

No. 5030

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
POLAND**

**Exchange of notes constituting an agreement concerning the
introduction of air services between the United King-
dom and Poland. Warsaw, 3 April 1959**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
4 March 1960.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
POLOGNE**

**Échange de notes constituant un accord concernant l'éta-
blissement de services aériens entre le Royaume-Uni
et la Pologne. Varsovie, 3 avril 1959**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
4 mars 1960.*

No. 5030. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND CONCERNING THE INTRODUCTION OF AIR SERVICES BETWEEN THE UNITED KINGDOM AND POLAND. WARSAW, 3 APRIL 1959

I

Her Majesty's Ambassador at Warsaw to the Polish Minister for Foreign Affairs

Warsaw, April 3, 1959

Monsieur le Ministre,

I have the honour to refer to the discussions which took place in London between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of Poland between the 21st and the 26th of November 1957 concerning the introduction of air services between the United Kingdom and Poland. In these discussions and subsequently it was agreed to introduce the air services between London and Warsaw. These services, pending the conclusion of a full Air Services Agreement between the United Kingdom and Poland, are based on the following arrangements :

(a) The Polish airline *Polskie Linie Lotnicze "LOT"* should be authorised to operate air services with Convair 240 aircraft on the route Warsaw-London via any two of the following optional intermediate points : Berlin, Amsterdam, Brussels, a point in the Federal Republic of Germany, and to carry passengers, cargo and mail between these specified points in both directions.

(b) The United Kingdom airline *British European Airways "B.E.A."* should be authorised to operate air services with Viscount aircraft (700 or 800 series) on the route London-Warsaw via any two of the following optional intermediate points : Copenhagen, Berlin, Prague, a point in the Federal Republic of Germany, and to carry passengers, cargo and mail between these specified points in both directions.

(c) It would be open to either air line to employ, in case of temporary emergency, aircraft other than those specified above.

¹ Came into force on 3 April 1959 by the exchange of the said notes.

(d) The capacity provided by B.E.A. and LOT should be sufficient to meet the estimated requirements of air traffic between London and Warsaw; each airline should be entitled to operate, with the types of aircraft referred to in sub-paragraphs (a) and (b) above, not less than two services per week until the end of the summer operating period of 1959. Both airlines should be free to operate additional services when there is evidence that the average passenger load-factor on the services will exceed 60 per cent; in such an event, if both airlines agreed that increased capacity was required, either airline could provide this capacity if the other was temporarily unable to do so. If the airlines could not agree on the need for an increase in capacity, the matter might be referred to the two Governments.

(e) The tariffs to be charged on the services referred to above should be agreed between B.E.A. and LOT, where possible through the ratefixing machinery of the International Air Transport Association, and should be subject to the approval of the aeronautical authorities of the United Kingdom and of Poland.

(f) B.E.A. and LOT should co-operate in ensuring the safe and economic operation of the air services referred to above.

(g) Each airline should be free to remit to its head office in sterling at the official rates of exchange the surplus of its earnings over its expenditure in the country of the other; the procedure for remittance should be in accordance with the currency regulations of both countries.

(h) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the United Kingdom or Poland, or taken on board aircraft in the United Kingdom or Poland, by or on behalf of LOT, or B.E.A. respectively, and intended solely for use by or in the aircraft of those airlines in the operation of the services referred to above, should be exempted from customs duties, inspection fees and other similar national or local duties and charges. This treatment should be in addition to and without prejudice to that which is accorded under Article 24 of the Convention on International Civil Aviation which was opened for signature at Chicago on the 7th of December 1944.¹

(j) B.E.A. should have the right to maintain in Poland, and LOT the right to maintain in the United Kingdom, such technical and commercial staff as may be necessary for the operation of the air services referred to above. These persons should have the freedom of action reasonably required to carry out their normal duties.

(k) The aeronautical authorities of the United Kingdom and of Poland should co-operate in all matters necessary to ensure the safe and efficient operation of the air services referred to above and should consult together in the event of any difficulty arising in the operation of these services.

(l) The air services referred to above have been put into provisional operation on the 9th of April, 1958.

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; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 420; Vol. 199, p. 362; Vol. 252, p. 410, and Vol. 324, p. 340.

(m) These arrangements should remain in force until the 1st of November 1959, subject to termination before that date by the Government of the United Kingdom or the Government of Poland in the event of the services of either B.E.A. or LOT being withdrawn as a result of circumstances beyond their control. Termination should be effective three months after notification had been given or at the end of the current International Air Transport Association winter or summer season, whichever is the later.

The arrangements set out above are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland. If they are also acceptable to the Government of the People's Republic of Poland, I have the honour to propose that this Note and Your Excellency's reply in the same sense should be regarded as constituting an agreement between the two Governments in this matter which shall enter into force immediately.

I have, &c.

E. A. BERTHOUD

II

*The Polish Vice-Minister for Foreign Affairs to Her Majesty's Ambassador
at Warsaw*

Warsaw, April 3, 1959

Your Excellency,

I have the honour to refer to Your Excellency's Note of to-day's date which reads as follows :

[*See note I*]

In reply, I have the honour to inform you that the Government of the People's Republic of Poland accept the arrangements set out in Your Excellency's Note referred to above and agree that Your Excellency's Note and this reply should constitute an agreement between the two Governments in this matter which shall enter into force immediately.

I avail, &c.

J. WINIEWICZ