

No. 941

**CANADA
and
FRANCE**

Agreement for air services between and beyond their respective territories (with annex). Signed at Ottawa, on 1 August 1950

Official texts: English and French.

Registered by the International Civil Aviation Organization on 5 October 1950.

**CANADA
et
FRANCE**

Accord relatif aux services aériens entre leurs territoires respectifs et au-delà de ces territoires (avec annexe). Signé à Ottawa, le 1er août 1950

Textes officiels anglais et français.

Enregistré par l'Organisation de l'aviation civile internationale le 5 octobre 1950.

NO. 941. AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE FRENCH REPUBLIC FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT OTTAWA, ON 1 AUGUST 1950

PREAMBLE

The Government of Canada and the Government of the French Republic,
Being parties to the Convention² on International Civil Aviation signed at Chicago on December 7, 1944 and

Desiring to conclude an Agreement for the purpose of establishing air relations between and beyond Canadian and French territories,

Have agreed as follows:

Article 1

For the purpose of present Agreement unless the context otherwise requires:

(a) the term "the Convention" means the Convention on International Civil Aviation signed at Chicago on December 7, 1944 and includes any Annex adopted under Article 90 of the Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;

(b) the term "aeronautical authorities" means, in the case of France, the Secrétaire général à l'Aviation civile et commerciale or any person or body authorized to perform any functions presently exercised by the said Secrétaire général or similar functions, and, in the case of Canada, the Minister of Transport, the Air Transport Board and any person or body authorized to perform any functions presently exercised by the said Minister or Board or similar functions;

(c) the term "designated airline" means any airline which one contracting party shall have chosen to operate the agreed services, the designation of which has been notified to the aeronautical authorities of the other contracting party in accordance with the provisions of Article III of the present Agreement;

(d) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State.

¹ Came into force on 1 August 1950, as from the date of signature, in accordance with article XII.

² United Nations, *Treaty Series*, vol. 15, p. 295; vol. 26, p. 420; vol. 32, p. 402; vol. 33, p. 352; vol. 44, p. 346, and vol. 51, p. 336.

Article II

(1) Each contracting party grants to the other contracting party the rights specified in the present Agreement for the purpose of establishing the air services to be operated by virtue of the said Agreement on the routes specified in the appropriate Section of the Schedule thereto (hereinafter called "the agreed services" and the "specified routes").

(2) Subject to the provisions of the present Agreement, the airline or airlines designated by each contracting party shall enjoy, while operating an agreed service on a specified route, the following privileges:

- (a) to fly without landing across the territory of the other contracting party;
- (b) to make stops in the said territory for non-traffic purposes; and
- (c) to make stops in the said territory at the points specified for that route in the schedule to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail coming from or destined for other points so specified.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airlines of one contracting party the privilege of taking up, in the territory of the other contracting party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other contracting party.

Article III

(1) Each contracting party shall have the right to designate in writing to the other contracting party an airline or airlines for the purpose of operating the agreed services on the specified routes.

(2) Each contracting party shall have the right by written notification to the other contracting party to withdraw the designation of any airline and to substitute the designation of another airline.

(3) On receipt of the designation, the other contracting party shall, subject to the provisions of paragraphs (4) and (5) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorization.

(4) The aeronautical authorities of one contracting party may require the airline or airlines designated by the other contracting party to satisfy them that they are qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them, in conformity with the provisions of the Convention, to the operation of international commercial air services.

(5) Each contracting party shall have the right to refuse to accept the designation of the airline or airlines and to withhold or revoke the grant to an airline or airlines of the privileges specified in paragraph (2) of Article II of the present Agreement or

to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline is vested in the contracting party designating the airline or in nationals of the contracting party designating the airline.

(6) At any time after the provisions of paragraphs (1) and (3) of this Article have been complied with, an airline or airlines so designated and authorized may begin to operate the agreed services.

(7) Each contracting party shall have the right to suspend the exercise by an airline or airlines of the privileges specified in paragraph (2) of Article II of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline or airlines of those privileges in any case where the airline or airlines fail to comply with the laws or regulations of the contracting party granting those privileges or otherwise fail to operate in accordance with the conditions prescribed in the present Agreement.

Article IV

Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of one contracting party, or taken on board aircraft in that territory, by or on behalf of the other contracting party or its designated airline or airlines and intended solely for use by or in the aircraft of those airlines, shall be accorded by the first contracting party, in respect of customs duties, inspection fees and other similar national or local duties and charges, treatment not less favourable than that accorded to similar supplies introduced into the said territory, or taken on board aircraft in that territory, and intended for use by or in the aircraft of a national airline of the first contracting party, or of the most favoured airline of any other State engaged in international air services.

Article V

(1) There shall be fair and equal opportunity for the airlines of both contracting parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each contracting party shall take into account the interests of the airline or airlines of the other contracting party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) On any specified route the capacity provided by the designated airline or airlines of one contracting party together with the capacity provided by the designated airline or airlines of the other contracting party shall be maintained in reasonable relationship to the requirements of the public for air transport on that route.