

No. 13081

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**UNITED STATES OF AMERICA**  
**and**  
**IRELAND**

**Exchange of notes constituting an agreement relating to air  
charter services (with memorandum of understanding).  
Washington, 28 and 29 June 1973**

*Authentic text: English.*

*Registered by the United States of America on 12 February 1974.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
**et**  
**IRLANDE**

**Échange de notes constituant un accord relatif aux vols  
d'affrètement (avec mémorandum d'accord). Wash-  
ington, 28 et 29 juin 1973**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 12 février 1974.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND  
IRELAND RELATING TO AIR CHARTER SERVICES

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AMBASÁID NA HÉIREANN  
EMBASSY OF IRELAND  
WASHINGTON, D.C.

28th June 1973

Excellency:

I have the honor to refer to discussions which have taken place recently with regard to procedures for implementing and enforcing the rules adopted for advance charters in the future and to a memorandum of understanding on travel group and advance booking charters adopted at the conclusion of these discussions on Thursday, 7th June, in Washington, subject to the approval of the Government of Ireland and the Government of the United States. The text of the memorandum is enclosed as an annex to this letter.

I have the honor to inform Your Excellency that the provisions of the memorandum of understanding referred to above are acceptable to the Government of Ireland and to propose that if they are acceptable also to the Government of the United States, this letter and your reply to that effect, together with the memorandum of understanding, shall constitute an agreement between our two Governments in the matter, effective from the date of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signed]  
WILLIAM WARNOCK  
Ambassador of Ireland

His Excellency William P. Rogers  
Secretary of State  
Department of State  
Washington D.C.

MEMORANDUM OF UNDERSTANDING

Representatives of the Government of the United States of America and of the Government of Ireland have discussed the conditions governing Travel Group Charter (TGC) flights and Advance Booking Charter (ABC) flights between the United States and Ireland, and have concluded that each country's rule formulation contains a number of

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<sup>1</sup> Came into force on 29 June 1973, the date of the note in reply, in accordance with the provisions of the said notes.

important elements specifically related to the dissimilar marketing conditions, internal legal situation and enforcement structure of each country. In other respects the major aspects of the ABC and TGC rules are nearly identical, and the rules are decidedly “advance charter” rules in the transatlantic connotation of the term.

With regard to the major elements related to the dissimilar marketing conditions, internal legal situation, and enforcement structure of each country, it appeared to be impossible for organizers or carriers of either country to achieve simultaneous conformity with the rules of both countries on particular flights. Accordingly, the practical solution for the time being which will best serve the public interest in the operation of “advance charters—TGC/ABC’s”, in the transatlantic market, will be 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 will undertake, for the period ending December 31, 1975.

This understanding may be terminated at the end of any calendar year, provided at least three months’ prior notice has been given. This understanding may also be terminated immediately upon notice to the other Party at such time as either Party terminates or abandons the advance charter regulation which was the basis for its entry into this understanding.

As agreed procedures for mutual implementation and enforcement of “advance charter” regulations, the regulatory authorities of each Party shall:

- (1) Without prejudice to otherwise authorized charter operations, accept as charterworthy advance charter transatlantic traffic (a) originated in the territory of the other Party and operated pursuant to the “advance charter” (TGC or ABC)\* rules of that Party, and (b) originated outside the territory of either Party and operated pursuant to “advance charter” rules which the Party to whose territory the charter flights are operated has recognized.
- (2) Not require the routine filing with them of passenger lists and other documents for charter flights (a) originated in the territory of the other Party and operated pursuant to the “advance charter” rules of that Party, and (b) originated outside the territory of either Party and operated pursuant to “advance charter” rules which the Party to whose territory the charter flight is operated has recognized.
- (3) On request of the regulatory authorities of the other Party, transmit passenger lists and other appropriate documents to the regulatory authorities of that Party to facilitate the conduct by such authorities of preflight spot checks of flights operated pursuant to the transmitting Party’s “advance charter” rules, especially if on such flights groups of differing character are included, and also in the case of open-jaw flights.
- (4) Transmit to the regulatory authorities of the other Party, for appropriate enforcement of the latter’s rules, evidence obtained of possible rule violations on flights operated pursuant to the “advance charter” rules of that Party.
- (5) Conduct spot checks, from time to time, and post flight reviews of “advance charter” flights operated pursuant to their rules, take appropriate action when violations are observed, and

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\*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 Ireland set forth in Department of Transport and Power, Ireland, Advance Booking Charter (ABC) Flights, Rules of Charterworthiness, June 1973, and any amendments thereto.

- regulate within the limits of their respective laws and regulations the conduct of charter organizers operating in their territory.
- (6) Require the filing of tariffs and enforce conformity to tariff rules, on all flights operated in accordance with TGC or ABC rules.
  - (7) Consult with the appropriate authorities of the other Party about uneconomical, unreasonable, or unjustly discriminatory charter rates charged or proposed to be charged for services conducted pursuant to this understanding and, in the event of no resolution by consultation, may take appropriate action to prevent the inauguration or continuation of uneconomical, unreasonable, or unjustly discriminatory rates.
  - (8) Stand ready to modify their "advance charter" rules should it become necessary in order to prevent undue diversion from the scheduled air services of each between their territories.
  - (9) Strive for commonality of rules for "advance charter" traffic.
  - (10) Accept as charterworthy any bona fide "prior affinity" charter traffic conforming to its rules during the period of validity of this type of charter.
  - (11) Immediately take the administrative measures necessary under their own laws to accept as charterworthy for the duration of this agreement and of any arrangement which may supersede it traffic which originates in the territory of the other Party and conforms to its advance charter rules.

## II

### *The Secretary of State to the Irish Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

29 June 1973

Excellency:

I have the honor to acknowledge receipt of your note dated June 28, 1973 and an attached memorandum of understanding on travel group and advance booking charters.

I have the honor to inform Your Excellency that the United States Government agrees to the provisions of the memorandum of understanding and also agrees 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 December 31, 1975.

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

For the Secretary of State:  
RAYMOND J. WALDMANN

His Excellency William Warnock  
Ambassador of Ireland