

ANNEX

Conditions to Govern the Establishment, Maintenance and Operation of Tactical Air Navigation (TACAN) Facilities in Canada

(In this Statement of Conditions, unless the context otherwise requires, "Canada" means the Government of Canada and "United States" means the Government of the United States of America.)

1. Sites

The precise location of all sites and roads required for the TACAN facilities in Canada shall be a matter for agreement between the appropriate agencies of the two Governments. Canada shall acquire and retain title to all lands required for the facilities. Canada grants and assures to the United States, without charge, such rights of access, use and occupancy as may be required for the establishment, maintenance and operation of the facilities at such agreed locations.

2. Plans

Plans of the buildings, roads (including access roads) and similar items, information concerning proposed use of local materials such as rock fill, sand and gravel, and information concerning other arrangements related to construction and major items of equipment shall, if requested, be supplied to the appropriate Canadian authorities in sufficient detail to give an adequate idea of the scope of the proposed construction. Proposals for subsequent construction, or major improvements, shall be discussed with the appropriate Canadian authorities.

3. Procurement of Electronic Equipment

The Canadian Government reaffirms the principle that electronic equipment at installations on Canadian territory should, as far as practicable, be manufactured in Canada. The question of practicability must, in each case, be a matter for consultation between the appropriate Canadian and United States agencies to determine the application of the principle. The factors to be taken into account shall include availability at the time required, cost and performance. For the purpose of carrying out this principle, consultation shall take place between representatives of the United States Air Force, the Royal Canadian Air Force, and the Canadian Department of Defence Production.

4. Construction and Procurement of Equipment (Other than Electronic Equipment)

Procedures for awarding contracts for construction of the TACAN facilities and for the procurement of construction equipment, construction supplies, and related technical services shall be determined by agreement between appropriate agencies of the two Governments.

5. Canadian Law

Nothing in this agreement shall derogate from the application of Canadian law in Canada, *provided*, that if in unusual circumstances its application may lead to unreasonable delay or difficulty in construction or operation, the United States authorities concerned may request the assistance of Canadian authorities in seeking appropriate alleviation. In order to facilitate the rapid and efficient construction of the facilities, Canadian authorities will give sympathetic consideration to any such request submitted by United States authorities.