

CANADA

IRELAND FOR AIR SERVICES
BETWEEN THE TWO COUNTRIES

TREATY SERIES, 1947

No. 19

AGREEMENT

BETWEEN

CANADA AND IRELAND

FOR

AIR SERVICES

BETWEEN THE TWO COUNTRIES

Signed at Dublin, August 8, 1947

(Together with an Exchange of Notes)

Effective, August 8, 1947



OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1948

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also to merchandise transported from a port in Canada to a port in Venezuela without transhipment through a country which enjoys the benefits of the British preferential or Intermediate Tariff from Canada.

(3) The Government of each Contracting Party shall accord to the Government of the other Contracting Party no less favourable treatment than that which is accorded to any other foreign country in matters relating to the concession of foreign exchange for such transactions and to the assignment of quotas for the quantitative control of imports and exports.

The Government of each of the Contracting Parties shall give consideration to any request of the Government of the other Contracting Party may make in respect of the application of the provisions of this Article.

AGREEMENT

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(4) The present Agreement shall not affect the regulations and the laws of Venezuela or of any other colonial possession.

CANADA AND IRELAND

(5) The clauses of this Agreement shall not be applicable to any goods which might be accorded by or for Canada to contiguous countries or to advantages which might be accorded by or for Canada to contiguous countries or to advantages which might be accorded by or for Canada to contiguous countries.

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(Together with an Exchange of Notes)

CARLOS MORALES

Effective, August 8, 1947



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OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., LL.B.
KING'S PRINTER AND CONTROLLER OF STATIONERY

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AGREEMENT BETWEEN CANADA AND IRELAND FOR AIR SERVICES BETWEEN THE TWO COUNTRIES

The Government of Canada and the Government of Ireland, hereinafter described as the "Contracting Parties", having ratified the Convention on International Civil Aviation signed at Chicago on December 7, 1944, and desiring to establish direct air communications between Canada and Ireland, agree as follows:—

ARTICLE I

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of establishing the air services therein described, hereinafter referred to as the "agreed services". Such services may be inaugurated immediately, or at a later date at the option of the contracting party to whom the rights are granted.

ARTICLE II

(A) Subject to paragraph (B) of this Article, and to Article 4, each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted, has designated an airline or airlines for the operation of the agreed services. The contracting party granting the rights shall, subject to paragraph (B) of this Article, and to Article 4, be bound to grant without delay the appropriate operating permission to the airline concerned.

(B) Each of the designated airlines may be required to satisfy the competent aeronautical authorities of the other contracting party that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities to the operations of international commercial air services.

ARTICLE III

Each contracting party shall grant to the international airlines of the other contracting party treatment not less favourable than it grants to its own international airlines in the application of its customs, immigration, quarantine and similar regulations.

ARTICLE IV

(A) Notwithstanding the other provisions of this Agreement, if either contracting party is not satisfied that substantial ownership and effective control of an airline designated under this Agreement are vested in nationals of the other contracting party, such contracting party may withhold or revoke the rights conferred under this Agreement for such airline to operate the agreed services.

(B) Each contracting party reserves the right to withhold or revoke rights conferred under this Agreement for the operation of the agreed services by any designated airline of the other contracting party in case of failure by such airline to comply with the laws and regulations of the first contracting party, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

ARTICLE V

If either of the contracting parties considers it desirable to modify any provision or provisions of this Agreement or its Annex, it shall notify the other contracting party of the desired modification and such modification may be made by direct agreement between the competent aeronautical authorities of both contracting parties to be confirmed by exchange of notes between the contracting parties.

ARTICLE VI

(A) If any dispute arises between the contracting parties relating to the interpretation or application of this Agreement or of its Annex, the contracting parties shall in the first place endeavour to settle it by negotiations between themselves.

(B) In the event of the contracting parties failing to reach a settlement by negotiation

(1) they may agree to refer the dispute for decision to an Arbitral Tribunal appointed by agreement between them, or to some other person or body,

or

(2) if they do not so agree or if having agreed to refer the dispute to an Arbitral Tribunal, they cannot reach agreement as to its composition, either contracting party may submit the dispute for a decision to any tribunal competent to decide it which may hereafter be established within the International Civil Aviation Organization, or, if there is no such tribunal, to the Council of the said organization.

(C) The contracting parties undertake to comply with any decision given under paragraph 2 above.

ARTICLE VII

In the event of the conclusion of any general multilateral convention concerning air transport to which both contracting parties adhere, this Agreement shall be amended so as to conform with the provisions of such Convention.

ARTICLE VIII

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. If such notice is given, the Agreement will terminate twelve (12) months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other contracting party, notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the International Civil Aviation Organization.

ARTICLE IX

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization set up under the Convention on Civil Aviation done at Chicago on December 7, 1944.

ARTICLE X

This Agreement shall come into force on the date of signature.

Done in Dublin in duplicate this eighth day of August, nineteen hundred and forty seven.

For the Government of Canada:

C. D. HOWE

For the Government of Ireland:

EÁMON DE VALÉRA

ANNEX

1. An airline designated by the Government of Canada may operate a return service originating in Canada on the routes specified below, and may take on or put down at Shannon, passengers, mail and cargo for and from Canada.

2. The route to be operated by the designated airline of the Government of Canada, shall be
Montreal via intermediate points to Shannon and points in countries beyond in both directions.

3. It is agreed that all eastbound aircraft on the routes covered in this Annex shall stop at Shannon Airport and all westbound aircraft on the same routes shall stop at Shannon Airport.

4. Trans-Canada Airlines (Atlantic) Ltd. shall, for the operation of these services, be deemed to be qualified to fulfil the conditions referred to in Article 2, paragraph (B), of this Agreement.

5. An airline designated by the Government of Ireland may operate a return service originating in Ireland on the route specified below and may take on or put down in Montreal, passengers, mail, and cargo for and from Ireland.

6. The route to be operated by the designated airline of the Government of Ireland, shall be
Shannon via intermediate points to Montreal and points in countries beyond in both directions.

7. Tariffs to be charged by the designated airlines referred to in this Annex shall be agreed in the first instance between them having due regard to the rates fixed by any tariff Conference of airlines operating in the area. Any tariff so agreed will be subject to the approval of the competent aeronautical authorities of the contracting parties. In the event of disagreement between the airlines, the competent aeronautical authorities of the contracting parties shall endeavour to reach an agreement. Should the competent aeronautical authorities or subsequently the contracting parties themselves fail to agree, the matter in dispute will be referred to arbitration as provided for in Article 6 of this Agreement.

C. D. H.

E. de V.

APPENDIX

EXCHANGE OF NOTES (AUGUST 8, 1947) BETWEEN CANADA AND IRELAND RELATING TO THE AGREEMENT FOR AIR SERVICES BETWEEN THE TWO COUNTRIES, SIGNED AT DUBLIN, AUGUST 8, 1947.

I

*The Minister of Reconstruction and Supply of Canada
to the Minister of External Affairs of Ireland*

OTTAWA, 8th August, 1947.

SIR,

I have the honour to refer to the Agreement for Air Services between Canada and Ireland signed in Dublin on the 8th August 1947.

In connection with Article 3 of the Annex to this Agreement, it is the understanding of my Government that Trans-Canada Airlines (Atlantic) Ltd., as well as scheduling some services through Shannon Airport in both directions, will also have the right to divert other flights occasionally for operational reasons to land at Shannon Airport.

If this understanding is acceptable to your Government this note, and your reply thereto, shall be regarded as constituting an agreement between our two Governments on this matter.

I have the honour to be,

Sir,

Your obedient servant,

C. D. HOWE

II

*The Minister of External Affairs of Ireland
to the Minister of Reconstruction and Supply of Canada*

DUBLIN, 8th August, 1947.

SIR,

I have the honour to acknowledge receipt of your Note of to-day's date reading as follows:—

"I have the honour to refer to the Agreement for Air Services between Canada and Ireland signed in Dublin on the 8th August, 1947.

"In connection with Article 3 of the Annex to this Agreement, it is the understanding of my Government that Trans-Canada Airlines (Atlantic) Ltd., as well as scheduling some services through Shannon Airport in both directions, will also have the right to divert other flights occasionally for operational reasons to land at Shannon Airport.

"If this understanding is acceptable to your Government, this note, and your reply thereto, shall be regarded as constituting an agreement between our two Governments on this matter."

I have the honour to inform you that the understanding set forth in the foregoing note is acceptable to my Government.

Accept, Sir, the assurance of my highest consideration.

EÁMON DE VALÉRA