

Attachment 2**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 Annexes adopted under Article 90 of that Convention and any amendment of the Annexes or the 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 The State of Bahrain, the Ministry of Transportation represented by Civil Aviation Affairs, and in the case of Switzerland, the Federal Office for Civil Aviation or on 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 5 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.

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ARTICLE 4 (bis)

AVIATION SECURITY

1. Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of the present Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, its Supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988 as well as with any other convention and protocol relating to the security of civil aviation which both Contracting Parties adhere to.
2. The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.
3. The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as Annexes to the Convention to the extent that such security provisions are applicable to the Contracting Parties; they shall require that operators of aircraft of their registry or operators of aircraft who have their principal place of business or permanent residence in their territory and the operators of airports in their territory act in conformity with such aviation security provisions.
4. Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph 3 of this Article required by the other Contracting Party for entry into, departure from, or while within, the territory of that other Contracting Party. Each Contracting Party shall ensure that adequate measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give sympathetic consideration to any request from the other Contracting Party for reasonable special security measures to meet a particular threat.
5. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

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Directorate
GENERAL
OF CIVIL AVIATION

ARTICLE 5

DESIGNATION AND OPERATING AUTHORIZATION

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services. Such designation shall be effected by virtue of a written notification between the aeronautical authorities of both Contracting Parties.
2. The aeronautical authorities which have received the notification of designation shall, subject to the provisions of paragraphs 3 and 4 of this Article, grant without delay to the designated airline of the other Contracting Party the necessary operating authorization.
3. The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to prove that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied to the operation of international air services by the said authorities in conformity with the provisions of the Convention.
4. Each Contracting Party shall have the right to refuse to grant the operating authorization referred to in paragraph 2 of this Article, or to impose such conditions as it may deem necessary for the exercise of the rights specified in Article 2 of the present Agreement, whenever the said Contracting Party has no proof that a substantial part of the ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.
5. Having received the operating authorization, provided for under paragraph 2 of this Article, the designated airline may at any time operate the agreed services, provided that tariffs established in accordance with the provisions of Article 13 of the present Agreement are in force.

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ARTICLE 7

AVIATION SAFETY

1. Each Contracting Party shall recognize as valid, for the purpose of operating the agreed services provided for in the present Agreement, certificates of airworthiness, certificates of competency, and licenses issued or validated by the other Contracting Party and still in force, provided that the requirements for such certificates or licenses at least equal the minimum standards that may be established pursuant to the Convention. Each Contracting Party may, however, refuse to recognize as valid for the purpose of flight above its own territory, certificates of competency and licenses granted to or validated for its own nationals by the other Contracting Party or by any other State.
2. Either Contracting Party may request consultations concerning the safety standards maintained by the other Contracting Party relating to aeronautical facilities, aircrews, aircraft, and operation of the designated airline. If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards and requirements in these areas that at least equal the minimum standards that may be established pursuant to the Convention, the other Contracting Party shall be notified of such findings and the steps considered necessary to conform with these minimum standards, and shall take appropriate corrective action. In the event the other Contracting Party does not take such appropriate action within reasonable time, the provisions of article 6 of this Agreement regarding the revocation and suspension of the operating authorization shall apply.

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ARTICLE 8

EXEMPTION OF DUTIES AND TAXES

1. Aircraft operated on international services by the designated airline of one Contracting Party, as well as their normal equipment, supplies of fuel and lubricants, aircraft stores including food, beverages and tobacco carried on board such aircraft, shall, on entering into the territory of the other Contracting Party, be exempt from all duties or taxes, provided such equipment, supplies and stores remain on board the aircraft until they are re-exported.
2. Shall also be exempt from the same duties and taxes, with exception of charges corresponding to the services rendered :
 - a) aircraft stores taken on board in the territory of one Contracting Party, within the limits fixed by the authorities of the said Contracting Party, and intended for use on board the aircraft operated on an international service by the designated airline of the other Contracting Party;
 - b) spare parts and normal board equipment imported into the territory of one Contracting Party for the maintenance or repair of aircraft operated on international services;
 - c) fuel and lubricants destined for the designated airline of one Contracting Party to supply aircraft operated on international services, even when these supplies are to be used on any part of a journey performed over the territory of the Contracting Party in which they have been taken on board.
 - d) the necessary documents used by the designated airline of one Contracting Party including transportation documents, airway bills and advertising material, as well as motor vehicles, material and equipment which may be used by the designated airline for commercial and operational purposes within the airport area provided such material and equipment serve the transportation of passengers and freight.
3. The normal board equipment, as well as the materials and supplies retained on board the aircraft operated by the designated airline of one Contracting Party may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of that territory. In such a case, they may be placed under the supervision of the said authorities until they are re-exported or otherwise disposed of in accordance with customs regulations.
4. The exemptions provided for by this Article shall also be available in situations where the designated airline of either Contracting Party has entered into arrangements with another airline or airlines for the loan or transfer in the territory of the other Contracting Party of the items specified in paragraphs 1 and 2 of this Article provided such other airline or airlines similarly enjoy such exemptions from such other Contracting Party.

