

INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

Signed at Chicago, on 7 December 1944

ACCORD RELATIF AU TRANSIT DES SERVICES AÉRIENS INTERNATIONAUX

Signé à Chicago, le 7 décembre 1944

ACUERDO RELATIVO AL TRÁNSITO DE LOS SERVICIOS AÉREOS INTERNACIONALES

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INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

Signed at Chicago, on 7 December 1944

FOREWORD

At the 14th Meeting of its 21st Session on 7 April 1954, the Council of the International Civil Aviation Organization adopted the following Resolution:

"THE COUNCIL,

CONSIDERING Resolution A3-2 relating to the preparation of texts of the Chicago Convention in French and Spanish, which specifies that it should be 'understood that these texts will be used only for the internal purposes of the Organization',

CONSIDERING that the Council on 19 February 1952 adopted such texts of the Chicago Convention, and

CONSIDERING that it is appropriate to take similar action in relation to the International Air Services Transit Agreement appended to the Final Act of the Chicago Conference, 1944,

RESOLVES that the texts in French and Spanish attached to this Resolution shall be used, in addition to the English text signed at Chicago, for the internal purposes of the Organization, i.e. for the work of the Secretariat, the Assembly, the Council and other bodies of the Organization, and for any reference to be made by the Organization in communications to Contracting States,

RECOMMENDS to Contracting States that, for reference purposes in their relations with ICAO or with other Contracting States, they use these three texts only, and

DIRECTS the Secretary General to make arrangements for the publication of the English, French and Spanish texts of the agreement."

The texts published herein are: in English, the text signed at Chicago on 7 December 1944, and, in French and Spanish, translations thereof. They have been accepted by the Council of ICAO for the internal purposes of the Organization and not as "authentic texts", and are published by the Secretary General in implementation of the decision quoted above.

INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

Signed at Chicago, on 7 December 1944

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

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

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation and, when it comes into force, with the provisions of the Convention on International Civil Aviation, both drawn up at Chicago on December 7, 1944.

Section 3

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of a contracting State.

Section 4

Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 5

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE II

Section 1

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Section 2

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE III

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

ARTICLE IV

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article II, Section 2, and Article V, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council respectively.

ARTICLE V

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE VI

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of

America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity,* shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or accept this Agreement.

*The Agreement was signed in the English original version formulated at the International Civil Aviation Conference which took place at Chicago from 1 November to 7 December 1944. No trilingual text has been opened for signature as provided for in the Agreement.

FOR AFGHANISTAN: *O. H. Hearn Aziz*

FOR THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA:

J. W. G. [Signature] 4.7.45
(July 4 1945)

V. Comiti du Sarg. April 9th 1945.

6 mil. de papeles.

FOR BRAZIL:

L. B. Pearson, Feb. 10/45.

FOR CHILE:

FOR CHINA:

FOR COLOMBIA:

FOR COSTA RICA:

Lyfing March 10th 1946

FOR CUBA:

Probert April 20, 1945

FOR CZECHOSLOVAKIA:

V. J. Hurley April 18, 46.

FOR THE DOMINICAN REPUBLIC:

FOR ECUADOR:

Francisco Gomez Luna

FOR EGYPT:

M. B. Khalif

FOR EL SALVADOR:

Diego Vega-Gimenez May 9, 1945.

FOR ETHIOPIA:

Ephrem I. Mehem

March 22, 1945

FOR FRANCE:

M. HYMAN
P. Sabat
Bouge
P. Lhomme

FOR GREECE:

Chiki Batzari
H. P. K. K. K. K. K.

FOR GUATEMALA:

~~Isella de S.~~
Jan. 30. 1945

FOR HAITI:

Edouard M. A.

FOR HONDURAS:

Isabella

FOR ICELAND:

Thorsdottir April 4-1945

FOR INDIA:

M. B. B. B. B.

FOR IRAN:

M. S. Hajjati

FOR IRAQ:

Aligodas

FOR IRELAND:

FOR LEBANON:

Alkamy
Alkay

FOR LIBERIA:

Willi Z. Balde

FOR LUXEMBOURG:

Hyman G. G. G.

July 9th 1945.

FOR MEXICO:

Rosario

FOR THE NETHERLANDS:

M. Steenberghe

Pop.

Th. A. A. A.