

**No. 6710**

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**CANADA  
and  
SWITZERLAND**

**Agreement concerning air services (with routes schedule).  
Signed at Berne on 10 January 1958**

*Official texts: English and French.*

*Registered by the International Civil Aviation Organization on 15 May 1963.*

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**CANADA  
et  
SUISSE**

**Accord relatif aux services aériens (avec tableau de routes).  
Signé à Berne, le 10 janvier 1958**

*Textes officiels anglais et français.*

*Enregistré par l'Organisation de l'aviation civile internationale le 15 mai 1963.*

No. 6710. AGREEMENT<sup>1</sup> BETWEEN CANADA AND SWITZERLAND CONCERNING AIR SERVICES. SIGNED AT BERNE, ON 10 JANUARY 1958

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The Government of Canada and the Swiss Federal Council,

Having ratified the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944,<sup>2</sup> and

Desiring to conclude an Agreement for the purpose of establishing air services between Canada, and Switzerland, and beyond in both directions,

Have agreed as follows :

*Article I*

In the application of this Agreement the terms hereafter defined shall have the meanings indicated in this article :

1. "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention as well as any amendment of the Annexes or Convention adopted under Articles 90 and 94 thereof ;

2. "aeronautical authorities" means, in the case of Canada, the Minister of Transport, the Air Transport Board and any person or body authorized to perform any functions presently exercised by the said Minister or Board or similar functions, and, in the case of Switzerland, the Department of Post and Railways, the Federal Air Office and any person or body authorized to perform any functions presently exercised by the said Department of Office or similar functions ;

3. "designated airline" means an airline which one contracting party shall have notified, by written designation, to the other contracting party, in accordance with Article III hereafter, for the operation of agreed services on the routes specified in such notifications ;

4. "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty of that State ; and

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<sup>1</sup> Came into force provisionally on 10 January 1958, upon signature, and in accordance with article XIII, definitively on 9 November 1961, the date on which the Contracting Parties notified each other that the Agreement had been ratified.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 15, p. 295 ; Vol. 26, p. 420 ; Vol. 32, p. 402 ; Vol. 33, p. 352 ; Vol. 44, p. 346 ; Vol. 51, p. 336 ; Vol. 139, p. 469 ; Vol. 178, p. 420 ; Vol. 199, p. 362 ; Vol. 252, p. 410 ; Vol. 324, p. 340 ; Vol. 355, p. 418, and Vol. 409, p. 370.

5. "air service", "international air service", "airline " and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention.

### *Article II*

1. Each contracting party grants to the other contracting party the rights specified in this Agreement for the purpose of establishing the air services to be operated, by virtue of said Agreement, on the routes specified in the appropriate Section of the Schedule thereto (hereinafter called "the agreed services" and "the specified routes").

2. Subject to the provisions of this Agreement, the airline designated by each contracting party shall enjoy, while operating an agreed service on a specified route, the following privileges :

- a. to fly without landing across the territory of the other contracting party ;
- b. to make stops in the territory of the other contracting party for non-traffic purposes ;
- c. to make stops in the territory of one contracting party, at the points specified for that route in the Schedule of the Annex to this Agreement, for the purpose of putting down and taking on international traffic in passengers, cargo and mail coming from or destined for the points so specified in the territory of the other contracting party ;
- d. to carry into and out of the territory of the other contracting party, on the same flight, in-transit traffic originating in or destined for points in third countries ;
- e. to omit on any or all flights any one or more of the intermediate points.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the airline of one contracting party the privilege of taking up, in the territory of the other contracting party, passengers, cargo or mail carried for hire or reward and destined for another point in the territory of that other contracting party.

### *Article III*

1. Each contracting party shall have the right to designate in writing to the other contracting party one airline for the purpose of operating the agreed services on the specified routes.

2. Each contracting party shall have the right by written notification to the other contracting party to withdraw the designation of an airline and to designate another airline.

3. On receipt of notification of the designation of an airline of a contracting party, the other contracting party shall, subject to the provisions of paragraphs 4 and 5 of this Article, grant without delay to the airline the appropriate operating authorization.

4. The aeronautical authorities of one contracting party may require an airline designated by the other contracting party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations which they normally and reasonably apply, in conformity with the provisions of the Convention, to the operation of international commercial air services.

5. Each contracting party shall have the right to refuse to accept the designation of an airline and to grant the privileges specified in paragraph 2 of Article II hereinbefore and to withdraw these privileges or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the contracting party designating the airline or in its nationals.

6. Subject to the provisions of paragraphs 1 and 3 of this Article, and to Article VI hereafter, the airline so designated and authorized may at any time begin to operate the agreed services.

7. Each contracting party shall have the right to suspend the exercise by the designated airline of the other contracting party of the privileges specified in paragraph 2 of Article II hereinbefore or to impose such conditions as it may deem necessary on the operation, in any case where the airline fails to comply with the laws or regulations of the contracting party granting those privileges, or otherwise fails to operate in accordance with the conditions prescribed in this Agreement ; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other contracting party.

#### *Article IV*

1. Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of one contracting party, taken on board aircraft in that territory, or retained on board the aircraft in that territory, by or on behalf of the other contracting party or its designated airline and intended solely for use by or in the aircraft of that airline, shall be accorded by that contracting party, in respect of customs duties, inspection fees and other similar national or local duties and charges, treatment not less favourable than that accorded to similar supplies introduced into the said territory, taken on board aircraft in that territory, or retained on board the aircraft in that territory and intended for use by or in the aircraft of a national airline of that contracting party, or of the most favoured airline of any other State, engaged in international air services.