

No. 49467

**New Zealand
and
Canada**

Agreement between the Government of New Zealand and the Government of Canada on air transport (with annex). Singapore, 21 July 2009

Entry into force: *18 October 2011 by notification, in accordance with article 25*

Authentic texts: *English and French*

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**Nouvelle-Zélande
et
Canada**

Accord sur le transport aérien entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement du Canada (avec annexe). Singapour, 21 juillet 2009

Entrée en vigueur : *18 octobre 2011 par notification, conformément à l'article 25*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Nouvelle-Zélande, 5 mars 2012*

**Agreement between the Government of New Zealand
and the Government of Canada
on Air Transport**

The Government of New Zealand and the Government of Canada,
hereinafter referred to as the “Contracting Parties”,

Being parties to the *Convention on International Civil Aviation*, done at
Chicago on 7 December 1944;

Desiring to ensure the highest degree of safety and security in
international air transportation;

Recognizing the importance of international air transportation in
promoting trade, tourism and investment;

Desiring to promote their interests in respect of international air
transportation; and

Desiring to conclude an agreement on air transport, supplementary to
the said Convention;

Have agreed as follows:

Article 1

Headings & Definitions

1. Headings used in this Agreement are for reference purposes only.
2. For the purpose of this Agreement, unless otherwise stated:

"aeronautical authorities" means, in the case of Canada, the Minister of Transport of Canada and the Canadian Transportation Agency, and, in the case of New Zealand, the Minister responsible for the subject of civil aviation, or, in both cases, any other authority or person empowered to perform the functions exercised by the said authorities;

"agreed services" means scheduled air services on the routes specified in this Agreement for the transport of passengers and cargo, including mail, separately or in combination;

"Agreement" means this Agreement, any Annex attached thereto, and any amendment to this Agreement or to any Annex attached thereto;

"airline" means any air transport enterprise offering or operating air transportation;

"air service", and "international air service" shall have the meanings respectively assigned to them in Article 96 of the Convention;

"Convention" means the *Convention on International Civil Aviation*, done at Chicago on 7 December 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of

the Convention or of the Annexes under Articles 90 and 94 thereof so far as those Annexes and amendments have been adopted by both Contracting Parties;

"designated airline" means an airline which has been designated and authorized in accordance with Articles 3 and 4 of this Agreement;

"territory" means for each Contracting Party, its land areas (mainland and islands), internal waters and territorial sea as determined by its national law, and includes the air space above these areas; provided that in the case of New Zealand, the term "territory" shall exclude Tokelau.

Article 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air services by the airlines designated by that other Contracting Party:

- (a) the right to fly across its territory without landing;
- (b) the right to land in its territory for non-traffic purposes; and
- (c) to the extent permitted in this Agreement, the right to make stops in its territory on the routes specified in this Agreement for the purpose of taking up and discharging international traffic in passengers and cargo, including mail, separately or in combination.

2. Each Contracting Party also grants the rights specified in subparagraphs 1(a) and (b) of this Article to airlines of the other Contracting Party, other than those designated under Article 3 of this Agreement.

3. Nothing in paragraph 1 of this Article shall be deemed to confer on a designated airline of one Contracting Party the right of taking up, in the territory of the other Contracting Party, passengers and cargo, including mail, carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

Designation

Each Contracting Party shall have the right to designate, by diplomatic note, an airline or airlines to operate the agreed services on the routes specified in this Agreement for that Contracting Party and to withdraw a designation or to substitute another airline for one previously designated.

Article 4

Authorization

1. Following receipt of a notice of designation or of substitution pursuant to Article 3 of this Agreement, the aeronautical authorities of the other Contracting Party shall, consistent with the laws and regulations of that Contracting Party, issue without delay to the airline so designated the required authorizations to operate the agreed services for which that airline has been designated.