

No. 7292

**SOUTH AFRICA
and
PORTUGAL**

**Agreement (with annex) relating to air services. Signed at
Lisbon, on 7 May 1963**

Official texts: English and Portuguese.

Registered by the International Civil Aviation Organization on 8 June 1964.

**AFRIQUE DU SUD
et
PORTUGAL**

**Accord (avec annexe) relatif aux services aériens. Signé à
Lisbonne, le 7 mai 1963**

Textes officiels anglais et portugais.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

No. 7292. AGREEMENT¹ RELATING TO AIR SERVICES
BETWEEN THE REPUBLIC OF SOUTH AFRICA AND
PORTUGAL. SIGNED AT LISBON, ON 7 MAY 1963

The Governments of the Republic of South Africa and of Portugal, duly represented by the respective Ministers of Foreign Affairs, decided to conclude an agreement relating to the air services between the two countries in the following terms :

1. For the purposes of the present Agreement, which shall include the Annex hereto, the term—

(a) “aeronautical authority” means—

- (i) in the case of the Republic of Portugal, the Minister of Communications or the Minister of Overseas (Director-General of Civil Aviation); and
 - (ii) in the case of the Republic of South Africa, the Minister of Transport;
- or in both cases any other person authorized to perform the functions exercised by the said authority;

(b) “air service” means any air service performed by aircraft for the public transport of passengers, mail or cargo;

(c) “designated airline” means an airline which one Party has designated in writing to the other Party in accordance with the provisions of this agreement;

(d) “Party” or “Parties” means a Party or Parties, as the case may be, to this agreement;

(e) “stop for non-traffic purposes” means a landing for any purposes other than picking-up or setting down passengers, mail or cargo;

(f) “territory” in relation to a Party means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, administration or trusteeship of that Party.

2. (1) The Parties grant to each other the rights specified in the Annex hereto for the operation of scheduled international air services therein described to and from their respective territories.

(2) Each Party may designate airlines for the operation of the air services specified for that Party in the Annex.

3. (1) Each Party shall, subject to the provisions of paragraph 6, without undue delay deliver appropriate operating permissions to the designated airlines of the other Party.

¹ Came into force on 7 May 1963, the date of signature, in accordance with paragraph 8 (1).

(2) A designated airline may, however, before being authorized to inaugurate an air service specified in the Annex, be required to satisfy the aeronautical authority of the other Party that it is qualified to comply with the conditions prescribed in the laws and regulations normally applied by that aeronautical authority.

(3) Each Party reserves the right to withhold or revoke the grant of an operating permission to a designated airline of the other Party when it is not satisfied that substantial ownership and effective control of that designated airline are vested in that other Party or in citizens of that other Party.

4. (1) The tariffs to be charged by the designated airlines of one Party for carriage to or from the territory of the other Party shall be established at reasonable levels due regard being paid all relevant factors including cost of operation, reasonable profit, and the tariffs of other airlines.

(2) The tariffs referred to in sub-paragraph (1) shall, if possible, be agreed by the designated airlines concerned of both Parties, in consultation with other airlines operating over the whole or part of the route, and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association.

(3) The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Parties at least thirty days before the proposed date of their introduction, and in special cases this limit may be reduced, subject to the agreement of the said authorities.

(4) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be fixed in accordance with the provisions of sub-paragraph (2), or if during the first fifteen days of the thirty days' period referred to in sub-paragraph (3) one Party gives the other Party notice of its dissatisfaction with any tariff agreed in accordance with the provisions of sub-paragraph (2), the aeronautical authorities of the Parties shall try to determine the tariff by agreement between themselves.

(5) Subject to the provisions of sub-paragraph (3), no tariff shall come into force if the aeronautical authority of either Party has not approved it.

(6) The tariffs established in accordance with the provisions of this paragraph shall remain in force until new tariffs have been established in accordance with the provisions of this paragraph.

5. In a spirit of close co-operation, the aeronautical authorities of the Parties shall consult each other from time to time with a view to ensuring the implemen-

tation of, and satisfactory compliance with, the provisions of this Agreement and the Annex thereto.

6. Notwithstanding the provisions of paragraph 3 a Party shall have the right to revoke, suspend or limit by the imposition of conditions, the operating permission granted to a designated airline of the other Party if that designated airline, in operating its air service in terms of this Agreement, fails to comply with any law or regulation of the firstmentioned Party or fails to comply with any term or condition prescribed in this Agreement or in the Annex : Provided that unless immediate suspension is essential to prevent further infringement of a law or regulation or term or condition abovementioned, this right shall be exercised only after consultation with the other Party.

7. (1) If either of the Parties consider it desirable to modify any provision of this Agreement, it may request consultation with the other Party and such consultation, which may be between aeronautical authorities, shall begin within a period of sixty days of the date of the request.

(2) Any modifications agreed upon in terms of sub-paragraph (1) shall come into force when they have been confirmed by an exchange of diplomatic notes.

(3) Amendments to the Annex may be agreed upon between the aeronautical authorities of the Parties.

(4) This Agreement and its Annex shall be modified to accord with any multilateral convention which may hereafter become binding on both Parties.

8. (1) This Agreement shall come into force on the date of its signature and shall remain in force indefinitely unless six months' notice in writing of termination in terms of sub-paragraph (2) is given by either Party to the other.

(2) Either Party may at any time give notice to the other Party of its decision to terminate this Agreement and such notice shall at the same time be communicated to the International Civil Aviation Organization.

(3) In the case of notice given in terms of sub-paragraphs (1) and (2), this Agreement shall terminate six months after the date of receipt of the notice by the other Party, unless the notice is withdrawn by agreement before the expiry of this period.

(4) In the absence of acknowledgement of receipt by the other Party, notice given in terms of sub-paragraphs (1) and (2) shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.