

No. 2929

**UNION OF SOUTH AFRICA
and
SWITZERLAND**

**Air Agreement relating to air services. Signed at Berne,
on 26 August 1954**

Official texts: English and French.

Registered by the International Civil Aviation Organization on 13 September 1955.

**UNION SUD-AFRICAINE
et
SUISSE**

**Accord relatif aux services aériens. Signé à Berne, le
26 août 1954**

Textes officiels anglais et français.

Enregistré par l'Organisation de l'aviation civile internationale le 13 septembre 1955.

No. 2929. AIR AGREEMENT¹ BETWEEN THE UNION OF SOUTH AFRICA AND SWITZERLAND RELATING TO AIR SERVICES. SIGNED AT BERNE, ON 26 AUGUST 1954

Article 1

For the purposes of the present Agreement —

- (a) the term “territory” in relation to a party to this Agreement means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, administration or trusteeship of that party;
- (b) the term “air service” means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo;
- (c) the term “stop for non-traffic purposes” means a landing for any purpose other than picking up or setting down passengers, mail or cargo.

Article 2

Subject to the Government of the Union of South Africa reserving the right at any time to operate a reciprocal air service between the Union of South Africa and Switzerland, the Government of the Union of South Africa agree to an air service between the respective territories of Switzerland and of the Union of South Africa being operated on behalf of, and by an airline designated by, the Government of Switzerland (hereinafter referred to as the designated airline).

Article 3

Substantial ownership and effective control of the designated airline shall be vested in nationals of Switzerland.

Article 4

The air service of the designated airline in terms of this agreement shall be operated on either of the following routes in either case in both directions:

- (a) Switzerland — Milan/Rome — Tunis/Algiers/Tripoli — Kano — Lagos/Accra Leopoldville/Brazzaville — Livingstone — Johannesburg; or
- (b) Switzerland — Milan/Rome — Athens — Beirut/Tel Aviv — Cairo — Khartoum Addis Ababa — Entebbe/Nairobi — Salisbury/Livingstone — Johannesburg.

¹ Came into force on 1 April 1955, in accordance with article 14.

Article 5

Any or all of the intermediate points on the routes specified in article 4 may be omitted on any flight at the option of the designated airline.

Article 6

(1) Points on the route specified hereunder at which, subject to the concurrence of any third country that may be involved, traffic from or for territory of the Union of South Africa —

(a) may be set down or picked up, that is, are agreed traffic stops, and
(b) may not be set down or picked up, that is, are stops for non-traffic purposes, by the designated airline are :

| <i>Country</i> | <i>Traffic Stops</i> | <i>Stops for non-traffic purposes</i> |
|---|-----------------------|---------------------------------------|
| <i>(i) (route specified in paragraph (a) of article 4)</i> | | |
| Switzerland | Points in Switzerland | — |
| Italy | — | Milan or Rome |
| Tunisia or | Tunis or | — |
| Algeria or | Algiers or | — |
| United Kingdom of Libya | Tripoli | — |
| Nigeria | Kano | — |
| Gold Coast | Lagos or | — |
| | Accra | — |
| Belgian Congo or | Leopoldville or | — |
| French Equatorial Africa | Brazzaville | — |
| Federation of Rhodesia and Nyasaland | — | Livingstone |
| Union of South Africa | Johannesburg | —; or |
| <i>(ii) (route specified in paragraph (b) of article 4)</i> | | |
| Switzerland | Points in Switzerland | — |
| Italy | — | Milan or Rome |
| Greece | Athens | — |
| Lebanon or | Beirut or | — |
| Israel | Tel Aviv | — |
| Egypt | — | Cairo |
| Sudan or | — | Khartoum |
| Ethiopia | Addis Ababa | — |
| Uganda or | — | Entebbe or |
| Kenya | — | Nairobi |
| Federation of Rhodesia and Nyasaland | — | Salisbury or |
| | | Livingstone |
| Union of South Africa | Johannesburg | — |

- (2) In the event of the Government of the Union of South Africa —
- (a) entering into an air agreement with any country, or
 - (b) deciding to take up, in terms of an existing air agreement, traffic rights in any country,

in which traffic rights have been conceded in terms of paragraph (1), the traffic rights so conceded may be subject to review.

Article 7

The frequency of the air service provided by the designated airline on either of the routes specified in Article 4 shall be once per week.

Article 8

Notwithstanding the provisions of article 6 the designated airline shall not at Johannesburg pick up or set down more than fifty-six passengers in any one flight and there shall be no carry-over of unused passenger capacity from one flight to any other flight.

Article 9

The designated airline shall not publish or cause to be published any advertisement likely to encourage or promote on its services traffic from Great Britain to territory of the Union of South Africa or from territory of the Union of South Africa to Great Britain.

Article 10

(1) The charges which the Government of the Union of South Africa may impose or permit to be imposed on the designated airline 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 aircraft of the Union of South Africa employed in similar international air services.

(2) Fuel and spare parts introduced into, or taken on board aircraft in the territory of the Union of South Africa by, or on behalf of, the designated airline and intended solely for use by the aircraft of such designated airline shall be accorded, with respect to customs duties, inspection fees and other charges imposed by the Government of the Union of South Africa, treatment not less favourable than that granted to national airlines engaged in international air services or such airlines of the most favoured nation.

(3) Aircraft of the designated airline operating on either of the routes specified in Article 4 on a flight to, from or across the territory of the Union of South Africa shall be admitted temporarily free from customs duties subject otherwise to the customs regulations of the Union of South Africa. Supplies of

fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline shall be exempt in the territory of the Union of South Africa from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights within territory of the Union of South Africa.

Article 11

The fares and rates to be charged by the designated airline and the conditions of carriage applicable shall be those agreed upon by the International Air Transport Association and approved by the Government of the Union of South Africa and the Government of Switzerland.

Article 12

The designated airline shall as soon as possible at the end of each quarter render monthly traffic statistics to the proper authority of the Union of South Africa in the form and manner required by such authority.

Article 13

The Government of the Union of South Africa shall have the right to suspend the air service operated in terms of this Agreement by the designated airline if the designated airline fails to comply with any law or regulation of the Government of the Union of South Africa or fails to comply with any term or condition prescribed in this Agreement: Provided that unless immediate suspension is essential to prevent further infringement by the designated airline of a law or regulation or term or condition this right shall be exercised by the Government of the Union of South Africa only after consultation with the Government of Switzerland.

Article 14

This Agreement shall come into force on the first day of April, 1955, and shall remain in force indefinitely but may be terminated by either party to this Agreement giving six months notice in writing to the other party.

DONE at Berne in duplicate this 26th August, 1954, in the English and French languages, both texts being equally authentic.

For the Government of the Union of South Africa :
(Signed) P. O. SAUER

Minister of Transport

For the Swiss Federal Council :

(Signed) M. PETITPIERRE

Chief of the Department of Post and Railways