

ANNEX IIA. OVERFLIGHTS

Further to Article 2 of this Agreement

1. Each Contracting Party shall ensure that air carriers of the other Contracting Party are permitted, without the requirement to land, to fly over the territory of the other Contracting Party. The terms and conditions (including fees and other charges) applicable to such operations shall be no less favourable than those applied to air carriers of other countries under similar circumstances.
2. Frequency of flights on all routes available for international traffic for any air carrier shall be subject to the traffic handling capability on the Air Traffic Services (ATS) routing. The following specific conditions shall also apply:
  - a) the airlines of Canada shall be entitled to operate up to one hundred and ten (110) one-way flights per week between points in Canada and points in the Far East and in the Asia-Pacific region on ATS routings approved for international air services;
  - b) the airlines of the Russian Federation shall be entitled to operate up to one hundred and ten (110) one-way flights per week between points in the Russian Federation and points in the USA, Central America and South America on ATS routings approved for international air services.
  - c) favourable consideration shall be given to requests for additional flights to be operated in excess of the entitlements specified in a) and b) of this paragraph; and
  - d) the entitlements specified in sub-paragraphs a) and b) of this paragraph shall be reviewed prior to 2001/2002 IATA winter season in light of any improvements in traffic handling capabilities with a view to giving favourable consideration to increasing the entitlements.
3. The user charges and fees to be imposed for overflights in sub-paragraph 2(c) above shall not be higher than those imposed by the respective authorities in sub-paragraphs 2(a) and (b).
4. For the operation of overflights, the air carriers of each Contracting Party shall be permitted to use any type of subsonic aircraft with no more than 500 seats, subject to the laws and regulations of the other Contracting Party.
5. Authorization of overflights for air carriers of either Contracting Party operating charter services shall be considered on the basis of comity and reciprocity.
6. Advance notification and any amendments to notification of overflights shall be subject to the laws and regulations of the Contracting Party the territory of which is being overflown. Where approvals are required, they shall be issued on a timely basis.