

**No. 52662\***

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**Canada  
and  
Cuba**

**Air Transport Agreement between the Government of Canada and the Revolutionary Government of the Republic of Cuba (with route schedule). Ottawa, 26 September 1975**

**Entry into force:** *provisionally on 26 September 1975 and definitively on 5 August 1976 by notification, in accordance with article XXV*

**Authentic texts:** *English, French and Spanish*

**Registration with the Secretariat of the United Nations:** *Canada, 13 April 2015*

**Note:** *See also annex A, No. 52662.*

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**Canada  
et  
Cuba**

**Accord sur le transport aérien entre le Gouvernement du Canada et le Gouvernement révolutionnaire de la République de Cuba (avec tableau de route). Ottawa, 26 septembre 1975**

**Entrée en vigueur :** *provisoirement le 26 septembre 1975 et définitivement le 5 août 1976 par notification, conformément à l'article XXV*

**Textes authentiques :** *anglais, français et espagnol*

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**Note :** *Voir aussi annexe A, No. 52662.*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF CANADA  
AND THE REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF CUBA

The Government of Canada and the Revolutionary Government of the Republic of Cuba, hereinafter referred to as the Contracting Parties,

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

Desiring to conclude an Agreement on air transport between and beyond their respective territories,

Have agreed as follows:

ARTICLE I

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 Cuba, the Institute of Civil Aviation of Cuba, 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 performed by aircraft on the routes specified in the Schedule annexed to this Agreement for the transport of passengers, cargo and mail, separately or in combination;
- (c) "Agreement" means this Agreement, the Schedule attached thereto, and any amendments thereto;
- (d) "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December, 1944;
- (e) "Designated airline" means an airline which has been designated and authorized in accordance with Articles III and IV of this Agreement;
- (f) "Tariffs" shall be deemed to include all rates, tolls, fares, charges for transportation, conditions of carriage, classifications, rules, regulations, practices and services related thereto, but excluding remuneration and conditions for the carriage of mail;
- (g) "Territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty of such State;

- (h) "Air Service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo;
- (i) "International Air Service" means an air service which passes through the air space over the territory of more than one State;
- (j) "Airline" means any air transport enterprise offering or operating an international air service;
- (k) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

## ARTICLE II

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air services by the designated airline:

- (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 named on the routes specified in the Schedule for the purpose of taking up and discharging international traffic in passengers, cargo and mail, separately or in combination.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on the 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

Each Contracting Party shall have the right to designate, by diplomatic note, an airline to operate the agreed services on any route specified in the Schedule for such a Contracting Party and to substitute another airline for that previously designated.

## ARTICLE IV

1. Following receipt of a notice of designation or of substitution pursuant to Article III, the aeronautical authorities of the other Contracting Party shall, consistent with its laws and regulations, grant with a minimum of delay to an airline so designated the appropriate licensing and technical authorizations to operate 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, partly or in whole, provided that the tariffs established in accordance with the provisions of Article XIII of this Agreement are in force in respect of such services.

#### ARTICLE V

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorizations referred to in Article IV with respect to an airline designated by the other Contracting Party, to revoke such authorizations or impose on them conditions, temporarily or permanently:

- (a) in the event of failure by such airline to meet the requirements of the aeronautical authorities of that Contracting Party established 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 they are not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or its nationals; and
- (d) in case the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

2. Unless immediate action is essential to prevent infringement of the laws and regulations referred to above, the rights enumerated in paragraph 1 of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party. Unless otherwise agreed by the Contracting Parties, such consultations shall begin within a period of sixty (60) days from the date the other Contracting Party receives the request.

#### ARTICLE VI

In the event of a temporary lack of appropriate aircraft to operate the agreed services, the designated airline of a Contracting Party may be authorized by the other Contracting Party, subject to operational and safety requirements:

- (a) to contract aircraft to operate the agreed services from an airline registered in the other Contracting Party or in a third country, the contractor supplying flight crews, maintenance, load control and flight dispatch. This arrangement shall not result in single plane services not otherwise authorized between the Contracting Parties and the third country;

- (b) To lease an aircraft registered in the other Contracting Party or in a third country, provided that the custody and control of such aircraft lies in the designated airline for which an Operating Certificate is required.

#### ARTICLE VII

1. The laws, regulations and procedures of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft shall be complied with by a designated airline of the other Contracting Party upon entrance into, departure from and while within the said territory.
2. The laws and regulations of a Contracting Party respecting entry, clearance, transit, immigration, passports, customs and quarantine shall be complied with by the designated airline of the other Contracting Party and its crews, passengers, cargo and mail upon transit of, admission to, departure from and while within the territory of such a Contracting Party.

#### ARTICLE VIII

1. Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services on the routes specified in the Schedule to this Agreement provided that such certificates or licences were issued or rendered valid pursuant to and in conformity with the standards established under the Convention. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flights above its own territory, certificates of competence and licences granted to its own nationals by the other Contracting Party.
2. If the privileges or conditions of the licences or certificates referred to in paragraph 1 above, issued by the aeronautical authorities of one Contracting Party to any person or designated airline operating the agreed services on the routes specified in the Schedule to this Agreement, should permit a difference from the standards established under the Convention, and which difference has been filed with the International Civil Aviation Organization, the aeronautical authorities of the other Contracting Party may request consultations with the aeronautical authorities of that Contracting Party with a view to satisfying themselves that the practice in question is acceptable to them. Failure to reach a satisfactory agreement in matters regarding flight safety will constitute grounds for the application of Article V.

#### ARTICLE IX

1. The charges imposed in the territory of either Contracting Party for the use of airports and other aviation facilities