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Canada
and
Italy

Agreement between Canada and Italy for air services (with schedule and appendix). Rome, 2 February 1960

Entry into force: *13 April 1962 by the exchange of the instruments of ratification, in accordance with article XII*

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Canada
et
Italie

Accord entre le Canada et l'Italie relatif aux services aériens (avec liste et appendice). Rome, 2 février 1960

Entrée en vigueur : *13 avril 1962 par l'échange des instruments de ratification, conformément à l'article XII*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
between Canada and Italy for air services

The GOVERNMENT OF CANADA and the GOVERNMENT OF ITALY (hereinafter referred to as the « Contracting Parties ») having ratified 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 their respective territories, have agreed as follows :

Article I

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

(*a*) the term « the Convention » means the Convention on International Civil Aviation opened for signature at Chicago on 7th 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 Italy the « Ministero della Difesa-Aeronautica, Direzione Generale dell'Aviazione Civile e del Traffico Aereo » and in the case of Canada the « Minister of Transport, the Air Transport Board », and in both cases any person or body authorized to perform the functions at present exercised by the above mentioned authorities ;

(*c*) the term « designated airline » means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article III of the present Agreement, for the operation of air services on the routes specified in such notification ;

(*d*) the terms « territory », « air service », « international air service » and « stop for non-traffic purposes » have the meanings respectively assigned to them in Article 2 and 96 of the Convention.

Article II

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing and operating air services on the routes specified in the appropriate Section of the Schedule thereto (hereinafter called « the agreed services » and the « specified routes »).

2. Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

(*a*) to fly without landing across the territory of the other Contracting Party ;

(*b*) to land in the territory of the other Contracting Party for non-traffic purposes ;

(*c*) to make stops in the territory of the other Contracting Party at the points specified for those routes in the schedule for purposes of putting down and taking on international traffic in passengers, cargo and mail coming from or destined for other points so specified ;

(*d*) to omit on any or all flights any one or more of the intermediate and beyond points.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the airline or airlines of one Contracting Party the privileges of taking up, in the territory of the other Contracting Party, passengers, cargo and/or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article III

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

2. On receipt of notification of the designation and subject to the provisions of paragraphs 4 and 5 of this Article, the other Contracting Party shall grant without delay to the airline or airlines designated the appropriate operating authorization.

3. Each Contracting Party shall have the right, by written notification to the other Contracting Party, to withdraw the designation of an airline and to designate another airline.

4. 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 fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them in conformity with the provisions of the Convention to the operation of international commercial air services.

5. Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the privileges specified in paragraph 2 of Article II of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals or the Contracting Party designating the airline.

6. At any time after the provisions of paragraph 1 and 2 of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of Article VI of the present Agreement is in force in respect of that service.

7. Each Contracting Party shall have the right to suspend the exercise by an airline of the privileges specified in paragraph 2 of Article II of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where the airline fails to comply

with the laws or regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement ; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article IV

1. Fuels, lubricating oils, spare parts and normal aircraft equipment introduced into the territory of a Contracting Party or taken on board aircraft of the airlines designated by the other Contracting Party which are in the said territory, for the exclusive use of aircraft of the same airlines operating the agreed airservices, are exempt from Customs duties and other fiscal charges, subject to the Customs regulations of the second Contracting Party.

2. The aircraft of the designated airline engaged in the agreed services in flights from, to or across the territory of a Contracting Party, are admitted into the territory of the other Contracting Party temporarily free from customs duties, inspection fees and other similar charges.

3. Fuel, lubricating oils, aircraft stores, spare parts and normal equipment retained on board aircraft of the designated airlines of a Contracting Party, authorized to operate the agreed services, are on the territory of the other Contracting Party exempt from Customs duties and other similar charges, even when they are used or consumed during flights over the said territory.

4. Fuel, lubricating oils, spare parts, aircraft stores and normal equipment which are exempt from any duties and charges under the provisions of the above paragraphs cannot be unloaded without the permission of the Customs authorities of the other Contracting Party.

When they cannot be employed they shall be re-exported. Waiting for their use or re-exportation, they shall be kept under the supervision of the Customs authorities.

Article V

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 and beyond 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 route.

3. The agreed services provided by the designated airlines of the Contracting Party shall bear reasonable relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objectives the provisions, 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 territories of the Contracting Parties.

4. 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 the Contracting Parties other than that designating the airline shall be made in accordance with the general principle that capacity shall be related to :

(*a*) traffic requirements to and from the territory of the Contracting Party which has designated the airline ;

(*b*) traffic requirements of the area through which the airline passes, after taking account of other transport services established by airlines of the Contracting Parties comprising the area ; and

(*c*) the requirements of through airline operation.

5. Before inauguration of the agreed services and for the subsequent changes of capacity, the aeronautical authorities of the Contracting Parties shall agree to the practical application of the principles contained in the previous paragraphs of this Article regarding the operation of the agreed services by the designated airlines.

Article VI

1. The tariffs on any agreed service shall be established at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of service (such as standards of speed and accomodation) and, where it is deemed suitable, the tariffs of other airlines for any part of the specified route. These tariffs shall be fixed in accordance with the following provisions of this Article.

2. The tariffs referred to in paragraph 1 of this Article, shall, if possible, be agreed in respect of each of the specified routes between the designated airlines (where it is deemed suitable, in consultation with other airlines operating over the whole or part of that route) and such agreement shall be reached through the rate-fixing procedure of the International Air Transport Association (IATA).

3. Any tariffs so agreed shall be submitted for approval to the aeronautical authorities of both Contracting Parties at least thirty days prior to the proposed date of their introduction. This period may be reduced in special cases if the aeronautical authorities so agree.

4. In the event of disagreement between the designated airlines concerning the tariffs, the aeronautical authorities of the Contracting Parties shall endeavour to determine them by agreement between themselves.

5. If the aeronautical authorities cannot agree on the approval of any tariff submitted to them under paragraph 3 of this Article or on the determination of any tariff under paragraph 4, the dispute shall be settled in accordance with the provisions of Article VIII of the present Agreement.

6. (*a*) No tariff shall come into force if the aeronautical authorities of either Contracting Party are dissatisfied with it except under the provisions of paragraph 3 of Article VIII of the present Agreement.