

No. 13217

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**UNITED STATES OF AMERICA  
and  
FRANCE**

**Exchange of notes constituting an agreement relating to air  
charter services (with memorandum of understanding).  
Washington, 7 May 1973**

*Authentic texts: English and French.*

*Registered by the United States of America on 10 April 1974.*

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

**Échange de notes constituant un accord relatif aux vols  
affrétés (avec mémorandum d'accord). Washington,  
7 mai 1973**

*Textes authentiques : anglais et français.*

*Enregistré par les États-Unis d'Amérique le 10 avril 1974.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO AIR CHARTER SERVICES (WITH MEMORANDUM OF UNDERSTANDING).

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA FRANCE RELATIF AUX VOLS AFFRÉTÉS (AVEC MÉMORANDUM D'ACCORD).

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*The Secretary of State  
to the French Ambassador*

*Le Secrétaire d'Etat  
à l'Ambassade de France*

DEPARTMENT OF STATE  
WASHINGTON

May 7, 1973

Excellency:

I have the honor to refer to discussions which have taken place recently at Paris and at Washington with regard to the new rules on advance charter traffic which have been adopted by our two Governments.

It is my understanding that the delegations named for these discussions have agreed to refer to their respective Governments a Memorandum of Understanding on the subject, 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 France 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 also my understanding that, in the event that either Government terminates or abandons its advance charter rules, which were the basis for entering into the present Agreement, such Government may ter-

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<sup>1</sup> Came into force on 7 May 1973, the date of the note in reply, in accordance with the provisions of the notes.

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<sup>1</sup> Entré en vigueur le 7 mai 1973, date de la note de réponse, conformément aux dispositions desdites notes.

minate this Agreement at any earlier time upon notice to the other Government.

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

For the Secretary of State:

WILLIS C. ARMSTRONG

Enclosure:

Memorandum of Understanding

His Excellency Jacques Kosciusko-Morizet  
Ambassador of France

#### MEMORANDUM OF UNDERSTANDING

Representatives of the Government of the United States of America and the Government of France have discussed the conditions governing Travel Group Charter (TGC) flights and Advance Booking Charter (ABC) flights between the United States and France, 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, at this time, 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 March 31, 1974.

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

A. *Charterworthiness.* Each Party undertakes to accept as charterworthy traffic (a) originated in the territory of the other Party and organized 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 have been recognized by the Party to whose territory the charter flight is operated. For the purpose of this understanding, the country of the origin of the traffic is to be determined by reference to the point in the territory of either Party (or a point outside) from which the group of advance charter passengers departs on the outward portion of a round-trip (including circle and open-jaw) journey under the TGC or ABC rules.

B. *Administration and Enforcement.* Each Party reserves its right to require the filing of charter programs originating in the territory of the other Party.\*\* To minimize the ad-

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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 amendments thereto. ABC means those rules of France embodied in Circulaire d'Information N/Ref. 555/D.T.A./F., dated 25 January 1973, of the Ministry of Transport, Secretariat General of Civil Aviation, Air Transport Directorate, 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.

ministrative burdens of enforcement procedures on carriers and organizers, and at the same time to coordinate enforcement procedures, each Party:

- (1) Undertakes not to 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 and originated outside the territory of either Party and operated pursuant to advance charter rules which have been recognized by the Party to whose territory the charter flight is operated.\*
- (2) Undertakes that its regulatory authorities will 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, especially if on such flights there is commingling of ABC/TGC groups with groups organized in accordance with other regulations.
- (3) Undertakes to 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 that Party, rather than interrupt the flight and cause inconvenience to or stranding of the traveling public.
- (4) Intends to conduct spot checks and to conduct occasional post-flight reviews of advance charter flights operated pursuant to its rules, take appropriate action when violations are observed, and regulate the conduct of charter organizers operating on its territory.

