

[TRADUCTION — TRANSLATION]

*L'Ambassadeur des États-Unis d'Amérique au Ministre des affaires étrangères
de France*

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

N° 1023

Paris, le 29 décembre 1945

Monsieur le Ministre,

J'ai l'honneur de me référer à la lettre en date de ce jour dans laquelle Votre Excellence reproduit les termes de ma lettre du 28 décembre relative à des services de transports aériens entre les États-Unis et la France et ajoute ce qui suit :

[*Voir lettre II*]

J'ai l'honneur de faire savoir à Votre Excellence que le Gouvernement des États-Unis accepte les dispositions qui précèdent.

Veillez agréer, Monsieur le Ministre, les assurances renouvelées de ma très haute considération.

Jefferson CAFFERY

Son Excellence Monsieur Georges Bidault
Ministre des affaires étrangères
Paris

No. 1879. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT PARIS, ON 27 MARCH 1946

The Government of the United States of America and the Provisional Government of the French Republic

considering

- that the possibilities of commercial aviation as a means of transport have greatly increased,
- that it is desirable to organize the international air services in a safe and orderly manner and to further as much as possible the development of international cooperation in this field, and
- that the Agreements hitherto contracted between the two governments with respect to the operation of air services should be replaced by a more general agreement in harmony with the new conditions of air transport, have appointed their representatives, who, duly authorized, have agreed upon the following :

Article I

The Contracting Parties grant to each other the rights specified in the Annex hereto for the establishment of the international air services set forth in that Annex, or as amended in accordance with Article XII² of the present Agreement (hereinafter referred to as the “agreed services”).

Article II

(a) 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, on condition that :

- (1) the Contracting Party to whom the rights have been granted shall have designated an air carrier or carriers for the specified route or routes,

¹ Came into force on 27 March 1946, as from the date of signature, in accordance with article XIII (a).

² The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 1679*, p. 2, footnote 1): “By an exchange of notes dated Feb. 19 and Mar. 10, 1947, between the American Embassy at Paris and the French Ministry of Foreign Affairs it was agreed that ‘Article XII’ should read ‘Article XIII’.”

(2) the Contracting Party which grants the rights shall have given the appropriate operating permission to the air carrier or carriers concerned pursuant to paragraph (b) of this Article which (subject to the provisions of Article VI) it shall do with the least possible delay.

(b) The designated air carrier or carriers may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it or they is or are qualified to fulfill the conditions prescribed by or under the laws and regulations normally applied by those authorities to the operations of commercial air carriers.

Article III

(a) The charges which either Contracting Party may impose or permit to be imposed on the designated air carrier or carriers of the other Contracting Party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national aircraft employed in similar international air services.

(b) Fuel, lubricating oils and spare parts introduced into, or taken on board aircraft in, the territory of one Contracting party by, or on behalf of, any designated air carrier of the other Contracting Party and intended solely for use by the aircraft of such carrier shall be accorded, with respect to customs duties, inspection fees and other charges imposed by the former Contracting Party, treatment not less favorable than that granted to national air carriers engaged in international air services or such carriers of the most favored nation.

(c) Supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of any designated air carrier of one Contracting Party shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights within that territory.

Article IV

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party and still in force shall be recognised as valid by the other Contracting Party for the purpose of operation of the agreed services. Each Contracting Party reserves the right, however, to refuse to recognise for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another state.

Article V

(a) 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 Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of each Contracting Party as to the admission to, sojourn in and departure from its territory of passengers, crew and cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall be observed.

Article VI

Each Contracting Party reserves the right to withhold or revoke a certificate or permit to an air carrier designated by the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such carrier are vested in nationals of either Contracting Party, or in case of failure by that carrier to comply with the laws and regulations referred to in Article V hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this Agreement and its Annex.

Article VII

(a) In addition to the rights mentioned in Article I of the present Agreement, each Contracting Party grants to all air carriers of the other Contracting Party for international air services (and for all operational flights incidental to such services):

- (1) The right to fly across its territory without landing;
- (2) The right to land in such territory for non-traffic purposes.

(b) In order to carry out the purposes of paragraph (a) above, each Contracting Party may designate the airways to be followed within its territory by any air carrier of the other Contracting Party, and the airports which any such services may use.

