

CANADA

TREATY SERIES, 1946

No. 34

Signed at St. John's, July 29, 1946

The Governments of Canada and Newfoundland agree:

AGREEMENT

BETWEEN

CANADA AND NEWFOUNDLAND

ON

AIR TRANSPORT

BETWEEN CANADA AND NEWFOUNDLAND

Signed at St. John's July 29, 1946

In Force July 29, 1946



OTTAWA

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CANADA

TREATY SERIES, 1946

No. 84

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**AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND NEW-
FOUNDLAND ON AIR TRANSPORT BETWEEN CANADA AND
NEWFOUNDLAND.**

Signed at St. John's, July 29, 1946

The Governments of Canada and Newfoundland agree:

Article I

That an airline designated by the Government of Canada shall have the right to pick up and set down in Newfoundland, traffic carried between Canada and Newfoundland, and any other traffic which the Government of Newfoundland may from time to time indicate.

Article II

That the Government of Newfoundland shall grant permits for the duration of this Agreement, to the designated Canadian airline for the operation of a regional service between Canada and Newfoundland and for the operation over Newfoundland territory of a trans-Atlantic service.

Article III

For the purpose of this Agreement Trans-Canada Air Lines shall be deemed the airline designated by the Government of Canada.

Article IV

That the two Governments shall consult in respect of any further arrangements or agreements affecting the carriage of traffic by air on regional services between Newfoundland and North America.

Article V

The service provided by the designated Canadian airline on the regional operation between Newfoundland and Canada and the rates and regulations for the carriage of traffic thereon shall be comparable to those offered by Trans-Canada Air Lines in Canada; any fees which the Government of Newfoundland charges the designated Canadian airline for the use of bases and facilities in connection with the operation of this service shall be comparable to those charged Trans-Canada Air Lines in Canada.

Article VI

The conditions covering the carriage of mail by air to and from Newfoundland by the designated Canadian airline shall be agreed by the postal authorities of Canada and Newfoundland from time to time.

Article VII

The operation of the designated Canadian airline shall be conducted in accordance with the air customs and immigration regulations prevailing from time to time in Newfoundland and Canada.

Article VIII

The Government of Newfoundland shall exempt from customs duties and taxes all aircraft, engines, parts and accessories, radio, motor tank trucks, material for original construction and equipment of hangars and buildings at the aerodromes, and all other equipment necessary for the operation of its services which may be imported by the designated Canadian airline or by the Government of Canada, provided that this exemption from duties shall not apply to vehicles or equipment of any class used on public highroads other than motor tank trucks, nor to other articles or materials not specified above, e.g. office supplies and equipment, consumable stores, wearing apparel of all kinds, food-stuffs imported by or for the Company or to be used in any hostel or by its employees or passengers.

Article IX

The Government of Newfoundland shall permit the entry, free of duty and taxes, of special aviation fuel and petroleum products necessary for the operation of the aircraft on the services.

Article X

The Canadian Government shall have the right to operate an airfield in Newfoundland at Goose Bay and the airline services referred to in Article II may use this airfield and the airfield at Gander as regular or alternate points of call, it being understood that the terminal of the local service to Newfoundland shall be Torbay, unless otherwise agreed.

Article XI

At the airfield at Goose Bay the Government of Canada may construct buildings required for the administration of the airfield and the accommodation of personnel and traffic and may grant concessions for the operation of these buildings. In the granting of concessions and in the employment of labour at the field the Government of Canada shall, wherever possible, give priority to citizens of Newfoundland.

Article XII

In the event that the Government of Canada desires to use the airfield at Buchans for regional services, the Government of Canada may take the necessary steps to provide the accommodation and facilities necessary for the administration of the airfield, for personnel and traffic, and for the operation of such buildings as may be required. In the granting of concessions and in the employment of labour at the field the Government of Canada shall, wherever possible, give priority to citizens of Newfoundland.

Article XIII

Civil aircraft of Newfoundland shall have the right to use the airfield at Buchans on terms no less favourable than those applying to Canadian civil aircraft.

Article XIV

Any landing fees collected at Goose Bay and Buchans shall inure to the Government of Canada. Any profits arising out of the operation of these airfields shall be paid to the Government of Newfoundland.

Article XV

At any other air bases in Newfoundland which may be made available for commercial traffic, the Government of Canada shall be granted most favoured nation treatment.

*Article XVI*

The airfields at Goose Bay, Torbay and Buchans shall be made available as alternate bad weather airports for the air services of other nations on trans-Atlantic operations. The airfield at Torbay may also be designated by the Government of Newfoundland as a terminal for regional air services originating in North America. Additional commercial use over and above these designations may be determined by the two Governments from time to time.

Article XVII

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

Article XVIII

If either Government considers it desirable to modify any provision or provisions of this Agreement, such modification may be made by direct agreement between the competent air authorities of the contracting parties, confirmed by exchange of notes.

Article XIX

Any dispute between the two Governments relating to the interpretation or application of this Agreement shall be referred for decision to the Interim Council in accordance with the provisions of Article III, Section 6 (8), of the Interim Agreement on International Civil Aviation done at Chicago on December 7, 1944, unless the Governments agree to settle the dispute by referring to an arbitral tribunal appointed by agreement between them, or to some other person or body. The Governments undertake to comply with the decision given.

Article XX

When the Convention on International Civil Aviation signed at Chicago on December 7, 1944, comes into operation in respect of both the two Governments, references in this Agreement to the Interim Agreement and the Interim Council shall be interpreted as references to the Convention and the Council. In the event of the conclusion of any other multilateral convention concerning air transport to which both Governments adhere, this Agreement shall be modified to conform with the provisions of such convention.

Article XXI

This Agreement shall continue in force subject to amendment from time to time as may be agreed by the two Governments, and subject to cancellation on twelve months' notice by either party.

Article XXII

This Agreement shall come into force on the date of signature.
Done in St. John's, Newfoundland, in duplicate this 29th day of July, 1946.

For the Government of Canada:

J. S. MACDONALD.

For the Government of Newfoundland:

J. S. NEILL.

