

No. 7257

**SWITZERLAND
and
IRAN**

Agreement (with annex and exchange of letters, dated at Tehran on 18 October 1955, amending the final paragraph of the Agreement) relating to commercial air services between and beyond the two countries. Signed at Tehran, on 27 May 1954

Official texts: French and Persian.

Registered by the International Civil Aviation Organization on 8 June 1964.

**SUISSE
et
IRAN**

Accord (avec annexe et échange de lettres, datés à Téhéran le 18 octobre 1955, modifiant le dernier paragraphe de l'Accord) relatif aux services aériens commerciaux entre les deux pays et au-delà. Signé à Téhéran, le 27 mai 1954

Textes officiels français et persan.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7257. AGREEMENT¹ BETWEEN SWITZERLAND AND IRAN RELATING TO COMMERCIAL AIR SERVICES BETWEEN AND BEYOND THE TWO COUNTRIES. SIGNED AT TEHRAN, ON 27 MAY 1954

The Swiss Federal Council and His Imperial Majesty the Shahinshah of Iran,
Equally desirous of concluding an agreement for the purpose of establishing and operating air services between and beyond the territories of Switzerland and Iran,

Have appointed their plenipotentiaries,

The Swiss Federal Council :

His Excellency, Mr. Alfred Escher, Envoy Extraordinary and Minister Plenipotentiary of Switzerland in Iran,

His Imperial Majesty the Shahinshah of Iran :

His Excellency, Mr. Abdollah Entezam, Minister for Foreign Affairs,
who, being duly authorized, have agreed as follows :

Article 1

For the application of this Agreement, unless the context indicates otherwise :

- (a) The term "aeronautical authorities" shall mean, in the case of Iran, the Department of Civil Aviation and any person or body authorized to perform the functions exercised at present by that Department or similar functions and, in the case of Switzerland, the Federal Air Office and any person or body authorized to perform the functions exercised at present by that Office or similar functions.
- (b) The term "Convention" shall mean the Convention on International Civil Aviation signed at Chicago on 7 December 1944.²
- (c) The terms "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings assigned to them in articles 2 and 96 of the Convention.

¹ Came into force on 15 April 1958, the date of the exchange of diplomatic notes indicating ratification by each Contracting Party, in accordance with the provisions of article 16.

² See footnote 1, p. 226 of this volume.

Article 2

(a) In order to establish the international air services defined in the annex¹ and hereinafter referred to as "agreed services", each Contracting Party shall, subject to the provisions of this Agreement, grant the airlines to be designated by the other Contracting Party in accordance with article 3 hereunder :

1. The right to have their aircraft fly over its territory ;
2. The right to make non-traffic stops in the said territory ; and
3. The right to make stops in the said territory, at the points specified in the annex, in order to set down and pick up international traffic in passengers, cargo and mail travelling from or to other points likewise specified.

(b) In war areas or areas under military occupation or in the regions affected by such operations, the operation of the agreed services shall also be subject to the approval of the competent military authorities.

Article 3

(a) Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines, hereinafter referred to as "designated airlines", to operate the agreed services. Immediately upon receipt of the designation, the other Contracting Party shall, subject to article 4 hereunder, grant the appropriate operating permit to such airline or airlines without delay.

(b) Before being authorized to inaugurate the agreed services, however, the designated airlines may be required to satisfy the aeronautical authorities authorized to grant the permit that they fulfil the conditions prescribed under the laws and regulations applied by those authorities to the operation of international air services.

Article 4

(a) Each Contracting Party shall have the right to withhold an operating permit from a designated airline, to revoke the permit if it has been granted, to suspend it or to make its use subject to such conditions as it may deem necessary if it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals.

(b) Each Contracting Party shall also have the right, after consultation with the other Contracting Party, to suspend the operating permit granted to a designated airline or to make its use subject to such conditions as it may deem necessary, if the

¹ See p. 295 of this volume.

airline does not comply with articles 11 and 13 of the Convention, as at present worded, or does not fulfil the obligations incurred under this Agreement.