(c) The exercise of the rights specified in paragraph (a) above is subject to the provisions of Articles III, IV, V and VI of this Agreement and the Articles which follow.

(d) The rights granted under the present Article by the Government of the United States to French air carriers may be exercised at Kindley Field (Bermuda)

provided the Government of the French Republic shall have obtained the necessary authorizations from the Government of the United Kingdom of Great Britain and Northern Ireland.

Article VIII

In a spirit of close collaboration, the aeronautical authorities of the two Contracting Parties will consult regularly with a view to assuring the observance of the principles and the implementation of the provisions outlined in the present Agreement and its Annex.

Article IX

For the purpose of the present Agreement and its Annex :

(a) The term "territory" as applied to each Contracting Party shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, or trusteeship of such Contracting Party.

(b) The term "aeronautical authorities" shall mean in the case of France "le Secrétaire Général à l'Aviation Civile et Commerciale" and in the case of the United States the Civil Aeronautics Board, and in both cases any person or body authorized to perform the functions presently exercised by the above-mentioned bodies.

(c) The term "international air services" shall have the meaning specified in Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944.¹

Article X

Except as otherwise provided in this agreement or its Annex, any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or its Annex which cannot be settled through consultation, shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization, in accordance with the provisions of Article III, Section 6 (8) of the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944,² or its successor.

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336, and p. 469 of this volume.

² International Civil Aviation Conference, Chicago, Illinois, 1 November to 7 December 1944. *Final Act and Related Documents*, United States of America, Department of State publication 2282, Conference Series 64.

Article XI

The present Agreement supersedes the Air Transport Agreement concluded between the two Contracting Parties by an exchange of notes signed July 15, 1939,¹ as well as the Provisional Arrangement of December 28 and 29, 1945.²

The present Agreement shall in no way affect the Agreement concluded in Noumea on December 22, 1938 between the Governor of New Caledonia and a United States air carrier, or any amendments thereof.

Article XII

This Agreement and all relative contracts shall be registered with the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago December 7, 1944, or its successor.

Article XIII

(a) This Agreement, including the provisions of the Annex thereof will come into force on the day it is signed.

(b) Either Contracting Party may at any time request consultation with the other with a view to initiating any amendments of this Agreement or its Annex which may be desirable in the light of experience. If a multilateral air convention enters into force in relation to both Contracting Parties, such consultation shall take place with a view to amending the present Agreement or its Annex so as to conform to the provisions of such a convention.

(c) Except as otherwise provided in this Agreement or its Annex, if either of the Contracting Parties considers it desirable to modify the terms of the Annex to this Agreement it may request consultation to begin within a period of sixty days from the date of the request. Any modification in the Annex agreed to by said aeronautical authorities shall come into effect when it has been confirmed by an exchange of diplomatic notes.

(d) When the procedure for a consultation provided for in paragraph (b) of the present Article has been initiated, either Contracting Party may at any time give notice to the other of its desire to terminate this Agreement. Such notice shall be simultaneously communicated to the Provisional International Civil Aviation Organization, or its successor.

¹ League of Nations, *Treaty Series*, Vol. CXCIX, p. 207.

² See p. 105 of this volume.

This Agreement shall terminate one year after the date of receipt of the notice to terminate by the other Contracting Party unless the notice is withdrawn by agreement before the expiration 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 Provisional International Civil Aviation Organization or its successor.

DONE at Paris , 1946,¹ in duplicate in the English and French languages, each of which shall be of equal authenticity.

For the Government of the United
States of America :
Jefferson CAFFERY
L. Welch POGUE
George P. BAKER

For the Provisional Government
of the French Republic :
Jules MOCH
G. BIDAULT

A N N E X

Section I

The Government of the United States of America grants to the Government of the French Republic the right to conduct air transport services by one or more air carriers of French nationality designated by the latter country on the routes, specified in Schedule I attached, which transit or serve commercially the territory of the United States of America.

Section II

The Government of the French Republic grants to the Government of the United States of America the right to conduct air transport services by one or more air carriers of United States nationality designated by the latter country on the routes, specified in Schedule II attached, which transit or serve commercially French territory.

Section III

One or more air carriers designated by each of the Contracting Parties under the conditions provided in this Agreement will enjoy, in the territory of the other Contracting Party, rights of transit, of stops for non-traffic purposes and of commercial entry and departure for international traffic in passengers, cargo and mail at the points enumerated and on each of the routes specified in the schedules attached at all airports open to international traffic.

