

No. 4498

**SWITZERLAND
and
IRAQ**

**Agreement concerning air services (with annex). Signed at
Baghdad, on 31 March 1952**

Official texts: Arabic and French.

Registered by the International Civil Aviation Organization on 9 September 1958.

**SUISSE
et
IRAK**

**Accord relatif aux services aériens (avec annexe). Signé à
Bagdad, le 31 mars 1952**

Textes officiels arabe et français.

Enregistré par l'Organisation de l'aviation civile internationale le 9 septembre 1958.

[TRANSLATION — TRADUCTION]

No. 4498. AGREEMENT¹ CONCERNING AIR SERVICES BETWEEN SWITZERLAND AND THE KINGDOM OF IRAQ. SIGNED AT BAGHDAD, ON 31 MARCH 1952

The Swiss Federal Council and the Iraqi Government, considering :

That the possibilities of commercial aviation as a means of transport have greatly increased ;

That it is desirable to organize scheduled air services in a safe and orderly manner and to develop international co-operation in this field as much as possible ;

That it is consequently necessary to conclude an agreement between Switzerland and the Kingdom of Iraq regulating scheduled air transport services ;
have appointed their plenipotentiaries who, being duly authorized for the purpose, have agreed as follows :

Article 1

(a) The Contracting Parties grant each other in time of peace the rights specified in the annex² for the purpose of establishing the scheduled international air services therein described with aircraft landing in or traversing their respective territories.

(b) Each Contracting Party shall designate an airline or airlines for the operation of the agreed services and shall decide on the date of inauguration thereof.

Article 2

(a) The necessary operating permit shall be issued, subject to the provisions of article 8 hereafter, to the designated airlines of each Contracting Party.

(b) Nevertheless, before being authorized to inaugurate the agreed services, the designated airlines may be called upon to satisfy the aeronautical authority empowered to issue the operating permit that they fulfil the conditions prescribed under the laws and regulations normally applied by the said authority to all airlines of other countries.

¹ Came into force on 30 June 1956, the date of the exchange of the instruments of ratification at Baghdad, in accordance with article 11 (a).

² See p. 59 of this volume.

Article 3

(a) There shall be fair and equal opportunity in both Switzerland and Iraq for the designated airlines to operate the agreed services.

(b) The capacity provided by the designated airlines shall be adapted to traffic requirements.

(c) On common routes the designated airlines shall take their mutual interests into account so as not to affect unduly their respective services.

(d) The agreed services shall have as their primary objective the provision of capacity adequate to meet traffic demands between the country to which the designated airline belongs and the countries of destination.

(e) The right to pick up and set down in the territory of either Contracting Party, at the points specified in the schedules hereafter, international traffic destined for or coming from third countries recognized by the two Contracting Parties shall be exercised in accordance with the general principles of orderly development to which the Swiss and Iraqi Governments subscribe and in such a way that capacity shall be related to :

- (1) Traffic requirements between the country of origin and the countries of destination ;
- (2) The requirements of economic operation of the agreed services ;
- (3) The traffic requirements of the areas through which the airline passes, after taking account of local and regional services.

Article 4

Tariffs shall be fixed at reasonable levels, due regard being paid to economy of operation, reasonable profit and the characteristics of each service, such as speed and comfort. The recommendations of the International Air Transport Association (IATA) shall also be taken into account. In the absence of such recommendations, the designated airlines shall consult the airlines of third countries operating the same routes. The arrangements made by them shall be submitted for approval to the aeronautical authorities of the Contracting Parties. If the designated airlines are unable to reach agreement, the said authorities shall endeavour to find a solution. In the last resort, the procedure prescribed in article 9 below shall be applied.

Article 5

(a) The charges imposed by one Contracting Party on the designated airlines of the other Contracting Party for the use of its airports and other facilities shall not be higher than would be paid by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into or taken on board in the territory of one Contracting Party by or on behalf of the airlines designated by the other Contracting Party and intended solely for use by the aircraft of the said airlines shall be accorded national treatment with respect to customs duties, inspection fees or other duties and charges imposed on airlines participating in international traffic ; provided that neither Contracting Party shall be bound to accord to the designated airlines of the other Contracting Party treatment more favourable than that accorded reciprocally by such other Contracting Party.

(c) Aircraft operated on the agreed services by the designated airlines of one Contracting Party, and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board the said aircraft shall be exempt, in the territory of the other Contracting Party, from customs duties, inspection fees and other national duties and charges, even though such supplies be used or consumed on flights over that territory.

Article 6

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still valid shall be recognized by the other Contracting Party for the purpose of operating the agreed services. Each Contracting Party reserves the right, however, to refuse to recognize for the purpose of flights over its own territory certificates of competency or licences issued to its own nationals by a third country.

Article 7

(a) The laws and regulations governing, in the territory of one Contracting Party, the entry and departure of aircraft engaged in international air navigation, or flights of such aircraft above the said territory, shall apply to the designated airlines of the other Contracting Party.

(b) The laws and regulations governing, in the territory of one Contracting Party, the entry, stay and departure of passengers, crew, mail or cargo, such as those relating to procedure, immigration, passports, customs and quarantine, shall apply to passengers, crews, mail or cargo carried by aircraft of the designated airlines of the other Contracting Party while within the said territory.

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

Article 8

Each Contracting Party reserves the right to withhold an operating permit from a designated airline of the other Contracting Party or to revoke such permit whenever it has no proof that substantial ownership and effective control of the airline are vested in nationals of either Contracting Party or whenever the airline fails to comply with the laws and regulations referred to in article 7 above or to fulfil its obligations under this Agreement.

Article 9

(a) The Contracting Parties shall submit to arbitration any dispute relating to the interpretation and application of this Agreement or of the annex thereto which cannot be settled by direct negotiation.

(b) Such dispute shall be referred to any tribunal competent to decide it which may hereafter be established within the International Civil Aviation Organization formed by the Convention on International Civil Aviation signed at Chicago on 7 December 1944¹ or, in the absence of such tribunal, to the Council of that Organization.

(c) Nevertheless, the Contracting Parties may, by agreement, settle the dispute by referring it to an arbitral tribunal or to any other person or body.

(d) The Contracting Parties undertake to comply with the decision given.

Article 10

This Agreement and all contracts relating thereto shall be registered with the International Civil Aviation Organization formed by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.

Article 11

(a) This Agreement shall be ratified by both Contracting Parties and the instruments of ratification shall be exchanged at Baghdad. The Agreement shall enter into force on the date of the said exchange.

(b) In a spirit of close collaboration, the aeronautical authorities of the Contracting Parties shall consult together from time to time in order to satisfy themselves that the principles laid down in this Agreement are being applied and that its objectives are being attained in a satisfactory manner. They shall consider in particular the traffic statistics of the agreed services, which they undertake to exchange regularly.

¹ See footnote 2, p. 28 of this volume.

(c) This Agreement and its annex shall be brought into harmony with any multilateral convention by which the Contracting Parties may in future be bound.

(d) Modifications to the annex may be agreed between the aeronautical authorities of the Contracting Parties.

(e) Either Contracting Party may terminate this Agreement by giving one year's notice to the other Contracting Party.

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

DONE at Baghdad, this fifth day of Rajab 1371 A.H. corresponding to the thirty-first day of March 1952 A.D., in duplicate in the Arabic and French languages, both texts being equally authentic.

For the Swiss Federal Council :

(Signed) F. KAPPELER

For the Iraqi Government :

(Signed) S. AL WADI

A N N E X

In the territory of each Contracting Party the designated airlines of the other Contracting Party shall have the right of transit and the right to make stops for non-traffic purposes and may use the airports and other facilities provided for international traffic ; they shall further have the right, at the points specified in the following schedules, to pick up and set down international traffic in passengers, mail and cargo, under the terms of the Agreement.¹

SCHEDULE I

Services which the Swiss airlines may operate

1. Points in Switzerland – Rome and/or Athens – Cairo and/or Beirut – Basrah and points beyond, in both directions.
2. Points in Switzerland – Rome and/or Athens and/or Istanbul – Damascus or Beirut – Basrah and points beyond, in both directions.

The designated Swiss airlines may omit calling at some of the above points on any or all flights.

If either of the above services calls at Kuwait and/or Bahrain, the designated Swiss airlines may not pick up or set down at such stops any passengers, mail or cargo destined for or coming from Basrah.

¹ See p. 51 of this volume.

SCHEDULE II

Services which the Iraqi airlines may operate

Baghdad – Damascus – Beirut – Nicosia – Athens – Naples and/or Rome – Geneva and points beyond, in both directions.

The designated Iraqi airlines may omit calling at some of the above points on any or all flights.