

No. 7257

**SWITZERLAND
and
IRAN**

Agreement (with annex and exchange of letters, dated at Tehran on 18 October 1955, amending the final paragraph of the Agreement) relating to commercial air services between and beyond the two countries. Signed at Tehran, on 27 May 1954

Official texts: French and Persian.

Registered by the International Civil Aviation Organization on 8 June 1964.

**SUISSE
et
IRAN**

Accord (avec annexe et échange de lettres, datés à Téhéran le 18 octobre 1955, modifiant le dernier paragraphe de l'Accord) relatif aux services aériens commerciaux entre les deux pays et au-delà. Signé à Téhéran, le 27 mai 1954

Textes officiels français et persan.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

[TRANSLATION — TRADUCTION]

No. 7257. AGREEMENT¹ BETWEEN SWITZERLAND AND IRAN RELATING TO COMMERCIAL AIR SERVICES BETWEEN AND BEYOND THE TWO COUNTRIES. SIGNED AT TEHRAN, ON 27 MAY 1954

The Swiss Federal Council and His Imperial Majesty the Shahinshah of Iran,
Equally desirous of concluding an agreement for the purpose of establishing and operating air services between and beyond the territories of Switzerland and Iran,

Have appointed their plenipotentiaries,

The Swiss Federal Council :

His Excellency, Mr. Alfred Escher, Envoy Extraordinary and Minister Plenipotentiary of Switzerland in Iran,

His Imperial Majesty the Shahinshah of Iran :

His Excellency, Mr. Abdollah Entezam, Minister for Foreign Affairs,
who, being duly authorized, have agreed as follows :

Article 1

For the application of this Agreement, unless the context indicates otherwise :

- (a) The term "aeronautical authorities" shall mean, in the case of Iran, the Department of Civil Aviation and any person or body authorized to perform the functions exercised at present by that Department or similar functions and, in the case of Switzerland, the Federal Air Office and any person or body authorized to perform the functions exercised at present by that Office or similar functions.
- (b) The term "Convention" shall mean the Convention on International Civil Aviation signed at Chicago on 7 December 1944.²
- (c) The terms "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings assigned to them in articles 2 and 96 of the Convention.

¹ Came into force on 15 April 1958, the date of the exchange of diplomatic notes indicating ratification by each Contracting Party, in accordance with the provisions of article 16.

² See footnote 1, p. 226 of this volume.

Article 2

(a) In order to establish the international air services defined in the annex¹ and hereinafter referred to as "agreed services", each Contracting Party shall, subject to the provisions of this Agreement, grant the airlines to be designated by the other Contracting Party in accordance with article 3 hereunder :

1. The right to have their aircraft fly over its territory ;
2. The right to make non-traffic stops in the said territory ; and
3. The right to make stops in the said territory, at the points specified in the annex, in order to set down and pick up international traffic in passengers, cargo and mail travelling from or to other points likewise specified.

(b) In war areas or areas under military occupation or in the regions affected by such operations, the operation of the agreed services shall also be subject to the approval of the competent military authorities.

Article 3

(a) Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines, hereinafter referred to as "designated airlines", to operate the agreed services. Immediately upon receipt of the designation, the other Contracting Party shall, subject to article 4 hereunder, grant the appropriate operating permit to such airline or airlines without delay.

(b) Before being authorized to inaugurate the agreed services, however, the designated airlines may be required to satisfy the aeronautical authorities authorized to grant the permit that they fulfil the conditions prescribed under the laws and regulations applied by those authorities to the operation of international air services.

Article 4

(a) Each Contracting Party shall have the right to withhold an operating permit from a designated airline, to revoke the permit if it has been granted, to suspend it or to make its use subject to such conditions as it may deem necessary if it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals.

(b) Each Contracting Party shall also have the right, after consultation with the other Contracting Party, to suspend the operating permit granted to a designated airline or to make its use subject to such conditions as it may deem necessary, if the

¹ See p. 295 of this volume.

airline does not comply with articles 11 and 13 of the Convention, as at present worded, or does not fulfil the obligations incurred under this Agreement.

Article 5

This Agreement shall not be construed as conferring exclusive rights on either Contracting Party or on their designated airlines or as establishing a regime of exclusion or discrimination against airlines of a third country.

Article 6

This Agreement shall not be construed as conferring on the designated airlines of either Contracting Party the right to take up for hire or reward, in the territory of the other Contracting Party, passengers, cargo or mail destined for another point situated in the same territory.

Article 7

(a) The designated airlines of each Contracting Party shall have fair and equal opportunity to operate the agreed services in the territory of the other Contracting Party.

(b) The agreed services shall be closely related to the requirements of the public and their primary objective shall be to provide at a reasonable load factor, capacity adequate to the current and reasonably foreseeable requirements for transport of passengers, cargo and mail between the territory of the Contracting Party designating the airlines and the country of ultimate destination.

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

(d) The right to pick up and the right to set down, in the territory of a Contracting Party other than the State which designated the airlines responsible for the carriage of passengers, cargo and mail travelling to or from third countries, shall be exercised under such conditions that capacity shall be related to :

1. The traffic requirements between the country of origin and the countries of destination ;
2. The requirements of through airline operation ; and
3. The traffic requirements of the areas traversed, local and regional services being taken into account.