

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

AIR/40  
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Special Distribution

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## Agreement on Trade in Civil Aircraft

### MILITARY ENTITIES

#### Compiled Notifications

For the convenience of delegations, notifications by Signatories concerning entities operating military aircraft, previously contained in the documents listed hereunder, have been compiled into a single document.

Austria	AIR/30
Canada	AIR/1, AIR/36
EEC and member States	AIR/1
Belgium	AIR/1, AIR/16
Denmark	AIR/1
France	AIR/1, AIR/37
Germany, F.R.	AIR/1
Greece	AIR/28
Ireland	AIR/1
Italy	AIR/1, AIR/22
Luxembourg	AIR/1
Netherlands	AIR/1
United Kingdom	AIR/1
Japan	AIR/1
Norway	AIR/1, AIR/9
Romania	AIR/24
Sweden	AIR/1
Switzerland	AIR/1, AIR/25
United States	AIR/1, AIR/5

### AUSTRIA

#### Communication of 18 March 1982

With reference to Article 1 of the Agreement on Trade in Civil Aircraft I have the honour to notify to you the following Austrian definition of "civil aircraft" and "military aircraft":

The term "civil aircraft" means those aircraft which are owned and operated by members of the private sector or public bodies of the civil branch of the administration.

The term "military aircraft" means those aircraft for use by the Ministry of Defence.

CANADA

Communication of 16 July 1982

For purposes of the Agreement on Trade in Civil Aircraft, Canada proposes to treat as military aircraft all aircraft purchased by or on behalf of the Department of National Defence and the Canadian Coast Guard.

Communication of 28 November 1979

This is to inform you that for the purposes of the Agreement on Trade in Civil Aircraft, Canada proposes to treat as military aircraft all aircraft purchased by or on behalf of the Department of National Defence, the Royal Canadian Mounted Police and the Canadian Coast Guard. This information is provided to enable a more detailed assessment of coverage provided for under the Agreement.

EEC AND MEMBER STATES

BELGIUM

Communication of 10 July 1980

I have the honour to communicate to you hereunder the text of the statement made by the Belgian delegation on 9 July 1980 at the meeting of the Committee on Trade in Civil Aircraft.

"Under the Law of 2 December 1957, more specifically Article 2:1, the Gendarmerie (state police force) is one of the armed forces and is under the authority of the Minister for National Defence. The Minister has responsibility for the organization and general administration of this force which is placed under his authority. In a lengthy enumeration of the Minister's powers, mention is made in particular of that of providing the Gendarmerie with the necessary equipment.

"This implies that in Belgium, aircraft used by the Gendarmerie bear a military registration number, are financed out of the national defence budget, and are piloted by the Belgian air force.

"Lastly, it should be noted that the Royal Order of 27 September 1963 placed the commanding officer of the Gendarmerie under the immediate authority of the Minister for National Defence."

Communication of 4 December 1979

Armed Forces (Army, Navy, Air Force and Gendarmerie)

DENMARK

Communication of 4 December 1979

Armed Forces (Army, Navy, Air Force)

FRANCE

Communication of 16 July 1982

At the time when the Agreement on Trade in Civil Aircraft was being negotiated, the EEC member countries stated that aircraft subject to military registration were excluded from the coverage of the Agreement. The French delegation, like those of its partners, communicated the list of government services whose aircraft were subject to military registration.

The inclusion in this list of services outside the Ministry of Defence and having no military status was considered by certain delegations to be too restrictive and not consistent with the spirit of the Agreement, and they asked for a review of the matter.

The French delegation wishes to recall its interest in full application of the Agreement and, in a spirit of compromise, hereby communicates the French Government's agreement that exclusion from the coverage of the Agreement is to be limited solely to aircraft purchased by the Ministry of Defence and intended for use by organs under that Ministry's authority.

This decision accordingly brings under the coverage of the Agreement on Trade in Civil Aircraft the aircraft of the Safety Service, of the Customs Services, and of the Police notwithstanding the fact that these are subject to military registration.

Communication of 4 December 1979

Armed Forces (Army, Navy, Air Force and Gendarmerie)  
Testing centres  
Police  
Safety Service  
Customs Services

GERMANY, F.R.

Communication of 4 December 1979

Armed Forces (Army, Navy and Air Force)

GREECE

Communication of 16 October 1981

The Permanent Mission of Greece to the United States Office at Geneva presents its compliments to the GATT secretariat and, in connexion with acceptance by Greece of the Agreement on Trade in Civil Aircraft, has the honour to communicate the following:

"The entity operating military aircraft in Greece is the Ministry of National Defence."

