

No. 5656

**SWEDEN
and
PAKISTAN**

**Agreement (with annex and exchange of notes) relating to
air services. Signed at Stockholm, on 6 March 1958**

Official text: English.

Registered by the International Civil Aviation Organization on 27 March 1961.

**SUÈDE
et
PAKISTAN**

**Accord (avec annexe et échange de notes) relatif aux services
aériens. Signé à Stockholm, le 6 mars 1958**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 27 mars 1961.

No. 5656. AGREEMENT¹ BETWEEN THE GOVERNMENT OF SWEDEN AND THE GOVERNMENT OF PAKISTAN RELATING TO AIR SERVICES. SIGNED AT STOCKHOLM, ON 6 MARCH 1958

The Government of Sweden and the Government of Pakistan, hereinafter described as the Contracting Parties,

Being Contracting Parties to the Convention on International Civil Aviation² and the International Air Services Transit Agreement,³ both signed at Chicago on the seventh day of December, 1944, the terms of which Convention and Agreement are binding on both Parties,

And desiring to conclude an agreement for the operation of air transport services between and beyond their respective territories,

Have agreed as follows :

Article I

(A) Each Contracting Party grants to the other Contracting Party the right to operate the air services specified in the Annex⁴ to this Agreement (hereinafter referred to as the "specified air services") and to carry traffic to, from and in transit over its territory as provided in this Agreement.

(B) The airline designated as provided in Article II hereof shall have the right to use :

- (i) for traffic purposes, airports provided for public use at the points specified in the Annex to this Agreement and ancillary services provided for public use on the air routes specified in the said Annex (hereinafter referred to as the "specified air routes ") and
- (ii) for non-traffic purposes, all airports and ancillary services provided for public use on the specified air routes. Provided that the places of first landing and final departure shall be customs airports.

¹ Came into force on 6 March 1958, upon signature, in accordance with article XIV.

² See footnote 1, p. 56 of this volume.

³ United Nations, *Treaty Series*, Vol. 84, p. 389; Vol. 139, p. 469; Vol. 178, p. 419; Vol. 199, p. 363; Vol. 260, p. 462; Vol. 324, p. 342, and Vol. 355, p. 419.

⁴ See p. 196 of this volume.

Article II

(A) Each of the specified air services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights under this Agreement are granted, on condition that :

- (i) The Contracting Party to whom the rights have been granted shall have designated an airline (hereinafter referred to as the "designated airline") for the specified air route(s).
- (ii) The Contracting Party which grants the rights shall have given the appropriate operating permission to the airline pursuant to paragraph (C) of this Article which it shall do with the least possible delay.

(B) Substantial ownership and effective control of the designated airlines of each Contracting Party shall be vested in that Party or its nationals.

(C) The designated airline may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it is qualified to fulfil the conditions prescribed by or under the laws and regulations normally applied by those authorities to the operation of commercial air services.

(D) The operation of each of the specified air services shall be subject to the approval of the Contracting Party concerned that the route organisation available for civil aviation on the specified air route is adequate for the safe operation of air services.

Article III

The airline designated by each Contracting Party shall enjoy, while operating the specified air services, the rights :

- (i) to fly its aircraft across the territory of the other Contracting Party;
- (ii) to make stops in the said territory for non-traffic purposes; and
- (iii) subject to the provisions of Article IV to make stops in the said territory at the points specified in the Annex to this Agreement for the purposes of setting down and picking up international traffic in passengers, cargo and mail.

Article IV

1. It is recognised that each Contracting Party shall have fair and equal rights to the carriage of 3rd and 4th freedom traffic on the routes specified in the Annex to this Agreement, 5th freedom traffic to have purely a supplementary character. Where traffic is of the nature of 5th freedom to one Contracting

Party but 3rd or 4th freedom to the other Contracting Party, the primary right to the carriage of such traffic shall be that of the latter Contracting Party. The first Contracting Party shall have the right to uplift such 5th freedom traffic provided that it shall not be prejudicial to the primary interest of the other Contracting Party.

2. The capacity offered by the airline(s) of each Contracting Party on the specified air routes shall jointly bear a close relationship to the current and reasonably anticipated needs of the public for air transport at a reasonable load factor.

3. The right of the airline of either Contracting Party to embark and to disembark at points in the territory of the other Contracting Party international traffic destined for or coming from third countries, shall, subject to the principles in paragraph 1 of this Article, be related to :

- (a) The air transport needs between the country of origin and the countries of destination, and
the air transport needs of the area through which the airline passes, after taking into account the services operated by the airline of the other Contracting Party over the whole or parts of the route specified, and
- (b) the economics of through airline operation.

Article V

(A) Rates shall be fixed at reasonable levels, due regard being paid to all relevant factors, including costs of comparable economic operations, reasonable profit, differences of characteristics of service and the rates charged by any other operators on the route.

(B) The rates to be charged by any of the airlines designated under this Agreement, in respect of traffic between the territories of the two Parties shall be agreed in the first instance between the designated airlines in consultation with other airlines operating on the route or any section thereof, and shall have regard to the relevant rates adopted by the International Air Transport Association. Any rates, so agreed shall be subject to the approval of the aeronautical authorities of the Contracting Parties. In the event of disagreement between the airlines, the Contracting Parties themselves shall endeavour to reach agreement and shall take all necessary steps to give effect to such agreement. Should the Contracting Parties fail to agree, the dispute shall be dealt with in accordance with Article XI. Pending the settlement of any dispute by agreement or until it is decided under Article XI the rates already established shall prevail.

(C) Pending the acceptance by both Parties of any recommendations which the International Civil Aviation Organization may make with regard to the regulation of rates for traffic other than that defined in paragraph (B) of this Article, the rates to be charged by an airline of one Contracting Party in respect of traffic between the territory of the other Contracting Party and a third country shall be fixed on the basis of the principles set out in paragraph (A) of this Article and after taking into consideration the interests of the airline of the other Party and shall not vary unduly in a discriminatory manner from the rates established by the airline of the other Party operating air services on that part of the specified air routes concerned. Provided, however, that a designated airline under the Agreement shall not be required to charge rates higher than those established by any other airline operating on the specified air routes.

(D) If the International Civil Aviation Organization fails to establish a means of determining rates for traffic defined in paragraph (C) of this Article in a manner acceptable to both Parties, within a reasonable time, consultation shall be inaugurated in accordance with Article IX of this Agreement with a view to such modification of paragraph (C) of this Article as appears desirable.

Article VI

(A) The aeronautical authorities of both Contracting Parties shall exchange information as promptly as possible concerning the current authorizations extended to their respective designated airlines to render service to, through and from the territory of the other Contracting Party. This will include copies of current certificates and authorizations for service on the specified air routes, together with amendments, exemption orders and authorized service patterns.

(B) Each Contracting Party shall cause its designated airline to provide to the aeronautical authorities of the other Contracting Party, as long in advance as practicable, copies of time tables, tariff schedules, including any modification thereof, and all other relevant information concerning the operation of the specified air services including information about the capacity provided on each of the specified air routes and any further information as may be required to satisfy the aeronautical authorities of the other Contracting Party that the requirements of this Agreement are being duly observed.

(C) Each Contracting Party shall cause its designated airline to provide to the aeronautical authorities of the other Contracting Party statistics relating to the traffic carried on their air services to, from and over the territory of the other Contracting Party showing the origin and destination of the traffic.