

EXCHANGE OF LETTERS BETWEEN THE GOVERNMENT OF INDIA AND THE
GOVERNMENT OF FRANCE REGARDING MODIFICATION OF THE AIR
SERVICES AGREEMENT OF 16 JULY 1947

New Delhi, 30 October 1961

LETTERS No. F.6(14)-Eur.(w)/60

MINISTRY OF EXTERNAL AFFAIRS NEW DELHI.

The Ministry of External Affairs present their compliments to the Embassy of the French Republic: and have the honour to acknowledge receipt of the Embassy's Note No. 55-P dated 30th October, 1961 which reads as follows (Text in French Not Printed)

2. The Ministry of External Affairs have translated the above note into English as follows:

"The French Embassy present their compliments to the Ministry of External Affairs and, with reference to the inter-governmental consultations held in New Delhi in May 1960 between the delegations representing the Govt of India and the Govt. of the French Republic, have the honour to let them know that the present India-France air Services Agreement dated 16th July 1947 and the annex thereto, shall be modified in the manner set out below (ii) Article IV of the Agreement shall stand deleted and the following shall be substituted therefor:

"Subject to the provisions of Article IV, the designated airline of either Contracting Party may set down and pick up international Traffic in the territory of the other Contracting Party".

"(A) The designated airline of each Contracting Party shall enjoy equal rights in the operation of the specified air services for the carriage of international

traffic between and beyond the territories of the two Parties on the specified air routes.

(B) In the operation by the designated airline of either Contracting Party, of the specified air services, the interests of the designated airline of the other Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same route.

(C) The capacity to be provided, the frequency of services to be operated and the nature of air service, that is, transiting through or terminating in the territory of the other Contracting Party shall be agreed between the designated airlines in accordance with the -Principles laid down in this Article. Such agreement shall be subject to the approval of the -aeronautical authorities of the two Contracting Parties.

(D) Any increase in the capacity to be provided or frequency of services to be operated by the designated airline of either Contracting Party shall be agreed, in the first instance, between the designated airlines and shall be subject to the approval of the aeronautical authorities on the basis of the estimated requirements of traffic between the territories of the two Parties and such other traffic to -be jointly agreed and determined. Pending such agreement or settlement, the capacity and frequency entitlements already in force shall prevail.

(E) If the designated airlines of the Contracting Parties fail to agree on any matter on which their agreement is required under the provisions of the Article, the aeronautical authorities of the Contracting Parties shall endeavour to reach agreement thereon, failing which the matter shall be referred to the Contracting Parties for settlement.

(F) The interpretation and application of these paragraphs shall be such as may be agreed from time to time between the aeronautical authorities and shall be subject to the approval of the Contracting Parties."

(iii) Article X (D) of the Agreement shall stand deleted and Article X (E) shall be renumbered as Article X (D)

(iv) The Annex to the Agreement shall stand deleted and the following shall be substituted therefor

ANNEX

SECTION I

An airline designated by the Government of the French Republic shall be entitled to operate air services in both directions on the route specified in this section and to land for traffic purposes in the territory of India at each of the points specified.

France a point in Germany a point in Austria-a point in Switzerland-a point in Italy-a point in Czechoslovakia point in Yugoslavia-a point , in Greece a point in Turkey point in U.A.R.-a point in Lebanon-a point in. Israel-a point in Iraq-a point in Iran-a point in Afghanistan a point in Pakistan to Delhi or Calcutta and beyond to a point in Burma-a point in Thailand-a point in Cambodia-a point in Laos-a point in Vietnam-a point in Philippines-a point in China-Biak-a point in New Caledonia-Hong Kong-a point in Japan.

SECTION II

An airline designated by the Government of India shall be entitled to operate air services in both directions on the route specified in this Section and to land for traffic purposes in the territory of France at each of the points specified.

India-a point in Pakistan-a point in Afghanistan-a point in Iran-a point in Iraq-a point in Israel-a point in Lebanon- a point in U.A.R.-a point in Turkey-a point in Greece-a point in Yugoslavia-a point in Czechoslovakia-a point in Italy-a point in Switzerland-a point in Austria-a point in Germany to Paris or

Nice and beyond to a point in Belgium-a point in Netherlands-a point in Scandinavia-a point in the United Kingdom-a point in Ireland-New York.

SECTION III

(A) Points on any of the specified routes may, at the option of the designated airline, be omitted on any or all flights.

(B) Points on any of the specified routes need not necessarily be served in the order in which they have been specified, provided that the route flown does not cease to be reasonably direct.

(C) If, at any time, scheduled flights on any of the specified air services of one Contracting Party are operated so as to terminate in the territory of the other Contracting Party and not as part of a through air service extending beyond such territory, the latter party shall have the right to nominate the terminal point of Such scheduled flights in its territory. The latter party shall -give not less than six months notice to the other Party if it decides to nominate a new terminal point, for such scheduled flights".

The Government of French Republic agree that the Agreement -between the Government of, India and the Government of French Republic dated 16th - July, 1947 relating to Air' Services and the. Annex, -thereto, shall stand modified in the manner set out above and that the said modifications shall come, into effect as on this date, namely,... the 30th October, 1961.

The Embassy have the honour to request the Ministry of External I Affairs of the Government of India to confirm that the Government of India also agree that the Agreement relating to Air Services dated 16 th July, 1947 and the Annex shall stand modified in the manner set out above and that such modification shall come into effect as on the date referred to above.

The French Embassy avail themselves of this opportunity to renew to the Ministry of External Affairs the assurances of their highest consideration."