¹ The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 1679*, p. 12, footnote 1): "By an exchange of notes dated Feb. 19 and Mar. 10, 1947, between the American Embassy at Paris and the French Ministry of Foreign Affairs it was agreed that the date of signature was omitted inadvertently and that this passage should read 'DONE at Paris March 27, 1946'."

Section IV

It is agreed between the Contracting Parties :

(a) That the two governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

(b) That in the operation by the air carriers of either Contracting Party of trunk services described in the present Annex, the interests of the air carriers of the other country shall, however, be taken into consideration so as not to effect unduly the services which the latter provide on all or part of the same route.

(c) That the air transport services offered by the carriers of both countries should bear a close relationship to the requirements of the public for such services.

(d) That the services provided by a designated air carrier under this Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic; and

—that the right of the air carriers of either country to embark and to disembark at points in the territory of the other country international traffic destined for or coming from third countries at a point or points specified in the Schedules attached, shall be applied in accordance with the general principles or orderly development to which both governments subscribe and shall be subject to the general principle that capacity shall be related.

- (1) to traffic requirements between the country of origin and the countries of destination,
- (2) to the requirements of through airline operation, and
- (3) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

Section V

(a) The determination of rates in accordance with the following paragraphs shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other carriers, as well as the characteristics of each service.

(b) The rates to be charged by the air carriers of either Contracting Party between the points in the territory of the United States and points in French territory referred to in this Annex shall, consistent with the provisions of the present Agreement and its Annex, be subject to the approval of the aeronautical authorities of the Contracting Parties, who shall act in accordance with their obligations under the present Annex, within the limits of their legal powers.

(c) The Civil Aeronautics Board of the United States having approved the traffic conference machinery of the International Air Transport Association (hereinafter called

“ IATA ”), for a period of one year beginning in February 1946, any rate agreements concluded through this machinery during this period and involving United States air carriers will be subject to approval by the Board.

(*d*) Any rate proposed by the air carrier or carriers of either Contracting Party shall be filed with the aeronautical authorities of both Contracting Parties at least thirty days before the proposed date of introduction; provided that this period of thirty days may be reduced in particular cases if so agreed by the aeronautical authorities of both Contracting Parties.

(*e*) The Contracting Parties agree that the procedure described in paragraphs (*f*), (*g*) and (*h*) of this Section shall apply

- (1) if during the period of the Civil Aeronautics Board's approval of the IATA traffic conference machinery, either any specific rate agreement is not approved within a reasonable time by either Contracting Party or a conference of IATA is unable to agree on a rate, or
- (2) at any time no IATA machinery is applicable, or
- (3) if either Contracting Party at any time withdraws or fails to renew its approval of that part of the IATA traffic conference machinery relevant to this Section.

(*f*) In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the Civil Aeronautics Board at present is empowered to act with respect to such rates for the transport of persons and property by air within the United States, each of the Contracting Parties shall thereafter exercise its authority in such manner as to prevent any rate or rates proposed by one of its carriers for services from the territory of one Contracting Party to a point or points in the territory of the other Contracting Party from becoming effective, if in the judgment of the aeronautical authorities of the Contracting Party whose air carrier or carriers is or are proposing such rate, that rate is unfair or uneconomic.

If one of the Contracting Parties on receipt of the notification referred to in paragraph (*d*) above is dissatisfied with the rate proposed by the air carrier or carriers of the other Contracting Party, it shall so notify the other Contracting Party prior to the expiry of the first fifteen of the thirty days referred to, and the Contracting Parties shall endeavour to reach agreement on the appropriate rate.

In the event that such agreement is reached, each Contracting Party will exercise its statutory powers to give effect to such agreement.

If agreement has not been reached at the end of the thirty day period referred to in paragraph (*d*) above, the proposed rate may, unless the aeronautical authorities of the country of the air carrier concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph (*h*) below.

(*g*) Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the Contracting Parties is dissatisfied, with any rate proposed by the air carrier or carriers of either Contracting Party for services from the territory of one Contracting Party to a point or points in the territory of the

other Contracting Party, it shall so notify the other prior to the expiry of the first fifteen of the thirty day period referred to in paragraph (d) above, and the Contracting Parties shall endeavour to reach agreement on the appropriate rate.

