

No. 12704

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

and

UNITED STATES OF AMERICA

Exchange of notes constituting an agreement concerning procedures for the implementation and enforcement of rules for advance booking of charter flights (with memorandum of understanding). Washington, 30 March 1973

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 28 August 1973.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

et

ÉTATS-UNIS D'AMÉRIQUE

Échange de notes constituant un accord relatif à l'application et à l'observation des règles concernant les vols affrétés avec réservation anticipée (avec mémorandum d'accord). Washington, 30 mars 1973

Texte authentique: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 28 août 1973.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
CONCERNING PROCEDURES FOR THE IMPLEMENTATION
AND ENFORCEMENT OF RULES FOR ADVANCE BOOKING
OF CHARTER FLIGHTS

I

*The Secretary of State of the United States of America to Her Majesty's
Ambassador at Washington*

DEPARTMENT OF STATE
WASHINGTON

March 30, 1973

Excellency:

I have the honor to refer to discussions which have taken place recently at London and at Washington with regard to procedures for implementing and enforcing the rules adopted for new advance charters.

It is my understanding that the delegations named for these discussions agreed on March 7, 1973 to refer to their respective Governments the Memorandum of Understanding initialed in Washington on that date, the text of which is enclosed as an annex to this note.

I have the honor to inform your Excellency that the United States Government agrees to the provisions of the Memorandum of Understanding referred to above, and to propose that if the Government of the United Kingdom of Great Britain and Northern Ireland also agrees to the terms of the Memorandum of Understanding, this note and your reply to that effect, together with the Memorandum of Understanding, shall constitute an agreement between our two Governments in this matter, which shall enter into force on the date of your reply and shall remain in force until March 31, 1974.

It is my understanding further that, the purpose of this agreement being to enable both of the parties to introduce advance charters on an experimental basis, the termination or abandonment by either party of the advance charter regulation which was the basis for its entry into this agreement would, upon notice to the other party, terminate the obligations of the party abandoning advance charters to accept thereafter the charterworthiness of the advance charters of the other party.

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

For the Secretary of State:
JULIUS L. KATZ

¹ Came into force on 30 March 1973, the date of the note in reply, in accordance with the provisions of the said notes.

MEMORANDUM OF UNDERSTANDING

Representatives of the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland have discussed the conditions governing Travel Group Charter (TGC) flights and Advance Booking Charter (ABC) flights between the United States and the United Kingdom, and have concluded that their respective rules are substantially similar, are experimental in character, and are "advance charter" rules in the transatlantic connotation of the term. Nevertheless, at the present time each set of rules contains dissimilar elements related to the distinctive marketing conditions, internal legal situations, and enforcement structures of each country. They recognized that these dissimilar elements are an obstacle to the carriage of advance charter traffic between their two countries.

They recognized that uniformity of rules would have been preferable but has not been achieved; therefore the solution which will best serve the public interest in present circumstances is that traffic conforming with the advance charter rules of the country of origin of the traffic should be accepted as charterworthy by the other country. This Memorandum sets forth the agreed regulatory procedures to give effect to this concept as well as particular actions each Party will undertake, for the period ending 31 March 1974.

I. AGREED PROCEDURES FOR MUTUAL IMPLEMENTATION AND ENFORCEMENT
OF ADVANCE CHARTER REGULATIONS

A. *Charterworthiness.* Each Party will accept as charterworthy transatlantic traffic originated in the territory of the other Party and organized and operated pursuant to the advance charter (TGC or ABC) (*) rules of that Party. For the purpose of this Memorandum of Understanding, (a) the country of the origin of the traffic is to be determined by reference to the point in the territory of either Party from which the group of advance charter passengers departs on the outward portion of a roundtrip (including circle and open-jaw) journey under the TGC or ABC rules and (b) the United Kingdom's acceptance relates only to Great Britain and Northern Ireland.