Article 5

This Agreement shall not be construed as conferring exclusive rights on either Contracting Party or on their designated airlines or as establishing a regime of exclusion or discrimination against airlines of a third country.

Article 6

This Agreement shall not be construed as conferring on the designated airlines of either Contracting Party the right to take up for hire or reward, in the territory of the other Contracting Party, passengers, cargo or mail destined for another point situated in the same territory.

Article 7

(a) The designated airlines of each Contracting Party shall have fair and equal opportunity to operate the agreed services in the territory of the other Contracting Party.

(b) The agreed services shall be closely related to the requirements of the public and their primary objective shall be to provide at a reasonable load factor, capacity adequate to the current and reasonably foreseeable requirements for transport of passengers, cargo and mail between the territory of the Contracting Party designating the airlines and the country of ultimate destination.

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

(d) The right to pick up and the right to set down, in the territory of a Contracting Party other than the State which designated the airlines responsible for the carriage of passengers, cargo and mail travelling to or from third countries, shall be exercised under such conditions that capacity shall be related to :

1. The traffic requirements between the country of origin and the countries of destination ;
2. The requirements of through airline operation ; and
3. The traffic requirements of the areas traversed, local and regional services being taken into account.

Article 8

The tariffs to be charged for the agreed services shall be fixed at reasonable rates, taking into consideration all determining factors, in particular economy of operation, normal profit and the characteristics of each service (including speed and comfort), as well as the tariffs charged by other airlines operating over all or certain parts of the routes in question. The tariffs shall, if possible, be agreed for each route between the designated airlines of both Contracting Parties, in consultation with other airlines operating over the whole or a part of the same route. Such agreement shall, where possible, be reached through the rate - fixing machinery of the International Air Transport Association (IATA). The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Contracting Parties. These authorities shall try to find a solution if the designated airlines cannot reach agreement. In the last resort, the procedure outlined in article 12 hereunder shall be followed.

Article 9

Articles 9, 13, 14, 15, 24, 29, 31, 32, 33 and 35 of the Convention, as at present worded, shall be binding as between the Contracting Parties for the duration of this Agreement as if they formed an integral part thereof, unless the said Contracting Parties, as States Parties to the Convention, both ratify any amendments to those articles which may have come into force in accordance with article 94 of the Convention. In such case, the articles as amended shall also be binding on the Contracting Parties.

Article 10

The aeronautical authorities of each Contracting Party shall supply to the aeronautical authorities of the other Contracting Party, at their request, such information and statistics as may reasonably be requested concerning :

- (a) The frequency and capacity of the agreed services ; and
- (b) The traffic carried by the designated airlines of the first Contracting Party to and from the territory of the other Contracting Party or in transit across that territory, with mention of the origin and destination of such traffic.

Article 11

(a) If either Contracting Party considers it desirable to modify the terms of this Agreement, it may request consultation between the aeronautical authorities of the Contracting Parties and such consultation shall begin within a period of sixty days from the date of the request. When these authorities have agreed on the modification to be made to the Agreement, such modification shall come into force when it has been confirmed by an exchange of diplomatic notes.

(b) The changes made by either Contracting Party in the routes used for the operation of the agreed services by its designated airlines shall not be considered as modifications of this Agreement unless they concern points served by those airlines in the territory of the other Contracting Party. The aeronautical authorities of either Contracting Party may therefore make such changes unilaterally, provided, however, that notice thereof is given forthwith to the aeronautical authorities of the other Contracting Party. If, having regard to the principles stated in article 7 above, the latter authorities consider that the interests of one of their airlines are affected by the traffic carried between the territory of the latter Contracting Party and the additional stop in a third country by the designated airlines of the former Contracting Party, they shall consult with the aeronautical authorities of the former Party, in order to reach a satisfactory agreement.

Article 12

(a) If a dispute arises between the Contracting Parties relating to the interpretation or application of this Agreement, they shall first endeavour to settle the dispute directly between themselves.

