

UNITED STATES
OF AMERICA



Treaty Series No. 9 (1986)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America
further amending the Agreement concerning
Air Services, signed at Bermuda on
23 July 1977, as amended on
25 April 1978, 27 December 1979
and 4 December 1980

Washington, 20 February 1985

[The Exchange of Notes is considered to have entered into force on 9 November 1982]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1986*

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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 UNITED STATES OF AMERICA
FURTHER AMENDING THE AGREEMENT CONCERNING AIR
SERVICES, SIGNED AT BERMUDA ON 23 JULY 1977,
AS AMENDED**

No. 1

*The Secretary of State of the United States of America to Her Majesty's
Ambassador at Washington*

*Department of State
Washington*

February 20, 1985

Excellency,

I have the honor to refer to negotiations that have taken place in London and Washington pursuant to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services, signed at Bermuda on July 23, 1977⁽¹⁾, as amended by the Exchanges of Notes of April 25, 1978⁽²⁾, December 27, 1979⁽³⁾ and December 4, 1980⁽⁴⁾ (hereinafter referred to as the "Agreement").

As a result of these negotiations, which concluded on November 9, 1982, and in accordance with Article 18 of the Agreement, I have the honor to propose that:

(1) US Route 1 in Section 1 of Annex 1 to the Agreement shall be amended to read in its entirety as shown in Enclosure 1 to this Note.

(2) UK Route 4 in Section 3 of Annex 1 to the Agreement shall be amended to read in its entirety as shown in Enclosure 2 to this Note.

(3) The timetable for the selection of new gateway points in paragraph 3 of Section 6 of Annex 1 to the Agreement shall be amended to read in its entirety as shown in Enclosure 3 to this Note.

(4) UK Route 1 in Section 3 of Annex 1 to the Agreement shall be amended by the addition at the end of the heading to column (C) of a reference to a new footnote (6) which shall read as follows:

"Notwithstanding the provisions of Note 2 in Section 5 of this Annex, one UK designated airline may carry on that service its own stopover passengers between two points in column (C), provided the service begins or ends at a point in column (A). The points shall be selected by the United Kingdom and may be changed on 6 months' notice."

(1) Treaty Series No. 76 (1977), Cmnd. 7016.

(2) Treaty Series No. 85 (1978), Cmnd. 7332.

(3) Treaty Series No. 34 (1980), Cmnd. 7862.

(4) Treaty Series No. 21 (1981), Cmnd. 8222.

(5) Pursuant to paragraph (6) of Annex 3 to the Agreement, and without prejudice to its rights under Article 12 of the Agreement, either Contracting Party may, after review by its aeronautical authorities responsible for tariff matters, refer a pricing problem to the Tariff Working Group for timely consideration.

(6) The temporary provisions set out in Enclosure 4 to this note be adopted.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that the present Note with its enclosures, together with your reply concurring therein, shall constitute an Agreement between our two Governments which shall be considered to have entered into force on November 9, 1982.

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

For the Secretary of State :

T. C. COLWELL

SECTION 1

Enclosure 1

Scheduled Combination Air Service Routes for the United States

US Route 1 : Atlantic Combination Air Service

(A)	(B)	(C)	(D)
<i>US Gateway Points</i>	<i>Intermediate Points</i>	<i>Points in UK Territory</i>	<i>Points Beyond⁽¹⁾</i>
Anchorage	Shannon ⁽²⁾	London	Berlin
Atlanta		Prestwick/Glasgow	Frankfurt
Baltimore ⁽¹⁾			
Boston ⁽²⁾			Hamburg
Chicago			Munich
Dallas/Ft. Worth			
Denver ⁽¹⁾			Oslo ⁽²⁾
Detroit			
Houston			One point in Western Europe to be selected ⁽²⁾⁽⁶⁾
Los Angeles			
Miami ⁽²⁾			
Minneapolis/St. Paul			
Newark ⁽¹⁾			
New York			
Philadelphia			
Pittsburg ⁽¹⁾			
San Francisco			
Seattle			
Tampa ⁽¹⁾			
Washington/Baltimore			

Points to be selected under Section 6 of this Annex⁽¹⁾

⁽¹⁾ On services from/to these gateway points (which were selected under Section 6 of this Annex) full traffic rights between points in Column (C) and Column (D) are available only at: (a) Frankfurt; (b) Oslo (when served through Prestwick/Glasgow); and (c) the point to be selected in Western Europe by the United States pursuant to Footnote (6) below.

