

No. 8158

**SWITZERLAND
and
FEDERAL REPUBLIC OF GERMANY**

**Air Transport Agreement (with exchange of notes). Signed
at Berne, on 2 May 1956**

Official text: German.

**Certified Statement relating to the modification of the route
schedules annexed to the above-mentioned Agreement**

Registered by the International Civil Aviation Organization on 15 March 1966.

**SUISSE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux services aériens (avec échange de notes).
Signé à Berne, le 2 mai 1956**

Texte officiel allemand.

**Déclaration certifiée concernant la modification des tableaux
de services annexés à l'Accord susmentionné**

Enregistrés par l'Organisation de l'aviation civile internationale le 15 mars 1966.

[TRANSLATION¹ — TRADUCTION²]

No. 8158. AIR TRANSPORT AGREEMENT³ BETWEEN THE SWISS CONFEDERATION AND THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT BERNE, ON 2 MAY 1956

The Swiss Confederation and the Federal Republic of Germany,
Desiring to conclude an agreement regulating air services between and beyond their respective territories,
Have agreed as follows :

Article 1

1. For the purposes of the present Agreement, except as otherwise prescribed :

- (a) The term “aeronautical authority” means, in the case of Switzerland, the Federal Department of Posts and Railways (Air Office) and, in the case of the Federal Republic of Germany, the Federal Ministry of Communications, or any person or body authorized to perform the functions presently exercised by these authorities;
- (b) The term “designated airline” means any airline which one of the Contracting Parties shall have notified in writing to the aeronautical authority of the other Contracting Party as being the airline it wishes to designate under Article 3 of the present Agreement, to operate the air services established according to Article 2, paragraph 2, of the Agreement.

2. The expressions “territory”, “scheduled services”, “international air services”, “stops for non-traffic purposes” shall, for the purposes of the present Agreement have the meanings assigned to them in Articles 2 and 96 of the Convention on International Civil Aviation signed on 7 December 1944.⁴

Article 2

1. The designated airlines of each Contracting Party shall enjoy, while operating the agreed international air services, the following rights :

- (a) to fly across the territory of the other Contracting Party;
- (b) to make stops therein for non-traffic purposes;

¹ Translation by the International Civil Aviation Organization.

² Traduction de l'Organisation de l'aviation civile internationale.

³ Came into force on 2 June 1957, thirty days after the exchange of the instruments of ratification which took place at Bonn, on 3 May 1957, in accordance with article 20.

⁴ See footnote 2, p. 68 of this volume.

(c) to enter and leave that territory for the purpose of putting down and taking on international traffic in passengers, mail and cargo at the points on that territory which are included in the schedule referred to in paragraph 2 of this Article.

2. The services which the designated airlines of the two Contracting Parties are authorized to operate shall be established in a schedule to be agreed upon in an exchange of notes.

Article 3

1. Operation of the international air services on the routes established according to Article 2, paragraph 2, may commence at any time

- (a) after the Contracting Party to which the rights are granted has designated in writing the airline which will operate each service;
- (b) after the Contracting Party granting the rights has authorized the designated airline to open an international air service on the routes established according to Article 2, paragraph 2.

2. Subject to the provisions of paragraphs 3 and 4 of this Article and the arrangement provided for in Article 11, the Contracting Party shall grant the operating permit for international air services without delay.

3. Each Contracting Party may require an airline designated by the other Contracting Party to provide proof of qualification in accordance with the laws and regulations normally applied by the aeronautical authorities issuing the operating permit.

4. Each Contracting Party reserves the right to refuse an airline designated by the other Contracting Party the rights granted according to Article 2 if evidence cannot be provided, on request, that substantial ownership and effective control of the airline are vested in nationals or corporations of the other Contracting Party, or in that Contracting Party itself.

Article 4

1. Each Contracting Party may revoke or restrict the operating permission granted in application of Article 3, paragraph 2, should the designated airline fail to comply with the laws and regulations of the Contracting Party granting the rights, and if it should fail to observe the provisions of this Agreement or to fulfill the obligations resulting from it. The same shall apply if the evidence mentioned in Article 3, paragraph 4, is not provided. The Contracting Party shall only make use of this right after consultation as indicated in Article 15,

unless immediate cessation or restriction of operations is necessary to prevent further violations of the laws and regulations.

2. Each Contracting Party shall have the right, by notifying the other Contracting Party in writing, to revoke the designation of an airline and replace it by another airline. The new designated airline shall enjoy the same rights and be subject to the same obligations as the airline which it replaces.

Article 5

1. The laws and regulations of each of the Contracting Parties governing the entry into and exit from its territory of aircraft in international air services or their use over its territory shall be applicable to the aircraft of the airline designated by the other Contracting Party.

2. The laws and regulations of each of the Contracting Parties concerning the admission to or departure from its territory of passengers, crews, mail and cargo, such as the regulations concerning admission, clearance, immigration, passports, customs and quarantine shall apply to the passengers, crews, mail and cargo carried by the aircraft of the other Contracting Party during their stay in its territory.

Article 6

The charges imposed in the territory of each Contracting Party for the use of airports and other facilities by the airline of the other Contracting Party shall not be higher than those paid by national aircraft.

Article 7

Each of the Contracting Parties shall grant the following exemptions to aircraft which an airline designated by the other Contracting Party uses exclusively on international air services :

- (a) Aircraft used by the designated airlines of one of the Contracting Parties, including articles of equipment and spare parts carried on board, shall, on entry into or departure from the territory of the other Contracting Party and while flying across that territory, be exempt from customs duties and other taxes imposed on entry, departure or in transit.
- (b) Spare parts and articles of equipment :
 - aa) which are removed under customs supervision on the territory of the other Contracting Party from the aircraft mentioned under a) or otherwise removed for storage on that territory;

bb) which have been introduced into the territory of the other Contracting Party under customs supervision for servicing these aircraft and stored on that territory;

shall be exempt from the charges mentioned under *a)* if they are installed in or otherwise taken on board the aircraft under customs control, or re-exported from the territory of that Contracting Party otherwise than on board the aircraft. The same exemption is granted for spare parts and articles of equipment taken from the stores of other foreign airlines and installed in or otherwise taken on board the aircraft in question.

- (*c*) Fuels and lubricating oils taken on board the aircraft mentioned under *a)* in the territory of the other Contracting Party may be used on board such aircraft free of customs duties and other charges imposed on goods entering, leaving or in transit, even if flights are subsequently made between points on the territory of that Contracting Party. This exemption shall also apply to fuels imported under customs supervision for use in such aircraft in the territory of the other Contracting Party or stored there. All other fuels taken on board these aircraft under customs supervision on the territory of the other Contracting Party for use on international air services shall not be subject to these charges and duties nor any other special consumption taxes which might be imposed on such fuels in the territory of that Contracting Party.
- (*d*) Foodstuffs, beverages and tobacco loaded on board the aircraft mentioned under *a)* for immediate consumption by the passengers and crew may be taken on board on the territory of the other Contracting Party free of customs and other duties imposed on goods entering, leaving or in transit, provided the aircraft remain continuously under customs control during the intermediate stops.

Article 8

1. Certificates of airworthiness, certificates of competency and licences of air crews issued or recognized by one of the Contracting Parties, shall be recognized by the other Contracting Party so long as they are valid.

2. Each Contracting Party reserves the right not to recognize certificates of competency and licences issued by the other Contracting Party or by a third State, for flights above its own territory.