

No. 5429

**ITALY
and
SWITZERLAND**

**Agreement (with exchange of notes) relating to air services.
Signed at Rome, on 4 June 1956**

Official text: French.

Registered by Italy on 2 November 1960.

**ITALIE
et
SUISSE**

**Accord (avec échange de notes) relatif aux services aériens.
Signé à Rome, le 4 juin 1956**

Texte officiel français.

Enregistré par l'Italie le 2 novembre 1960.

[TRANSLATION — TRADUCTION]

No. 5429. AGREEMENT¹ BETWEEN ITALY AND SWITZERLAND RELATING TO AIR SERVICES. SIGNED AT ROME, ON 4 JUNE 1956

The Italian Government and the Swiss Federal Council,
Considering that the possibilities of commercial aviation as a means of transport have increased considerably;

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

That it is therefore necessary to conclude an agreement between Italy and Switzerland regulating air transport by scheduled services;

Have appointed their plenipotentiaries, who, being duly authorized for that purpose, have agreed as follows :

Article 1

For the purposes of this Agreement and its annex,² unless the text otherwise provides :

(a) The term “ Aeronautical Authority ” means, in the case of Switzerland, the Federal Air Office, and, in the case of Italy, the General Directorate of Civil Aviation and Air Traffic (Direzione Generale dell’Aviazione Civile e del Traffico Aereo) and any person or body authorized to perform the functions at present exercised by those Authorities.

(b) The term “ designated airline ” means any airline which the Aeronautical Authority of one Contracting Party has notified, in writing, to the Aeronautical Authority of the other Contracting Party as being the airline designated by it under articles 2 and 3 of this Agreement for the operation of the air services mentioned in such notification.

(c) The term “ territory ” shall have the meaning given to it in Article 2 of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944.³

(d) Account shall be taken of the definitions given in article 96 of the said Convention.

¹ Came into force on 31 May 1958, the date on which the Governments notified each other of the ratification of the Agreement by an exchange of notes, in accordance with article 14.

² See p. 323 of this volume.

³ 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; Vol. 324, p. 340, and Vol. 355, p. 418.

Article 2

(a) The Contracting Parties grant each other in time of peace the rights specified in the annex for the purpose of establishing the scheduled international air services described therein to or through their respective territories.

(b) Each Contracting Party shall designate one or more airlines to operate the agreed services and shall decide on the date of inauguration of those services, subject to issuance of the permit referred to in article 3 below.

Article 3

(a) Subject to the provisions of article 9 hereunder, the necessary operating permit shall be issued to the designated airline of each Contracting Party.

(b) The designated airlines may, however, before being authorized to inaugurate the agreed services, be required to satisfy the Aeronautical Authority competent to issue the operating permit that they fulfil the conditions prescribed by the laws and regulations normally applied by that Authority.

Article 4

(a) The transport capacity provided by the designated airlines shall be adapted to the traffic demand.

(b) In the operation of common routes, the designated airlines shall take into account their mutual interests so as not to affect unduly their respective services.

(c) The essential purpose of the agreed services shall be the provision of capacity adequate to meet the traffic demand between the country of the airline and the countries of destination.

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

1. The traffic demand between the country of origin and the countries of destination;
2. The requirements of economic operation of the agreed services;
3. The traffic demand of the areas through which the airlines pass, local and regional services being taken into account.

(e) The designated airlines shall enjoy fair and equal opportunity to operate the agreed services between the territories of the Contracting Parties.

Article 5

The Aeronautical Authorities of each Contracting Party shall, one month in advance, communicate to the Aeronautical Authorities of the other Contracting Party, for their approval, complete time-tables of the services, indicating the frequency of operation.

The said Authorities shall communicate to each other any alteration of the above particulars, in principle with the same notice.

Article 6

Tariffs shall be fixed at reasonable levels, 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 over the same routes. The arrangements made by them shall be subject to the approval of the Aeronautical Authorities of the Contracting Parties.

If the designated airlines fail to agree, these Authorities shall endeavour to find a solution. In the last resort recourse shall be had to the procedure set out in article 11 hereunder.

Article 7

(a) For the use of airports and other facilities offered by one Contracting Party the designated airline of the other Contracting Party shall not be liable to pay charges exceeding those payable by national aircraft engaged in scheduled international services.

(b) Fuel and spare parts introduced into or taken on board in the territory of one Contracting Party by or on behalf of the designated airline of the other Contracting Party and intended solely for use by aircraft of the said airline which are used to operate the agreed services, shall, subject to reciprocity, receive, in respect of customs duties, inspection fees and other duties and charges, treatment no less favourable than that accorded to national airlines regularly performing international air transport operations.

(c) Aircraft used by the designated airline of one Contracting Party in the operation of the agreed services 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 and other national duties and charges, even though such supplies be used or consumed on flights over that territory.

