



Treaty Series No. 15 (1951)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the French Republic
regarding non-scheduled commercial
Air Services between United Kingdom
and French Territories

Paris, 6th October, 1950

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty*

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC REGARDING NON-SCHEDULED COMMERCIAL AIR SERVICES BETWEEN UNITED KINGDOM AND FRENCH TERRITORIES

Paris, 6th October, 1950

No. 1

*The French Minister for Foreign Affairs to His Majesty's
Ambassador at Paris*

*Ministère des Affaires Etrangères,
Paris, le 6 octobre 1950.*

M. l'Ambassadeur,

J'ai l'honneur de faire savoir à votre Excellence qu'au cours de négociations entre nos deux Gouvernements, il a été reconnu qu'il était de l'intérêt de la France et du Royaume-Uni, en vue de faciliter les relations aériennes entre leurs territoires, d'élaborer un arrangement visant les vols commerciaux non prévus à l'Accord du 28 février 1946⁽¹⁾ conclu entre le Gouvernement Provisoire de la République Française et le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord en ce qui concerne les transports aériens entre les territoires français et britanniques.

En conséquence, j'ai l'honneur de faire savoir à votre Excellence que le Gouvernement français est disposé à accorder aux aéronefs britanniques les droits suivants, précisés par les dispositions incluses dans la présente lettre, sous réserve de l'octroi aux aéronefs français d'un traitement réciproque par le Gouvernement du Royaume-Uni. Ces droits s'ajouteront à ceux dont bénéficient les aéronefs de chacun des deux pays pour les survols et les escales non commerciales dans les territoires de l'autre pays, de tels vols étant accomplis sans qu'il soit nécessaire d'obtenir une autorisation préalable comme il est prévu à l'article 5 de la Convention sur l'Aviation Civile Internationale conclue à Chicago le 7 décembre 1944⁽²⁾ (ci-après désignée "la Convention"):

(1) Sous réserve des dispositions de la présente lettre, les aéronefs britanniques affrétés ou loués en totalité par une personne ou un groupe de personnes pourront, sans autorisation préalable, effectuer des transports entre, d'une part, le territoire français métropolitain ou l'Afrique du Nord française et, d'autre part, le Royaume-Uni et ses territoires d'Outre-Mer, à condition que pendant toute la durée du contrat l'affréteur ou le locataire ne cède aucune place à des tiers en territoire français.

(2) Sous réserve des dispositions de la présente lettre, les aéronefs britanniques effectuant des transports autres que ceux prévus au paragraphe (1) ci-dessus, sont autorisés à embarquer et débarquer des passagers et des marchandises sans autorisation préalable sur le territoire français métropolitain et en Afrique du Nord française.

Une autorisation préalable sera toutefois exigée pour de tels vols effectués contre rémunération par des appareils britanniques dans les cas suivants :

(a) Sur chacune des routes spécifiées aux Tableaux II et IV de l'Annexe à l'Accord du 28 février 1946,⁽¹⁾ si ces routes sont effectivement

⁽¹⁾ "Treaty Series No. 7 (1946)," Cmd. 6787.

⁽²⁾ "Miscellaneous No. 6 (1945)," Cmd. 6619.

exploitées conformément aux dispositions dudit Accord, pour les transports de plus de quatre passagers lorsque l'exploitant de l'aéronef a déjà effectué sur l'itinéraire en question un autre transport de plus de quatre passagers dans les trente jours qui précèdent ;

(b) Lorsque des passagers ou des marchandises destinés à un pays tiers sont embarqués dans un territoire français métropolitain ou un territoire de l'Afrique du Nord française ou lorsque des passagers ou des marchandises venant d'un pays tiers sont débarqués en territoire français métropolitain ou en territoire de l'Afrique du Nord française, à moins que les autorités aéronautiques françaises aient indiqué aux autorités aéronautiques du Royaume-Uni qu'une autorisation préalable n'est pas exigée pour de tels transports à destination ou en provenance dudit pays tiers.

