

January 07, 1948

**AGREEMENT BETWEEN THE GOVERNMENT OF THE PHILIPPINES
AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND FOR AIR SERVICES
BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES**

Note: The Agreement entered into force, January 7, 1948.

Reference; This Agreement is also published in I DFA TS No. 3, p. 153
and 28 UNTS, P. 63.

The Government of the Republic of the Philippines and the Government of the United Kingdom of Great Britain and Northern Ireland, Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the Seventh day of December, 1944, and Desiring to conclude an Agreement for the purpose of establishing air services between and beyond Philippine and United Kingdom territories, Have agreed as follows:

ARTICLE 1

For the purpose of the present Agreement, unless the context otherwise requires:

(a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof;

(b) the term "aeronautical authorities" means, in the case of the Philippines, the Civil Aeronautics Board, and any person or body authorized to perform the functions presently exercised by the Civil Aeronautics Board or similar functions; and, in the case of the United Kingdom, the Minister of Civil Aviation, and any person or body authorized to perform any functions presently exercised by the said Minister or similar functions;

(c) the term "designed airline" means an airline which the aeronautical authorities of either Contracting Party shall have notified in writing to the aeronautical authorities of the other Contracting Party as the airline designated by it in accordance with Article 3 of the present Agreement for the routes specified in such notification;

(d) the term "change of gauge" means the operation of one of the agreed services by a designated airline in such a way that the section of the route nearer the terminal in the territory of the Contracting Party designating the airline is flown by aircraft different in capacity from those used on the more distant section;

(e) the term "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings respectively

assigned to them in Articles 2 and 96 of the Convention.

ARTICLE 2

Both Contracting Parties being parties to the Convention, Articles 11, 13,15, 22, 24, 31, 32 and 33 of the Convention, being now in force, shall remain in force in their present form between the Contracting Parties for the duration of the present Agreement, unless both Contracting Parties ratify any amendment to these Articles which shall have come into force in accordance with Article 94 of the Convention, in which case the Article as amended shall remain in force for the duration of the present Agreement.

ARTICLE 3

(1) Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines for the purpose of operating by virtue of the present Agreement services on the routes specified in the Schedule to the present. Agreement (hereinafter respectively referred to as the agreed services and the specified routes).

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraph (3) of this Article and of Article 4 of the present Agreement, without delay grant to the airline or airlines designated the appropriate operating permission.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations which they normally apply in conformity with the provisions of the Convention to the operations of commercial airlines.

(4) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services.

ARTICLE 4

(1) Each Contracting Party shall have the right, after consultation with the other Contracting Party, to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the rights specified in Article 5 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where substantial ownership and effective control of that airline are not vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

(2) Each Contracting Party shall have the right, after consultation with the other Contracting Party, to suspend the exercise by an airline of the rights specified in Article 5 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those rights in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those rights or otherwise to operate in accordance with the conditions prescribed in the present Agreement.

ARTICLE 5

(1) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating the agreed services, the rights (a) to fly their aircraft across the territory of the other Contracting Party, (b) to make stops therein for non-traffic purposes and (c) to make stops therein for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

(2) Paragraph (1) of this Article shall not be deemed to confer on the airlines of one Contracting Party the right to take up, in the territory of the other Contracting Party, passengers cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

(3) Each Contracting Party undertakes not to enter into any arrangements which specifically grant any privilege of the nature referred to in Paragraph

(2) of this Article, on an exclusive basis, to any other State or an airline of any other State and not to obtain any such exclusive privilege from any other State.

ARTICLE 6

(1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes, and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail between the territory of the Contracting Party designating the airline and the country of ultimate destination of the traffic. Provision for the carriage of passengers, cargo and mail both taken up and put down at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to—

(i) traffic requirements between the countries in which the terminals of the route are situated;

(ii) the requirements of through airline operation; and

(iii) traffic requirements of the area through which the airline passes after taking account of other air transport services established by airlines of the states comprising the area.

ARTICLE 7

A designated airline of one Contracting Party may only make a change of gauge at a point in the territory of the other Contracting Party on the following conditions: