

N° 4465.

**ÉTATS-UNIS D'AMÉRIQUE
ET CANADA**

Echange de notes comportant un arrangement relatif à la délivrance par l'un des deux pays aux ressortissants de l'autre pays de brevets d'aptitude ou de licences pour le pilotage d'aéronefs civils. Washington, le 28 juillet 1938.

**UNITED STATES OF AMERICA
AND CANADA**

Exchange of Notes constituting an Arrangement relating to the Issuance by Each Country of Certificates of Competency or Licenses to Nationals of the Other Country for the Piloting of Civil Aircraft. Washington, July 28th, 1938.

No. 4465. — EXCHANGE OF NOTES¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONSTITUTING AN ARRANGEMENT RELATING TO THE ISSUANCE BY EACH COUNTRY OF CERTIFICATES OF COMPETENCY OR LICENSES TO NATIONALS OF THE OTHER COUNTRY FOR THE PILOTING OF CIVIL AIRCRAFT. WASHINGTON, JULY 28TH, 1938.

English official text communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Exchange of Notes took place October 27th, 1938.

I.

DEPARTMENT OF STATE.

WASHINGTON, July 28th, 1938.

SIR,

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal Arrangement for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the Arrangement shall be as follows :

ARRANGEMENT

BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPETENCY OR LICENSES FOR THE PILOTING OF CIVIL AIRCRAFT.

Article I.

(a) The present Arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this Arrangement be understood to mean all aircraft other than military, naval, Customs and police aircraft.

¹ Came into force August 1st, 1938.

¹ TRADUCTION. — TRANSLATION.

N^o 4465. — ÉCHANGE DE NOTES ² ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA COMPORTANT UN ARRANGEMENT RELATIF A LA DÉLIVRANCE PAR L'UN DES DEUX PAYS AUX RESSORTISSANTS DE L'AUTRE PAYS DE BREVETS D'APTITUDE OU DE LICENCES POUR LE PILOTAGE D'AÉRONEFS CIVILS. WASHINGTON, LE 28 JUILLET 1938.

Texte officiel anglais communiqué par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement de cet échange de notes a eu lieu le 27 octobre 1938.

I.

DÉPARTEMENT D'ÉTAT.

WASHINGTON, le 28 juillet 1938.

MONSIEUR LE MINISTRE,

J'ai l'honneur de me référer aux négociations qui ont eu lieu récemment entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada, en vue de la conclusion d'un arrangement réciproque concernant la délivrance, par chacun des deux pays, aux ressortissants de l'autre, de brevets d'aptitude ou de licences pour le pilotage d'aéronefs civils.

Je considère qu'il a été convenu, au cours de ces négociations maintenant terminées, que l'arrangement en question serait ainsi conçu :

ARRANGEMENT

ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE CANADA RELATIF A LA DÉLIVRANCE DE BREVETS D'APTITUDE OU DE LICENCES POUR LE PILOTAGE D'AÉRONEFS CIVILS.

Article premier.

a) Le présent arrangement entre les États-Unis d'Amérique et le Canada a trait à la délivrance, par les autorités compétentes de chacun des deux pays aux ressortissants de l'autre pays, de brevets d'aptitude de pilote ou de licences pour le pilotage d'aéronefs civils.

b) Par « aéronefs civils » on entend, aux fins du présent arrangement, tous les aéronefs autres que ceux de l'armée, de la marine, des douanes et de la police.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Entré en vigueur le 1^{er} août 1938.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

Article II.

Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

Article III.

Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

Article IV.

Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

Article V.

Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

Article VI.

(a) The present Arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present Arrangement becomes effective, the reciprocal Arrangement¹ between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29th, 1929, and October 22nd, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.²

¹ Vol. XCVII, page 321, of this Series.

* The present Arrangement, signed July 28th, 1938, and effective August 1st, 1938, relating to certificates of competency or licenses for the piloting of civil aircraft and two other Arrangements* between the United States of America and Canada, both also signed July 28th, 1938, and effective August 1st, 1938, one relating to air navigation (Executive Agreement Series No. 129) and the other relating to certificates of airworthiness for export (Executive Agreement Series No. 131), supplant in its entirety the reciprocal Arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29th and October 22nd, 1929 (Executive Agreement Series No. 2).

* See pages 93 and 125 of this Volume.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the Arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the Arrangement become effective on August 1st, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

Cordell HULL.

The Honorable
Sir Herbert Marler,
P.C., K.C.M.G.,
Minister of Canada.

II.

CANADIAN LEGATION.

No. 176.

WASHINGTON, *July 28th*, 1938.

SIR,

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal Arrangement between Canada and the United States of America for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this Arrangement which you have communicated to me are as follows :

ARRANGEMENT

BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPETENCY OR LICENSES FOR THE PILOTING OF CIVIL AIRCRAFT.

Article I.

(a) The present Arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this Arrangement be understood to mean all aircraft other than military, naval, Customs and police aircraft.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

Article II.

Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

Article III.

Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that

they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

Article IV.

Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

Article V.

Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

Article VI.

(a) The present Arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present Arrangement becomes effective, the reciprocal Arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29th, 1929, and October 22nd, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.¹

I am instructed to state that the terms of the Arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the Arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir, Your most obedient humble servant,

Herbert M. MARLER.

The Honourable Cordell Hull,
Secretary of State of the United States,
Washington, D. C.

Certified to be a true and complete textual copy of the original Arrangement in the sole language in which it was signed.

For the Secretary
of State of the United States of America :

Edward Yardley,
Chief Clerk and Administrative Assistant.

¹ See footnote, p. 118.