In the event that such agreement is reached each Contracting Party will use its best efforts to cause such agreed rate to be put into effect by its air carrier or carriers.

It is recognised that if no such agreement can be reached prior to the expiry of such thirty days, the Contracting Party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

(h) When in any case under paragraph (f) and (g) above the aeronautical authorities of the two Contracting Parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one Contracting Party concerning the proposed rate or an existing rate of the air carrier or carriers of the other Contracting Party, upon the request of either, both Contracting Parties shall submit the question to the Provisional International Civil Aviation Organization or to its successor for an advisory report, and each Party will use its best efforts under the powers available to it to put the opinion¹ expressed in such report.

Section VI

(a) For the purpose of the present Section, the term "transshipment" shall mean the transportation by the same carrier of traffic beyond a certain point on a given route by different aircraft from those employed on the earlier stages of the same route.

(b) Transshipment when justified by economy of operation will be permitted at all points mentioned in the attached Schedules in territory of the two Contracting Parties.

(c) However, no transshipments will be made in the territory of either Contracting Party which would alter the long range characteristics of the operation or which would be inconsistent with the standards set forth in this Agreement and its Annex and particularly Section IV of this Annex.

Section VII

Changes made by either Contracting Party in the routes described in the Schedules attached except those which change the points served by these airlines in the territory of the other Contracting Party shall not be considered as modifications of the Annex. The aeronautical authorities of either Contracting Party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other Contracting Party.

¹The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 1679*, p. 20, footnote 1): "By an exchange of notes dated Feb. 19 and Mar. 10, 1947, between the American Embassy at Paris and the French Ministry of Foreign Affairs it was agreed that the words 'into effect' were omitted inadvertently and that 'put the opinion' should read 'put into effect the opinion'."

If such other aeronautical authorities find that, having regard to the principles set forth in Section IV of the present Annex, interests of their air carrier or carriers are prejudiced by the carriage by the air carrier or carriers of the first Contracting Party of traffic between the territory of the second Contracting Party and the new point in the territory of a third country, the authorities of the two Contracting Parties shall consult with a view to arriving at a satisfactory agreement.

Section VIII

After the present Agreement comes into force, the aeronautical authorities of both Contracting Parties will exchange information as promptly as possible concerning the authorizations extended to their respective designated air carriers to render service to through and from the territory of the other Contracting Party. This will include copies of current certificates and authorizations for service on the routes which are the subject of this Agreement and, for the future, such new authorizations as may be issued together with amendments, exemption orders and authorized service patterns.

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JM

JC
LWP
G. P. B.

SCHEDULE I

ROUTES TO BE SERVED BY THE AIR CARRIERS OF THE FRENCH REPUBLIC

(Points on any of the routes may, at the option of the air carrier, be omitted on any or all flights.)

1. France via intermediate points over the North Atlantic to Boston, New York and Washington, and also the site of the United Nations Organization; in both directions.
2. France via intermediate points over the North Atlantic and Montreal to Chicago; in both directions.
3. France via intermediate points over the North Atlantic to New York and beyond to Mexico; in both directions.
4. Martinique via Guadeloupe and via intermediate points to Puerto Rico and beyond via the Dominican Republic to Haiti; in both directions.
5. Indo-China via points in China and Hong Kong to Manila; in both directions (provided that this route is subject to the approval of the Government of the Philippine Islands).

NOTE: For the purposes of the present Schedule, the term "North Atlantic" shall mean that part of the North Atlantic Ocean north of a line from Key West, Florida, to Bermuda, the Azores and Lisbon, including these points.

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G. P. B.

SCHEDULE II

ROUTES TO BE SERVED BY THE AIR CARRIERS OF THE UNITED STATES

(Points on any of the routes may, at the option of the air carrier, be omitted on any or all flights.)

