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**Canada
and
Thailand**

Agreement between the Government of Canada and the Government of the Kingdom of Thailand on air services (with annex and memoranda of understanding). Bangkok, 24 May 1989

Entry into force: *30 June 1989, in accordance with article 22*

Authentic texts: *English, French and Thai*

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**Canada
et
Thaïlande**

Accord sur les services aériens entre le Gouvernement du Canada et le Gouvernement du Royaume de Thaïlande (avec annexe et mémorandums d'accord). Bangkok, 24 mai 1989

Entrée en vigueur : *30 juin 1989, conformément à l'article 22*

Textes authentiques : *anglais, français et thaï*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE KINGDOM OF THAILAND ON AIR SERVICES

The Government of Canada and the Government of the Kingdom
of Thailand,

Considering that Canada and the Kingdom of Thailand are
parties to the Convention on International Civil Aviation opened for
signature at Chicago on the seventh day of December, 1944, and

Desiring to conclude an agreement, supplementary to the
said Convention, for the purpose of establishing air services,

Have agreed as follows:

Article 1

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

a) The term "aeronautical authorities" means, in the
case of Canada, the Minister of Transport and the National
Transportation Agency of Canada and, in the case of the Kingdom of
Thailand, the Minister of Transport and Communications or in both
cases any person or body, authorized to exercise the functions now
assigned to the said authorities;

b) The term "the 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
Convention under article 90 and 94 thereof so far as those annexes
and amendments are applicable for both Contracting Parties;

c) The term "designated airline" means an airline
which has been designated and authorized in accordance with Article
6 of this Agreement, for the operation of the agreed air services;

d) The term "tariff" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which these prices apply, excluding remuneration and conditions for the carriage of mail.

2. The Annex forms an integral part of this Agreement. All references to the Agreement shall include the Annex unless explicitly agreed otherwise.

Article 2

1. Each Contracting Party grants to the other Contracting Party the rights specified in the Agreement for the purpose of operating air services on the routes specified in the schedules of the Annex . Such services and routes are hereinafter called "agreed services" and "specified routes" respectively.

2. Subject to the provisions of the Agreement the airline designated by each Contracting Party shall enjoy, while operating international air services :

a) the right to fly without landing across the territory of the other Contracting Party;

b) the right to make stops in the said territory for non-traffic purposes;

c) the right to embark and disembark in the said territory at the points specified in the Annex of the Agreement passengers, baggage, cargo and mail separately or in combination destined for or coming from points in the territory of the other Contracting Party;

d) the right to embark and disembark in the territory of third countries at the points specified in the Annex of the Agreement passengers, baggage, cargo and mail separately or in

combination destined for or coming from points in the territory of the other Contracting Party, specified in the Annex of the Agreement.

3. Nothing in paragraph 2 of this article shall be deemed to confer on the designated airline of one Contracting Party the privilege of embarking, in the territory of the other Contracting Party, passengers, baggage, cargo and mail carried for remuneration or hire and destined for another point in the territory of that Contracting Party.

4. If because of armed conflict, natural calamities, political disturbances or similar serious disruptive circumstances, the 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 rearrangements of such routes.

Article 3

1. The designated airline of each Contracting Party shall have fair and equal opportunity to carry on the agreed services traffic embarked in the territory of one Contracting Party and disembarked in the territory of the other Contracting Party or vice versa and shall regard as being of supplementary character traffic embarked or disembarked in the territory of the other Contracting Party to and from points en route. The designated airline of each Contracting Party in providing capacity for the carriage of traffic embarked in the territory of the other Contracting Party and disembarked at points on the specified routes or vice versa shall take into consideration the primary interest of the designated airline of the other Contracting Party in such traffic so as not to affect unduly that interest of the latter airline.

2. The agreed services provided by the designated airline of each Contracting Party shall be closely related to the requirements of the public for transportation on the specified routes, and each shall have as its primary objective the provision of capacity adequate to meet the demands to carry passengers, baggage, cargo and mail embarked or disembarked in the territory of the Contracting Party which has designated the airline.

3. Provision for the carriage of passengers, baggage, cargo and mail embarked in the territory of the other Contracting Party and disembarked at points in third countries on the specified routes or vice versa shall be made in accordance with the general principle that capacity shall be related to :

a) the requirements of traffic embarked or disembarked in the territory of the Contracting Party which has designated the airline;

b) the requirements of traffic of the area through which the airline passes, after taking account of other air services established by airlines of the States situated in the area; and

c) the requirements of economical through airline operation.

4. 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 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;