

- (b) "price" means any fare, rate or charge contained in tariffs (including frequent flyer plans or other benefits provided in association with air transportation) for the carriage of passengers (including their baggage) and/or cargo (excluding mail) and the conditions directly governing the availability or applicability of the fare, rate or charge but excludes general terms and conditions of carriage;
- (c) "general terms and conditions of carriage" means those terms and conditions contained in tariffs which are broadly applicable to the agreed services and not directly related to any price.

2. The primary consideration in the establishment of prices for transportation on the agreed services is market forces. A Contracting Party shall not require its airlines to consult other airlines about the tariffs they charge or propose to charge for services covered by these arrangements. The Contracting Parties shall permit the tariffs referred to in this Article to be developed by the designated airlines freely. A designated airline shall be responsible only to its own aeronautical authorities for the justification of its prices.

3. The Contracting Parties may require prices for transportation on the agreed services to be filed on one (1) days' notice with their respective aeronautical authorities.

4. The Contracting Parties shall permit (tacitly or explicitly) prices for the agreed services to come into and remain in effect unless the aeronautical authorities of both Contracting Parties are dissatisfied. Except as provided for in paragraph 5, a Contracting Party shall not take action to prevent the inauguration or continuation of a price proposed to be charged or charged by an airline of either Contracting Party for transportation on the agreed services. The primary objectives of any intervention by the aeronautical authorities shall be:

- (a) prevention of unreasonably discriminatory prices or practices;
- (b) protection of consumers from prices that are unreasonably high or restrictive because of the abuse of a dominant position;
- (c) protection of airlines from prices to the extent that they are artificially low because of direct or indirect governmental subsidy or support; and
- (d) protection of airlines from prices that are artificially low, where evidence exists as to an intent of eliminating competition.