

4. In the operation of the agreed services by B.W.I.A., in each case where third and fourth freedom traffic rights in addition to fifth freedom traffic rights are available between a specified point and Canada, the services shall be operated on the basis of the third and fourth freedom traffic rights granted in the air transport agreement between the Government of Canada and the Government of the territory within which that specified point lies. Articles in the said agreement related to traffic between the territories of the two Governments, including but not limited to the Articles on capacity, statistics, and tariffs, shall apply;

5. Operational control of the aircraft shall remain with B.W.I.A. while it operates the services on behalf of St. Christopher and Nevis and such operations shall be conducted in accordance with the provisions of B.W.I.A.'s Operating Certificate as issued by the Government of Canada; and

6. The Government of the Federation of St. Christopher and Nevis and the Government of Trinidad and Tobago confirm to the Government of Canada their mutual agreement to the conditions set out in sub-paragraphs 1. to 5. above inclusive.

Alternatively, it would be acceptable if the Government of the Federation of St. Christopher and Nevis and the Government of Trinidad and Tobago were to enter into an agreement which provides for their joint operational control of the aircraft. Acceptance by the Government of Canada of B.W.I.A. as the designated airline of the Government of the Federation of St. Christopher and Nevis shall in this instance be contingent upon an arrangement between the Government of the Federation of St. Christopher and Nevis and the Government of Trinidad and Tobago which sets out in unambiguous fashion, acceptable to the Government of Canada, the joint and individual responsibilities and authorities of each State party to the arrangement with respect to:

1. Airline/aircraft licensing and registration;
2. Commercial and operational control;
3. Areas of liability and responsibility;
4. The exercise of judicial action whether as Plaintiff or Defendant, e.g. the right to sue or be sued.

I have the further honour to advise that, since the designation of B.W.I.A. by the Government of the Federation of St. Christopher and Nevis for the operation of services under the Agreement does not constitute the designation of an additional foreign airline to operate services at Toronto, the conditions applicable to additional foreign airlines granted exemptions to the application of the Toronto Moratorium shall not apply.