1. The United States via intermediate points over the North Atlantic to Paris and beyond via intermediate points in Switzerland, Italy, Greece, Egypt, the Near East, India, Burma and Siam to Hanoi, and thence to China and beyond; in both directions.
2. The United States via intermediate points over the North Atlantic and Spain to Marseille and beyond via Milan, Budapest and points south of the parallel of Budapest to Turkey and thence via intermediate points to a connection with Route 8 and beyond on said route; in both directions.
3. The United States via intermediate points over the North Atlantic, and Spain to Algiers, Tunis, and beyond via intermediate points to Egypt, and beyond via Route 1; in both directions.
4. The United States via intermediate points to Dakar, Pointe Noire, Brazzaville, and beyond via intermediate points to the Union of South Africa; in both directions.
5. The United States via intermediate points to Guadeloupe, Martinique, and beyond via intermediate points to French Guiana, and beyond in South America; in both directions.
6. The United States via intermediate points in the Pacific Ocean to New Caledonia and beyond on one or more routes to Australasia (including Australia and New Zealand); in both directions.
7. The United States via intermediate points in the Pacific Ocean and Manila to Saigon, and beyond to Singapore and Batavia; in both directions.
8. The United States via intermediate points in the Pacific Ocean, Manila, Hong Kong, Macao, and China to Hanoi and beyond via Siam, Burma to India and beyond; in both directions.

NOTE 1 : For the purposes of the present Schedule, the term "North Atlantic" shall mean that part of the North Atlantic Ocean north of a line from Key West, Florida, to Bermuda, the Azores and Lisbon, including these points.

NOTE 2 : It is understood that the rights granted in respect of Hanoi and Saigon shall be in effect from the date of the present Agreement for a period of one year and automatically renewed thereafter except in the event of denunciation with three months' advance notice at the expiration of any annual period.

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G. P. B.

PROTOCOL OF SIGNATURE

It appeared in the course of negotiations leading up to the conclusion of the Agreement on air services between French territory and the territory of the United States of America signed at Paris today that the representatives of the two Contracting Parties were in agreement on the following points :

1. The air carriers of the two Contracting Parties operating on the routes described in the Annex of said Agreement shall enjoy equal opportunity for the operation of the said routes.

2. To the extent that the carrier or carriers of one of the governments is temporarily unable to take advantage of such opportunities as a result of the war, the situation will be mutually examined by the two governments for the purpose of aiding as soon as possible the said air carrier or carriers to increasingly make their proper contribution to the services contemplated.

3. The airports which were constructed on French territory and financed in whole or part by the Government of the United States and which will be open to international civil traffic will be open to the duly authorized air carriers of the United States who will enjoy thereon, on a non-discriminatory basis, rights of transit and non-traffic stop. They will likewise enjoy there the commercial rights which may be granted them by the present Agreement or any other agreement now in force or later concluded.

4. In order to give effect to the provisions of Section V (*f*) of the Annex to the Agreement, the executive branch of the United States Government will use its best efforts to secure legislation empowering the aeronautical authorities of the United States to fix fair and economic rates for international services and to suspend proposed rates, in the same manner as the Civil Aeronautics Board is qualified to act with respect to air transportation within the United States.

5. It is recognized that the determination of tariffs to be applied by an air carrier of one Contracting Party between the territory of the other Contracting Party and a third country is a complex question, the overall solution of which cannot be sought through consultation between only two countries. It is noted, furthermore, that the method of determining such tariffs is now being studied by the Provisional International Civil Aviation Organization. It is understood under these circumstances :

- (a) That, pending the acceptance by both parties of any recommendations which the Provisional International Civil Aviation Organization may make after its study of this matter, such tariffs shall be subject to consideration under the provisions of Section IV (*b*) of the Annex to the Agreement.

- (b) That in case the Provisional International Civil Aviation Organization fails to establish a means of determining such rates satisfactory to both Contracting Parties, the consultation provided for in Article XIII (b) of the Agreement shall be in order.

6. For fifteen months from the signing of these documents, pending the completion of necessary improvements to the airport at Martinique (expected in the first quarter of 1947), it is understood that the French Transatlantic service to Martinique will have its temporary terminus at Puerto Rico. During this period, the French air carrier shall have at Puerto Rico the right of commercial entry and departure for international traffic in passengers, cargo and mail on the above service.

7. It is understood that the United States air carrier or air carriers operating on the route listed in Schedule II as Route No. 4 will afford reasonable service at Dakar.

