

No. 52632*

**Canada
and
Côte d'Ivoire**

Agreement between the Government of Canada and the Government of the Republic of the Ivory Coast on air transport (with annex and memorandum of agreement). Quebec, 3 September 1987

Entry into force: *provisionally on 3 September 1987 and definitively on 23 April 1990 by notification, in accordance with article XXV*

Authentic texts: *English and French*

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**Canada
et
Côte d'Ivoire**

Accord sur le transport aérien entre le Gouvernement du Canada et le Gouvernement de la République de Côte d'Ivoire (avec annexe et mémorandum d'accord). Québec, 3 septembre 1987

Entrée en vigueur : *provisoirement le 3 septembre 1987 et définitivement le 23 avril 1990 par notification, conformément à l'article XXV*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST
ON AIR TRANSPORT

The Government of Canada and the Government of the Republic of the Ivory Coast, hereinafter referred to as the Contracting Parties,

Being parties to the Convention on International Civil Aviation opened for signature at Chicago, on the 7th day of December, 1944;

Desiring to promote the development of air transport between their respective territories and to pursue, in so far as possible, international cooperation in this field;

Desiring to conclude an agreement on the establishment of air services supplementary to the Convention on International Civil Aviation;

Have agreed as follows:

ARTICLE I

(Definitions)

For the purpose of this Agreement, unless otherwise stated:

- (a) "Aeronautical authorities" means, in the case of Canada, the Minister of Transport and the Canadian Transport Commission and, in the case of the Republic of the Ivory Coast, the Minister responsible for Civil Aviation or, in both cases, any other authority or person empowered to perform the functions now exercised by the said authorities;
- (b) "Agreed services" means scheduled air services on the routes specified in the Annex to this Agreement for the transport of passengers, cargo and mail, separately or in combination;
- (c) "Agreement" means this Agreement, the Annex attached thereto, and any amendments to the Agreement or to the Annex;
- (d) "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or of the Convention under Articles 90 and 94 thereof so far as those Annexes and amendments have been adopted by both Contracting Parties;

- (e) "Designated airline" means an airline which has been designated and authorized in accordance with Articles IV and V of this Agreement;
- (f) "Tariffs" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for other services performed by the carrier in connection with air transportation and the commissions or other supplementary remunerations in so far as the national legislation so permits, but excluding remuneration and conditions for the carriage of mail;
- (g) "Territory", "Air service", "International air service", "airline" and "Stop for non-traffic purposes" have the meaning respectively assigned to them in Articles 2 and 96 of the Convention;
- (h) "Change of gauge" means the operation of one of the agreed services by a designated airline in such a way that one section of the route is flown, in accordance with Article III of this Agreement, by aircraft different in capacity from those used on another section.

ARTICLE II

(Grant of Rights)

1. Each Contracting Party grants to the other Contracting Party, except as otherwise specified in the Annex, the following rights for the conduct of international air services by the airline designated by that other Contracting Party:
 - (a) to fly without landing across its territory;
 - (b) to land in its territory for non-traffic purposes; and
 - (c) to land in its territory for the purpose of taking up and discharging, while operating the routes specified in the Annex, international traffic in passengers, cargo and mail, separately or in combination.
2. The airlines of each Contracting Party, other than those designated under Article IV of this Agreement, shall also enjoy the rights specified in paragraph 1(a) and (b) of this Article.
3. Nothing in paragraph 1 of this Article shall be deemed to confer on a designated airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo and mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE III

(Change of Gauge)

A designated airline of one Contracting Party may make a change of gauge at any point on the specified route only on the following conditions:

- (i) that it is justified by reason of economy of operation;
- (ii) that the capacity of the aircraft used on the section of the route more distant from the territory of the Contracting Party designating the airline is not larger than that used on the nearer section;
- (iii) that the aircraft of smaller capacity shall operate only in connection with the aircraft of larger capacity and shall be scheduled to do so; the former shall arrive at the point of change for the purpose of carrying traffic transferred from, or to be transferred into, the aircraft of larger capacity; and their capacity shall be determined with primary reference to this purpose;
- (iv) that there is an adequate volume of through traffic;
- (v) that the airline shall not hold itself out to the public by advertisement or otherwise as providing a service which originates at the point where the change of aircraft is made, unless otherwise permitted by the Annex;
- (vi) that in connection with any one aircraft flight into the territory of the other Contracting Party, only one flight may be made out of that territory unless the airline is authorized by the aeronautical authorities of the other Contracting Party to operate more than one flight; and
- (vii) that the provisions of Article XI of the present Agreement shall govern all arrangements made with regard to change of gauge.

ARTICLE IV

(Designation)

1. Each Contracting Party shall have the right to designate, by diplomatic note, an airline to operate the agreed services on the routes specified in the Annex for such a Contracting Party and to substitute another airline for that previously designated.
2. Pursuant to Articles 77 and 79 of the Convention on International Civil Aviation, permitting two or more States to constitute joint air transport operating

organizations or international operating agencies, the Government of Canada accepts that the Government of the Republic of the Ivory Coast, in accordance with the provisions of Article II and VI, and the Annex to the Treaty concerning air transport in Africa, signed at Yaounde on March 28, 1961, to which the Republic of the Ivory Coast adheres, reserves the right to designate the Societe Air Afrique as an instrument chosen by it to operate the agreed services.

ARTICLE V

(Authorization)

1. Following receipt of a notice of designation or of substitution issued by one Contracting Party pursuant to Article IV of this Agreement, the aeronautical authorities of the other Contracting Party shall, consistent with its laws and regulations, grant without delay to any airline so designated the appropriate authorizations to operate the agreed services for which that airline has been designated.
2. Upon receipt of such authorizations the airline may begin at any time to operate the agreed services, in whole or in part, provided that the airline complies with the applicable provisions of this Agreement and that tariffs are established in accordance with the provisions of Article XIV of this Agreement.

ARTICLE VI

(Revocation and Limitation of Authorization)

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorizations referred to in Article V of this Agreement with respect to an airline designated by the other Contracting Party, to revoke or suspend such authorizations or impose conditions, temporarily or permanently:
 - (a) in the event of failure by such airline to qualify before the aeronautical authorities of that Contracting Party under the laws and regulations normally and reasonably applied by these authorities in conformity with the Convention;
 - (b) in the event of failure by such airline to comply with the laws and regulations of that Contracting Party;
 - (c) in the event that it has not been proved that substantial ownership and effective control of the airline are:
 - (i) in the case of Canada, vested in the Government of Canada or its nationals, or