

No. 15879

UNITED STATES OF AMERICA
and
IRELAND

Exchange of notes constituting an agreement relating to air charter services (with memorandum of understanding on air passenger charter traffic). Dublin, 11 and 28 May 1976

Authentic text: English.

Registered by the United States of America on 25 August 1977.

ÉTATS-UNIS D'AMÉRIQUE
et
IRLANDE

Échange de notes constituant un accord relatif aux services aériens affrétés (avec mémorandum d'accord relatif aux services aériens affrétés pour passagers). Dublin, 11 et 28 mai 1976

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 25 août 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND IRELAND RELATING TO AIR CHARTER SERVICES

I

The American Ambassador to the Irish Minister for Foreign Affairs

May 11, 1976

No. 83

Excellency:

I have the honor to refer to discussions which took place in Dublin between representatives of our two Governments with regard to air charter services between the United States and Ireland. These representatives have reached agreement on a Memorandum of Understanding on Air Passenger Charter Services, 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 Understanding referred to above and proposes, if the Government of Ireland also agrees to the terms of the Understanding, this note and your reply to that effect together with the Memorandum of Understanding will constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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

[Signed — Signé]²

His Excellency Dr. Garret FitzGerald
Minister for Foreign Affairs
Dublin

MEMORANDUM OF UNDERSTANDING ON AIR PASSENGER CHARTER TRAFFIC

1. Each Party will accept as charterworthy air passenger charter traffic which originates in the territory of the other Party and which is organized and operated pursuant to the rules of that Party,* or according to waivers of such rules granted for exceptional reasons.

* With regard, however, to its acceptance of the substitution provisions of the travel group charter category, the Government of Ireland reserves the right, after September 30, 1976, and following consultations, to withdraw its acceptance of such substitution provisions. The United States willingness to enter into the present Understanding in no way implies that it is prepared to regard the foregoing Government of Ireland reservation as an acceptable basis for subsequent Charter Air Services Understandings. In addition, the Government of Ireland reserves the right not to accept traffic originating in the United States where more than three categories of charters, as elected by the carrier, are commingled on the same aircraft.

¹ Came into force on 28 May 1976, the date of the note in reply, in accordance with the provisions of the said notes.

² Signed by Walter J. P. Curley — Signé par Walter J. P. Curley.

- a. The rules governing charter traffic originating in the United States are set forth in the *Economic Regulations and Special Regulations* of the Civil Aeronautics Board.
- b. The rules governing traffic originating in Ireland are as set forth in the rules of charterworthiness published by the Department of Transport and Power.
 - 2. The air transport authorities of each Party shall:
 - a. rely, to the extent possible, on the air transport authorities of the country in which the charter originates for the enforcement of its charter rules;
 - b. transmit, on request of the air transport authorities of the other Party, appropriate documents to facilitate spot checks of flights originating in the territory of the first Party;* and
 - c. transmit to the air transport authorities of the other Party, for appropriate enforcement of the latter's rules, evidence obtained of possible rules violations on flights operated pursuant to the rules of that Party.
 - 3. Passenger charterworthiness rules will be applied and enforced in a nondiscriminatory manner.
 - 4. Modifications or additions to the charterworthiness rules of one Party which are of a technical or administrative nature and which do not alter the basic character of an existing charter rule nor establish a new charter type, will be accepted by the other Party.
 - 5. Other modifications of rules shall be brought to the attention of the other Party which, after consultations with the first Party, may deny or revoke its approval of traffic proposed to be flown pursuant to such changes. Unless consultations are requested within 30 days of receipt by the other party of notice of modifications, such changes should be deemed to have been accepted.
 - 6. In the event that one Party believes that a charter rate (as reflected in the tariff) charged or proposed to be charged by a carrier of the other Party is uneconomical, unreasonable, or unjustly discriminatory it shall so notify the other Party and shall request consultation. In the event of no resolution by consultation, it may take appropriate action to prevent the inauguration or continuation of such charter rate.
 - 7. Consultations between the Parties shall be held within 60 days of receipt of a request by either Party, or at such shorter notice as circumstances may require.
 - 8. Each Party will stand ready to modify its charterworthiness rules should it become necessary in order to prevent undue diversion from the scheduled air services of each between their territories.
 - 9. Each Party will strive for commonality of charterworthiness rules.
 - 10. This Understanding shall supersede the air charter services Memorandum of Understanding between the United States and Ireland concluded on June 29, 1973.¹
 - 11. This Understanding shall become effective upon the date of exchange of diplomatic notes confirming its acceptance by both Parties and shall terminate on December 31, 1976.

* Should the air transport authorities of the country of origin not require that a passenger list be filed with them at least 30 days before the initial flight date of each affinity charter group, the air transport authorities of the destination country may require such a filing, with allowances for reasonable addition and substitution of other members of the affinity organization until departure (i.e., of up to 15% of the passengers not previously listed).

¹ United Nations, *Treaty Series*, vol. 916, p. 261.

II

The Irish Minister for Foreign Affairs to the American Ambassador

OIFIG AN AIRE GHNOTHAI EACHTRACHA¹
OFFICE OF THE MINISTER FOR FOREIGN AFFAIRS

BAILE ATHA CLIATH²

28 May 1976

Excellency,

I have the honour to refer to your note dated 11 May 1976 and the attached Memorandum of Understanding on Air Passenger Charter Services.

I have the honour to inform Your Excellency that the Government of Ireland agree to the provisions of the Memorandum of Understanding and to confirm that your note and this reply together with the Memorandum of Understanding shall constitute an agreement between our two Governments which shall take effect from today's date.

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

[Signed — Signé]³

His Excellency Walter J. P. Curley
Ambassador of the United States of America
Dublin

¹ Office of Foreign Affairs.

² Dublin.

³ Signed by Garret FitzGerald — Signé par Garret FitzGerald.