

No. 8159

**SWITZERLAND
and
GHANA**

**Agreement for the establishment and operation of air services
between and beyond their respective territories (with
schedules of routes). Signed at Berne, on 17 May 1961**

Official texts: French and English.

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

**SUISSE
et
GHANA**

**Accord relatif à l'établissement et à l'exploitation de services
aériens entre leurs territoires respectifs et au-delà (avec
tableaux de routes). Signé à Berne, le 17 mai 1961**

Textes officiels français et anglais.

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

No. 8159. AGREEMENT¹ BETWEEN THE REPUBLIC OF GHANA AND THE SWISS CONFEDERATION FOR THE ESTABLISHMENT AND OPERATION OF AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT BERNE, ON 17 MAY 1961

The Government of the Republic of Ghana and the Swiss Federal Council, considering that Ghana and Switzerland hereinafter referred to as the Contracting Parties are parties to the Convention on International Civil Aviation opened for signature at Chicago on seventh day of December 1944² and desiring to conclude an Agreement, supplementary to the said Convention, for the purpose of establishing air services between and beyond their respective territories,

Have agreed as follows :

Article 1

For the purpose of the present Agreement, unless the context otherwise requires :

- a. the term "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 and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;
- b. the term "aeronautical authorities" means, in the case of Republic of Ghana, the Minister of Transport and Communications and any person or body authorised to perform any functions at present exercised by the said Minister or similar functions, and, in the case of Switzerland the Federal Air Office and any person or body authorised to perform any functions at present exercised by the said Office or similar functions;
- c. the term "designated airline" means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for the operation of air services on the routes specified in such notification;
- d. the term "change of gauge" means the operation of an air service by a designated airline in such a way that one section of the route is flown by aircraft different in capacity from those used on another section;

¹ Applied provisionally with effect from 17 May 1961, the date of signature, and came into force on 12 October 1963, the date on which its ratification was mutually notified by an exchange of diplomatic notes, in accordance with the provisions of article 16.

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

- e. the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State; and
- f. the terms "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 2

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services 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 the present 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 said territory for non-traffic purposes; and
- c. to make stops in the said territory at the points specified for that route in the Schedule¹ to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

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 remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party an airline for the purpose of operating the agreed services on the specified routes.

2. On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant to the airline designated the appropriate operating authorisation.

3. The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations

¹ See p. 211 of this volume.

normally and reasonably applied by them in conformity with the provisions of the Convention to the operation of international commercial air services.

4. Each Contracting Party shall have the right to refuse to accept the designation of the airline and to withhold or revoke the grant to the airline of the privilege specified in paragraph 2 of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by the 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 nationals of the Contracting Party designating the airline.

5. At any time after the provisions of paragraphs 1 and 2 of this Article have been complied with, the airline so designated and authorised may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of Article 7 of the present Agreement is in force in respect of that service.

6. Each Contracting Party shall have the right to suspend the exercise by the airline of the privileges specified in paragraph 2 of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by the airline of those privileges 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 the present 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 4

Fuel, lubricants, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of one Contracting Party, or taken on board aircraft in that territory, by or on behalf of the airline 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 the following treatment by the first Contracting Party in respect of customs duties, inspection fees and other similar national or local duties and charges :

- a.* in the case of fuel and lubricants remaining on board aircraft at the last airport of call before departure from the said territory, exemption; and
- b.* in the case of fuel and lubricants not included under *a.* and spare parts, regular aircraft equipment and aircraft stores, treatment not less favourable than that accorded to similar supplies introduced into the said territory, or

taken on board aircraft in that territory, and intended for use by or in the aircraft of the national airline of the first Contracting Party, or of the most-favoured foreign airline, engaged in international air services.

This treatment shall be in addition to and without prejudice to that which each Contracting Party is under obligation to accord under Article 24 of the Convention.

Article 5

1. There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

2. In operating the agreed services, the airline of each Contracting Party shall take into account the interests of the airline of the other Contracting Party so as not to affect unduly the services which the latter provides on the whole or part of the same routes.

3. The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision of capacity adequate to the traffic requirements for the carriage of passengers, cargo and mail coming from or destined for the territory of the Contracting Party which has designated the airline. Provision for carriage of passengers, cargo and mail both taken up and put down at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to :

- a.* to the requirements of traffic destined for or coming from the territory of the Contracting Party which has designated the airline;
- b.* to the requirements of through airline operation; and
- c.* to the traffic requirements of the area through which the airline passes, local and regional services being taken into account.

Article 6

The designated airline of one Contracting Party may make a change of gauge at a point in the territory of the other Contracting Party only on the following conditions :

- a.* that it is justified by reason of economy of operation;
- b.* that the aircraft used on the sectors more distant from the point of origin in the territories of the respective Contracting Parties are smaller in capacity than those used on the nearer sectors;