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G. P. B.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
AMENDING THE AGREEMENT OF 27 MARCH 1946²
BETWEEN THE UNITED STATES OF AMERICA AND
THE PROVISIONAL GOVERNMENT OF THE FRENCH
REPUBLIC RELATING TO AIR SERVICES BETWEEN
THEIR RESPECTIVE TERRITORIES. PARIS, 23 JUNE
AND 11 JULY 1950

I

The American Embassy to the French Ministry of Foreign Affairs

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA

No. 734

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note of January 25, 1950.³ The Embassy is instructed by the Department of State to inform the Ministry that the Government of the United States of America is prepared, in accordance with the request of the French Government, set forth in the Ministry's Note under reference, to grant Miami as the new terminal to Air France on Route No. 4 in Schedule I to the Air Transport Services Agreement concluded between the two Governments on March 27, 1946.² Accordingly, it is proposed that the description of Route No. 4 in Schedule I (Routes to be served by the Air Carriers of the French Republic) be amended to read as follows :

" 4. Martinique via Guadeloupe and via intermediate points to Puerto Rico, and beyond via the Dominican Republic and Haiti to Miami; in both directions."

The Government of the United States further proposes that Route 2 in Schedule II to this aforesaid Agreement (Routes to be served by the Air Carriers of the United States) be amended to read as follows :

" 2. The United States via intermediate points over the North Atlantic and Spain to Marseille or Nice and beyond via Milan, Budapest and points

¹ Came into force on 11 July 1950, by the exchange of the said notes.

² See p. 116 of this volume.

³ Not printed by the Department of State of the United States of America.

south of the parallel of Budapest to Turkey and thence via intermediate points to a connection with Route 8 and beyond on said route; in both directions.”

The Embassy will be glad to receive confirmation of the acceptance of the above proposals by the Ministry of Foreign Affairs. It is understood that this Note, together with the Ministry's affirmative reply constitutes the amendment of the Route-Annex to the Air Transport Services Agreement of March 27, 1946, to the extent specified in these notes exchanged between the Ministry of Foreign Affairs and this Embassy, such amendment to be effective from the date of the Ministry's Note.

Paris, June 23, 1950.

RPT

The Ministry of Foreign Affairs
Quai d'Orsay
Paris

II

[TRANSLATION¹ — TRADUCTION²]

The French Ministry of Foreign Affairs to the American Embassy

FCL/AR.

LIBERTY-EQUALITY-FRATERNITY
FRENCH REPUBLIC
MINISTRY OF FOREIGN AFFAIRS
FRENCH REPUBLIC
Economic Cooperation Service

Paris

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and has the honor to acknowledge receipt of its note No. 734 dated June 23 last, the text of which follows :

[See note I]

The Ministry of Foreign Affairs sincerely thanks the Embassy of the United States for its communication and has the honor to inform it that the provisions contained therein meet with its approval. It avails itself of this occasion to renew to the Embassy the assurances of its very high consideration.

[SEAL] P.J.
July 11, 1950

Embassy of the United States
Paris

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ AMENDING SCHEDULES I AND II TO THE ANNEX TO THE AGREEMENT OF 27 MARCH 1946² BETWEEN THE UNITED STATES OF AMERICA AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. PARIS, 19 MARCH 1951

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ MODIFIANT LES TABLEAUX I ET II DE L'ANNEXE DE L'ACCORD DU 27 MARS 1946² ENTRE LE GOUVERNEMENT PROVISoire DE LA RÉPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF AUX SERVICES AÉRIENS ENTRE LEURS TERRITOIRES RESPECTIFS. PARIS, 19 MARS 1951

I

The American Ambassador to the French Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA
AMERICAN EMBASSY

No. 1131

Paris, March 19, 1951

Excellency :

I have the honor to refer to the civil aviation consultations which have taken place in Washington in December, 1950 and in Paris in February-March, 1951 pursuant to Articles VIII and XIII of the Air Transport Services Agreement between the United States of America and France, signed at Paris on March 27, 1946.

During these consultations the French Delegation requested certain amendments of the French routes described in Schedule I to the Annex of the Air Transport Services Agreement.

I am instructed to confirm to Your Excellency on behalf of my Government the agreements reached between the United States and French Delegations in regard to these requests. Accordingly, and taking into account amendment of French Route 4 by the addition of Miami, previously effected through an exchange of diplomatic notes (Embassy's note No. 734, dated June 23, 1950 and the note of the Ministry of Foreign Affairs dated July 11, 1950)³, it is pro-

¹ Came into force on 19 March 1951, by the exchange of the said notes.

² See p. 116 of this volume.

³ See p. 142 of this volume.

