

No. 47514

**Switzerland
and
Gambia**

Agreement between the Swiss Confederation and the Republic of the Gambia relating to scheduled air services (with annex). Banjul, 26 January 1994

Entry into force: *provisionally on 29 January 1994 by signature and definitively on 26 October 2009 by notification, in accordance with article 21*

Authentic texts: *English and French*

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

**Suisse
et
Gambie**

Accord entre la Confédération suisse et la République de Gambie relatif au trafic aérien de lignes (avec annexe). Banjul, 26 janvier 1994

Entrée en vigueur : *provisoirement le 29 janvier 1994 par signature et définitivement le 26 octobre 2009 par notification, conformément à l'article 21*

Textes authentiques : *anglais et français*

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

[ENGLISH TEXT – TEXTE ANGLAIS]

A G R E E M E N T
B E T W E E N
T H E S W I S S C O N F E D E R A T I O N
A N D
T H E R E P U B L I C O F T H E G A M B I A
R E L A T I N G T O S C H E D U L E D A I R S E R V I C E S

Considering that Switzerland and the Republic of The Gambia

are Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944,

desiring to develop international co-operation in the field of air transport, and

desiring to establish the necessary basis for the operation of scheduled air services,

the Government of the Republic of The Gambia and the Swiss Federal Council

have appointed plenipotentiaries who, duly authorized to that effect, have agreed as follows:

Article 1 Definitions

1. For the purpose of the present Agreement and its Annex:
 - 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 for Civil Aviation, and in case of the Republic of The Gambia, the Minister in charge of Civil Aviation or in both cases any person or body, authorized to exercise the functions presently assigned to the said authorities;
 - c. The term "designated airline" means an airline which one Contracting Party has designated, in accordance with Article 6 of the present Agreement, for the operation of the agreed air services;
 - d. 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 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 airline 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 right to embark and disembark in the said territory at the points specified in the Annex of the present Agreement passengers, baggage, cargo and mail destined for or coming from points in the territory of the other Contracting Party;
 - d. the right to embark and disembark in the territory of third countries at the points specified in the Annex of the present Agreement passengers, baggage, cargo and mail destined for or coming from points in the territory of the other Contracting Party, specified in the Annex of the present Agreement.
3. Nothing in this Article shall be deemed to confer on the designated airline 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 airline of one Contracting Party is 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 operate the agreed services between the territories of the Contracting Parties.
2. The designated airline of each Contracting Party shall take into consideration the interests of the designated airline of the other Contracting Party so as not to affect unduly the agreed services of the latter airline operated over the whole or part of the same routes.
3. The main objective of the agreed services shall be to provide capacity corresponding to traffic demand between the territory of the Contracting Party which has designated the airline and the points served on the specified routes.
4. The right of each of the designated airlines to carry international traffic between the territory of the other Contracting Party and the territories of third countries, shall be exercised in conformity with the general principles of normal development to which both Contracting Parties subscribe and subject to the condition that the capacity shall be adapted:
 - a. to traffic demand to and from the territory of the Contracting Party which has designated the airline;
 - b. to traffic demand of the areas through which the service passes, local and regional services being taken into account;
 - c. to the requirements of an economical operation of the agreed services.
5. Neither Contracting Party shall unilaterally restrict the operations of the designated airline of the other except according to the terms of the present Agreement or by such uniform conditions as may be contemplated by the Convention.