

No. 790

**NORWAY
and
CANADA**

Agreement for air services between Canadian and Norwegian territories (with annex). Signed at Ottawa, on 14 February 1950

Official text: English.

Registered by the International Civil Aviation Organization on 1 May 1950.

**NORVÈGE
et
CANADA**

Accord relatif aux services aériens entre le territoire canadien et le territoire norvégien (avec annexe). Signé à Ottawa, le 14 février 1950

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 1^{er} mai 1950.

No. 790. AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY FOR AIR SERVICES BETWEEN CANADIAN AND NORWEGIAN TERRITORIES. SIGNED AT OTTAWA, ON 14 FEBRUARY 1950

The Government of Canada and the Government of Norway, hereinafter described as the "Contracting Parties", desiring to establish direct air communications between Canada and Norway, agree as follows:

Article 1

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

Article 2

(1) 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 specified route or routes and the contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article, and of Article 6, be bound to grant without delay the appropriate operating permission to the airline or airlines concerned.

(2) The airline or airlines designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of international commercial airlines.

¹ Came into force on 14 February 1950, as from the date of signature, in accordance with article 12.

Article 3

In order to prevent discriminatory practices and to ensure equality of treatment, the contracting parties agree that:

(1) Each of them may impose or permit to be imposed on airlines of the other State just and reasonable charges for the use of public airports and other facilities on its territory provided that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

(2) Fuel and oil, aircraft stores, spare parts and equipment introduced into the territory of one State by the other State or by nationals of the other State, and intended solely for use by aircraft of such other State shall be accorded national and most-favoured-nation treatment with respect to the imposition of customs and excise duties and taxes, inspection fees or other national duties or charges by the State whose territory is entered;

(3) The fuel and oil, aircraft stores, spare parts and equipment retained on board civil aircraft of the airlines authorized to operate the routes and services described in the Annex, shall, upon arriving in or leaving the territory of the other State, be exempt from the imposition of customs and excise duties and taxes, inspection fees or other national duties or charges even though such supplies be used or consumed by such aircraft on flights in that territory;

(4) Neither of them will give a preference to its own airlines against the airlines of the other State in the application of its customs, immigration, quarantine and similar regulations or in the use of airport, airways or other facilities.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party and still in force shall be recognized as valid by the other contracting party for the purpose of operating the agreed services. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 5

(1) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other State, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

(2) The laws and regulations of one contracting party relating to the entry into or departure from its territory of passengers, crew, or cargo of aircraft (such as regulations relating to entry, clearance, immigration, passports, customs and quarantine) shall be applicable to the passengers, crew or cargo of the aircraft of the designated airline or airlines of the other contracting party while in the territory of the first contracting party.

Article 6

Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other State in any case where it is not satisfied that substantial ownership and effective control are vested in that State or in nationals of that State or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5, or to perform its obligations under this Agreement.

Article 7

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7th December, 1944.¹

Article 8

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

¹ United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 436 and Volume 51, page 336.

Article 9

Any disputes between the contracting parties relating to the interpretation or application of this Agreement or of its Annex, shall in the first place be discussed between them. Should the contracting parties fail to reach agreement within three months after the dispute has arisen, the dispute shall be referred to the Council of the International Civil Aviation Organization for a recommendation. The contracting parties undertake to comply with the recommendation given.

Article 10

If a general multilateral convention concerning air transport, which is accepted by both contracting parties, comes into force, the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article 11

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, this Agreement shall terminate on the date specified in the notice but in any case not less than twelve 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 acknowledgement of receipt by the other contracting party, notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Article 12

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

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

SIGNED in duplicate at Ottawa this 14th day of February, 1950.

For the Government of Canada
(Signed) Lionel CHEVRIER

For the Government of Norway
(Signed) Daniel STEEN

ANNEX

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

2. The route to be operated by the designated airline of the Government of Norway shall be: —

Oslo via intermediate points to Gander and to points in countries beyond — in both directions.

3. An airline designated by the Government of Canada may operate a return service originating in Canada and terminating in or passing through Norway on the route specified below and may take on and put down at Oslo, passengers, mail and cargo for and from Canada.

4. The route to be operated by the designated airline of the Government of Canada shall be: —

Gander via intermediate points to Oslo and to points in countries beyond — in both directions.

5. Additional terminals or intermediate points may be designated in Canada or Norway by subsequent agreement.

6. The contracting parties agree that when the Government of Canada designates an airline to operate scheduled services between Canada and Norway negotiations shall, if this is requested by either of the parties, be initiated in order to reach a further agreement, in the light of conditions as they may exist at that time regarding the services to be performed by the airlines of the respective contracting parties. Failure to reach such an agreement shall automatically make the present Agreement lapse three months after negotiations regarding a supplementary agreement have been initiated.

7. Tariffs to be charged by the airlines shall, in the first instance, be agreed between them. Any tariffs so agreed will be subject to the approval of the competent aeronautical authorities of the contracting parties, and, in the event of disagreement, settlement will be reached in accordance with the provisions of Article 9 of this Agreement.