

No. 48015

**Switzerland
and
United States of America**

Air Transport Agreement between the Swiss Confederation and the United States of America (with annexes). Bern, 21 June 2010

Entry into force: *21 June 2010 by signature, in accordance with article 19*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Switzerland,
14 December 2010*

**Suisse
et
États-Unis d'Amérique**

Accord de transport aérien entre la Confédération suisse et les États-Unis d'Amérique (avec annexes). Berne, 21 juin 2010

Entrée en vigueur : *21 juin 2010 par signature, conformément à l'article 19*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 14 décembre 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

AIR TRANSPORT AGREEMENT

BETWEEN

THE SWISS CONFEDERATION

AND

THE UNITED STATES OF AMERICA

The Swiss Confederation and the United States of America (hereinafter, "the 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 transport opportunities;

Desiring to make it possible for airlines to offer the traveling and shipping public a variety of service options at the lowest prices that are not predatory or discriminatory and do not represent abuse of a dominant position, 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 transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property, adversely affect the operation of air transportation, 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

For the purposes of this Agreement, unless otherwise stated, the term:

1. "Aeronautical authorities" means, in the case of Switzerland, the Federal Office of Civil Aviation and any person or agency authorized to perform the functions exercised by the said Federal Office of Civil Aviation, and in the case of the United States, the Department of Transportation, or its successor;
2. "Agreement" means this Agreement, its Annexes, and any amendments thereto;
3. "Air transportation" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, scheduled or charter, for remuneration or hire;
4. "Airline of a Party" means any airline that has received its Air Operator's Certificate (AOC) from and has its principal place of business in the territory of that Party;
5. "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944, and includes:
 - (a) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Parties, and
 - (b) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties;
6. "Full cost" means the cost of providing service plus a reasonable charge for administrative overhead;
7. "International air transportation" means air transportation that passes through the airspace over the territory of more than one State;

8. "Price" means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transportation, including surface transportation in connection with international air transportation, if applicable, charged by airlines, including their agents, and the conditions governing the availability of such fare, rate, or charge;
9. "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, baggage, cargo, and/or mail in air transportation;
10. "Territory" means the land areas, internal waters, and territorial sea under the sovereignty of a Party; and
11. "User charge" means a charge imposed on airlines for the provision of airport, air navigation, or aviation security facilities or services including related services and facilities.

Article 2

Grant of Rights

1. Each Party grants to the other Party the following rights for the conduct of international air transportation by the airlines of the other Party:
 - a. the right to fly across its territory without landing;
 - b. the right to make stops in its territory for non-traffic purposes; and
 - c. the rights otherwise specified in this Agreement.