

No. 1331

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
FRANCE**

**Exchange of notes constituting an agreement regarding  
non-scheduled commercial air services between United  
Kingdom and French territories. Paris, 6 October 1950**

*Official texts: English and French.*

*Registered by the International Civil Aviation Organization on 18 July 1951.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
FRANCE**

**Échange de notes constituant un accord relatif aux services  
aériens commerciaux non réguliers entre les terri-  
toires britanniques et français. Paris, 6 octobre 1950**

*Textes officiels anglais et français.*

*Enregistré par l'Organisation de l'aviation civile internationale le 18 juillet 1951.*

No. 1331. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> 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, 6 OCTOBER 1950

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TRANSLATION<sup>2</sup> — TRADUCTION<sup>3</sup>

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

Paris, 6th October, 1950

M. l'Ambassadeur,

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,<sup>4</sup> 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 signature at Chicago on 7th December, 1944<sup>5</sup> (hereinafter referred to as "the Convention") :—

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<sup>1</sup> By an exchange of notes of 7 December 1950, it was arranged that the Agreement should be applied as from 1 January 1951.

<sup>2</sup> Translation by the Government of the United Kingdom.

<sup>3</sup> Traduction du Gouvernement du Royaume-Uni.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 27, p. 173.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346, and Vol. 51, p. 336.

(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, 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, 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 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 and the provisions of Article III of the Agreement of 28th February, 1946, 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, 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.

(Signed) CHARPENTIER

## II

*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, 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 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, (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,<sup>1</sup> 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 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,<sup>1</sup> 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

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

(7) All relevant provisions of the Convention and the provisions of Article III of the Agreement of 28th February, 1946, 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, 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 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.

(Signed) Oliver HARVEY