

No. 6849

**UNITED STATES OF AMERICA
and
FRANCE**

Compromis of Arbitration relating to the Agreement between the Governments of the United States of America and France relating to air services between their respective territories, signed at Paris on 27 March 1946, as amended. Signed at Paris, on 22 January 1963

Official texts : English and French.

Registered by the United States of America on 6 August 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

Compromis d'arbitrage relatif à l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République française, concernant les services aériens entre leurs territoires respectifs, signé à Paris le 27 mars 1946, tel qu'il a été modifié. Signé à Paris, le 22 janvier 1963

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 6 août 1963.

No. 6849. COMPROMIS OF ARBITRATION¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO THE AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND FRANCE RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES, SIGNED AT PARIS ON 27 MARCH 1946, AS AMENDED.² SIGNED AT PARIS, ON 22 JANUARY 1963

The Government of the United States of America and the Government of the French Republic :

Considering :

1. That there is a dispute between them relevant to the interpretation of the Air Transport Services Agreement between the United States of America and France, signed at Paris on March 27, 1946,² and of its Annex ;²
2. That they have been unable to settle this dispute through consultation ;
3. That Article X of the Air Transport Services Agreement as amended³ provides that :

“Except as otherwise provided in this Agreement or its Annex, any dispute between the Contracting Parties relative to the interpretation or application of this Agreement or its Annex which cannot be settled through consultation shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each Contracting Party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either Contracting Party. Each of the Contracting Parties shall designate an arbitrator within two months of the date of delivery by either Party to the other Party of a diplomatic note requesting arbitration of a dispute ; and the third arbitrator shall be agreed upon within one month after such period of two months.

“If either of the Contracting Parties fails to designate its own arbitrator within two months, or if the third arbitrator is not agreed upon within the time limit indicated, the President of the International Court of Justice shall be requested to make the necessary appointments by choosing the arbitrator or arbitrators, after consulting the President of the Council of the International Civil Aviation Organization.

¹ Came into force on 22 January 1963, upon signature, in accordance with article X.

² United Nations, *Treaty Series*, Vol. 139, p. 114 ; Vol. 358, p. 274, and Vol. 458, p. 292.

³ United Nations, *Treaty Series*, Vol. 139, p. 151.

"The Contracting Parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each Party."

and

4. That the Government of the United States of America on October 12, 1962 submitted to the Government of France a diplomatic note¹ requesting arbitration of this dispute ;

Have decided to submit the dispute to an arbitral tribunal and for this purpose have agreed as follows :

Article I

The Tribunal is requested to decide the following questions :

1. Under the provisions of the Air Transport Services Agreement between the United States of America and France, and in particular the terms of Route 1 of Schedule II of the Annex² to that Agreement, does a United States airline have the right to provide international aviation services between the United States and Turkey via Paris and does it have the right to carry traffic which is embarked in Paris and disembarked at Istanbul, Ankara or other points in Turkey, or embarked at Istanbul, Ankara or other points in Turkey and disembarked at Paris?

2. Under the provisions of the Air Transport Services Agreement between the United States of America and France, and in particular the terms of Route 1 of Schedule II of the Annex to that Agreement, does a United States airline have the right to provide international aviation services between the United States and Iran via Paris and does it have the right to carry traffic which is embarked in Paris and disembarked at Tehran or other points in Iran, or embarked in Tehran or other points in Iran and disembarked at Paris?

Article II

Each Party shall be represented before the Tribunal by an agent who shall be responsible for its part in the proceedings. Each agent may nominate a deputy to act for him and may be assisted by such advisors, counsel, and staff as he deems necessary. Each Party shall communicate the name and address of its respective agent and deputy to the other Party and to the members of the Tribunal.

Article III

A) The proceedings shall consist of written pleadings and oral hearings.

B) The written pleadings shall be limited, unless the Tribunal otherwise directs, to the following documents :

¹ Not printed by the State Department of the United States of America.

² United Nations, *Treaty Series*, Vol. 139, p. 136.