOTES

I

SWISS LEGATION
ATHENS

Athens, 26 May 1948

MM. 37/1.—TM
No. 513

To the Royal Ministry of Foreign Affairs
Athens

The Swiss Legation presents its compliments to the Royal Ministry of Foreign Affairs and, with reference to the Provisional Agreement relating to air services between Greece and Switzerland, signed today, has the honour to inform it of the following :

The Swiss authorities have noted that Customs duties levied in Greece on petrol for the use of international air services operated by foreign enterprises of countries not bordering on Greece are at present governed by the following regulations;

- (a) Fuel taken on board in Greece and required for the flight of the aircraft in question to the country's frontier is subject to entry duties.
- (b) Petrol in excess of the amount required for the flight to the frontier is exempted from these duties.

On the instructions of its Government, the Swiss Legation has the honour to inform the Royal Ministry that, as long as the above regulations remain in force, the Swiss authorities will be unable to grant most-favoured-nation treatment to aircraft belonging to Greek air transport enterprises in respect of Customs duties on fuel taken on board in Switzerland. They will be able to refund such duties to the Greek enterprises only to the extent to which aircraft of Swiss enterprises are exempted from such duties in Greece, as under the relevant Swiss regulations such advantages can be granted only to enterprises of States which grant reciprocal treatment to Swiss enterprises. Fuel taken on board in Switzerland by Greek aircraft and required for their flight to the Swiss frontier will therefore not be exempted from Swiss Customs duties.

If the Greek authorities decide not to levy Customs duties on such fuel, it is understood that the Swiss authorities will, for their part, immediately apply, in respect of all fuel taken on board in Switzerland by Greek aircraft, the most-favoured-nation treatment provided for in article 3 (b) of the Agreement. The reservations contained in this note will become inoperative as soon as regulations to that effect are placed in force.

The Swiss Legation has the honour, etc.

SWISS LEGATION
ATHENS

II

KINGDOM OF GREECE
MINISTRY OF FOREIGN AFFAIRS

Athens, 26 May 1948

No. 5008

To the Swiss Legation
Athens

The Royal Ministry of Foreign Affairs presents its compliments to the Swiss Legation and has the honour to acknowledge receipt of its note No. 513 of today's date, reading as follows :

[See note I]

The Royal Ministry is in agreement with the foregoing and has the honour, etc.

L. S.