

**No. 419**

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**IRELAND  
and  
CANADA**

**Agreement for air service between the two countries (with annex and Exchange of Notes). Signed at Dublin, on 8 August 1947**

**Exchange of Notes amending the annex of the above-mentioned agreement. Dublin, 19 April and 31 May 1948**

*English official text communicated by the Secretary-General of the International Civil Aviation Organization. The registration took place on 13 April 1949.*

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**IRLANDE  
et  
CANADA**

**Accord relatif aux services aériens entre les deux pays (avec annexe et échange de notes). Signé à Dublin, le 8 août 1947**

**Echange de notes modifiant l'annexe de l'accord susmentionné. Dublin, 19 avril et 31 mai 1948**

*Texte officiel anglais communiqué par le Secrétaire général de l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu le 13 avril 1949.*

No. 419. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF CANADA FOR AIR SERVICES BETWEEN THE TWO COUNTRIES. SIGNED AT DUBLIN, ON 8 AUGUST 1947

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The Government of Ireland and the Government of Canada, hereinafter described as the "Contracting Parties", having ratified the Convention on International Civil Aviation signed at Chicago on December 7, 1944<sup>2</sup>, and desiring to establish direct air communications between Ireland and Canada, agree as follows:

*Article I*

Each contracting party grants to the other contracting party the right 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.

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<sup>1</sup>Came into force on 8 August 1947, as from the date of signature, in accordance with article X.

<sup>2</sup>United Nations, *Treaty Series*, Volume 15, page 295, and Volume 26, page 420.

*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 Ireland:  
EAMON DE VALERA

For the Government of Canada:  
C. D. HOWE

## 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 VI of this Agreement.

E. DE V.

C. D. H.

## EXCHANGE OF NOTES

## I

*The Canadian Minister of Reconstruction and Supply to the Minister for External Affairs*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA  
DUBLIN

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, etc.

C. D. HOWE

## II

*The Minister for External Affairs to the Canadian Minister of Reconstruction and Supply*

ROINN GNOTHAI EACHTRACHA  
BAILE ATHA GLIATH

DEPARTMENT OF EXTERNAL AFFAIRS  
DUBLIN

8th August, 1947

Sir,

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

[See note I]

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

Accept, etc.

EAMON DE VALERA

EXCHANGE OF NOTES<sup>1</sup> CONSTITUTING AN AGREEMENT  
MODIFYING THE ANNEX TO THE AIR TRANSPORT AGREE-  
MENT BETWEEN IRELAND AND CANADA SIGNED AT DUBLIN,  
ON 8 AUGUST 1947. DUBLIN, 19 APRIL AND 31 MAY 1948

## I

*The High Commissioner for Canada in Dublin to the Irish Minister for  
External Affairs*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA  
DUBLIN

19th April, 1948

Excellency,

I have the honour to refer to the Agreement between Canada and Ireland for Air Services between the two countries, signed at Dublin August 8th, 1947.

It is specified under Section 4 of the Annex to the above-mentioned Agreement that Trans-Canada Airlines (Atlantic) Limited shall for the operation of these services be deemed to be qualified to fulfill the conditions referred to in Article 2, paragraph (b) of that Agreement. Since that Agreement has been signed, it has become evident to Canadian authorities that it would be more desirable that the services covered by this Agreement should be operated by Trans-Canada Airlines instead of Trans-Canada Airlines (Atlantic) Limited.

In view of the fact that Trans-Canada Airlines (Atlantic) Limited has been mentioned in Clause 4 of the aforementioned Annex, I am directed to advise you that the Government of Canada desires to designate Trans-Canada Airlines in place of Trans-Canada Airlines (Atlantic) Limited. If you are agreeable to the designation proposed, it is suggested that this Note and your reply should constitute an Exchange of Notes amending the Annex of the Agreement for air services between our two countries.

Accept, Excellency, the renewed assurance of my highest consideration.

W. F. A. TURGEON  
High Commissioner for Canada in Ireland

His Excellency  
The Minister for External Affairs  
Dublin

<sup>1</sup> Came into force on 31 May 1948, by the exchange of the said notes.

## II

*The Irish Minister for External Affairs to the High Commissioner for Canada  
in Dublin*

ROINN GNÓTHAÍ EACHTRACHA  
(DEPARTMENT OF EXTERNAL AFFAIRS)  
BAILE ATHA CLIATH  
(DUBLIN)

31 May, 1948

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Excellency,

I have the honour to refer to Your Excellency's Note of the 19th April on the subject of the Agreement between Ireland and Canada for Air Services between the two countries, signed at Dublin, August 8th, 1947.

I note that the Canadian authorities now consider it desirable that the services covered by the Agreement should be operated by Trans-Canada Airlines instead of by Trans-Canada Airlines (Atlantic) Limited, the airline specified in paragraph 4 of the Annex to the Agreement as being deemed to be qualified to fulfil the conditions referred to in Article II, paragraph (b) of the Agreement, and that, in consequence, the Government of Canada wishes to designate Trans-Canada Airlines in place of Trans-Canada Airlines (Atlantic) Limited.

I desire to inform Your Excellency that the Government of Ireland concurs in the proposed designation and agrees that Your Excellency's Note and this reply constitute an Exchange of Notes amending the Annex of the Agreement for air services between our two countries.

Accept, Excellency, the renewed assurance of my highest consideration.

Sean McBRIDE  
Minister for External Affairs

His Excellency W. F. A. Turgeon, K.C.  
High Commissioner for Canada  
Dublin