*C. Tariffs, Rates and Fares.* To assure that prices are neither unreasonably high or low taking into account all relevant costs, each Party shall require the filing of tariffs or price schedules (as applicable), and enforce conformity to tariffs or schedules on all flights operated.

*D. Other Considerations.* To further facilitate the development of the international air transport system, the regulatory authorities of each Party shall:

- (1) 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, or to correct any serious experienced enforcement problem.
- (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 program size, or charter tariffs, rates or fares for traffic moving under these rules.
- (3) Work towards ultimately achieving commonality of advance charter rules to the extent possible in order to minimize the necessary yielding by each Party of some control over traffic originated in the territory of the other.

## II. PARTICULAR UNITED STATES ACTIONS

The United States undertakes that its regulatory authorities will:

- (1) Begin and conclude, as soon as practicable, rule-making procedures to implement acceptance of the advance booking charter (ABC) rules of France, on a continuing basis during the life of this Understanding or any which may supersede it, for the purpose of determining the charterworthiness of traffic which originates in France and conform to the said ABC rules of France.
- (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 France and conform to the ABC rules of France.

\*As an 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 involving different types of charter groups.

## III. PARTICULAR ACTIONS OF FRANCE

France undertakes that its regulatory authorities will take all appropriate actions to accept as charterworthy traffic which originates in the United States and conforms to the TGC rules.

[TRADUCTION<sup>1</sup> — TRANSLATION<sup>2</sup>]

DÉPARTEMENT D'ÉTAT  
WASHINGTON

Le 7 mai 1973

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer aux entretiens qui ont récemment eu lieu à Paris et à Washington au sujet des nouvelles réglementations d'affrètement avec engagement à l'avance, qui ont été adoptées par nos deux Gouvernements.

Je crois comprendre que les délégations désignées pour ces entretiens sont convenues de soumettre à leurs Gouvernements respectifs un Mémorandum d'accord sur cette question, dont le texte figure en annexe à la présente note.

Je suis chargé de vous faire savoir que le Gouvernement des Etats-Unis approuve les dispositions du Mémorandum d'accord susmentionné, et de proposer que, si les dispositions du Mémorandum d'accord rencontrent aussi l'agrément du Gouvernement français, la présente note et votre réponse ainsi que le Mémorandum d'accord constituent entre nos deux Gouvernements un accord sur cette question qui prendra effet à la date de votre réponse et restera en vigueur jusqu'au 31 mars 1974. Selon mon interprétation, au cas où l'un ou l'autre des deux Gouvernements déciderait de ne plus appliquer les réglementations d'affrètement avec engagement à l'avance qui ont servi de base à la conclusion du présent Accord, ledit Gouvernement pourra mettre fin au présent Accord à n'importe quel moment avant la date fixée, après en avoir informé l'autre Gouvernement.

Veuillez agréer, etc.

Pour le Secrétaire d'Etat :

WILLIS C. ARMSTRONG

Pièces jointes :  
Mémorandum d'accord

Son Excellence Monsieur Jacques Kosciusko-Morizet  
Ambassadeur de France

[*Pour le texte du mémorandum d'accord, voir note II*]

<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

[TRANSLATION<sup>1</sup> — Traduction<sup>2</sup>]

## EMBASSY OF FRANCE IN THE UNITED STATES

Washington, May 7, 1973

Mr. Secretary:

I have the honor to acknowledge receipt of your note of May 7, 1973 and to the memorandum that was enclosed with it, the text of which is annexed hereto.

I have the honor to inform Your Excellency that the Government of the French Republic approves the terms of that memorandum and agrees that, together with your note and this reply, it shall constitute an agreement on this matter between our two Governments, which shall be in force from today until March 31, 1974.

I am happy to avail myself of this occasion to renew to you, Excellency, the assurances of my very high consideration.

[Signed]

JACQUES KOSCIUSKO-MORIZET  
Ambassador of France

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<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des États-Unis d'Amérique.