

No. 5042

**FINLAND
and
SWITZERLAND**

**Agreement concerning air services (with annex). Signed at
Berne, on 7 January 1959**

Official text: French.

Registered by the International Civil Aviation Organization on 11 March 1960.

**FINLANDE
et
SUISSE**

**Accord relatif aux services aériens (avec annexe). Signé à
Berne, le 7 janvier 1959**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 11 mars 1960.

[TRANSLATION — TRADUCTION]

No. 5042. AGREEMENT¹ CONCERNING AIR SERVICES BETWEEN FINLAND AND SWITZERLAND. SIGNED AT BERNE, ON 7 JANUARY 1959

The Government of the Republic of Finland and the Swiss Federal Council,

Desiring to develop international co-operation in the field of air transport as far as possible, and to conclude an agreement for the establishment of air services between and beyond the territories of their respective countries,

Have appointed their plenipotentiaries who, having been duly authorized for this purpose, have agreed as follows :

Article 1

a. For the purpose of operating the international air services specified in the annex,² the Contracting Parties grant each other, subject to the provisions of this Agreement, the following rights :

1. The right to fly over the territory of the other Contracting Party ;
2. The right to make non-traffic stops in the said territory and to use the airports and other facilities provided for international traffic ;
3. The right to pick up and the right to set down in the said territory, at the points specified in the annex, international traffic in passengers, mail and cargo.

b. Each Contracting Party shall designate one or more airlines to operate the agreed services.

Article 2

a. Subject to the provisions of article 7 hereunder, the necessary operating permit shall be issued to the designated airline or airlines of each Contracting Party.

b. However, the designated airlines may, before being authorized to inaugurate the agreed services, be required to satisfy the aeronautical authority of the other Contracting Party that they fulfil the conditions prescribed by the laws and regulations normally applicable by that authority to the operation of international air services.

¹ Applied provisionally as from the date of signature on 7 January 1959, in accordance with article 13.

² See p. 183 of this volume.

Article 3

a. The capacity offered by the designated airlines shall be adapted to traffic requirements.

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 agreed services shall have as their essential purpose the provision of capacity adequate to meet the traffic requirements between the country of the airline and the countries of destination.

d. The right to pick up and the right to 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 two Contracting Parties subscribe and in such a manner that capacity shall be related to :

1. The requirements of traffic coming from or destined for the territory of the Contracting Party which designated the airline or airlines ;
2. The requirements of economic operation of the agreed services ;
3. The traffic requirements 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 4

a. 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.

b. If the designated airlines fail to agree, or if the aeronautical authorities of either Contracting Party do not approve the tariffs, the aeronautical authorities of the Contracting Parties shall endeavour to find a solution. In the last resort recourse shall be had to the arbitral procedure set out in article 8 hereunder.

c. No new or modified tariff shall come into effect if the aeronautical authorities of either Contracting Party do not agree to it, save in pursuance of article 8, paragraph *d.* Pending determination of the tariffs in accordance with the provisions of this article, the tariffs already in force shall be maintained.