

No. 13958

**UNITED STATES OF AMERICA
and
SWITZERLAND**

**Exchange of letters constituting an agreement relating to air
charter services. Bern, 12 June and 25 July 1974**

Authentic text: English.

Registered by the United States of America on 7 May 1975.

**ÉTATS-UNIS D'AMÉRIQUE
et
SUISSE**

**Échange de lettres constituant un accord relatif aux services
aériens affrétés. Berne, 12 juin et 25 juillet 1974**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 7 mai 1975.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND SWITZERLAND RELATING TO AIR CHARTER SERVICES

I

The Swiss Director of the Federal Air Office to the American Deputy Assistant Secretary of State for Transportation and Telecommunications

EIDGENÖSSISCHES LUFTAMT
OFFICE FÉDÉRAL DE L'AIR
UFFICIO AERONAUTICO FEDERALE
BERN

Unser Zeichen *Rückfrage*
Notre référence *Rappel*
Nostra referenza *Richiamo*

12th June, 1974

652-Sz 031/61 59 82

Dear Mr. Waldmann,

Referring to the discussions earlier this year between representatives of our two Governments regarding the application of the rules of origin to charter traffic between our two countries, we are setting forth below the rules under which charters originating in Switzerland will operate.

A. We intend to authorize advance booking charters and affinity charters as follows:

1. *Advance booking charters*

Advance booking charters must be consistent with the "definition and main conditions" set forth in the recommendation adopted by the Fifth Intermediate Session (Special) of ECAC, with the following exceptions:

- 1.1 60-day advance filing of passenger list;
- 1.2 permission for mixing advance booking charters with affinity charters.

2. *Affinity charter flights*

Affinity charter flights originating in Switzerland must meet the following requirements:

- 2.1 the association has principal purposes, aims and objectives other than travel and sufficient prior affinity to distinguish it and set it apart from the general public;
- 2.2 the association has a permanent character and has been in existence for at least two years;
- 2.3 the total membership of the association does not exceed 50,000;
- 2.4 no part of the capacity of the aircraft is sold to persons outside the association;
- 2.5 the passengers of the flight have been members of the association for at least 6 months preceding the flight (or be in the family of such members);
- 2.6 the flights are advertised only to members of the association;

¹ Came into force on 25 July 1974, the date of the letter in reply.

- 2.7 a group consists of at least 40 passengers and they travel together both on the outward and return portions of the journey;
 - 2.8 when several groups travel on the same aircraft, each group conforms to the above criteria;
 - 2.9 a passenger list is filed with the aeronautical authority at least 30 days before the departure of the flights and substitution of passengers is accepted only in cases of *force majeure*.
3. *Enforcement*

We shall ensure legal enforcement of the rules set forth above and thereby follow as far as possible the administrative and enforcement procedure outlined in the "Memoranda of Understanding" between the United States and some European countries concerning "Advance charters". Control or surveillance of tariffs for the categories of flights described in paragraphs 1 and 2 above are however inconsistent with our present air navigation law and enforcement is therefore not possible. The rules mentioned in paragraphs 1 and 2 above are subject to modification. Any such modifications will be brought to your attention.

B. We have examined the Economic Regulations and Special Regulations of the U.S. Civil Aeronautics Board regarding charter flights and are willing to accept as charterworthy flights originated in the United States and organized and operated consistently with those rules.

C. If these arrangements are acceptable to you, I propose that they be placed in effect on the date of your reply, and that they remain in effect through 31st December, 1975.

Sincerely,

Director of the Federal Air Office

[Signed]

Prof. Dr. W. GULDIMANN

Mr. Raymond J. Waldmann
Deputy Assistant
Secretary of State for Transportation and Telecommunications
U.S. Department of State
Washington, D.C.
U.S.A.

II

*The American Deputy Assistant Secretary of State for Transportation and
Telecommunications to the Swiss Director of the Federal Air Office*

Bern, Switzerland July 25, 1974

Dear Dr. Guldimann:

I am replying to your letter of June 12, 1974, with regard to the application of the rules of country of origin to charter traffic between our two countries. The pro-

posed arrangements are satisfactory to the U.S. authorities, and I agree that they should be placed into effect on today's date.

Sincerely yours,

[Signed]

RAYMOND J. WALDMANN
Deputy Assistant Secretary of State
for Transportation and Telecommunications

Dr. Werner Guldemann
Director
Federal Air Office
Bern