

No. 4768

**IRELAND
and
SWITZERLAND**

**Provisional Agreement (with annex) for air services between
the two countries. Signed at Dublin, on 6 May 1948**

Official texts: English and French.

Registered by the International Civil Aviation Organization on 17 June 1959.

**IRLANDE
et
SUISSE**

**Accord provisoire (avec annexe) relatif aux lignes aériennes
entre les deux pays. Signé à Dublin, le 6 mai 1948**

Textes officiels anglais et français.

Enregistré par l'Organisation de l'aviation civile internationale le 17 juin 1959.

No. 4768. PROVISIONAL AGREEMENT¹ BETWEEN IRELAND AND SWITZERLAND FOR AIR SERVICES BETWEEN THE TWO COUNTRIES. SIGNED AT DUBLIN, ON 6 MAY 1948

The Government of Ireland and the Swiss Federal Council, considering that the possibilities of civil aviation, as a means of transport, have considerably increased,

that it is desirable to organise regular air communications in a reliable and orderly manner and to promote, as far as possible, international co-operation in this field,

that it is accordingly necessary to conclude between Ireland and Switzerland an agreement regulating air transport by regular services,

have appointed representatives to this effect who, being duly authorised, have agreed as follows :

Article 1

(a) The contracting parties grant to one and other in time of peace the rights specified in the Annex hereto² for the purpose of the establishment of the international air services therein described to or through their respective territories.

(b) Each contracting party shall designate one or more airlines for the operation of the agreed services and shall decide on the date of inauguration of these services.

Article 2

(a) Each contracting party shall, subject to the provisions of Article 8, give the necessary operating permit to the airline or airlines designated by the other contracting party.

(b) These airlines may, however, before being authorised to inaugurate the agreed services, be required to furnish proof of qualification in accordance with the laws and regulations normally applied by the aeronautical authorities granting the operating permit.

Article 3

The contracting parties agree :

(a) The capacity offered by the airlines of the contracting parties shall be adapted to traffic requirements.

¹ Came into force on 6 May 1948, the date of signature, in accordance with article 11 (a).

² See p. 196 of this volume.

- (b) On common routes the airlines of the contracting parties shall take into consideration their mutual interests so as not to affect unduly their respective services.
- (c) The services set out in Tables I¹ and II¹ shall have as their essential purpose the provision of capacity corresponding to the traffic requirements between the country to which the airline belongs and the country of destination of the traffic.
- (d) The right to pick up and the right to set down at the points specified in the Tables international traffic going to or originating in third countries shall be exercised in conformity with the general principles of orderly development to which the Swiss and Irish Governments subscribe and in such a way that capacity is related to
- (i) traffic requirements between the country of origin and the countries of destination,
 - (ii) the requirements of the economic operation of the agreed services, and
 - (iii) the traffic requirements of the areas through which the airlines pass having regard to local and regional services.

Article 4

Fares shall be fixed at reasonable rates having regard to economy of operation, normal profit and the characteristics of each service, such as speed and comfort. Regard shall also be had to the recommendations of the International Air Transport Association (IATA). In the absence of such recommendations the Swiss and Irish airlines shall consult the airlines of third countries operating the same routes. The arrangements made by them shall be subject to the approval of the competent aeronautical authorities of the contracting parties. If the airlines cannot arrive at an agreement the aeronautical authorities shall endeavour to find a solution. In the last resort recourse shall be had to the procedure set out in Article 9 of the present Agreement.

Article 5

(a) The contracting parties agree that the charges levied for the use by the airline or airlines of each contracting party of airports and other facilities shall not exceed those payable 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, or taken on board, in 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 be accorded national and most-favoured-nation treatment in the matter

¹ See p. 196 of this volume.

of the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory the aircraft has entered.