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Attachment 2

ARTICLE 9

DIRECT TRANSIT

Passengers, baggages and cargo in direct transit across the territory of either Contracting Party and not leaving the area of the airport reserved for such purpose shall, unless security measures against violence, air piracy and smuggling of narcotic drugs require differently, be subject to no more than a very simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.

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ARTICLE 11

COMMERCIAL ACTIVITIES

1. The designated airline of one Contracting Party shall be permitted to maintain adequate representations in the territory of the other Contracting Party. These representations may include commercial, operational and technical staff, which may consist of transferred or locally engaged personnel.
2. For the commercial activities the principle of reciprocity shall apply. The competent authorities of each Contracting Party will take all necessary steps to ensure that the representations of the airline designated by the other Contracting Party may exercise their activities in an orderly manner.
3. Each Contracting Party grants to the designated airline of the other Contracting Party the right to engage in the sale of air transportation in its territory directly and, at the airline's discretion, through its agents. Each airline shall have the right to sell such transportation, and any person shall be free to purchase such transportation, in the currency of that territory or in freely convertible currencies of other countries.

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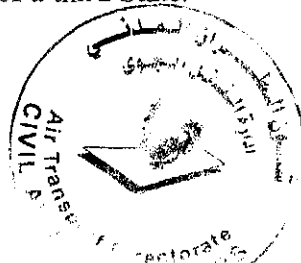


ARTICLE 13

TARIFFS

1. The tariffs to be applied by the designated airline of a Contracting Party for services covered by this Agreement shall be established at reasonable levels, due regard being paid to all relevant factors, including interests of users, cost of operation, characteristics of service, commission rates, reasonable profit, tariffs of other airlines, and other commercial considerations in the market-place.
2. The aeronautical authorities shall give particular attention to tariffs which may be objectionable because they appear unreasonably discriminatory, unduly high or restrictive because of the abuse of a dominant position, artificially low because of direct or indirect subsidy or support, or predatory.
3. The tariffs shall be filed at least 24 hours before the proposed date of their introduction. The aeronautical authorities may approve or disapprove tariffs filed for one-way or round-trip carriage between the territories of the two Contracting Parties which commences in their own territory. In case of disapproval they shall give notice of disapproval to the aeronautical authorities of the other Contracting Party as soon as possible or at least within 14 days of the filing being received.
4. Neither of the aeronautical authorities shall take unilateral action to prevent the inauguration of proposed tariffs or the continuation of effective tariffs for carriage between the territories of the two Contracting Parties commencing in the territory of the other Party.
5. Notwithstanding paragraph 4 above, where the aeronautical authorities of either Contracting Party believe that a tariff for the carriage to its territory falls within the categories described in paragraph 2 above, they shall give notice of disapproval to the aeronautical authorities of the other Contracting Party as soon as possible or at least within 14 days of the date of filing being received by them.
6. The aeronautical authorities of each Contracting Party may request consultations regarding any tariff which was subject of disapproval. Such consultations shall be held not later than 30 days after receipt of the request. If the Contracting Parties reach an agreement, each Party shall use its best efforts to put that agreement into effect. If no agreement is reached, the decision of the Contracting Party in whose territory the carriage originates shall prevail.
7. For carriage between the territories of the Contracting Parties, the aeronautical authorities shall permit the designated airlines of the other Contracting Party to match any tariff on the same city pair currently authorized for application by an airline of either Contracting Party or of a third State.

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ARTICLE 18

MODIFICATIONS

1. If either of the Contracting Parties considers it desirable to modify any provision of the present Agreement, such modification, if agreed between the Contracting Parties, shall be applied provisionally from the date of its signature and enter into force when the Contracting Parties will have notified to each other the fulfilment of their constitutional procedures.
2. Modifications to the Annex of the present Agreement may be agreed directly between the aeronautical authorities of the Contracting Parties and enter into force on the date of signature.
3. In the event of the conclusion of any general multilateral convention concerning air transport by which both Contracting Parties become bound, the present Agreement shall be modified so as to conform with the provisions of such convention.

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