

AIR TRANSPORT SERVICES

Agreement signed at Prague January 3, 1946, with annex; exchange of notes at Prague May 3 and 17, 1946

*Entered into force provisionally January 3, 1946; definitively June 17, 1946*¹

60 Stat. 1917; Treaties and Other
International Acts Series 1560

AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CZECHOSLOVAK REPUBLIC

Having in mind the resolution recommending a standard form of agreement for provisional air routes and services, included in the Final Act of the International Civil Aviation Conference signed at Chicago on December 7, 1944, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States of America and the Republic of Czechoslovakia, the two Governments parties to this Agreement agree that the development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE 1

The contracting parties grant the right specified in the Annex hereto necessary for establishment of the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE 2

/a/ Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the right shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so desig-

¹Date of notification of approval by President of Czechoslovakia, in accordance with terms of art. 10.

nated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

/b/ It is understood that either contracting party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

ARTICLE 3

In order to prevent discriminatory practices and assure equality of treatment, both contracting parties agree that:

/a/ Each of the contracting parties may impose or permit to be imposed just and reasonable charges of ² the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges 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 the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered.

/c/ The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges even though such supplies be used or consumed by such aircraft on flights in that territory.

ARTICLE 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another state.

² For a correction of art. 3, para. a, see exchange of notes, p. 1313.

ARTICLE 5

/a/ The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

/b/ The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, or while within the territory of the first party.

ARTICLE 6

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this Agreement.

ARTICLE 7

This Agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

ARTICLE 8

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

ARTICLE 9

Either contracting party may terminate this Agreement, or the rights for any of the services granted thereunder, by giving one year's notice to the other contracting party.

ARTICLE 10

The provisions of this Agreement shall become operative from the day it is signed. The Czechoslovak Government shall notify the Government of the

United States of America of the approval of the Agreement by the President of the Czechoslovak Republic and the Government of the United States of America shall consider the Agreement as becoming definitive upon the date of such notification by the Czechoslovak Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement in duplicate in the English and Czech languages, both texts having equal force and have hereunto affixed their seals.

Done at Praha the third day of January 1946.

LAWRENCE A. STEINHART	[SEAL]
JAN MASARYK	[SEAL]

ANNEX

A

1/ The Government of the United States of America will grant to a Czechoslovak airline, to be designated by the Czechoslovak Government, with regard to the territory of the United States of America, the necessary operating permission to the air service on the route Praha-Bruxelles-London-Foynes-New Foundland-New York, in both directions.

2/ This operating permission shall include:

The right to take on in the United States of America passengers, cargo and mail destined for the territory of Czechoslovakia or of any other States and the right to put down in the United States of America passengers, cargo and mail taken on in the territory of Czechoslovakia or any other States.

B.

1/ The Government of the Czechoslovak Republic will grant to an American airline, to be designated by the Government of the United States of America with regard to the territory of Czechoslovakia, the necessary operating permission to the air services on the route New Foundland-Foynes - London - Bruxelles - Praha - Vienna - Budapest - Bucuresti - Istanbul - Ankara-Beirut-Baghdad-Karachi-Calcutta, in both directions.

2/ This operating permission shall include:

The right to take on in Czechoslovakia passengers, cargo and mail destined for the territory of the United States of America or of any other States and the right to put down in Czechoslovakia passengers, cargo and mail taken on in the territory of the United States of America or any other States.

EXCHANGE OF NOTES

*The American Embassy to the Ministry for Foreign Affairs*EMBASSY OF THE
UNITED STATES OF AMERICA

No. 993

The American Embassy presents its compliments to the Ministry for Foreign Affairs and has the honor to refer to the text of the air transport agreement between the Czechoslovak Republic and the United States of America of January 3, 1946, and to request confirmation by note that the original English text in possession of the Ministry reads "charges for" in the fourth line of Article 3-A.

L. A. S.

PRAHA, *May 3, 1946*

The Ministry for Foreign Affairs to the American Embassy

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS

No. 78.571/IV-7/46

Referring to the note of the Embassy of the United States dated May 3, 1946, number 993, the Ministry for Foreign Affairs has the honor to confirm that the original English text of the Agreement regarding Air Transportation between the Czechoslovak Republic and the United States, which is in the possession of this office, contains the words "charges for" in the fourth line of article 3.

V. C.

PRAGUE, *May 17, 1946*TO THE EMBASSY OF THE UNITED STATES
IN PRAGUE.