¹ Entré en vigueur le 19 mars 1951 par l'échange desdites notes.

² Voir p. 117 de ce volume.

posed that the route descriptions in Schedule I (Routes to be served by the Air Carriers of the French Republic) to the Annex of the Air Transport Services Agreement of March 27, 1946, be amended to read as follows :

1. France via intermediate points over the North Atlantic to Boston, New York, and Washington; in both directions.
2. France via intermediate points over the North Atlantic and Montreal to Chicago; in both directions.
3. France via intermediate points over the North Atlantic to New York and Houston and beyond to Mexico; in both directions.
4. Martinique via Guadeloupe and via intermediate points to Puerto Rico and beyond via the Dominican Republic and Haiti to Miami; in both directions.
5. Martinique via Guadeloupe to New York; in both directions.

It is further proposed, in accordance with the agreement reached between the United States and French Delegations during these consultations in regard to the amendments of the United States routes described in Schedule II to the Annex of the Air Transport Services Agreement requested by the United States Delegation, and taking into account the amendment of United States Route 2 previously effected through the exchange of diplomatic notes above referred to, that Route 2 in Schedule II (Routes to be served by the Air Carriers of the United States) be amended to read as follows :

2. The United States via intermediate points over the North Atlantic and Spain to Marseille or Nice and beyond via Rome, Budapest, and points south of the parallel of Budapest to Turkey and thence via intermediate points to a connection with Route 8 and beyond on said route; in both directions.

I will be glad to receive Your Excellency's concurrence in the above proposals. It is understood that this note, together with Your Excellency's reply, will constitute the amendment of Schedules I and II to the Annex of the Air Transport Services Agreement of March 27, 1946 between the United States of America and France to the extent specified in these notes, such amendments to be effective from the date of Your Excellency's reply.

Please accept, Excellency, the renewed assurances of my highest consideration.

David BRUCE

His Excellency Monsieur Robert Schuman
Minister of Foreign Affairs
Paris

J'ai l'honneur de faire savoir à Votre Excellence que les propositions énoncées dans la lettre ci-dessus rencontrent le plein agrément du Gouvernement français.

Veillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

19 mars 1951

SCHUMAN

S. Exc. L'Honorable David K. E. Bruce
Ambassadeur Extraordinaire et Plénipotentiaire
des États-Unis d'Amérique
A Paris

[TRANSLATION¹ — TRADUCTION²]

The French Minister of Foreign Affairs to the American Ambassador

LIBERTY, EQUALITY, FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Paris

Mr. Ambassador :

You were good enough to send me today the following letter :

[See note I]

I have the honor to inform Your Excellency that the proposals outlined in the above letter meet with the complete approval of the French Government.

Accept, Mr. Ambassador, the assurances of my highest consideration.

March 19, 1951

SCHUMAN

His Excellency The Honorable David K. E. Bruce
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Paris

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ AMENDING ARTICLE X OF THE AGREEMENT OF 27 MARCH 1946² BETWEEN THE UNITED STATES OF AMERICA AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. PARIS, 19 MARCH 1951

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ MODIFIANT L'ARTICLE X DE L'ACCORD DU 27 MARS 1946² ENTRE LE GOUVERNEMENT PROVISOIRE DE LA RÉPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF AUX SERVICES AÉRIENS ENTRE LEURS TERRITOIRES RESPECTIFS. PARIS, 19 MARS 1951

I

Le Président de la délégation française à l'Ambassadeur des États-Unis d'Amérique

LIBERTÉ — ÉGALITÉ — FRATERNITÉ

RÉPUBLIQUE FRANÇAISE
MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Paris, le

Monsieur l'Ambassadeur,

Au cours des négociations aéronautiques qui ont eu lieu à Washington au mois de décembre dernier, la délégation française avait fait part à la délégation des États-Unis de son désir de voir modifier, par voie d'amendement, certaines dispositions périmées de l'article X de l'accord franco-américain relatif aux services aériens signé à Paris le 27 mars 1946².

La délégation des États-Unis et la délégation française étaient alors convenues du texte d'un nouvel article destiné à remplacer l'article X, texte que j'ai l'honneur de soumettre à l'agrément définitif de votre Gouvernement :

Article X. — Sous réserve des autres dispositions du présent accord ou de son annexe, tout différend entre les Parties contractantes relatif à l'interprétation ou à l'application dudit accord ou de son annexe qui ne pourrait être réglé par voie de négociations directes sera soumis pour avis consultatif à un tribunal arbitral de trois membres, dont un sera désigné par chaque Partie contractante, tandis que le troisième, qui ne pourra avoir

¹ Came into force on 19 March 1951, by the exchange of the said notes.

