

No. 551

**NETHERLANDS
and
SWITZERLAND**

**Provisional Agreement relating to air services (with annex).
Signed at Berne, on 7 March 1949**

French official text communicated by the Secretary-General of the International Civil Aviation Organization. The registration took place on 7 September 1949.

**PAYS-BAS
et
SUISSE**

**Accord provisoire relatif aux lignes aériennes (avec annexe).
Signé à Berne, le 7 mars 1949**

Texte officiel français communiqué par le Secrétaire général de l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu le 7 septembre 1949.

TRANSLATION — TRADUCTION

No. 551. PROVISIONAL AGREEMENT¹ BETWEEN SWITZERLAND AND THE NETHERLANDS RELATING TO AIR SERVICES. SIGNED AT BERNE, ON 7 MARCH 1949

Whereas the Netherlands Government and the Swiss Federal Council consider

that the possibilities of commercial aviation as a means of transport have considerably increased;

that it is desirable to organize in a safe and orderly form regular air communications and to develop as far as possible international co-operation in this field;

that it is therefore necessary to conclude an agreement between the Netherlands and Switzerland regulating air transport by regular services,

Now therefore they have for this purpose appointed representatives who, being duly authorized, have agreed upon the following provisions:

Article 1

a. The Contracting Parties grant each other in peacetime the rights specified in the Annex hereto for the establishment of the international air services described therein, which pass through or serve their respective territories.

b. Each Contracting Party shall designate one or more airlines to operate the agreed services and shall decide upon the date of opening of such services.

Article 2

a. Each Contracting Party shall, subject to the provisions of article 8, issue without delay the requisite operating permit to the airline or airlines designated by the other Contracting Party.

b. Nevertheless, before being authorized to open the agreed services, such airlines may be called upon to provide proof of qualification in accordance with the laws and regulations normally applied by the aeronautical authorities issuing the operating permit.

¹ Came into force on 7 March 1949, as from the date of signature, in accordance with article 11 (*a*).

Article 3

The Contracting Parties agree that

a. The capacity provided by the airlines of the Contracting Parties shall be adapted to traffic demands.

b. The airlines of the Contracting Parties shall, in the operation of common routes, take into account their mutual interests so as not to affect unduly their respective services.

c. The services specified in the annexed schedules shall have as their primary objective the provision of capacity corresponding to the traffic demands between the country of the airline and the countries of destination.

d. The right to embark or disembark, at the points specified in the annexed schedules, international traffic destined for or coming from third countries, shall be exercised in accordance with the general principles of orderly development to which the Netherlands and Swiss Governments subscribe and in such a manner that capacity shall be related:

1. to traffic demands between the country of origin and the countries of destination;

2. to the requirements of economic operation of the agreed services;

3. to the traffic demands of the areas through which the airline passes after taking account of local and regional services.

Article 4

Rates shall be fixed at reasonable levels by agreement between the designated airlines, regard being paid to economy of operation, reasonable profit and the characteristics of each service. In fixing such rates regard shall also be paid to the recommendations of the International Air Transport Association (I.A.T.A.). In default of such recommendations, the Netherlands and Swiss airlines shall consult the airlines of third countries operating the same routes. The rates shall be submitted to the competent aeronautical authorities of the Contracting Parties for approval. If the airlines are unable to reach agreement or if one of the aeronautical authorities does not approve such rates, those authorities shall endeavour to find a solution. In the last resort the procedure provided in article 9 of the present agreement shall be applied.

Article 5

a. The Contracting Parties agree that the charges imposed for the use of airports or other facilities by the airline or airlines of either of them shall