

No. 5996

**BELGIUM
and
SWITZERLAND**

**Agreement concerning air services (with annex). Signed
at Berne, on 24 March 1960**

Official text: French.

Registered by Belgium on 12 December 1961.

**BELGIQUE
et
SUISSE**

**Accord relatif aux services aériens (avec annexe). Signé à
Berne, le 24 mars 1960**

Texte officiel français.

Enregistré par la Belgique le 12 décembre 1961.

[TRANSLATION — TRADUCTION]

No. 5996. AGREEMENT¹ CONCERNING AIR SERVICES
BETWEEN BELGIUM AND SWITZERLAND. SIGNED
AT BERNE, ON 24 MARCH 1960

The Government of Belgium and the Swiss Federal Council,
Desiring to develop international co-operation in the field of air transport as far as possible,

And desiring 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 annex² to this Agreement, the Contracting Parties grant each other, subject to the provisions of this Agreement, the following rights :

1. The right to fly, without landing, over the territory of the other Contracting Party;
2. The right to make non-traffic stops in the said territory ;
3. The right to pick up and 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 an airline to operate the agreed services.

Article 2

(a) Subject to the provisions of article 8 hereunder each Contracting Party will issue the necessary operating permit without delay to the designated airline of the other Contracting Party.

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

¹ Applied provisionally from 24 March 1960, the date of signature, and came into force definitively on 27 November 1961, the date on which its ratification was mutually notified by an exchange of notes, in accordance with article 14. This Agreement is not applicable to Ruanda-Urundi.

² See p. 91 of this volume.

Article 3

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

(b) The designated airlines shall enjoy fair and equal opportunity to operate the agreed services between the territories of the Contracting Parties.

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

(d) 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.

(e) 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 annexed hereto, international traffic destined for or coming from third countries shall be exercised in accordance with the general principals 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 ;
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.

Article 4

Tariffs for all agreed services shall be fixed at reasonable levels, regard being paid to all relevant factors, including cost of operation, reasonable profit, the characteristics of each service and the tariffs charged by other airlines operating over all or part of the same route. Tariffs shall be fixed in accordance with the following provisions :

1. The tariffs shall, if possible, be fixed by agreement between the designated airlines, after consultation with other airlines operating over all or part of the same route. The agreement shall be reached, so far as possible, within the framework of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of the Contracting Parties. If the aeronautical authorities of either Contracting Party do not approve these tariffs, they shall notify the aeronautical authorities of the other Contracting Party in writing within fifteen days following communication of the tariffs or within another period to be agreed upon.
2. If the designated airlines fail to agree or if the tariffs are not approved by the aeronautical authorities of either Contracting Party, the aeronautical authorities of both Contracting Parties shall endeavour to reach agreement on the tariffs to be fixed.