(3) Aucune disposition de la présente lettre ne peut être considérée comme conférant à un aéronef britannique le droit de transporter, contre rémunération, des passagers ou des marchandises à la fois embarqués et débarqués sur des points situés en France ou dans les territoires dont les relations internationales sont de la compétence du Gouvernement français.

(4) Si les autorités aéronautiques françaises estiment que des vols effectués par des exploitants britanniques, conformément aux dispositions de la présente lettre, ont un caractère qui permet de les assimiler aux services agréés figurant à l'Accord du 28 février 1946,⁽¹⁾ elles en informeront les autorités aéronautiques du Royaume-Uni. Ces dernières feront savoir aux autorités aéronautiques françaises, dans les quatorze jours qui suivront la réception de cette notification, si elles sont d'accord pour que ces vols soient désormais effectués selon les conditions de l'Accord précité. A moins que les autorités aéronautiques des deux pays ne conviennent que de tels vols seront effectués conformément aux dispositions de l'Accord précité, les autorités aéronautiques françaises pourront, sans préjudice d'aucune des dispositions de la présente lettre, refuser l'autorisation de continuer la série de vols ou imposer aux vols ultérieurs telles conditions qu'elles pourront juger nécessaires.

Dans tous les cas, les dispositions législatives en vigueur dans chacun des deux pays seront prises en considération.

(5) Au sens de la présente lettre l'expression "aéronef britannique" désigne un aéronef civil immatriculé dans le Royaume-Uni ou dans un territoire dont les relations internationales sont de la compétence du Gouvernement du Royaume-Uni.

Les aéronefs utilisés pour des besoins militaires, par la douane ou par la police, ne seront pas considérés comme aéronefs civils.

(6)—(a) Les droits accordés dans les paragraphes (1) et (2) ci-dessus sur les territoires français métropolitains et en Afrique du Nord française pourront être étendus à l'un ou plusieurs des autres pays de l'Union française par notification écrite adressée par le Gouvernement français au Gouvernement du Royaume-Uni.

(b) Dans le cas où ces droits auraient été étendus à un quelconque de ces autres pays, ils pourraient être retirés à n'importe quel moment par une nouvelle notification écrite adressée par le Gouvernement français au Gouvernement du Royaume-Uni.

(7) Toutes les dispositions y relatives de la Convention⁽²⁾ et les dispositions de l'article III de l'Accord du 28 février 1946⁽¹⁾ seront étendues aux vols commerciaux effectués conformément aux dispositions de la présente lettre.

(1) "Treaty Series No. 7 (1946)," Cmd. 6787.
(2) "Miscellaneous No. 6 (1945)," Cmd. 6619.

(8) Le Gouvernement français se réserve le droit d'interdire tout trafic commercial, sur les territoires dont les relations internationales sont de sa compétence, à un aéronef appartenant à une entreprise du Royaume-Uni, lorsqu'il n'a pas la preuve qu'une part importante de la propriété et le contrôle effectif de cette entreprise sont entre les mains de nationaux britanniques ou lorsque l'entreprise, malgré l'avertissement adressé par les autorités aéronautiques françaises aux autorités aéronautiques du Royaume-Uni, continue à ne pas se conformer aux obligations que lui impose la présente lettre.

(9) La Commission Mixte franco-britannique instituée par l'article VII de l'Accord du 28 février 1946⁽¹⁾ sera chargée de s'assurer de l'application satisfaisante des dispositions de la présente lettre et sera saisie de toutes questions nécessitant à cet égard une consultation entre les deux Gouvernements.

Je serais reconnaissant à votre Excellence de bien vouloir me faire savoir si le Gouvernement britannique est d'accord sur les termes et conditions de la présente lettre et est disposé à accorder aux aéronefs français des droits équivalents dans les mêmes termes et conditions.

