

No. 7281

**SWITZERLAND
and
MOROCCO**

**Agreement relating to air services (with annex). Signed at
Rabat, on 5 July 1962**

Official text: French.

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

**SUISSE
et
MAROC**

**Accord (avec annexe) relatif aux transports aériens. Signé à
Rabat, le 5 juillet 1962**

Texte officiel français.

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

[TRANSLATION — TRADUCTION]

No. 7281. AGREEMENT¹ BETWEEN SWITZERLAND AND MOROCCO RELATING TO AIR SERVICES. SIGNED AT RABAT, ON 5 JULY 1962

The Swiss Federal Government and the Government of His Majesty the King of Morocco,

desiring to develop international co-operation in the field of air transport to the fullest possible extent in accordance with the principles of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944,²

And desiring to conclude an agreement for the establishment of air services between the territories of their respective countries,

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

Article 1

For the purposes of this Agreement and its annex :

a. The term "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.

b. The expression "aeronautical authorities" means, in the case of Switzerland, the Federal Air Office, and, in the case of Morocco, the Ministry of Public Works (Air Division), or, in both cases, any person or body authorized to perform the functions at present exercised by those bodies.

c. The expression "designated airline" means an airline which one of the Contracting Parties has designated in writing, in accordance with article 3 of this Agreement, as being the airline authorized to operate the agreed services defined in article 2 hereunder.

d. The term "territory" shall have the meaning given it by article 2 of the Convention.

e. The expressions "aircraft equipment", "stores" and "spare parts" shall have the meaning given them by the definitions in Annex 9 to the Convention.

¹ Applied provisionally from 5 July 1962, the date of signature, and came into force definitively on 19 March 1964, the date on which the Contracting Parties notified each other that their constitutional requirements had been fulfilled, in accordance with the provisions of article 16.

² See footnote 2, p. 4 of this volume.

Article 2

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing the air services specified in the route schedules contained in the annex¹ to this Agreement. These services and routes are hereinafter referred to as "agreed services" and "specified routes".

2. Subject to the provisions of this Agreement, the designated airline of each Contracting Party, in operating an agreed service, shall enjoy the following rights :

- a. The right to fly, without landing, over the territory of the other Contracting Party ;
- b. The right to make non-traffic stops in the said territory ;
- c. 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.

Article 3

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party an airline for the operation of the agreed services.

2. The agreed services may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted, provided that :

- a. The Contracting Party to which the rights are granted has designated an airline to operate the agreed services ;
- b. The Contracting Party granting the rights has given the airline concerned the requisite operating permit, which shall be granted as soon as possible, subject to the provisions of article 9 of this Agreement.

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

Article 4

1. The designated airlines of the Contracting Parties shall be assured fair and equitable treatment so as to enjoy equal opportunities for the operation of the agreed services between the territories of the Contracting Parties.

¹ See p. 187 of this volume.

2. In operating on common routes they shall take into account their mutual interests so as not to affect unduly their respective services.

3. The agreed services on each of the specified routes shall have as their primary objective the provision, at a load factor deemed reasonable, of capacity adequate to satisfy the normal and foreseeable requirements of international traffic to or from the territory of the Contracting Party which designated the airline operating the said services.

4. However, the airline designated by one of the Contracting Parties may satisfy the traffic requirements between the territories of third States and the territory of the other Contracting Party, to the extent that the services operated by that airline do not unduly affect the local and regional services operated by the designated airline of the other Contracting Party.

5. Whenever the traffic requirements of the countries to which the said services operate so justify, capacity additional to that referred to in paragraph 3 above may also be provided by agreement.

6. The designated airlines shall agree on the conditions of operation of the agreed services between the territories of the two Contracting Parties, including load capacity, frequency of operation and timetables. They shall submit their decision to the Aeronautical Authorities of the Contracting Parties for approval.

Article 5

1. 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 :

- a.* by applying any resolutions adopted under the tariff-fixing procedure of the International Air Transport Association (IATA) ;
- b.* by direct agreement after consultation, where necessary, with any airlines of any third country operating on all or part of the same routes.

2. The tariffs so fixed shall be submitted for approval to the aeronautical authorities of each Contracting Party not less than thirty (30) days before the intended date for their entry into force ; in special cases this period may be reduced, subject to the agreement of the said authorities.

3. Should the designated airlines fail to agree on the fixing of a tariff in accordance with paragraph 1 above, or should one of the Contracting Parties indicate its dissatisfaction with the tariff submitted to it in accordance with the provisions of paragraph 2 above, the aeronautical authorities of the two Contracting Parties shall endeavour to reach a satisfactory solution.