

No. 4495

**SWITZERLAND
and
PORTUGAL**

**Provisional Agreement relating to air transport (with annex).
Signed at Lisbon, on 9 December 1946**

**Exchange of notes constituting an agreement modifying the
annex to the above-mentioned Agreement. Lisbon,
18 June and 18 July 1956**

Official texts : French and Portuguese.

Registered by the International Civil Aviation Organization on 9 September 1958.

**SUISSE
et
PORTUGAL**

**Accord provisoire relatif aux transports aériens (avec
annexe). Signé à Lisbonne, le 9 décembre 1946**

**Échange de notes constituant un accord modifiant l'annexe
à l'Accord susmentionné. Lisbonne, 18 juin et 18 juillet
1956**

Textes officiels français et portugais.

Enregistrés par l'Organisation de l'aviation civile internationale le 9 septembre 1958.

Nº 4495. ACCORD¹ PROVISOIRE RELATIF AUX TRANSPORTS AÉRIENS ENTRE LA SUISSE ET LE PORTUGAL. SIGNÉ À LISBONNE, LE 9 DÉCEMBRE 1946

Le Conseil fédéral suisse et le Gouvernement portugais, considérant :

que les possibilités de l'aviation commerciale, en tant que mode de transport, se sont considérablement accrues ;

qu'il convient d'organiser d'une manière sûre et ordonnée les communications aériennes régulières et de poursuivre dans la plus large mesure possible le développement de la coopération internationale dans ce domaine ;

qu'il est nécessaire, en conséquence, de conclure entre la Suisse et le Portugal un accord réglementant les transports aériens par des lignes régulières ;

ont désigné des représentants à cet effet, lesquels, dûment autorisés, sont convenus des dispositions suivantes :

Article 1

a) Les parties contractantes s'accordent l'une à l'autre les droits spécifiés à l'annexe² ci-jointe pour l'établissement des lignes internationales définies à cette annexe, qui traversent ou desservent leurs territoires respectifs.

b) Chaque partie contractante désignera une ou plusieurs entreprises de transports aériens pour l'exploitation des lignes qu'elle peut ainsi établir et décidera de la date d'ouverture de ces lignes.

Article 2

a) Chaque partie contractante devra, sous réserve de l'article 6 ci-après, délivrer l'autorisation d'exploitation nécessaire à l'entreprise ou aux entreprises désignées par l'autre partie contractante.

b) Toutefois, avant d'être autorisées à ouvrir les lignes définies à l'annexe, ces entreprises pourront être appelées à justifier de leur qualification, conformément aux lois et règlements normalement appliqués par les autorités aéronautiques délivrant l'autorisation d'exploitation.

¹ Entré en vigueur le 9 décembre 1946, date de sa signature, conformément à l'article 9, a.

² Voir p. 258 de ce volume.

Article 3

(a) Each of the contracting parties agrees that the charges imposed on the airline or airlines of the other contracting party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into, or taken on board aircraft in the territory of one contracting party by or on behalf of any designated air carrier of the other contracting party and intended solely for use by the aircraft of such airline shall be accorded, with respect to customs duties, inspection fees and other duties and charges, imposed by the former contracting party, the treatment granted to national airlines or to the most-favoured-nation.

(c) All aircraft operated by the airline or airlines designated by one contracting party on the routes covered by the present agreement, and supplies of fuel, lubricating oils, spare parts, normal equipment and aircraft stores retained on board aircraft shall be exempt, on entry into or departure from the territory of the other contracting party, from customs duties, inspection fees or similar duties or charges, even though such supplies be used or consumed by or in such aircraft on flights within that territory.

Article 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognised as valid by the other contracting party for the purpose of operating the services specified in the annex. Each contracting party reserves the right, however, to refuse to recognise, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 5

(a) The laws and regulations of one contracting party relating to entry into or departure from its own territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory, shall apply to aircraft of the designated airline or airlines of the other contracting party.

(b) Passengers, crews and consignors of freight shall be required in the territory of either contracting party to comply either in person or through the intermediary of a third person acting in their name and on their account, with the laws and regulations governing the entry into, the presence in and the departure from that country of passengers, crews or freight, such as the regulations relating to entry, clearance, immigration, passports, customs and quarantine.

Article 6

Each contracting party reserves the right to withhold a certificate or permit to operate from an airline of another State, or to revoke it, in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of the other party to this agreement, or in case of failure by an airline to comply with the laws and regulations referred to in Article 5, or to fulfil its obligations under this agreement.

Article 7

(a) The contracting parties agree to submit to arbitration any dispute relating to the interpretation or application of this agreement or of the annex thereto which cannot be settled by direct negotiation.

(b) Any such dispute shall be referred to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944¹ or, pending the entry into force of the said Convention as between the two contracting parties, to the Interim Council set up by the Interim Agreement on International Civil Aviation signed at Chicago on the same date.²

(c) Nevertheless, the contracting parties may, by mutual agreement, settle the dispute by referring it either to an arbitral tribunal or to any person or body that they may designate, without prejudice, however, to the procedure set forth in paragraph (b).

(d) The contracting parties undertake to comply with the decision given.

Article 8

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on 7th December 1944, or its successor.

Article 9

(a) The present agreement shall come into force on the date of signature.

(b) In a spirit of close collaboration, the competent aeronautical authorities of the contracting parties will consult from time to time with a view to ensuring the observance of the principles and the satisfactory implementation of the provisions outlined in the present agreement and its annex.

(c) The present agreement and its annex shall be brought into harmony with any multilateral agreement which comes into force in respect of both contracting parties.

¹ See footnote 2, p. 230 of this volume.

² United Nations, *Treaty Series*, vol. 171, p. 345.