Dans cette éventualité, j'ai l'honneur de suggérer que la présente lettre et votre réponse, spécifiant les termes et conditions selon lesquels le Gouvernement du Royaume-Uni est disposé à garantir les droits correspondants aux appareils français, soient considérées comme constituant un accord entre nos deux Gouvernements, qui prendra effet un mois à compter de la date de votre réponse et restera en vigueur jusqu'à expiration d'une période de deux mois après notification adressée par l'un des deux Gouvernements à l'autre Gouvernement de son intention de mettre fin audit accord.

Je vous prie, &c.
(Ss.) CHARPENTIER.

(Translation)

M. l'Ambassadeur,

Paris, 6th October, 1950.

I have the honour to inform your Excellency that in the course of negotiations between our two Governments it was recognised that it was to the interest of France and the United Kingdom, with a view to facilitating air communications between their territories, to make arrangements for commercial flights which are not covered by the Agreement of 28th February, 1946,⁽¹⁾ between the Provisional Government of the French Republic and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland relating to Air Transport between French and United Kingdom territories. I therefore have the honour to inform your Excellency that the French Government is prepared to grant the following privileges to British aircraft, as defined in this Note, on the conditions specified, in consideration of the grant to French aircraft of reciprocal treatment by the Government of the United Kingdom. These privileges shall be additional to the rights, enjoyed by the aircraft of each country, of making transit flights and stops for non-traffic purposes in the territories of the other country without the necessity of obtaining prior permission, as provided in Article 5 of the Convention on International Civil Aviation opened for

⁽¹⁾ "Treaty Series No. 7 (1946)," Cmd. 6787.

signature at Chicago on 7th December, 1944⁽²⁾ (hereinafter referred to as "the Convention") :—

(1) Subject to the provisions of this Note, British aircraft wholly chartered by or hired to one person or body corporate may without prior authorisation carry traffic between French metropolitan territory or French North Africa and the United Kingdom and its overseas territories, provided that throughout the duration of the contract, the charterer or hirer does not sell space to be made available in French territory to third parties.

(2) Subject to the provisions of this Note, British aircraft on flights other than those covered by paragraph (1) above may take on board and set down passengers and goods in French metropolitan territory and French North Africa without prior authorisation. A prior authorisation shall nevertheless be required for such flights of British aircraft when operating for valuable consideration in the following cases :—

(a) Over any route specified in Schedules II and IV attached to the Annex to the Agreement of 28th February, 1946,⁽¹⁾ and effectively operated in accordance with the provisions of the said Agreement when the aircraft is to carry more than four passengers and the operator of the aircraft has within the preceding thirty days made at least one other flight carrying more than four passengers over the route in question.

(b) When passengers or goods destined for a third country are to be taken on board in French metropolitan territory or French North Africa, or when passengers or goods coming from a third country are to be set down in French metropolitan territory or French North Africa, unless the French aeronautical authorities have informed the aeronautical authorities of the United Kingdom that their prior authorisation is not required for such transport to or from the said third country.

(3) Nothing in this Note shall be deemed to confer upon British aircraft the right to carry for valuable consideration passengers or goods both picked up and set down at points in France or territories for whose international relations the French Government is responsible.

(4) If the French aeronautical authorities consider that flights carried out by British operators in accordance with the provisions of this Note are of a similar nature to the services approved in the Agreement of 28th February, 1946,⁽¹⁾ they will so inform the aeronautical authorities of the United Kingdom. The latter shall inform the French aeronautical authorities within fourteen days of the receipt of this notification whether they propose that these flights shall thenceforth be carried out under the conditions of the said Agreement. Unless the aeronautical authorities of the two countries agree that such flights shall be made under the conditions laid down in the said Agreement, the French aeronautical authorities may, notwithstanding any of the other provisions of this Note, refuse permission for the continuance of the series or impose upon further flights such conditions as they may deem necessary. In all cases the legislation in force in each of the two countries shall be taken into consideration.

