

The International Civil Aviation Conference

RECOMMENDS:

1. That each State undertake to refrain from including specific provisions in an agreement which grant exclusive rights of transit, non-traffic stop, and commercial entry to any other State or airline, or from making any agreement excluding or discriminating against the airlines of any State, and will terminate any existing exclusive or discriminatory rights as soon as such action can be taken under presently outstanding agreements;

2. That the clauses contained in the draft form of standard agreement hereinafter set out shall be regarded as standard clauses for incorporation in the agreements referred to above, it being understood that the right is reserved to the States concerned to effect such changes of wording as may be necessary in the particular case and to add additional clauses so long as such changes or additions are not inconsistent with the standard clauses, it being further understood that nothing herein shall prevent any State from entering into agreements with airlines of other States provided that such agreements shall incorporate the aforementioned standard clauses to the extent that these may be applicable:—

FORM OF STANDARD AGREEMENT FOR PROVISIONAL AIR ROUTES

(1) The contracting parties grant the rights specified in the Annex* hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

(2) (a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the right has been granted by paragraph (1) to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the right shall, subject to Article (7) hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airline so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that any contracting party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

(3) Operating rights which may have been granted previously by any of the contracting parties to any State not a party to this Agreement or to an airline shall continue in force according to their terms.

(4) In order to prevent discriminatory practices and to assure equality of treatment, it is agreed that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of airports, and other facilities. Each of

*An Annex will include a description of the routes and of the rights granted whether of transit only, of non-traffic stops or of commercial entry as the case may be, and the conditions incidental to the granting of the rights. Where rights of non-traffic stop or commercial rights are granted, the Annex will include a designation of the ports of call at which stops can be made, or at which commercial rights for the embarkation and disembarkation of passengers, cargo and mail are authorized, and a statement of the contracting parties to whom the respective rights are granted.