

**No. 27642**

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
CANADA**

**Agreement concerning air services (with annexes). Signed at  
Ottawa on 22 June 1988**

*Authentic texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland  
on 23 November 1990.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
CANADA**

**Accord sur les services aériens (avec annexes). Signé à Ottawa  
le 22 juin 1988**

*Textes authentiques : anglais et français.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord  
le 23 novembre 1990.*

# AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF CANADA CONCERNING AIR SERVICES

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada,

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944;<sup>2</sup>

Desiring to conclude an Agreement supplementary to the said Convention for the purpose of establishing air services;

Have agreed as follows:

## ARTICLE I

### Definitions

For the purpose of this Agreement, unless the context otherwise requires:

- (a) the term “Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944 and includes: (i) any amendment thereto which has entered into force under Article 94(a) thereof and has been ratified by both Contracting Parties; and (ii) any Annex or any amendment thereto adopted under Article 90 of that Convention, in so far as such amendment or Annex is at any time effective for both Contracting Parties;
- (b) the term “aeronautical authorities” means, in the case of the United Kingdom, the Secretary of State for Transport and the Civil Aviation Authority, and in the case of Canada, the Minister of Transport and the Canadian Transport Commission or, in both cases, any person or body authorised to perform any functions at present exercisable by the above-mentioned authorities or similar functions;
- (c) the term “designated airline” means an airline which has been designated and authorised in accordance with Article 5 of this Agreement;
- (d) the term “territory” in relation to a State has the meaning assigned to it in Article 2 of the Convention, save that in the case of the United Kingdom it excludes Hong Kong;
- (e) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the Convention;
- (f) the term “Agreement” includes the Annexes hereto and any amendments to them or to the Agreement.

<sup>1</sup> Came into force on 22 June 1988 by signature, in accordance with article 26.

<sup>2</sup> United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

## ARTICLE 2

### **Applicability of the Chicago Convention**

The provisions of this Agreement shall be subject to the provisions of the Convention in so far as those provisions are applicable to international air services.

## ARTICLE 3

### **Grant of Rights**

(1) Each Contracting Party grants to the other Contracting Party the following rights in respect of international air services:

- (a) the right to fly across its territory without landing;
- (b) the right to make stops in its territory for non-traffic purposes.

(2) Each Contracting Party grants to the other Contracting Party the rights hereinafter specified in this Agreement for the purpose of operating international air services on the routes specified in the appropriate Schedule of Annex I to this Agreement. Such services and routes are hereinafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route the airlines designated by each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article the right to make stops in the territory of the other Contracting Party at the points specified for that route in the Schedule of Annex I to this Agreement for the purpose of taking on board and discharging international traffic in passengers and cargo, including mail, separately or in combination.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, in the territory of the other Contracting Party, passengers and cargo, including mail, carried for hire or reward and destined for another point in the territory of the other Contracting Party.

(4) If because of armed conflict, political disturbances or developments, or special and unusual circumstances, a designated airline of one Contracting Party is unable to operate a service on its normal routing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate temporary rearrangements of routes.

## ARTICLE 4

### **Change of Aircraft**

(1) A designated airline of one Contracting Party may make a change of aircraft at any point on the specified routes on condition:

- (a) that the substitution is justified by reasons of economy of operation;
- (b) that the airline shall not hold itself out, directly or indirectly and whether in timetables, computer reservation systems, fare quote systems or advertisements, or by other like means, as providing any service other than the agreed service on the relevant specified routes;

- (c) that in connection with any one aircraft flight arriving at or departing from the point at which the change of aircraft takes place, only one departing or arriving aircraft flight shall be operated, unless otherwise authorised by the aeronautical authorities of the other Contracting Party;
  - (d) that where an agreed service includes a change of aircraft this fact is shown in all timetables, computer reservation systems, fare quote systems, advertisements and other like means of holding out the service;
  - (e) in addition, that where the change of aircraft is made at a point other than in the territory of the Contracting Party designating the airline;
    - (i) the aircraft used on the section of the route more distant from the territory of the Contracting Party designating the airline is not larger in capacity than that used on the nearer section;
    - (ii) the aircraft used on the section more distant from the territory of the Contracting Party designating the airline shall operate only in connection with and as an extension of the agreed service provided by the aircraft used on the nearer section and shall be scheduled so to do;
    - (iii) there is an adequate volume of through traffic.
- (2) The provisions of Article 7 of this Agreement shall govern all arrangements made with regard to change of aircraft.

## ARTICLE 5

### Designation and Authorisation of Airlines

- (1) Each Contracting Party shall have the right to designate by a diplomatic note to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes, and to withdraw or alter such designations.
- (2) On receipt of such a designation the aeronautical authorities of that other Contracting Party shall, subject to the provisions of paragraph (3) of this Article, grant without delay to the airline or airlines so designated the appropriate operating authorisations.
- (3) The aeronautical authorities of one Contracting Party may refuse to grant the operating authorisations referred to in paragraph (2) of this Article, or may impose such conditions as they may deem necessary on the exercise by a designated airline of the rights specified in Article 3(2) of this Agreement, in any case where
- (a) an airline designated by the other Contracting Party is unable to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities in conformity with the Convention;
  - (b) those authorities are not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.
- (4) When an airline has been so designated and authorised, it may begin to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.

## ARTICLE 6

### **Revocation or Suspension of Operating Authorisations**

- (1) The aeronautical authorities of each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 3(2) of this Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights:
- (a) in any case where they are not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party; or
  - (b) in the case of failure by the airline to comply with the laws or regulations of the Contracting Party granting those rights; or
  - (c) if the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.
- (2) Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

## ARTICLE 7

### **Principles Governing Operation of Agreed Services**

- (1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes.
- (2) Each Contracting Party shall take all appropriate action within its jurisdiction to eliminate or prevent all forms of discrimination or unfair competitive practices adversely affecting the competitive position of the designated airlines of the other Contracting Party.
- (3) In operating the agreed services the airlines of each Contracting Party shall take into account the interests of the 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.
- (4) The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision at a reasonable load factor of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers and cargo including mail coming from or destined for the territory of the Contracting Party which has designated the airline.
- (5) The capacity which may be provided by the designated airlines of one Contracting Party for the carriage of passengers and cargo including mail between the territory of the other Contracting Party and points on the specified routes in third countries shall be determined from time to time by agreement between the Contracting Parties.