

No. 3226

**ISRAEL
and
SWITZERLAND**

**Agreement relating to air services (with annex). Signed at
Hakirya, on 19 November 1952**

Official texts: French and Hebrew.

Registered by the International Civil Aviation Organization on 11 April 1956.

**ISRAËL
et
SUISSE**

**Accord relatif aux services aériens (avec annexe). Signé à
Hakirya, le 19 novembre 1952**

Textes officiels français et hébreu.

Enregistré par l'Organisation de l'aviation civile internationale le 11 avril 1956.

[TRANSLATION — TRADUCTION]

No. 3226. AGREEMENT¹ BETWEEN ISRAEL AND SWITZERLAND RELATING TO AIR SERVICES. SIGNED AT HAKIRYA, ON 19 NOVEMBER 1952

The Government of Israel and the Swiss Federal Council,
Considering

That the possibilities of commercial aviation as a means of transport have greatly increased ;

That it is desirable to organize regular air services in a safe and orderly manner and to develop international co-operation in this field as much as possible ;

That it is consequently necessary to conclude an agreement between Israel and Switzerland regulating regular air transport services ;

Have appointed their plenipotentiaries who, being duly authorized thereto, have agreed as follows :

Article 1

The Contracting Parties grant to each other the rights specified in this Agreement and its annex² for the establishment of the regular international air services defined in that annex, which cross or serve their respective territories and which are hereinafter referred to as the "agreed services".

Article 2

(a) Each Contracting Party shall designate in writing to the other Contracting Party an airline to operate the agreed services.

(b) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (c) and (d) below, without delay grant the necessary operating permit to the designated airline.

(c) The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to satisfy them that it fulfils the conditions prescribed under the laws and regulations normally and reasonably applied by those authorities, in conformity with the Chicago Convention,³ to the operation of international air services.

¹ Applied as from the date of signature, on 19 November 1952, and came into force on 13 May 1955, in accordance with article 12.

² See p. 23 of this volume.

³ Convention on International Civil Aviation, signed at Chicago on 7 December 1944 : United Nations, *Treaty Series*, Vol. 15, p. 295 ; Vol. 26, p. 420 ; Vol. 32, p. 402 ; Vol. 33, p. 352 ; Vol. 44, p. 346 ; Vol. 51, p. 336 ; Vol. 139, p. 469 ; Vol. 178, p. 418, and Vol. 199, p. 362.

(d) Each Contracting Party reserves the right to refuse to accept the airline designated by the other Contracting Party and to impose such conditions it may deem necessary on the grant of the operating permit 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 that Contracting Party.

(e) At any time after the provisions of paragraphs (a) to (c) of this article have been complied with, the airline designated and authorized may begin to operate the agreed services.

Article 3

(a) The capacity provided by the designated airlines shall be adapted to traffic requirements.

(b) On common routes the designated airlines shall take their mutual interests into account so as not to affect unduly their respective services.

(c) The agreed services shall have as their primary objective the provision of capacity adequate to meet traffic demands between the country to which the designated airline belongs and the countries of destination, having regard to existing and reasonably foreseeable requirements.

(d) The right to pick up and set down in the territory of either Contracting Party international traffic destined for or coming from third countries shall be exercised in accordance with the general principles of orderly development to which the Governments of Israel and Switzerland subscribe and in such a way that capacity shall be related to :

1. the requirements of traffic destined for or coming from the Contracting Party which has designated the airline operating the said services ;
2. the requirements of economical operation of the agreed services ;
3. the traffic requirements of the areas through which the airline passes, after taking account of local and regional services.

(e) There shall be fair and equal opportunity for the designated airlines of the Contracting Parties to operate the routes referred to in this Agreement and its annex between the territories of the two Parties.

Article 4

(a) Rates shall be fixed at reasonable levels, regard being paid to all relevant factors and, in particular, to operating costs, reasonable profit, the rates charged by other airlines and the characteristics of each service, such as speed and accommodations. The rates shall be fixed in accordance with the following paragraphs.

(b) The rates referred to in paragraph (a) above shall so far as possible be fixed by agreement between the designated airlines, which shall proceed :

1. by applying any resolutions adopted under the rate-fixing procedure of the International Air Transport Association (IATA) ; or
2. by direct agreement after consultation, where necessary, with any airlines of any third country operating all or part of the same route.

(c) The rates so fixed shall be submitted for approval to the aeronautical authorities of the Contracting Parties not less than thirty (30) days before the date laid down for their entry into force ; in special cases this time-limit may be reduced, subject to the agreement of the said authorities.

(d) Should the designated airlines fail to agree on the fixing of rates in accordance with paragraph (b) above, or should one of the Contracting Parties make known its dissatisfaction with the rates submitted to it in accordance with the provisions of the foregoing paragraph, the aeronautical authorities of the Contracting Parties shall endeavour to reach a satisfactory solution.

(e) In the last resort, the matter shall be settled in accordance with article 9 of this Agreement. Pending the announcement of an arbitral award, the Contracting Party making known its dissatisfaction shall have the right to require the other Contracting Party to maintain the rates previously in force.

Article 5

(a) The charges imposed by one Contracting Party on the designated airline of the other Contracting Party for the use of its airports and other facilities shall not be higher than would be paid by its national aircraft engaged in regular international services.

(b) Fuel and spare parts introduced into or taken on board aircraft in the territory of one Contracting Party by or on behalf of the airline designated by the other Contracting Party, and intended solely for use by the aircraft of that airline, shall, subject to reciprocity, be exempt from customs duties in accordance with national regulations. With respect to inspection fees and other national duties or charges, they shall be accorded the same treatment as if they had been taken on board national aircraft engaged in regular international services.

(c) Regular equipment and aircraft stores shall, subject to reciprocity, be accorded the same treatment as that accorded to national airlines or to the most-favoured foreign airline engaged in international air services with respect to customs duties, inspection fees and other similar national duties or charges.