

No. 47512

**Switzerland
and
Romania**

Agreement between the Swiss Federal Council and the Government of Romania relating to scheduled air services (with annex). Bucharest, 10 November 2008

Entry into force: *8 January 2010 by notification, in accordance with article 22*

Authentic texts: *English, German and Romanian*

Registration with the Secretariat of the United Nations: *Switzerland, 21 May 2010*

**Suisse
et
Roumanie**

Accord entre le Conseil fédéral suisse et le Gouvernement de la Roumanie relatif aux services aériens de lignes (avec annexe). Bucarest, 10 novembre 2008

Entrée en vigueur : *8 janvier 2010 par notification, conformément à l'article 22*

Textes authentiques : *anglais, allemand et roumain*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 21 mai 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

A G R E E M E N T

BETWEEN

THE SWISS FEDERAL COUNCIL

AND

THE GOVERNMENT OF ROMANIA

RELATING TO SCHEDULED AIR SERVICES

The Swiss Federal Council and the Government of Romania (hereinafter, "the Contracting Parties");

Desiring to promote an international aviation system based on competition among airlines in the marketplace with minimum government interference and regulation;

Desiring to facilitate the expansion of international air services opportunities;

Recognising that efficient and competitive international air services enhance trade, the welfare of consumers, and economic growth;

Desiring to make it possible for airlines to offer the travelling and shipping public a variety of service options, and wishing to encourage individual airlines to develop and implement innovative and competitive prices;

Desiring to ensure the highest degree of safety and security in international air services and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardise the safety of persons or property, adversely affect the operation of air services, and undermine public confidence in the safety of civil aviation; and

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944;

Have agreed as follows:

Article 1 Definitions

1. For the purpose of the present Agreement and its Annex, unless otherwise agreed:
 - a. The term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any annex adopted under article 90 of that Convention and any amendment of the annexes or Convention under articles 90 and 94 thereof so far as those annexes and amendments are applicable for both Contracting Parties;
 - b. The term "aeronautical authorities" means, in the case of Switzerland, the Federal Office of Civil Aviation and, in the case of Romania, the Ministry of Transport or in both cases any person or body, authorised to exercise the functions presently assigned to the said authorities;
 - c. The term "designated airlines" means an airline or airlines which one Contracting Party has designated, in accordance with Article 5 of the present Agreement, for the operation of the agreed air services;
 - d. The term "agreed services" means air services on the specified routes for the carriage of passengers, cargo and mail, separately or in combination;
 - e. The terms "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meaning respectively assigned to them in Article 96 of the Convention;
 - f. The term "territory" in relation to a State shall have the meaning assigned to it in Article 2 of the Convention;
 - g. The term "tariff" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which these prices apply, including commission charges and other additional remuneration for agency or sale of transportation documents but excluding remuneration and conditions for the carriage of mail.
2. The Annex forms an integral part of the present Agreement. All references to the Agreement shall include the Annex unless explicitly agreed otherwise.

Article 2 Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of operating international air services on the routes specified in the schedules of the Annex. Such services and routes are hereafter called "agreed services" and "specified routes" respectively.
2. Subject to the provisions of the present Agreement the airlines designated by each Contracting Party shall enjoy, while operating international air services:
 - a. the right to fly without landing across the territory of the other Contracting Party;
 - b. the right to make stops in the said territory for non-traffic purposes;
 - c. the rights otherwise specified in the present Agreement.
3. Nothing in this Article shall be deemed to confer on the designated airlines of one Contracting Party the privilege of embarking, in the territory of the other Contracting Party, passengers, baggage, cargo and mail carried for remuneration or hire and destined for another point in the territory of that Contracting Party.
4. If because of armed conflict, political disturbances or developments, or special and unusual circumstances, the designated airlines of one Contracting Party are unable to operate a service on its normal routing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate rearrangements of such routes, including the grant of rights for such time as may be necessary to facilitate viable operations.

Article 3 Exercise of Rights

1. The designated airlines shall enjoy fair and equal opportunities to compete in providing the agreed services covered by the present Agreement.
2. Neither Contracting Party shall restrict the right of each of the designated airlines to carry international traffic between the respective territories of the Contracting Parties or between the territory of one Contracting Party and the territories of third countries.