(5) For the purpose of this Note, the expression "British aircraft" means civil aircraft registered in the United Kingdom or in a territory for whose international relations the Government of the United Kingdom is responsible. Aircraft used in military, customs or police services shall be deemed not to be civil aircraft.

(6)—(a) The privileges granted in paragraphs (1) and (2) above in French metropolitan territory and French North Africa may be extended to one or

(1) "Treaty Series No. 7 (1946)," Cmd. 6787.
(2) "Miscellaneous No. 6 (1945)," Cmd. 6619.

more of the other countries of the French Union by notification in writing addressed by the French Government to the Government of the United Kingdom.

(b) In the case of any such country to which these privileges have so been extended, they may subsequently be withdrawn at any time by a further notification in writing addressed by the French Government to the Government of the United Kingdom.

(7) All relevant provisions of the Convention⁽²⁾ and the provisions of Article III of the Agreement of 28th February, 1946,⁽¹⁾ shall apply to commercial flights made in accordance with the provisions of this Note.

(8) The French Government reserves the right to prohibit any landing for traffic purposes in France or in any territory for whose international relations it is responsible by British aircraft of any undertaking in respect of which it is not satisfied that substantial ownership and effective control are vested in nationals of the United Kingdom, or when the undertaking, in spite of a warning addressed by the French aeronautical authorities to the aeronautical authorities of the United Kingdom, persists in failing to comply with the conditions set out in this Note.

(9) The Standing Joint Committee set up under Article VII of the Agreement of 28th February, 1946,⁽¹⁾ shall be responsible for ensuring the satisfactory application of the provisions of this Note and shall be informed of any question requiring, in this connexion, consultation between the two Governments.

2. I shall be grateful if your Excellency will inform me whether the Government of the United Kingdom concurs in the terms and conditions set forth in this Note and is prepared to grant reciprocal privileges to French aircraft on equivalent terms and conditions. In that event I have the honour to suggest that the present Note and your reply in that sense specifying the terms and conditions on which the Government of the United Kingdom is prepared to grant corresponding privileges to French aircraft shall be regarded as constituting an agreement between our two Governments which shall enter into force one month after the date of your reply, and shall remain in force until the expiry of a period of two months after notification by one of the two Governments to the other Government of intention to terminate the said Agreement.

(Sd.) CHARPENTIER.

No. 2

*From His Majesty's Ambassador at Paris to the French Minister
for Foreign Affairs*

British Embassy,

Paris, 6th October, 1950.

M. le Président,

I have the honour to acknowledge receipt of your Excellency's Note of this day's date, proposing certain arrangements for commercial flights which are not covered by the Agreement of 28th February, 1946,⁽¹⁾ between His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic relating to Air Transport between the United Kingdom and French territories. In reply, I have the honour to inform you that the Government of the United Kingdom concurs in the terms of your Note and is prepared to grant on a reciprocal basis the following privileges to French aircraft, as defined in this Note, on the conditions specified. These privileges shall be additional to the

(1) "Treaty Series No. 7 (1946)," Cmd. 6787.

(2) "Miscellaneous No. 6 (1945)," Cmd. 6619.

rights, enjoyed by the aircraft of each country, of making transit flights and stops for non-traffic purposes in the territories of the other country without the necessity of obtaining prior permission, as provided in Article 5 of the Convention on International Civil Aviation opened for signature at Chicago on 7th December, 1944,⁽²⁾ (hereinafter referred to as "the Convention"):

(1) Subject to the provisions of this Note, French aircraft wholly chartered by or hired to one person or body corporate may without prior authorisation carry traffic between the United Kingdom and the French Union, provided that throughout the duration of the contract, the charterer or hirer does not sell space to be made available in the United Kingdom to third parties.

