

No. 1325

**EGYPT
and
SWITZERLAND**

Agreement concerning regular air transport services (with annex). Signed at Cairo, on 15 May 1950

Official texts: French and Arabic.

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

**ÉGYPTE
et
SUISSE**

Accord relatif aux transports aériens réguliers (avec annexe). Signé au Caire, le 15 mai 1950

Textes officiels français et arabe.

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

TRANSLATION — TRADUCTION

No. 1325. AGREEMENT¹ BETWEEN THE SWISS CONFEDERATION AND THE KINGDOM OF EGYPT CONCERNING REGULAR AIR TRANSPORT SERVICES. SIGNED AT CAIRO, ON 15 MAY 1950

The Swiss Federal Council and the Egyptian Government (hereinafter referred to as "the Contracting Parties"),

considering:

that Switzerland and Egypt are both parties to the Convention on International Civil Aviation signed at Chicago on 7 December 1944² (hereinafter referred to as "the Convention"),

that it is advisable for them to organize their regular air communications in a safe and orderly manner and to further as much as possible the development of international co-operation in this field,

that it is therefore necessary to conclude an agreement to govern regular air transport services between the Egyptian and Swiss territories and beyond,

have appointed their plenipotentiaries, duly authorized for this purpose, who have agreed as follows:

Article 1

(a) The Contracting Parties grant each other the rights specified in this Agreement for the operation of international air services (hereinafter referred to as "agreed services") on the routes specified in the annex (hereinafter referred to as "specified routes").

(b) In accordance with the provisions of this Agreement, each Contracting Party shall appoint the date for the inauguration of its agreed services, which may be operated in whole or in part.

Article 2

(a) Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines to operate the agreed services (hereinafter called the "designated airlines").

¹ Came into force on 1 February 1951, by notification of ratification given to the Swiss Federal Council by the Egyptian Government, in accordance with article 19.

² 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.

(b) On receipt of this notification, the necessary operating permits shall be issued without undue delay to the designated airlines, in accordance with paragraph (c) and article 3 below.

(c) Nevertheless, before receiving the said permit, the designated airlines may be required to prove to the aeronautical authority competent to issue the permit that they fulfil the conditions prescribed in the laws and regulations applied by the said authority, provided that these laws and regulations do not conflict with this Agreement.

Article 3

Each Contracting Party reserves the right to withhold or withdraw an operating permit from a designated airline of the other Contracting Party in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of either Contracting Party, or if the designated airline fails to comply with the laws and regulations referred to in article 4 below or to fulfil the conditions subject to which the rights specified in this Agreement are granted.

Article 4

(a) The laws and regulations of each Contracting Party, especially those relating to the admission and departure of aircraft engaged in international air navigation or to the operation of such aircraft, shall be applied in its territory to the aircraft of the designated airlines of the other Contracting Party.

(b) The laws and regulations of each Contracting Party, especially those relating to the admission and departure of passengers, crews or goods by aircraft, entry and clearance formalities, immigration, passports, Customs, quarantine and currency control, shall apply in its territory to passengers, crews and goods transported by the aircraft of the designated airlines of the other Contracting Party.

(c) Passengers in transit through the territory of either Contracting Party shall be subject to simplified control. Baggage and goods in transit shall be exempt from Customs duty, inspection fees and similar charges.

Article 5

(a) For the operation of the agreed services, each Contracting Party shall grant to the designated airlines of the other Contracting Party, subject to the provisions of articles 6 and 7, the right to take on and put down in its territory international traffic coming from or destined for the territory of the other Contracting Party or the territory of a third country.

(b) Paragraph (a) above shall not authorize the airlines of a Contracting Party to take on in the territory of the other Contracting Party any passengers, postal consignments or goods for conveyance, for remuneration, to another point in that territory, irrespective of the origin or final destination of the traffic in question.

Article 6

(a) Just and equitable remuneration shall be ensured to the designated airlines of the Contracting Parties for the operation of the agreed services.

(b) The agreed services of each Contracting Party shall have as their primary objective the provision of transport capacity adapted to the normal and reasonably foreseeable requirements of air traffic between the territory of the Contracting Party which has designated the operating airline and the countries of ultimate destination of the traffic.