3. The Ministry have the, honour to confirm that the above represents the understanding of the Government of India also.

The Ministry of External Affairs avail themselves of this opportunity to renew to the Embassy of the Government of French Republic the assurances of their highest consideration.

New Delhi-Dated 30th October, 1961.

SEAL

The Embassy of the French Republic,
New Delhi.

SUMMARY OF CONCLUSIONS OF THE INTER GOVERNMENTAL
CONSULTATIONS,

NEW DELHI,
31 JULY 1967

1. Inter-Governmental consultations opened in New Delhi on 27th July, 1967, on the basis provided for in the Air Services Agreement between, the Government of India and the Government of the French Republic dated 16 th July, 1947, as amended on 30th October, 1961.
2. The Delegations of the Government of India and the Government of the French Republic agreed that Section I and Section II of the Annex to the present Air Services Agreement dated 16th July, 1947, as . amended on 30th October, 1961, shall be revised to read -as follows

SECTION I

An airline designated by the Government of the French Republic shall be entitled to operate air services in both directions on the route specified in this Section and to land for traffic purposes in the territory of India at each of the points specified.

France - a point in Germany - a point in Austria - a point in Switzerland - a point in Italy - a -point in Czechoslovakia

- point in Yugoslavia - a point in Greece - a point in Turkey
- point in U.A.R. - a point in Lebanon - a point in Israel
- point in Iraq - a point in Iran - a point in Afghanistan
- point in Pakistan to Delhi or Bombay and beyond to a point in Burma - a point in Thailand - a point in Cambodia - a point in Laos - a point in Vietnam - a point in Philippines a point in China - Biak - a point in New Caledonia - Hong Kong - a point in Japan.

SECTION II

An airline designated by the Government of India shall be entitled to operate air services in both directions on the route specified in this Section and to land for traffic purposes in the territory of France at each of the points specified.

India - a point in Pakistan - a point in Afghanistan - Bahrain, a point in Kuwait - a point in Iran - a point in Iraq - a point in Israel - a point in Lebanon a point in U.A.R.- a point in Turkey - a point in Greece a point in Yugoslavia - a point in Czechoslovakia - a point in Italy -a point in Switzerland - a point in Austria - a point in U.S.S.R. - a point in Germany to Paris or Nice and beyond to a point in Belgium - a point in Netherlands - a point in Scandinavia a point in the United Kingdom - a point in Ireland Montreal - New York.

3. The two delegations agreed -that- the above modifications shall be by an exchange of diplomatic notes confirmed, as soon as possible in pursuance of Article X(B) of the Air Services Agreement.

4. The. two delegations agreed that Air France may operate four transit services per week, in each direction, through India with jet aircraft, with full traffic rights on all the sectors of the route specified in Section I of the Annex to the Air Services Agreement (as amended), subject to the condition that not more than three services per- week in each direction shall be routed through Delhi and that no more than one service per week in each direction shall be routed through Bombay and subject further to the condition that Air France shall not be entitled to exercise traffic rights at more than one point in India on one and the same service. It was also agreed that effective April, 1969, Air France may operate Five transit services per week, in each direction, through India with jet aircraft, with full traffic rights on all the sectors of the route specified in Section I of the Annex to the Air Services Agreement (as amended), subject to the condition that not more than four

services per week in each direction shall be routed through Delhi and that not more than two services per week in each direction shall be routed through Bombay and subject further to the condition that Air France shall not be entitled to exercise traffic rights at more than one point in India on one and the same service. It was agreed that in 1970, consultations will take place between the aeronautical authorities to consider if it is possible or not to provide greater flexibility in respect of routines of Air France services through Delhi and Bombay.

5. The two delegations agreed that Air-India may operate five transit services per week, in each direction, through Paris with jet aircraft, with full traffic rights on all the sectors of the route specified in Section II of the Annex to the Air Services Agreement (as amended). It was also agreed that effective April, 1969, Air-India may operate six transit services per week, in each direction, through Paris with jet aircraft, with full traffic rights on all the sectors of the route specified in Section II of the Annex to the Air Services Agreement (as amended).

6. In supersession of paragraph 6 of the Summary of Conclusions reached in discussions in New Delhi in May, 1960, it was agreed that any service by Air-India which exercises traffic rights between Paris and Montreal shall not exercise traffic rights between Paris and New York unless such service is also routed via London.

7. It was agreed that the provisions of the Summary of Conclusions reached in discussions in New Delhi in May, 1960, shall continue to be in force except in so far as those are modified by this Summary of Conclusions.

8. It was agreed that the arrangements specified herein shall come into force as from this day's date except that Air France may continue to operate its existing one frequency through Calcutta until such time as it begins its operations through Bombay. When Air France begins operating through Bombay, it shall terminate its operations through Calcutta.

Agreed for the French Delegation:

Sd/-

BERNARD LATHIERE

31.7.1967

Agreed for the Indian Delegation:

Sd/-

J.N. GOYAL 31.7.1967

New Delhi, July 31, 1967

From

B. LATHIERE,

Leader of the French Delegation.

Dear Mr. GOYAL,

I have the honour to acknowledge receipt of your letter of today reading as follows

"I have the honour to refer to the Summary of Conclusions signed today by you and me.

We are hoping that by April, 1969, Air-India will be able to increase its frequencies through Paris. As we have agreed, if this possibility does not materialise, it may be necessary to hold consultations early in 1969 in respect of operation of Air France and Air-India through India and France, respectively."

I confirm that the above has been agreed to by me on behalf of the French Delegation.

With kind regards,

Yours sincerely,

Sd/- B. LATHIERE

Mr. J.N. GOEL,

Leader of the Indian Delegation.