⁽²⁾ Footnote (1) shall apply to operations of any airline designated pursuant to paragraph (5) of Article 3.

⁽³⁾ May be served by only one US designated airline, with full traffic rights between Shannon and Prestwick/Glasgow, on up to seven round trip flights per week.

⁽⁴⁾ Only one US airline may be designated to serve with full traffic rights each point in Column (D) on this route except for Frankfurt for which two designated airlines may provide such service on US Routes 1 and 2 taken together. If a point named in Column (D) is also selected pursuant to Footnote (6) below, two designated airlines may provide service with full traffic rights, except for Frankfurt for which three designated airlines may provide such service on US Routes 1 and 2 taken together.

⁽⁵⁾ Limited to services through Prestwick/Glasgow.

⁽⁶⁾ To be selected by the United States which may change the selection on six months' notice. Only one US airline may be designated to serve this point with full traffic rights on up to seven round trip flights per week.

Enclosure 2

UK Route 4 : Atlantic Combination Air Service Beyond to South America

(A)	(B)	(C)	(D)
<i>UK Gateway Points</i>	<i>Intermediate Points</i>	<i>Points in US Territory</i>	<i>Points Beyond⁽¹⁾</i>
London		Atlanta	Venezuela
Manchester		San Juan	Colombia
Prestwick/Glasgow			Peru
			Other points in South America ⁽²⁾

⁽¹⁾ Not more than four round trip flights per week may be operated beyond San Juan to points in Column (D) with full traffic rights.

⁽²⁾ These points may be served with full traffic rights only through San Juan.

Enclosure 3

(A)	(B)	(C)
<i>Date of Permitted Start of Services</i>	<i>Sequence of Selection</i>	<i>Latest Date for Delivery of Notification of Selection</i>
1 April 1981	(1st) US—Point A (2nd) UK—Point A	30 November 1980 31 December 1980
1 April 1982	(1st) UK—Point B (2nd) US—Point B	31 October 1981 30 November 1981
1 April 1985	(1st) US—Point C ⁽¹⁾ (2nd) UK—Point C	31 October 1984 30 November 1984
1 April 1986	(1st) UK—Point D (2nd) US—Point D ⁽²⁾	31 October 1985 30 November 1985
1 April 1985	(1st) US—Point E ⁽³⁾ (2nd) UK—Point E ⁽⁴⁾	31 October 1984 30 November 1984

⁽¹⁾ Notwithstanding the date of permitted start of services for Point C, the United States may select Newark as Point C and designate an airline to initiate Newark service on or after April 1, 1983.

⁽²⁾ Notwithstanding the date of permitted start of services for Point D, the United States may select San Juan as Point D and designate an airline to initiate San Juan service on or after November 1, 1984.

⁽³⁾ Selected by the United States on January 12, 1981 pursuant to paragraph 4.

⁽⁴⁾ Selected by the United Kingdom on February 24, 1981 pursuant to paragraph 4.

Enclosure 4

(1) Prior to April 1, 1985, neither Contracting Party shall designate airlines under Article 3 of the Agreement on US Routes 1 and 2 in Section 1 of Annex 1 to the Agreement or on UK Routes 1, 2, 3, 4 and 5 in Section 3 of Annex 1 to the Agreement. Notwithstanding the foregoing, each Contracting Party shall have the right to designate airlines for the purpose of operating the agreed combination air services on the said routes as follows:

(a) Each Contracting Party may designate a replacement airline if the designated airline ceases to operate a service on a gateway route segment after November 9, 1982. However, if a designated airline ceases to serve Miami on US Route 1 or UK Route 1, a Contracting Party may designate a replacement airline only if it does not result in more than one airline of that Contracting Party serving Miami.