(c) The transport capacity provided by the designated airlines of each Contracting Party shall be related rationally to the traffic requirements.

Article 7

The rights granted shall not be abused by the designated airlines of one Contracting Party to the detriment or disadvantage of any airline of the other Contracting Party which operates regular transport services over all or part of the same route.

Article 8

The fuel and lubricating oils introduced or taken on board in the territory of one Contracting Party by the designated airlines of the other Contracting Party and intended solely for use by the aircraft of such airlines shall be exempt from Customs duty, but shall remain subject to all other Customs regulations.

This exemption shall be regarded as supplementary to the exemptions granted by articles 15 and 24 of the Convention.

Article 9

(a) The aeronautical authority or the designated airlines of each Contracting Party shall transmit to the aeronautical authority of the other Contracting Party as promptly as possible, time-tables, tariff schedules and any other information relating to the operation or modification of the agreed services.

(b) The aeronautical authority or the designated airlines of each Contracting Party shall transmit to the aeronautical authority of the other Contracting Party statistics relating to the traffic of the agreed services to and from the territory of the other Contracting Party, or in transit through that territory, showing the destination and origin of the traffic.

Article 10

If, for the purpose of effecting economies in transit traffic, a designated airline successively uses aircraft of different capacity on a specified route, the point of change of aircraft being situated in the territory of one of the Contracting Parties, such change shall not affect the provisions of this Agreement relating to transport capacity and traffic volume. In such cases, the second aircraft shall be regarded as providing a connecting service with the first aircraft and shall await its arrival, except in cases of emergency.

Article 11

(a) Tariffs shall be fixed at reasonable rates, due regard being paid to all relevant factors, including economical operation, reasonable profit, characteristics of each service (including standards of speed and accommodation), and the tariffs charged by other airlines on the specified routes.

(b) The tariffs to be applied by any designated airline to traffic between the territories of the Contracting Parties or between the territory of a third country and that of one of the Contracting Parties shall be determined as follows, subject to the approval of the Contracting Parties :

1. In accordance with the recommendations of any organization of which the designated airlines of the Contracting Parties are members;
2. By direct agreement between the designated airlines, if one of them is not a member of such an organization, or if there are no such recommendations as are referred to in sub-paragraph 1 above. If one of the Contracting Parties has not designated an airline to operate on a specified route or if the tariffs for this route have not been fixed in accordance with sub-paragraph 1 above, the designated airlines of the other Contracting Party operating on this route shall fix their own tariffs.

(c) The tariffs established in this way shall be submitted to the aeronautical authorities of the Contracting Parties for approval and shall become operative thirty days after their transmittal to the said authorities, unless the latter signify their objection before the expiry of this time-limit.

(d) Should the designated airlines be unable to reach agreement with regard to the tariffs in accordance with paragraph (b), sub-paragraph 2, above, the aeronautical authorities of the Contracting Parties shall endeavour to reach a satisfactory settlement and shall give it effect. In the last resort, the matter shall be referred to arbitration as provided in article 15 below.

Pending the settlement of the dispute, either by means of direct negotiations between the aeronautical authorities of the Contracting Parties or in accordance with article 15 below, the tariffs in force shall continue to apply, or, if no tariffs exist, the designated airlines shall apply reasonable tariffs.

Article 12

This Agreement shall be registered with the Council of the International Civil Aviation Organization set up by the Convention.

Article 13

In a spirit of close collaboration, the aeronautical authorities of the Contracting Parties shall consult with each other from time to time with a view to ensuring the satisfactory observance of the principles laid down in this Agreement and shall exchange all the information necessary for this purpose.

Article 14

If either of the Contracting Parties wishes to modify the annex to this Agreement, it may request consultation between the aeronautical authorities of the Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. Any modification agreed upon between the said authorities shall come into effect when it has been confirmed by an exchange of diplomatic notes.

Article 15

Without prejudice to article 17 below :

(a) The Contracting Parties shall endeavour to settle by direct negotiation any dispute relating to the interpretation or application of this Agreement which may arise between them.