(b) If they fail to reach a settlement within ninety days reckoned from the date on which the matter in dispute was raised by one of them, the Contracting Parties may agree to refer the dispute for decision to an arbitral tribunal designated by mutual agreement or to some other person or body. If they do not so agree or if they cannot reach agreement within thirty days regarding the composition of the arbitral tribunal to which they have agreed to refer the dispute, either Contracting Party may submit the dispute for decision to any competent tribunal which may be established within the International Civil Aviation Organization. Either Contracting Party may request the arbitral tribunal or the competent tribunal which may be established within the International Civil Aviation Organization, as the case may be, to indicate as soon as possible the provisional measures to be taken to preserve the respective rights of the Contracting Parties.

(c) The Contracting Parties undertake to comply with any decision made and to take the measures indicated in application of this article.

(d) If either Contracting Party or one of its designated airlines fails to comply with this decision or to take these measures, the other Contracting Party may, as long as such failure continues, withhold, limit or suspend any rights granted by virtue of this Agreement to the Contracting Party in default or to its designated airline in default.

Article 13

The present Agreement shall be brought into harmony with any multilateral convention concerning the granting of commercial rights for the operation of international air services which may become binding on the Contracting Parties.

Article 14

The present Agreement shall terminate one year after the date of receipt by either Contracting Party of the notice of denunciation by the other Contracting Party, unless such notice is withdrawn by mutual agreement before the expiry of this period. The said notice shall be simultaneously communicated to the Council of the International Civil Aviation Organization. The Contracting Party receiving notice of termination shall acknowledge receipt thereof. In the absence of such acknowledgment, the notice shall be deemed to have been received fourteen days after its receipt by the Council of the Organization.

Article 15

The present Agreement and the annex thereto and any subsequent additions or modifications shall be registered with the International Civil Aviation Organization.

Article 16

The present Agreement shall enter into force when notice of its ratification has been given by both Parties in an exchange of diplomatic notes.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Agreement.

DONE at Tehran on 27 May 1954, in duplicate, in the French and Persian languages, both texts being equally authentic.

For the Swiss Federal
Council :
(Signed) ESCHER

For His Imperial Majesty
the Shahinshah of Iran :
(Signed) A. ENTEZAM

ANNEX

SCHEDULE I

Air services which may be operated by the designated Iranian airlines

1. Iran — Beirut — Athens — Rome — Geneva and/or Zurich and beyond, in both directions.
2. Iran — Damascus — Istanbul — Athens — Rome — Geneva and/or Zurich and beyond, in both directions.

On all the air services defined above, stops may be omitted on all or part of the flights, at the option of the designated Iranian airlines.

SCHEDULE II

Air services which may be operated by the designated Swiss airlines

1. Switzerland – Rome – Athens – Istanbul – Ankara – Beirut – Damascus – Lydda – Tehran and/or Abadan and beyond, in both directions.

2. Switzerland – Rome – Athens – Beirut – Damascus – Lydda – Cairo – Basra – Abadan and/or Tehran and beyond, in both directions.

On all the air services defined above, stops may be omitted on all or part of the flights, at the option of the designated Swiss airlines.

EXCHANGE OF LETTERS

I

IMPERIAL MINISTRY OF FOREIGN AFFAIRS

Teheran, 18 October 1955

Sir,

With reference to the signing of the Agreement of 27 May 1954¹ between Iran and Switzerland relating to commercial air services between and beyond the two countries, I have the honour to inform you that, as an amendment to the final sentence in article 16, the Iranian Government declares that in case of a divergency of interpretation the French text shall prevail.

This letter and the confirmation which you will be good enough to send me in this regard shall form an integral part of the above-mentioned agreement.

(Signed) Mostafa SAMIY

His Excellency Mr. Anton Roy Ganz
Envoy Extraordinary and Minister Plenipotentiary of Switzerland
Teheran

II

Teheran, 18 October 1955

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[See letter I]

¹ See p. 285 of this volume.

On behalf of my Government, I take note of this communication, with which my Government is in agreement.

Accept, Sir, the assurances of my highest consideration.

(Signed) GANZ

His Excellency Mr. Mostafa Samiy
Under-Secretary of State
Imperial Ministry of Foreign Affairs
Teheran
