

No. 53018*

**Canada
and
Cuba**

Air Transport Agreement between the Government of Canada and the Government of the Republic of Cuba (with route schedule). Ottawa, 12 February 1998

Entry into force: 27 November 2000 by notification, in accordance with article XXVI

Authentic texts: English, French and Spanish

Registration with the Secretariat of the United Nations: Canada, 16 October 2015

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**Canada
et
Cuba**

Accord sur le transport aérien entre le Gouvernement du Canada et le Gouvernement de la République de Cuba (avec tableau de route). Ottawa, 12 février 1998

Entrée en vigueur : 27 novembre 2000 par notification, conformément à l'article XXVI

Textes authentiques : anglais, français et espagnol

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AIR TRANSPORT AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF CUBA

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF
THE REPUBLIC OF CUBA**, hereinafter referred to as the Contracting Parties;

RECOGNIZING the importance of efficient and cost effective air services in promoting the development of trade and tourism;

DESIRING to promote fair and equal opportunities for airlines to operate in the marketplace;

BEING PARTIES to the Convention on International Civil Aviation opened for signature at Chicago, on the 7th day of December, 1944;

DESIRING to conclude an agreement on air transport, between their respective territories;

HAVE AGREED as follows:

ARTICLE I

Definitions

For the purpose of this Agreement, unless otherwise stated:

- (a) "Aeronautical authorities" means, in the case of Canada, the Minister of Transport and the National Transportation Agency of Canada and, in the case of Cuba, the Institute of Civil Aviation of Cuba or, in both cases, any other authority or person empowered to perform the functions exercised by the said authorities;
- (b) "Agreed services" means scheduled air services on the routes in this Agreement for the transport of passengers, mail and cargo separately or in combination;
- (c) "Agreement" means this Agreement, any Annex attached thereto, and any amendments to the Agreement or to any Annex;
- (d) "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 of the Convention under Articles 90 and 94 thereof so far as those Annexes and amendments have been adopted by both Contracting Parties;

- (e) "Designated airline" means an airline which has been designated and authorized in accordance with Articles III and IV of this Agreement;
- (f) "Ground handling" means:
 - (i) all technical and operational services generally provided on the ground at airports, such as the provision of the necessary flight documents and information to crews, apron services, including loading and unloading, safety, aircraft servicing and refuelling, and operations before take-off;
 - (ii) All services connected with the handling of passengers, cargo including mail, and mail in conjunction with the postal services;
 - (iii) All services for the provision of in-flight catering, including the preparation, storage and delivery of meals and supplies to aircraft and maintenance of catering equipment;
- (g) "Tariffs" means the prices to be paid for the/ carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for other services performed by the carrier in connection with air transportation, but excluding remuneration and conditions for the carriage of mail;
- (h) "Territory", in relation to each Contracting Party, means the land areas and territorial waters adjacent thereto under the sovereignty of that Contracting Party, subject to international law;
- (i) "Air services", "International air service", "Airline" and "Stop for non-traffic purposes" have the meaning respectively assigned to them in Article 96 of the Convention.

ARTICLE II

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air services by each airline designated by that other Contracting Party:
 - (a) the right to fly without landing across its territory;
 - (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, mail and cargo separately or in combination.
2. The airlines of each Contracting Party, other than those designated under Article III of this Agreement, shall also enjoy the rights specified in paragraph 1(a) and (b) of this Article.
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, mail and cargo carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

ARTICLE III

Designation

Each Contracting Party shall have the right to designate, by diplomatic note two airlines to operate the agreed services for such a Contracting Party and to withdraw the designation of either airline or to substitute another airline for one previously designated.

ARTICLE IV

Authorization

1. Following receipt of a notice of designation or of substitution pursuant to Article III of this Agreement, the aeronautical authorities of the other Contracting Party shall, consistent with the laws and regulations of that Contracting Party, grant without delay to an airline so designated the appropriate authorizations to operate the agreed services for which that airline has been designated.
2. Upon receipt of such authorizations each designated airline may begin at any time to operate the agreed services, in whole or in part, provided that the airline complies with the applicable provisions of this Agreement and tariffs, established in accordance with the provisions of Article XIV of this Agreement, are in force in respect of such services.

ARTICLE V

**Withholding, Revocation and
Limitation of Authorization**

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorizations referred to in Article IV of this Agreement with respect to an airline designated by the other Contracting Party, and to revoke or impose conditions, temporarily or permanently, on such authorizations:
 - (a) in the event of failure by such airline to comply with the laws and regulations normally applied by the aeronautical authorities of the Contracting Party granting the rights;
 - (b) in the event of failure by such airline to comply with the laws and regulations of the Contracting Party granting the rights;
 - (c) in the event that they are not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or its nationals; and
 - (d) in the event that the other Contracting Party is not maintaining and administering the standards as set forth in Article VII and Article VIII of this Agreement.
2. Unless immediate action is essential to prevent infringement of the laws and regulations referred to above or unless safety or security requires immediate action under this Article, Article VII or Article VIII, the rights enumerated in paragraph 1 of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party in conformity with Article XX of this Agreement