IRELAND

Communication of 4 December 1979

Armed Forces (Army, Navy, Air Force)

ITALY

Communication of 16 December 1980

In accordance with your suggestion at the meeting of the Committee on Trade in Civil Aircraft on 20 February 1980 I am herewith submitting a short report on the legal status of certain entities operating aircraft subject to military registration whose purchases are excluded from the operation of the Agreement on Trade in Civil Aircraft. As I have stated during the meeting and as you will see from the legal texts quoted and referred to here, in fact these entities form an integral part of Armed Forces and have been referred to specifically in the EEC list of exclusions (GATT document AIR/1 of 11 February 1980) from coverage of the Agreement to avoid misunderstanding or confusion.

In the case of Italy the following legal texts indicate clearly that the "Carabinieri", Guardia di Finanza" and "Pubblica Sicurezza" (or Polizia) fall under the authority of the Armed Forces and are an integral part of them.

- Carabinieri and Polizia: law number 383 of 2 April 1925
- Guardia di Finanza: law number 189 of 21 April 1959

Communication of 4 December 1979

Armed Forces (Army, Navy , Air Force)  
Carabinieri  
Guardia di Finanza  
Police

LUXEMBOURG

Communication of 4 December 1979

Nil

NETHERLANDS

Communication of 4 December 1979

Armed Forces (Army, Navy and Air Force)

UNITED KINGDOM

Communication of 4 December 1979

Armed Forces (Army, Navy, R.A.F. and Royal Marines)

JAPAN

Communication of 13 December 1979

Pursuant to the agreement in the 24-25 September meeting concerning the Agreement on Trade in Civil Aircraft, it is hereby notified to the prospective signatories to the Agreement that, with respect to the Government of Japan, the term "military aircraft" is understood to cover only those aircraft procured by the Defence Agency for use by the Self Defence Force.

NORWAY

Communication of 30 April 1980

Pursuant to the discussion at the 20 February 1980 meeting of the Committee on Trade in Civil Aircraft, I have been instructed to forward the following information concerning the list of entities operating military aircraft:

The Ministry of Defence was listed as the only entity operating military aircraft in Norway. This includes the Westland Sea King search and rescue helicopters as these helicopters are operated by, manned by and full integrated in the Norwegian Air Force. It also includes the aircraft and helicopters of the Norwegian Coast Guard as this service is part of the Norwegian Armed Forces.

Communication of 3 December 1979

Aircraft operated by the Ministry of Defence are considered military aircraft by the Norwegian authorities. This includes the aircraft and helicopters of the Norwegian Coast Guard and the Maritime Search and Rescue Service.

ROMANIA

Communication of 22 April 1981

The Permanent Mission of the Socialist Republic of Romania presents its compliments to the GATT secretariat and connected to the acceptance by Romania of the Agreement on Trade in Civil Aircraft has the honour to communicate the following: (in addition to its communication No. 976 of 16 December 1980<sup>1/</sup>):

"The entity operating military aircraft in Romania is the Ministry of National Defence."

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<sup>1/</sup> See document TAR/6.

SWEDEN

Communication of 27 November 1979

Pursuant to the agreement at the informal meeting in Washington, 24-25 September on trade in civil aircraft I would like to advise that in Sweden, military aircraft means those aircraft purchased for use by the Ministry of Defence.

SWITZERLAND

Communication of 17 June 1981

With reference to document AIR/1 concerning entities operating military aircraft and further to the communication made on that subject by the Swiss representative at the meeting of the Committee on Trade in Civil Aircraft on 25 March, I have pleasure in forwarding herewith the new definition of what my authorities consider, for the purposes of that Agreement, as being the Swiss entity operating military aircraft.

I would be glad if you could arrange for this new definition to be circulated, in replacement of the definition notified on a preliminary basis and reproduced in document AIR/1.

Entities operating military aircraft

"In Switzerland, aircraft considered to be military aircraft for the purposes of the Agreement on Trade in Civil Aircraft are aircraft allocated to the army which are not entered in the civil aviation register."

Communication of 5 December 1979

As a general rule, the competent authorities of the Swiss Administration define civil aircraft as aircraft which are owned and operated by members of the private sector or which, if owned by a public body, are operated by a civil branch of the Administration.

This definition is given on a preliminary basis and needs to be made more precise.

UNITED STATES

Communication of 22 February 1980

Pursuant to the discussion at the 20 February meeting of the Committee on Trade in Civil Aircraft, I write to advise that Section 1 of Chapter 1 of Title 14 of the United States Code (the compendium of our laws) states: "The Coast Guard as established 28 January 1915, shall be a military service and a branch of the armed forces of the United States at all times." (Copy attached)

Accordingly, when the United States enacted the implementation of the MTN Agreements, we specified Coast Guard aircraft as military aircraft.

## CHAPTER 1—ESTABLISHMENT AND DUTIES

Sec.

1. Establishment of Coast Guard.
2. Primary duties.
3. Relationship to Navy Department.
4. Operation as a service in the Navy.
5. "Secretary" defined.

### § 1. Establishment of Coast Guard

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Department of Transportation, except when operating as a service in the Navy.

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Oct. 12, 1976, Pub. L. 94-546, § 1(1), 90 Stat. 2519.)

#### HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 1 (Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; July 11, 1941, ch. 290, §§ 5, 6(a), 55 Stat. 585).

Said section has been divided. Provisions relating to operation under the Navy in time of war are placed in sections 3 and 4 of this title, and the remainder is in this section.

This section continues the Coast Guard as a military service and branch of the armed forces of the United States at all times. By the act of July 11, 1941, 55 Stat. 585 (title 14, U.S.C., 1946 ed., § 1), the Coast Guard was constituted a branch of the land and naval forces of the United States at all times. This section therefore merely continues an existing agency and modifies existing law on the military status of the Coast Guard, substituting "armed forces" for "land and naval forces" because of the recent establishment of the Department of the Air Force as an "armed force" rather than as a part of the "land and naval forces". The Coast Guard is designated a service in the Treasury Department except when operating as a service in the Navy. This is a better definition of the status of the Coast Guard than one which defines it as a service under the Treasury Department in time of peace, because the President is authorized to place the Coast Guard under the Navy in time of emergency, which could be in time of peace.

Changes were made in phraseology. 81st Congress, House Report No. 357.

#### AMENDMENTS

1976—Pub. L. 94-546 substituted "Department of Transportation" for "Treasury Department".

#### TRANSFER OF FUNCTIONS

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation. Section 1655 of title 49, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when the President directs as provided in section 3 of this title.

### § 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on and under the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and

waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall, pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

(Aug. 4, 1949, ch. 393, 63 Stat. 496; Oct. 5, 1961, Pub. L. 87-396, § 1, 75 Stat. 827; June 12, 1970, Pub. L. 91-278, § 1(1), 84 Stat. 304; Dec. 13, 1974, Pub. L. 93-519, 88 Stat. 1659.)

#### HISTORICAL AND REVISION NOTES

This section defines in general terms, for the first time in any statute, all the primary duties of the Coast Guard. It is derived from title 14, U.S.C., 1946 ed., §§ 43, 60b-30a, 51, 52, 53, 55, 60, 61, 62, 63, 96a, 104, 261, 301, title 33, U.S.C., 1946 ed., §§ 720, 720a, 741, 740a, 740b, title 46, U.S.C., 1946 ed., §§ 1 (footnote), 2 (R.S. 1536, 2747, 2758, 2759, 4249; June 23, 1874, ch. 455, § 1, 18 Stat. 220; June 18, 1878, ch. 285, § 4, 20 Stat. 162; July 3, 1884, ch. 221, § 2, 23 Stat. 118; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 19, 1906, ch. 1840, §§ 1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 17, 1910, ch. 301, §§ 6, 7, 36 Stat. 538; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 24, 1914, ch. 124, 38 Stat. 387; Mar. 3, 1915, ch. 81, § 5, 38 Stat. 927; Aug. 29, 1916, ch. 417, 39 Stat. 1820; May 22, 1926, ch. 371, § 6, 44 Stat. 628; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; Aug. 16, 1937, ch. 663, § 3, 50 Stat. 667; Feb. 19, 1941, ch. 8, § 2, 201, 55 Stat. 9, 11; July 11, 1941, ch. 290, § 7, 55 Stat. 585; Nov. 23, 1942, ch. 639, § 2(2), 56 Stat. 102; Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759; June 22, 1948, ch. 600, 62 Stat. 574; June 28, 1948, ch. 672, 62 Stat. 1050).

This section contains a codification of functions. It sets forth in general language the primary responsibilities of the Coast Guard: enforcement of all Federal laws on waters to which they have application, safety of life and property at sea, aiding navigation, and readiness to function with the Navy. Having been created in 1915 by the consolidation of the Revenue Cutter Service and the Life Saving Service, the Coast Guard has gradually been given additional duties and responsibilities, such as the assignment of law enforcement powers on the high seas and navigable waters in 1936, the transfer of the Lighthouse Service in 1939, and the transfer of the Bureau of Marine Inspection and Navigation in 1942. Existing along with these other duties has been that of maintaining a state of readiness as a specialized service prepared for active participation with the Navy in time of war. These various interdependent functions of the Service have not been expressed collectively in any statute heretofore, but it is believed desirable to do so in this revision in order to have outlined in general terms in one section the broad scope of the functions of the Coast Guard. 81st Congress, House Report No. 357.

#### AMENDMENTS

1974—Pub. L. 93-519 added the provision requiring the Coast Guard to develop, establish, maintain, and operate, pursuant to international agreements, ice-breaking facilities in waters other than those subject to the jurisdiction of the United States.



Communication of 25 October 1979

Pursuant to the agreement in the 24-25 September meeting of the Aircraft Committee, I write to advise that, in the United States, military aircraft means those aircraft purchased for use by the Department of Defence and the United States Coast Guard.

All other aircraft owned or operated by the United States Government, would be, in terms of the Agreement on Trade in Civil Aircraft, considered "civil aircraft" whether or not they are registered with our civil airworthiness authority.