(c) All aircraft operated by the airline or airlines designated by one contracting party on the agreed services, and fuel, lubricating oils, spare parts, normal equipment and aircraft stores retained on board shall be exempt in the territory of the other contracting party from customs duties, inspection fees or other national duties and charges even though such supplies be used or consumed by or on such aircraft 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 in force shall be recognised as valid by the other contracting party for the purpose of operating the agreed services. Each contracting party reserves the right, however, to refuse to recognise for the purpose of flight above its own territory certificates of competency and licences granted to its own nationals by another State.

Article 7

(a) The laws and regulations of one contracting party governing entry into and departure from its territory of aircraft engaged in international air navigation or flights of such aircraft above its territory shall apply to aircraft of the airline or airlines of the other contracting party.

(b) The laws and regulations of one contracting party governing entry into, sojourn in, or departure from its territory of passengers, crew or freight such as those relating to clearance, immigration, passports, customs and quarantine, shall apply to passengers, crew or freight carried by the aircraft of the airlines of the other contracting party while these aircraft are in the said territory.

(c) Passengers in transit across the territory of one contracting party shall be subject to a simplified control. Baggage and freight in transit shall be exempt from customs duties, inspection fees and similar charges.

Article 8

Each contracting party reserves the right to withhold or revoke an operating permit from an airline designated by the other contracting party, where it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of either contracting party or in case of failure on the part of the airline to comply with the laws and regulations referred to in Article 7 or to fulfil its obligations under the present Agreement.

Article 9

(a) The contracting parties agree to submit to arbitration any dispute relating to the interpretation and application of the present Agreement or of the Annex thereto which cannot be settled by direct negotiation.

(b) Any such dispute shall be referred to the Council of the International Civil Aviation Organisation set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944.¹

(c) Nevertheless, the contracting parties may, by mutual agreement, settle the dispute by referring it either to an arbitral tribunal or to any other person or body designated by them. In all cases the procedure contemplated under (b) remains reserved.

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

Article 10

The present Agreement and all contracts relating thereto shall be registered with the International Civil Aviation Organisation set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944.

Article 11

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

(b) The competent aeronautical authorities of the contracting parties shall, in a spirit of close collaboration, consult together from time to time in order to ensure the application and the satisfactory execution of the principles defined in the Agreement and in the Annex.

(c) The present Agreement and the Annex thereto shall be amended so as to conform with the provisions of any multilateral air convention which may bind both contracting parties.

(d) Modifications of the Annex to the present Agreement or to Tables I and II may be agreed between the competent aeronautical authorities.

(e) Each contracting party may terminate the Agreement by one year's prior notice to the other party.

DONE at Dublin this sixth day of May nineteen hundred and forty-eight, in duplicate, in the English and French languages, both texts being equally authentic.

For the Government of Ireland :

(Signed) Sean MACBRIDE

For the Swiss Federal Council :

(Signed) W. v. BURG

¹ See footnote 2, p. 14 of this volume.

ANNEX

1.

(a) For the operation of air services on the routes specified in Tables I and II to this Annex the airlines designated by one contracting party shall enjoy, in the territory of the other contracting party, the right of transit and of non-commercial stop; they may also use the airports and complementary facilities provided for international traffic.

(b) If the contracting party on whose territory non-commercial stops are made so demands, the airlines of the other contracting party shall offer at these points reasonable commercial services for the transport of passengers, mail and freight.

(c) As regards route No. 2 in Table I hereunder it is agreed that Swiss aircraft flying over Irish territory whether bound eastwards or westwards must stop at Shannon Airport.

2.

For the operation of air services on the routes specified in Tables I and II hereunder the airlines designated by one contracting party shall enjoy, furthermore, in the territory of the other contracting party, the right to pick up and set down international traffic in passengers, mail and freight in the conditions set out in the present Agreement.

TABLE I

SWISS ROUTES

- (1) Switzerland (Zurich and/or Geneva and/or Basle) – Dublin, with or without intermediate stops, in both directions.
- (2) Switzerland – Shannon – Newfoundland and/or Canada and/or U.S.A., with or without intermediate stops, in both directions.

TABLE II

IRISH ROUTES

Shannon and/or Dublin – Zurich (Geneva or Basle) and beyond, with or without intermediate stops, in both directions.