² See p. 116 of this volume.

¹ Entré en vigueur le 19 mars 1951, par l'échange desdites notes.

² Voir p. 117 de ce volume.

[TRANSLATION¹ — TRADUCTION²]

The Chairman of the French Delegation to the American Ambassador

LIBERTY—EQUALITY—FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Paris

Mr. Ambassador,

During the aeronautical negotiations which took place in Washington in December 1950, the French Delegation informed the United States Delegation of its desire that certain outdated provisions of Article X of the Air Transport Services Agreement between the United States of America and France, signed at Paris on March 27, 1946, be amended.

The United States Delegation and the French Delegation were then in agreement with regard to the text of a new article intended to replace Article X, which text I have the honor to submit to your Government for final approval :

[*See note II*]

In the event that the foregoing provisions meet with Your Excellency's approval, I should be grateful if you would be so good as to notify me to that effect.

It is understood that this note and Your Excellency's reply shall constitute an amendment to the Agreement between the United States of America and France, of March 27, 1946. The amendment shall enter into force on the date of the Embassy's note.

Accept, Mr. Ambassador, the assurances of my highest consideration.

March 19, 1951

By order :

CHARPENTIER

His Excellency David K. E. Bruce
Ambassador Extraordinary and Plenipotentiary
of the United States
Paris

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

II

*The American Ambassador to the French Minister of Foreign Affairs*THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA
AMERICAN EMBASSY

No. 1130

Paris, March 19, 1951

Excellency :

I have the honor to acknowledge receipt of Your Excellency's note dated March 19, 1951 in which you were good enough to communicate the new text of Article X of the Air Transport Services Agreement between the United States of America and France, signed at Paris on March 27, 1946, which was agreed to during the civil aviation consultations between the French and United States Delegations held in Washington in December, 1950, the English text of which reads as follows :

Article X

Except as otherwise provided in this Agreement or its Annex, any dispute between the Contracting Parties relative to the interpretation or application of this Agreement or its Annex which can not be settled through consultation shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each Contracting Party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either Contracting Party. Each of the Contracting Parties shall designate an arbitrator within two months of the date of delivery by either Party to the other Party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months.

If either of the Contracting Parties fails to designate its own arbitrator within two months, or if the third arbitrator is not agreed upon within the time limit indicated, the President of the International Court of Justice shall be requested to make the necessary appointments by choosing the arbitrator or arbitrators, after consulting the President of the Council of the International Civil Aviation Organization.

The Contracting Parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each Party.

I am happy to confirm to Your Excellency that my Government agrees to the above amendment of Article X of the Air Transport Services Agreement to be effective from today's date.

Please accept, Excellency, the renewed assurances of my highest consideration.

David BRUCE

His Excellency Monsieur Robert Schuman
Minister of Foreign Affairs
Paris

[TRADUCTION — TRANSLATION]

*L'Ambassadeur des États-Unis d'Amérique au Ministre des affaires étrangères
de France*

SERVICE DIPLOMATIQUE
DES ÉTATS-UNIS D'AMÉRIQUE
AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

N° 1130

Paris, le 19 mars 1951

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de la note en date du 19 mars 1951, par laquelle Votre Excellence a bien voulu me communiquer le nouveau texte de l'article X de l'Accord franco-américain relatif aux services aériens signé à Paris le 27 mars 1946, texte qui a été arrêté de commun accord au cours des négociations aéronautiques civiles auxquelles la délégation française et la délégation des États-Unis d'Amérique ont procédé à Washington en décembre 1950 et qui est le suivant :

[Voir note I]

Je suis heureux de pouvoir confirmer à Votre Excellence que mon Gouvernement approuve l'amendement précité de l'article X de l'Accord relatif aux services aériens et accepte qu'il entre en vigueur à dater de ce jour.

Veuillez agréer, Monsieur le Ministre, les assurances renouvelées de ma très haute considération.

David BRUCE

Son Excellence Monsieur Robert Schuman
Ministre des affaires étrangères
Paris