

DOMINION OF CANADA

TREATY SERIES, 1929

No. 13

13.

EXCHANGE OF NOTES

(August 29, and October 22, 1929)

recording an Agreement

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

regarding

THE ADMISSION OF CIVIL AIRCRAFT,
THE ISSUANCE OF PILOTS' LICENCES AND THE
ACCEPTANCE OF CERTIFICATES OF AIRWORTHINESS
FOR AIRCRAFT IMPORTED AS MERCHANDISE



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

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From the United States Secretary of State, to the Canadian Chargé d'Affaires,
Washington, D.C.

August 29, 1929.

The Department refers to the negotiations which have been conducted between this Department and your Legation for the conclusion of a reciprocal arrangement between the United States and Canada for the admission of civil aircraft, the issuance of pilots' licences, and the acceptance of certificates of airworthiness for aircraft imported as merchandise.

It is my understanding that it has been agreed in the course of these negotiations that this arrangement shall be as follows:

(1) All state aircraft other than military, naval, customs and police aircraft, shall be treated as civil aircraft and as such shall be subject to the requirements hereinafter provided for civil aircraft.

(2) Subject to the conditions and limitations hereinafter contained and set forth, Canadian civil aircraft shall be permitted to operate in the United States and, in like manner, civil aircraft of the United States shall be permitted to operate in the Dominion of Canada.

(3) Canadian aircraft, before entering the United States, must be registered and passed as airworthy by the Canadian Department of National Defence and must bear the registration markings allotted to it by that Department. Aircraft of the United States, before entering Canada, must be registered and passed as airworthy by the United States Department of Commerce, and must bear the registration markings allotted to it by that Department, preceded by the letter "N," placed on it in accordance with the Air Commerce Regulations of the Department of Commerce.

(4) Canadian aircraft making flights into the United States must carry aircraft, engine and journey logbooks, and the certificates of registration and airworthiness, issued by the Canadian Department of National Defence. The pilots shall bear licences issued by said Department of National Defence. Like requirements shall be applicable in Canada with respect to aircraft of the United States and American pilots making flights into Canada. The certificates and licences in the latter case shall be those issued by the United States Department of Commerce; provided, however, that pilots who are nationals of the one country shall be licensed by the other country under the following conditions:—

(a) The Department of National Defence of the Dominion of Canada will issue pilots' licences to American nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots; and the United States Department of Commerce will issue pilots' licences to Canadian nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(b) Pilots' licences issued by the United States Department of Commerce to Canadian nationals shall entitle them to the same privileges as are granted by pilots' licences issued to American nationals, and pilots' licences issued by the Department of National Defence of the Dominion of Canada to American nationals shall entitle them to the same privileges as are granted by pilots' licences issued to Canadian nationals.

(c) Pilots' licences granted to nationals of the one country by the other country shall not be construed to accord them the right to register aircraft in such other country.

(d) Pilots' licences granted to nationals of the one country by the other country shall not be construed to accord to them the right to operate aircraft in air commerce unless the aircraft is registered in such other country in accordance with its registration requirements except as provided for in Paragraphs (a) and (b) of Clause 6, with respect to discharging and taking on through passengers and/or cargo.

(5) No Canadian aircraft in which photographic apparatus has been installed shall be permitted to operate in the United States, nor shall any photographs be taken from Canadian aircraft while operating in or over United States territory, except in cases where the entrance of such aircraft or the taking of photographs is specifically authorized by the Department of Commerce of the United States. Like restrictions shall be applicable to aircraft of the United States desiring to operate in or over Canadian territory, and in such cases the entrance of aircraft in which photographic apparatus has been installed, and the taking of photographs shall not be permissible without the specific authorization of the Department of National Defence of Canada.

(6) (a) If the Canadian aircraft and pilot are licensed to carry passengers and/or cargo in the Dominion of Canada, they may do so between Canada and the United States, but not between points in the United States, except that subject to compliance with customs, quarantine and immigration requirements, such aircraft shall be permitted to discharge through passengers and/or cargo destined to the United States at one airport in the United States, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in the United States, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on passengers and/or cargo destined to Canada at different airports in the United States on the return trip to Canada.

(b) If the United States aircraft and pilot are licensed to carry passengers and/or cargo in the United States, they may do so between the United States and Canada, but not between points in Canada, except that subject to compliance with customs, quarantine and immigration requirements such aircraft shall be permitted to discharge through passengers and/or cargo destined to Canada at one airport in Canada, according landing facilities to foreign aircraft, and to proceed with the remaining passengers and/or cargo to any other airports in Canada, according landing facilities to foreign aircraft, for the purpose of discharging the remaining passengers and/or cargo; and they shall in like manner be permitted to take on passengers and/or cargo destined to the United States at different airports in Canada on the return trip to the United States.

(7) The right accorded to Canadian pilots and aircraft to make flights over United States territory under the conditions provided for in the present arrangement shall be accorded, subject to compliance with the laws, rules and regulations in effect in the United States governing the operation of civil aircraft. The right accorded to American pilots and aircraft of the United States to make flights over Canadian territory, under the conditions herein provided for, shall be accorded, subject to compliance with the laws, rules and regulations in effect in Canada governing the operation of civil aircraft.

(8) Certificates of airworthiness for export issued in connection with aircraft built in Canada imported into the United States from Canada as merchandise will be accepted by the Department of Commerce of the United States if issued by the Department of National Defence of the Dominion of Canada in accordance with its requirements as to airworthiness. Certificates of airworthiness for export issued in connection with aircraft built in the United States imported into Canada from the United States as merchandise will, in like manner, be accepted by the Department of National Defence of Canada, if issued by the Department of Commerce of the United States in accordance with the requirements as to airworthiness.

(9) It shall be understood that this arrangement shall be subject to termination by either Government on sixty days' notice given to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed upon is as herein set forth. If so, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

Accept, Sir, the renewed assurances of my highest consideration.

H. L. STIMSON.

Mr. HUME WRONG,
Chargé d'Affaires ad interim of
the Dominion of Canada.

From the Canadian Minister to the United States, Washington, to the Secretary of State of the United States

No. 207.

October 22nd, 1929.

SIR,

I have the honour to refer to your note of August 29th, 1929, concerning the proposed reciprocal arrangement between the United States and Canada for the admission of civil aircraft, the issuance of pilots' licences, and the acceptance of certificates of airworthiness for aircraft imported as merchandise. I have been instructed to inform you that His Majesty's Government in Canada concur in the terms of the agreement as set forth in your note, and will, therefore, consider it to be operative from this date.

I have the honour to be, etc.,

VINCENT MASSEY.

The Hon. HENRY L. STIMSON,
Secretary of State of the United States,
Washington, D.C.