(b) If the direct negotiations do not result in an agreement within a period of ninety days :

1. The Contracting Parties may agree to refer the dispute to an arbitral tribunal or to some other person or body;
2. If the Contracting Parties do not accept the arbitral procedure or if, having accepted it, they are unable to reach agreement upon the choice of arbitrators within a period of thirty days, either Contracting Party may request the Council of the International Civil Aviation Organization to settle the dispute.

(c) The Contracting Parties shall comply with any decision given under sub-paragraph (b) above. Should either Contracting Party or its designated airlines fail to comply therewith, the other Contracting Party may limit, withhold or revoke the rights which it has granted to them by virtue of this Agreement.

Article 16

This Agreement shall be brought into harmony with any multilateral convention by which the Contracting Parties may in future be bound.

Article 17

Either Contracting Party may at any time denounce this Agreement. It shall give notice of its denunciation to the other Contracting Party and shall simultaneously notify the Council of the International Civil Aviation Organization of the denunciation. The Agreement shall terminate twelve months after the date of receipt of the notice by the other Contracting Party, unless the notice is withdrawn before the expiry of this period by agreement with the other Contracting Party. In the absence of acknowledgment of receipt by the other Contracting Party, notice shall be deemed to have been received fourteen days after the receipt of the notice by the Council of the International Civil Aviation Organization.

Article 18

(a) For the purpose of this Agreement, the term " aeronautical authorities " shall mean, in the case of Egypt, the Director General of Civil Aviation and, in the case of Switzerland, the Federal Air Office, or, in both cases, any person or agency authorized to perform the functions at present exercised by them.

(b) The annex to this Agreement shall be deemed to constitute an integral part thereof and all references to the Agreement shall include references to the annex, except where otherwise provided.

Article 19

This Agreement shall come into force as soon as the Egyptian Government notifies the Swiss Federal Council of the ratification of the Agreement.

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

DONE in duplicate, at Cairo, this fifteenth day of May 1950, in the French and Arabic languages, both texts being equally authentic.

For the Swiss Federal Council :
Henry-Béat DE FISCHER-REICHENBACK

For the Egyptian Government :
SALAH EL-DINE BEY

A N N E X

A

1. Airlines designated by the Egyptian Government shall be entitled to operate air services on the routes specified below, in both directions, and to land for traffic purposes in Switzerland at the points specified in this paragraph.

(a) Routes to Swiss territory :

Cairo and/or Alexandria, Athens, Naples and/or Nice and/or Marseilles, Geneva.

(b) Routes serving and crossing Swiss territory :

Cairo and/or Alexandria, Athens, Naples and/or Nice and/or Marseilles, Geneva, London and beyond.

2. Airlines designated by the Swiss Federal Council are entitled to operate air services on the routes specified below, in both directions, and to land for traffic purposes in Egypt at the points specified in this paragraph.

(a) Routes to Egyptian territory :

(1) From Zurich and/or Geneva, with optional stops at Milan or Rome and Athens, Alexandria and/or Cairo;

(2) From Zurich and/or Geneva, with optional stops at Tunis, Tripoli (Tripolitania) and El Adem, Alexandria and/or Cairo.

(b) Routes serving and crossing Egyptian territory :

(1) From Zurich and/or Geneva, with optional stops at Milan or Rome and Athens, Alexandria and/or Cairo and Basra and/or Abadan and/or Kuwait and/or Dhahran and beyond, on the one hand, Alexandria and/or Cairo, Khartoum and/or Nairobi and beyond, on the other hand;

(2) From Zurich and/or Geneva, with optional stops at Tripoli (Tripolitania) and El Adem, Alexandria and/or Cairo and Basra and/or Abadan and/or Kuwait and/or Dhahran and beyond, on the one hand, Alexandria and/or Cairo, Khartoum and/or Nairobi and beyond, on the other hand.

B

If the designated airlines of one Contracting Party do not make their traffic arrangements through their own offices and employees in the territory of the other Contracting Party, the latter may request them to entrust such services as reservation, handling and ground services to a body approved by the aeronautical authorities of the latter Contracting Party and possessing the nationality of that Party.