B. *Administration and enforcement.* Each Party reserves the right to require the filing of charter programs originated in the other's territory.(**) To minimize the administrative burdens of enforcement procedures on carriers and organizers and at the same time to coordinate enforcement procedures, each Party:

1. Will not require the routine filing with it of passenger lists and other documents for charter traffic originated in the territory of the other Party and organized and operated pursuant to the advance charter rules of that Party.(***)

2. Will ensure that its regulatory authorities transmit, on request, to the regulatory authorities of the other Party, passenger lists and other appropriate documents to facilitate the conduct of spot checks of flights.

3. Will transmit to the regulatory authorities of the other Party, for appropriate enforcement of its rules, evidence obtained of possible rule violations on flights operated pursuant to the advance charter rules of the other Party rather than interrupt the flight and cause inconvenience to or stranding of the travelling public.

4. Intends to conduct spot checks, from time to time, and to conduct post flight reviews of advance charter flights operated pursuant to its rules, take appropriate action

(*) TGC means those rules of the United States embodied in part 372a of the Special Regulations of the United States Civil Aeronautics Board, and any amendment thereto. ABC means those rules of the United Kingdom embodied in schedule (8) to the Civil Aviation Authority Official Record, Air Transport Licensing, series 1, and any amendments thereto.

(**) In this regard, and in order to identify the origin of traffic and to monitor charter prices, each Party may require for each flight information relating to the proposed date, time and routing of the flight, the identity of the travel organizer and the number of seats contracted for as well as the prices proposed to be charged to and ultimately paid by the travel organizer and the passenger.

(***) By way of exception, all passenger lists and other similar documents required by the regulatory authorities of the country of origin of the traffic shall be filed with the regulatory authorities of both Parties on split charter flights of TGC traffic and ABC traffic.

when violations are observed, and regulate the conduct of charter organizers operating in its territory.

C. *Other considerations.* To further facilitate the development of the international air transport systems, the regulatory authorities of each Party will:

1. Stand ready to modify their advance charter rules should it become necessary in order to prevent undue diversion of traffic from the scheduled air services of either Party between their respective territories, or to correct any serious problems experienced in the enforcement of their rules.

2. Consult, at the earliest practical time after a request to do so has been received from the other Party, on any matter covered by its advance charter rules or concerning the reasonableness of charter tariffs, rates or fares for traffic moving under these rules.

3. Strive for commonality of rules for advance charter flights.

II. PARTICULAR UNITED STATES ACTIONS

The United States undertakes that its regulatory authorities will:

1. Begin and conclude, as soon as practicable, rule making proceedings to implement acceptance of the provisional United Kingdom advance booking charter (ABC) rules (when promulgated definitively), on a continuing basis during the life of this Memorandum of Understanding or any arrangement which may supersede it, for the purpose of determining the charterworthiness of traffic which originates in the United Kingdom and conforms to the said United Kingdom ABC rules.

2. As an interim measure, and until such time as the actions mentioned in 1 above are effectuated, grant individual case waivers of such provisions of its charterworthiness regulations as might preclude the operation of any individual flight or series of ABC (or ABC and TGC split charter) flights, provided the ABC group movements for which waivers are sought originate in the United Kingdom and conform to its ABC rules.

III. PARTICULAR UNITED KINGDOM ACTIONS

The United Kingdom will ensure that its regulatory authorities will establish as soon as practicable advance booking charter (ABC) rules substantially along the lines of the provisional rules already published, so modified as to permit them to accept as charterworthy traffic which originates in the United States and conforms to the TGC rules; and so to accept such traffic.

II

Her Majesty's Ambassador at Washington to the Secretary of State of the United States of America

BRITISH EMBASSY
WASHINGTON

30 March 1973

Your Excellency,

I have the honour to acknowledge receipt of your note of 30 March 1973 with attached Memorandum of Understanding, which reads as follows:

[See note I]

I have the honour to inform Your Excellency that the Government of the United Kingdom agree to the terms of the Memorandum of Understanding and also agree that your note, together with the Memorandum of Understanding and this reply, shall constitute an agreement between our two Governments in this matter, which shall enter into force on today's date and shall remain in force until March 31, 1974.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

CROMER