(b) The United States may designate:

(i) an airline to serve Newark-London (Gatwick) from April 1, 1983 (if the United States selects Newark as Point C pursuant to paragraph 3 in Section 6 of Annex 1 to the Agreement), such airline to operate up to March 31, 1987 no more than such a number of frequencies as are agreed by the aeronautical authorities of the two Contracting Parties;

(ii) an airline to serve San Juan-London (Gatwick) pursuant to (4) below;

(iii) an airline to serve Denver-London (Gatwick).

(c) The United Kingdom may designate an airline for a London (Gatwick)-Houston service on UK Route 1 and for a London (Gatwick)-San Juan service on UK Route 4, as amended.

(2) A designated airline, which, before November 9, 1982, had ceased to operate a service on a gateway route segment on US Route 1 or on UK Route 1 shall not be entitled to resume operation of that service until April 1, 1985. However, the provisions of the preceding sentence will not apply to an airline that did not operate a service for the winter traffic season 1982-83 if such airline resumes operating that service in the summer traffic season of 1983.

(3) If a designated airline ceases to operate a service on a gateway route segment at any time between November 9, 1982, and March 31, 1985, such service may be resumed by that designated airline or by a replacement airline designated pursuant to paragraph 1(a) above.

(4) Until March 31, 1985, neither Contracting Party may change a previous selection of a gateway point under paragraph 7 of Section 6 of Annex 1, except that the United States may change a previous selection of a gateway point in order to designate an airline to operate a service between San Juan and London (Gatwick) if at any time the United Kingdom designated airline operating the gateway route segment London (Gatwick)-San Juan on UK Route 1 or UK Route 4 in Section 3 of Annex 1 to the Agreement ceases to operate such segment and neither it nor another airline designated by the United Kingdom resumes the service within three months of such cessation. In any event, the United States may change a previous

gateway selection or exercise its rights of selection under Section 6 of Annex 1, as amended, to designate an airline to operate a San Juan-London (Gatwick) service on or after November 1, 1984.

(5) The US designated airline shall have full traffic rights on the route segments London-New Delhi and London-Karachi on US Route 2 in Section 1 of Annex 1 to the Agreement until April 23, 1983 in accordance with the schedules on file with the UK aeronautical authorities.

(6) During the period April 24, 1983 through April 23, 1985, Bombay may be served as a point on Column (D) of Route 2 in Section 1 of Annex 1 to the Agreement in three of the four traffic seasons, the last of which shall for these purposes be deemed to end on April 23, 1985. When Bombay is served, no more than five flights per week may serve points in India with full traffic rights between London and India and only one point in India may be served with full traffic rights on any one of those flights.

(7) Extra sections will continue to be governed by paragraph 10 of Annex 2.

(8) Prior to April 1, 1985, the Government of the United States shall not designate additional US airlines for services between Miami and the Cayman Islands on US Route 6.

(9) A Working Group shall be established to examine on a factual basis the extent to which the operation of the procedures set out in Annex 2 to the Agreement have succeeded in avoiding either excess capacity or the under-provision of capacity, and, if necessary, to make recommendations to the Governments of the United States and the United Kingdom for the improvement of the procedures. The Working Group shall also consider replacing the expired Annex 4 to the Agreement concerning Charter Air Services with a revised annex and shall make recommendations accordingly. If the Working Group fails to agree on recommendations regarding replacement of Annex 2 to the Agreement, or if the Contracting Parties are unable to reach agreement before July 23, 1984, on whether to adopt either recommendations made by the Working Group, or other provisions replacing or modifying Annex 2, that Annex shall be extended in its present form until July 22, 1986, and shall then lapse. During the period of such extension, the Working Group and the Contracting Parties shall continue to consider revisions to Annexes 2 and 4.

No. 2

*Her Majesty's Ambassador at Washington to the Secretary of State
of the United States of America*

*British Embassy
Washington*

February 20, 1985

Sir,

I have the honour to acknowledge receipt of your Note of today's date which reads as follows :

[As in No. 1]

In reply, I have the honour to confirm that the proposals set forth in your Note are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland. My Government further agrees that your Note and its enclosures, together with this reply, shall constitute an Agreement between our two Governments which shall be considered to have entered into force on 9 November 1982.

I avail myself of the opportunity to renew to you, Sir, the assurances of my highest consideration.

For the Ambassador :

B. L. CROWE