(2) Subject to the provisions of this Note, French aircraft on flights other than those covered by paragraph (1) above may take on board and set down passengers and goods in the United Kingdom without prior authorisation. A prior authorisation shall nevertheless be required for such flights of French aircraft when operating for valuable consideration in the following cases:—

(a) Over any route specified in Schedules II and IV attached to the Annex to the Agreement of 28th February, 1946,⁽¹⁾ and effectively operated in accordance with the provisions of the said Agreement, when (i) the aircraft is to carry more than four passengers and (ii) the operator of the aircraft has within the preceding thirty days made at least one other flight carrying more than four passengers over the route in question.

(b) When passengers or goods destined for a third country are to be taken on board in the United Kingdom or when passengers or goods coming from a third country are to be set down in the United Kingdom, unless the British aeronautical authorities have informed the French aeronautical authorities that their prior authorisation is not required for such transport to or from the said third country.

(3) Nothing in this Note shall be deemed to confer upon French aircraft the right to carry for valuable consideration passengers or goods both picked up and set down at points in the United Kingdom or territories for whose international relations the Government of the United Kingdom is responsible.

(4) If the aeronautical authorities of the United Kingdom consider that flights carried out by French operators in accordance with the provisions of this Note are of a similar nature to the services approved in the Agreement of 28th February, 1946,⁽¹⁾ they will so inform the French aeronautical authorities. The latter shall inform the aeronautical authorities of the United Kingdom within fourteen days of the receipt of this notification whether they propose that these flights shall thenceforth be carried out under the conditions of the said Agreement. Unless the aeronautical authorities of the two countries agree that such flights shall be made under the conditions laid down in the said Agreement, the aeronautical authorities of the United Kingdom may, notwithstanding any of the other provisions of this Note, refuse permission for the continuance of the series or impose upon further flights such conditions as they may deem necessary. In all cases the legislation in force in each of the two countries shall be taken into consideration.

(5) For the purpose of this Note, the expression "French aircraft" means civil aircraft registered in France. Aircraft used in military, customs or police services shall be deemed not to be civil aircraft.

(6)—(a) The privileges granted in paragraphs (1) and (2) above in the United Kingdom may be extended to one or more of the territories for whose

(1) "Treaty Series No. 7 (1946)," Cmd. 6787.
(2) "Miscellaneous No. 6 (1945)," Cmd. 6619.

international relations the Government of the United Kingdom is responsible by notification in writing addressed by that Government to the French Government.

(b) In the case of any such territory to which these privileges have so been extended, they may subsequently be withdrawn at any time by a further notification in writing addressed by the Government of the United Kingdom to the French Government.

(7) All relevant provisions of the Convention and the provisions of Article III of the Agreement of 28th February, 1946,⁽¹⁾ shall apply to commercial flights made in accordance with the provisions of this Note.

(8) The Government of the United Kingdom reserves the right to prohibit any landing for traffic purposes in the United Kingdom or in any territory for whose international relations it is responsible by French aircraft of any undertaking in respect of which it is not satisfied that substantial ownership and effective control are vested in French nationals, or when the undertaking, in spite of a warning addressed by the aeronautical authorities of the United Kingdom to the French aeronautical authorities, persists in failing to comply with the conditions set out in this Note.

(9) The Standing Joint Committee set up under Article VII of the Agreement of 28th February, 1946,⁽¹⁾ shall be responsible for ensuring the satisfactory application of the provisions of this Note and shall be informed of any questions requiring, in this connexion, consultation between the two Governments.

2. The Government of the United Kingdom also accepts your suggestion that your Excellency's Note and the present reply should be regarded as constituting an agreement between our two Governments, which shall enter into force one month after the date of this reply⁽²⁾ and shall remain in force until the expiry of a period of two months after notification by one of the two Governments to the other Government of its intention to terminate the said Agreement.

I have, &c.
(Sd.) OLIVER HARVEY.

⁽¹⁾ "Treaty Series No. 7 (1946)," Cmd. 6787.

⁽²⁾ By an Exchange of Notes dated 7th December, 1950 (not printed), it was arranged that the Agreement should be applied as from 1st January, 1951.

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

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1951

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PRINTED IN GREAT BRITAIN