(d) Supplies exempted under the provisions of the preceding paragraph may not be unloaded without the consent of the Customs Authorities of the other Contracting Party. If they cannot be used or consumed, they must be re-exported. Pending re-exportation, they shall be kept under the supervision of the said Authorities, but shall remain at the disposal of the airlines.

Article 8

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still in force 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 above its territory, certificates of competency and licences granted to its nationals or recognized as valid by the other Contracting Party or by a third State.

Article 9

(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 the designated airline 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, mail or cargo, such as those relating to formalities, immigration, passports, customs and quarantine, shall apply to passengers, crew, mail and cargo carried by the aircraft of the designated airline of the other Contracting Party while within that territory.

Article 10

Each Contracting Party reserves the right to withhold the grant of an operating permit from the designated airline of the other Contracting Party or to revoke such permit in any case where it is not satisfied that the main ownership and effective control of that airline are vested in nationals of either Contracting Party or in case of failure by the airline to comply with the laws and regulations referred to in article 9 above or to fulfil its obligations under this Agreement.

Article 11

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

(b) Any such dispute shall be referred to any tribunal competent to decide it which may hereafter be established within the International Civil Aviation

Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944 or, in the absence of such a tribunal, to the Council of that Organization.

(c) Nevertheless, the Contracting Parties may, by mutual 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 12

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

Article 13

(a) The Aeronautical Authorities of the Contracting Parties shall consult together from time to time in a spirit of close collaboration with a view to ensuring that the principles of this Agreement and its Annex are being applied and that their purposes are being achieved satisfactorily.

To that end, the Contracting Parties agree to set up a Joint Commission responsible for maintaining effective and continuous co-operation between the Aeronautical Authorities of the two Contracting Parties.

(b) The Aeronautical Authorities of the Contracting Parties shall regularly exchange traffic statistics relating to the agreed services.

Article 14

(a) This Agreement shall enter into force on the date when the Parties notify each other of its ratification by an exchange of notes.

(b) This Agreement and its annex shall be brought into harmony with any multilateral convention which may bind both Contracting Parties.

(c) The entry into force of this Agreement shall terminate the Provisional Agreement between Switzerland and Italy, signed at Rome on 24-26 July 1946, relating to customs treatment of fuel and oils used by aircraft of scheduled air services between Switzerland and Italy.

(d) Modifications of 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.

DONE at Rome on 4 June 1956, in duplicate, in the French language.

For the Swiss Federal Council :

A. ESCHER

For the Italian Government :

G. DE ASTIS

ANNEX

In the territory of each Contracting Party, the designated airline of the other Contracting Party shall enjoy the right of transit and the right to make non-traffic stops, and shall be entitled to use the airports and other facilities provided for international traffic; it shall also enjoy, at the points specified in the schedules hereunder, the right to pick up and the right to set down international traffic in passengers, mail and cargo on the conditions set out in the Agreement.

SCHEDULE I

Services which may be operated by Italian airlines

Italy—Geneva and Zurich
Italy—Zurich
Italy—Basle

SCHEDULE II

Services which may be operated by the Swiss airline

Switzerland—Genoa
Switzerland—Turin
Switzerland—Milan and Rome
Switzerland—Rome

EXCHANGE OF NOTES

I

The Chairman of the Italian delegation to the Chairman of the Swiss delegation

Rome, 4 June 1956

Sir,

During the negotiations which led to the conclusion of the Agreement between Italy and Switzerland relating to air services, signed at Rome today,¹ the Italian delegation at the Swiss delegation agreed on the following :

(1) Pending the entry into force of the said Agreement, the Aeronautical Authorities of the two countries shall apply immediately, on a provisional basis, the principles established by the Agreement;

(2) Prior agreement between the Aeronautical Authorities of the Contracting Parties shall be required for operation of a direct service between Venice and Switzerland, it being understood that the designated airlines of both Parties shall be entitled to participate in such operation;

¹ See p. 313 of this volume.

(3) Negotiations between the Aeronautical Authorities of the two countries shall be initiated before the end of 1957, to consider the question of the fifth freedom.

The two delegations also expressed the hope that the question of double taxation, as it affects air transport, would be settled as soon as possible.

I have the honour to inform you that the Italian Aeronautical Authorities agree with the foregoing and I would request you to be good enough to confirm to me the agreement of the Swiss Aeronautical Authorities.

I have the honour to be, etc.

G. DE ASTIS

II

The Chairman of the Swiss delegation to the Chairman of the Italian delegation

Rome, 4 June 1956

Sir,

By letter of today's date you were good enough to inform me as follows :

[See note I]

I have the honour to inform you that the Swiss Aeronautical Authorities agree to the foregoing.

I have the honour to be, etc.

A. ESCHER