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TREATIES AND OTHER INTERNATIONAL ACTS SERIES 11692

AVIATION Transport Services

Agreement Between the
UNITED STATES OF AMERICA and IRELAND

Amending the Agreement of February 3, 1945, as
Amended

Effected by Exchange of Notes Dated at Dublin
January 25, 1988 and September 29, 1989



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)

.. the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

IRELAND

Aviation: Transport Services

Agreement amending the agreement of February 3, 1945, as amended.

Effected by exchange of notes

Dated at Dublin January 25, 1988 and September 29, 1989; Entered into force September 29, 1989.

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*The American Embassy to the Irish Department of Foreign
Affairs*

No. 012

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and has the honor to refer to the United States-Ireland Air Transport Services Agreement dated February 3, 1945, as amended ("The Agreement").¹

The Government of the United States proposes that the following paragraph "Article 5 bis" shall be added after the existing "Article 5":

Begin Text: Article 5 bis:

(A) In accordance with their rights and obligations under international law, the contracting parties reaffirm that their obligation to protect, in their mutual relationship, the security of civil aviation against acts of unlawful interference forms an integral part of this agreement.

(B) The contracting parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of aircraft and other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities and any other threat to aviation security.

(C) The contracting parties shall act in full conformity with the provisions of the Convention on Offences and Certain other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September, 1971.²

(D) The contracting parties, in their mutual relations, shall act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as annexes to the Convention on International Civil Aviation signed at Chicago on 7 December 1944,³ to the extent that such security provisions are applied by the contracting parties; they shall require that operators of aircraft of their registry or operators who have their principal place of business or permanent residence in their territory and the operators of airport in their territory act in conformity with such aviation security provisions. Eac.

¹ EAS 460; 9 Bevans 43.

² TIAS 6768, 7192, 7570; 20 UST 2941; 22 UST 1641; 24 UST 564. ³ TIAS 1591; 3 Bevans 944.
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contracting party shall advise the other of its intention to notify any difference to the standards of the Convention on International Civil Aviation.

(E) Each contracting party agrees to observe the security provisions required by the other contracting party for entry into the territory of that other contracting party and to take adequate measures to protect aircraft and to inspect passengers, crew, their carry-on items as well as cargo and aircraft stores prior to and during boarding or loading. Each contracting party shall also give positive consideration to any request from the other contracting party for special security measures to meet a particular threat.

(F) When an incident or threat of an incident of unlawful seizure of aircraft or other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities occurs, the contracting parties shall assist each other by facilitating communications and such other appropriate measures as may be agreed intended to terminate rapidly and safely such incident or threat thereof.

(G) When a contracting party has reasonable grounds to believe that the other contracting party has departed from the aviation security provisions of this article, the aeronautical authorities of that contracting party may request immediate consultations with the aeronautical authorities of the other contracting party. Failure to reach a satisfactory agreement within 15 days from the date of such request will constitute grounds to withhold, revoke, limit or impose conditions on the operating authorization or technical permission of an airline or airlines of the other contracting party. When required by an emergency, a contracting party may take interim action prior to the expiry of 15 days. End Text.

If this proposal is acceptable to the Government of Ireland, the Embassy proposes that this note and the Ministry's reply thereto shall constitute an agreement between the two governments which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America takes this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America DUBLIN, January 25, 1988
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The Irish Department of Foreign Affairs to the American

Embassy

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AFFAIRS

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The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and

has the honour to refer to the Embassy's Note No. 012 of 25 January 1988 concerning the Ireland-United States Air Transport Agreement, dated 3 February 1945, as amended, and proposing that the following paragraph "Article 5 bis" shall be added after the existing "Article 5".

Article 5 bis

- (a) In accordance with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to protect, in their mutual relationship, the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement.
- (b) The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of aircraft and other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities and any other threat to aviation security.
- (c) The Contracting Parties shall act in full conformity with the provision of the Convention of Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.
- (d) The Contracting Parties, in their mutual relations, shall act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as Annexes to the Convention of International Civil Aviation signed at Chicago on 7 December 1944, to the extent that such security provisions are applied by the Contracting Parties, they shall require that operators of aircraft of their registry or operators who have their principal place of business or permanent residence in their territory and the operators of airports in their territory act in conformity

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with such aviation security provisions. Each Contracting Party shall advise the other of its intention to notify any difference to the standards of the Convention on International Civil Aviation.

- (e) Each Contracting Party agrees to observe the security provisions required by the other Contracting Party for entry into the territory of that other Contracting Party and to take adequate measures to protect aircraft and to inspect passengers, crew, their carry-on items as well as cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give positive consideration to any request from the other Contracting Party for special security measures to meet a particular threat.
- (f) When an incident or threat of an incident of unlawful seizure of aircraft or other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and such other appropriate measures as may be agreed intended to terminate rapidly and safely such incident or threat thereof.
- (g) When a Contracting Party has reasonable grounds to believe that the other Contracting Party has departed from the aviation security provisions of this Article, the aeronautical authorities of that Contracting Party may request immediate consultations with the aeronautical authorities of the other Contracting Party. Failure to reach a satisfactory agreement within 15 days from the date of such request will constitute grounds to withhold, revoke, limit or impose conditions on the operating authorization or technical permission of an airline or airlines of the other Contracting Party. When required by an emergency, a Contracting Party may take interim action prior to the expiry of 15 days.

I am instructed to state that the above proposal is acceptable to the Government of Ireland and that they also accept your proposal that your note of 25 January 1988 and this reply shall constitute an Agreement between the

two Governments which shall enter into force on the date of this reply.

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The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

Dublin

29 September 1989

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