

No. 8161

**SWITZERLAND
and
POLAND**

**Civil Air Transport Agreement (with annex). Signed at Berne,
on 18 May 1961**

Official texts: French and Polish.

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

**SUISSE
et
POLOGNE**

**Accord relatif aux transports aériens civils (avec annexe).
Signé à Berne, le 18 mai 1961**

Textes officiels français et polonais.

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

[TRANSLATION — TRADUCTION]

No. 8161. CIVIL AIR TRANSPORT AGREEMENT¹ BETWEEN THE SWISS FEDERAL COUNCIL AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC. SIGNED AT BERNE, ON 18 MAY 1961

The Swiss Federal Council and the Government of the Polish People's Republic, hereinafter referred to as "the Contracting Parties",

Desiring to regulate mutual relations in the field of civil air transport,

Have agreed on the following provisions :

Article 1

For the purposes of this Agreement and its annex :

- (a) The expression "aeronautical authorities" means, in the case of the Swiss Confederation, the Federal Department of Posts and Railways (Air Office) and, in the case of the Polish People's Republic, the Ministry of Communications, or, in both cases, any person or body authorized to perform the functions for which those authorities are responsible;
- (b) The expression "designated airline" means any airline which has been designated for the purpose of operating the agreed services on the routes specified in the annex² to this Agreement and which has been provided with an operating permit in accordance with article 3 of the Agreement.

Article 2

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing scheduled international air services on the routes specified in the annex thereto. Such services and routes are hereafter called "the agreed services" and "the specified routes" respectively. The airline designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

- (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;
- (c) to pick up and to set down international traffic in passengers, mail and cargo at the prescribed points on the specified routes subject to the provisions of this Agreement and the annex thereto.

¹ Applied provisionally from 18 May 1961, the date of signature, and came into force on 13 May 1963, the date of an exchange of notes signifying the approval of the Agreement under the provisions of the domestic legislation of the two States, in accordance with article 15.

² See p. 256 of this volume.

Article 3

1. Each Contracting Party shall have the right to designate an airline to operate the agreed services on the specified routes. Such designation shall be notified in writing to the aeronautical authorities of one Contracting Party by the aeronautical authorities of the other Contracting Party.

2. The Contracting Party which has received the notification of designation shall, subject to the provisions of paragraphs 3 and 4 of this article, without delay grant the appropriate operating permit to the airline designated by the other Contracting Party.

3. The aeronautical authorities of either 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 normally applied by the said authorities to the operation of international air services, in conformity with the provisions of the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.¹

4. Each Contracting Party shall have the right to refuse to grant the operating permit referred to in paragraph 2 of this article or to impose such conditions as it may deem necessary on the exercise by the designated airline of the rights specified in article 2 of this Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party which designated the airline or in individuals or bodies corporate having the nationality of that Party.

5. On receipt of the operating permit referred to in paragraph 2 of this article, the designated airline may at any time begin to operate any agreed service, provided that a tariff established in accordance with the provisions of article 9 of this Agreement is in force in respect of that service.

Article 4

1. Each Contracting Party shall have the right to revoke an operating permit or to suspend the exercise by the airline designated by the other Contracting Party of the rights specified in article 2 of this Agreement, or to impose such conditions as it may deem necessary on the exercise of those rights whenever :

- (a) It is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party which designated the airline or in individuals or bodies corporate having the nationality of that Party, or
- (b) That airline has failed to comply with the laws and regulations of the Contracting Party which granted those rights, or
- (c) That airline fails to operate the agreed services in accordance with the conditions prescribed under this Agreement and the annex thereto.

¹ See footnote 2, p. 68 of this volume.

2. Unless immediate revocation, suspension or imposition of the conditions referred to in paragraph 1 of this article is essential to prevent further infringements of the laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

Article 5

1. The designated airlines shall enjoy fair and equal opportunity to operate the agreed services between the territories of the Contracting Parties.

2. The designated airline of each Contracting Party shall take into account the interests of the designated airline of the other Contracting Party so as not to affect unduly the latter airline's operation of the agreed services.

3. The capacity provided by the designated airlines shall be related to the traffic requirements.

4. The agreed services shall have as their principal objective the provision of capacity corresponding to the traffic requirements between the territory of the Contracting Party which designated the airline and the territories of the countries of destination.

5. The right to pick up and the right to set down in the territory of either Contracting Party passengers, mail and cargo destined for or coming from third countries shall be exercised in accordance with the general principles of orderly development and in such a manner that capacity shall be related to :

- (a) The requirements of traffic coming from or destined for the territory of the Contracting Party which designated the airline;
- (b) The requirements of economic operation of the agreed services;
- (c) The traffic requirements of the areas traversed, local and regional services being taken into account.

6. The designated airlines shall agree on the operating conditions of the agreed services, and in particular on the capacity and frequency of transport, time-tables and the conditions of mutual commercial and technical co-operation.

7. If the national laws or regulations of a Contracting Party so require, the agreements referred to in paragraph 6 of this article shall be submitted for approval to the aeronautical authorities of that Contracting Party.

Article 6

1. Aircraft employed in international service by the designated airline of one Contracting Party together with their regular equipment, supplies of fuel and lubricants, and aircraft stores, including foodstuffs, beverages and tobacco, shall, on arrival in the territory of the other Contracting Party, be exempt from all customs duties, inspection fees and other duties or charges, provided that such equipment, supplies and stores remain on board the aircraft until re-exported.