

No. 23335

**SWEDEN
and
DENMARK**

Agreement concerning air-traffic services. Signed at Stockholm on 23 January 1981

Authentic texts: Swedish and Danish.

Registered by Sweden on 17 April 1985.

**SUÈDE
et
DANEMARK**

Accord relatif aux services de la circulation aérienne. Signé à Stockholm le 23 janvier 1981

Textes authentiques : suédois et danois.

Enregistré par la Suède le 17 avril 1985.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN SWEDEN AND DENMARK CONCERNING AIR-TRAFFIC SERVICES

The Government of Sweden and the Government of Denmark have agreed as follows:

AIR SPACE AND AIR-TRAFFIC SERVICES

Article 1. Sweden and Denmark, having regard to item 2.1.1 of Annex 11 to the Convention of 7 December 1944 on international civil aviation (the Chicago Convention),² agree that the air-traffic-service units of each country may, under the terms specified below, perform air-traffic services in the air space of the other country.

The term “air-traffic-service units” shall mean the units responsible for providing air-traffic services.

Article 2. The Swedish and Danish aeronautical authorities shall indicate, in a special agreement, the maximum area of air space belonging to each country in which the air-traffic-service unit of the other country may perform air-traffic services. This matter is, at present, governed by an agreement between the Swedish and Danish aeronautical authorities concerning rules for the handling of air traffic in portions of the Copenhagen, Malmö and Göteborg FIRs. The Agreement entered into force on 3 October 1977.

When the air-traffic-service unit of one country needs to perform air-traffic services in the air space of the other country, the air-space requirements and the time of utilization thereof shall be notified to the air-traffic-service unit of the other country.

Article 3. The Swedish and Danish aeronautical authorities shall ensure that air traffic to and from Sturup and Kastrup airports is so co-ordinated as to maintain a satisfactory flow of traffic at both airports.

Article 4. The aeronautical authority of each country shall ensure that the flow of traffic is handled in a safe and effective manner in the portions of air space of the other country in which that country’s air-traffic-service unit provides air-traffic services. The aeronautical authority of each country shall be entitled to information concerning the manner in which operational air-traffic services are performed in such air space.

Article 5. The air-traffic-service unit of each country, when providing air-traffic services in the air space of the other country, shall verify that the air traffic in that area conforms to the air-traffic rules prescribed by that country on the basis of Annex 2 of the Chicago Convention, except as otherwise agreed. Any change in the traffic rules that might affect air-traffic services in such air space shall be

¹ Came into force on 23 January 1981 by signature.

² United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

subject to prior discussion between the Swedish and Danish aeronautical authorities.

The Swedish and Danish aeronautical authorities shall endeavour to ensure that the contents of the special regulations published in their respective countries' AIPs or NOTAMs coincide with respect to flights in the air space concerned.

Regulations in force in one country concerning air-traffic services may not be applied without the consent of the other country in the portions of that country's air space in which the first-mentioned country's air-traffic-service unit performs air-traffic services, where such regulations so differ from the regulations in force in the other country as to affect air traffic or air-traffic services in adjacent air space.

Article 6. The Swedish and Danish aeronautical authorities shall co-ordinate the methodology, equipment, staffing and training of the air-traffic-service units to the extent necessary to ensure a safe and effective flow of air traffic.

Article 7. The Swedish and Danish aeronautical authorities shall jointly establish procedures for action by such authorities in the event of an aircraft accident or near-accident occurring in the air space covered by this Agreement.

TERRITORIAL QUESTIONS

Article 8. In the air space covered by this Agreement, flights by State aircraft of a country other than that to which the air space belongs may not take place without authorization from that country in each individual case.

Applications for authorization shall be made through the diplomatic channel, except as otherwise provided by municipal law. Swedish or Danish State aircraft used to test navigational aids may be granted a standing authorization to conduct flights in the air space of the other country for the purpose of carrying out such assignments.

The Swedish and Danish aeronautical authorities shall jointly draw up regulations for the application of this article.

Article 9. If one country discovers or suspects that unauthorized flights are taking place in the air space covered by this Agreement, the matter shall be reported immediately to the air-traffic-service unit of the other country. The foregoing provision shall also apply to air traffic in violation or suspected violation of the customs regulations.

Article 10. Where the air-traffic-service unit of either Sweden or Denmark performs air-traffic services in the air space of the other country, the air-traffic-service unit shall help to ensure that the military authorities of the other country receive information through the air-traffic-service unit of that country concerning air traffic within such air space. Procedures for the communication of such information shall be established jointly by the Swedish and Danish aeronautical authorities.

If the Government of Sweden or of Denmark so requests, communications personnel shall be given the opportunity to serve in the air-traffic-service unit of the other country in order to obtain information concerning air traffic in the portions of the air space of their own country in which the air-traffic-service unit of the other country performs air-traffic services.

Article 11. This Agreement shall not in any way limit either country's opportunities to assert its sovereignty or maintain its territorial integrity. If the occasion for intervention of a military nature should arise in the case of one of the two countries in order to combat any unknown or foreign activity which might violate its territory, the air-traffic-service unit of the other country shall, if so requested, clear the necessary portions of the foreign air space at its disposal as promptly as is consistent with air safety, so that the military intervention may take place.

The necessary portions of Swedish air space shall also be cleared, whenever the Swedish authorities consider such action necessary to enable foreign state aircraft to exercise the right of free transit through the air space above Swedish territorial waters in the Sound.

The Swedish and Danish aeronautical authorities shall jointly establish procedures for the temporary transfer of air-traffic services in the air space in which the air-traffic-service unit of the other country performs air-traffic services.

Article 12. In the event of war or the danger of war, or if other circumstances make such action necessary for reasons of national security either Government may, by giving written notice to the other Government, with immediate effect, suspend or revoke the right of the air-traffic-service unit of the other country to perform air-traffic services under this Agreement.

AIRCRAFT NOISE

Article 13. On the basis of current procedures for handling air traffic in the area, and of subsequent changes therein, the aeronautical authorities of the two countries shall endeavour to ensure that, subject to the limitations of the necessary traffic capacity, air traffic is handled in such a way that any inconvenience occasioned to the territory of the other country by noise is kept to a minimum.

IN WITNESS WHEREOF, the undersigned plenipotentiaries of the Governments of Sweden and Denmark have signed this Agreement.

DONE at Stockholm on 23 January 1981 in duplicate in the Swedish and Danish languages, both texts being equally authentic.

For the Government of Sweden:

HANS SANDEBRING

For the Government of Denmark:

JØRGEN L. HALCK