

No. 9057

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**ARGENTINA  
and  
PARAGUAY**

**Agreement relating to scheduled air services. Signed at  
Buenos Aires, on 7 February 1964**

*Official text: Spanish.*

*Registered by Argentina on 17 April 1968.*

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**ARGENTINE  
et  
PARAGUAY**

**Accord relatif aux transports aériens réguliers. Signé à  
Buenos Aires, le 7 février 1964**

*Texte officiel espagnol.*

*Enregistré par l'Argentine le 17 avril 1968.*

[TRANSLATION — TRADUCTION]

No. 9057. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF PARAGUAY RELATING TO SCHEDULED AIR SERVICES. SIGNED AT BUENOS AIRES, ON 7 FEBRUARY 1964

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The Argentine Republic and the Republic of Paraguay, being parties to the Convention on International Civil Aviation of 7 December 1944,<sup>2</sup> drawn up at Chicago, and

Considering :

That the traditional relations between the two countries should be strengthened, with a view to achieving greater co-operation in the social, political, economic and legal fields ;

That the regulation of communication services is urgently necessary in order to promote, ensure and establish a system of air transport on the basis of equality and mutual respect for the rights of each of the Contracting Parties ;

That air transport effectively contributes to bringing peoples together by providing rapid, safe, regular, efficient and economical communications ;

That the fraternity between the two nations necessitates agreement on a specific regulation of air services having due regard to their respective interests and taking especially into account their geographical situation and common historical origin ;

Accordingly agree as follows :

*Article 1*

For the purpose of this Agreement, unless otherwise indicated by the text :

(1) "Aeronautical authorities" means, in the case of the Argentine Republic, the Department of Aviation, and, in the case of the Republic of Paraguay, the Ministry of Defence, or, in either case, any body authorized

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<sup>1</sup> Came into force on 14 April 1967, thirty days after the exchange of the instruments of ratification which took place at Asunción on 14 March 1967, in accordance with article 21.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 15, p. 295; for the texts of the Protocols amending this Convention, see Vol. 320, pp. 209 and 217; Vol. 418, p. 161, and Vol. 514, p. 209.

to perform the functions at present exercised by the said Department or Ministry ;

(2) " Designated airline " means any airline indicated by one of the Contracting Parties to operate the agreed air services the designation of which, in accordance with article 3, is communicated in writing to the aeronautical authorities of the other Contracting Party ;

(3) " Territory ", " air service ", " international air service " and " stop for non-traffic purposes " shall have the meanings assigned to them in articles 2 and 96 of the Convention on International Civil Aviation of 7 December 1944, drawn up at Chicago, in their respective versions for the time being in force ;

(4) " Traffic requirements " means the demand for passenger, cargo and mail traffic between the two extremities of a route between the territories of the two Contracting Parties, calculated during a specified period by agreement between the two Contracting Parties ;

(5) " Capacity of an aircraft " means the payload of an aircraft, expressed in number of seats in the case of passengers and in weight in the case of goods and mail, which may be occupied or can be carried between the point of origin and the point of destination of the route to which the aircraft is assigned between the territories of the Contracting Parties ;

(6) " Transport capacity provided " means the total capacities of the aircraft used in the operation of each agreed air service, multiplied by the frequency with which such aircraft operate during a specified period ;

(7) " Air route " means the pre-established itinerary to be followed by an aircraft operating a scheduled air service for the public transport of passengers, goods and mail ;

(8) " Argentine-Paraguayan traffic " shall be traffic originating in the territory of one of the Contracting Parties and bound for the territory of the other Contracting Party, whether carried by airlines of the Contracting Parties or by foreign airlines ;

(9) " Regional traffic " means air traffic which originates in the territory of a Contracting Party and terminates in the territory of an adjacent State.

## *Article 2*

(1) The Contracting Parties grant to each other the rights described in this Agreement for the establishment of the agreed international air services.

(2) The routes on which the designated airlines of the two Contracting Parties may operate international air services shall be laid down in a schedule to be agreed upon by an exchange of diplomatic notes.

(3) Each Contracting Party grants to the other Contracting Party, for the operation of the international air services by the designated airlines on the routes laid down in accordance with paragraph (2), the right of non-stop transit over its territory and the right to make stops in its territory for non-traffic purposes.

(4) In view of the geographical situation of the Argentine Republic and the Republic of Paraguay, the two States specifically accord to each other recognition of their entitlement to exercise the rights set forth in this article on extensions of their routes to points beyond their respective territories. Each Contracting Party grants to the other Contracting Party, under the conditions laid down in article 11, the right to put down and take on passengers, mail and cargo at the points agreed upon in accordance with paragraph (2), and indicated in the schedule.

### *Article 3*

(1) The international air service may be inaugurated immediately, on any of the routes laid down in accordance with article 2, paragraph (2), when :

- (a) The Contracting Party to which the rights specified in article 2, paragraphs (2) and (4) have been granted has designated one or more airlines and has notified the other Contracting Party in writing, and
- (b) The Contracting Party granting the said rights has issued to the designated airline or airlines the authorization to inaugurate the international air service.

(2) The Contracting Party granting the said rights shall issue without delay the authorization to operate the international air services, subject to the provisions of article 4, paragraphs (1) and (2), and without prejudice to the right of each of the Contracting Parties to satisfy itself that the designated airlines are qualified under the national laws and regulations which it normally applies for the purpose of granting authorization.

### *Article 4*

(1) Each Contracting Party reserves the right to withhold or revoke, after consultation, the grant to an airline designated by the other Contracting Party of the operating authorization provided for in article 3 if the said airline is unable, upon request, to show that substantial ownership and

effective control of that airline are vested in nationals or corporations of the other Contracting Party or in the other Contracting Party itself.

(2) The same right may be exercised, after consultation, where an airline designated by one of the Contracting Parties is unable to show that it can comply with the requirements laid down in the laws and other provisions of the aforesaid Contracting Party for the operation of an international air service or with the requirements laid down by this Agreement, or where it fails to comply with the aforementioned provisions, unless in order to avoid violations of the laws and other provisions it is necessary immediately to suspend or impose conditions on the operation of the service.

#### *Article 5*

Each Contracting Party shall have the right to replace an airline which it has designated, by notifying the other Contracting Party in writing in accordance with the provisions of article 3. The new designated airline shall, after complying with the requirements of the relevant laws and regulations, enjoy the same rights and be subject to the same obligations as the airline which it replaces.

#### *Article 6*

In order to prevent any discriminatory measure and to respect the principle of equality of treatment, it is agreed that :

(a) The charges which either Contracting Party may impose or permit to be imposed on the airlines designated by the other Contracting Party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by its national airlines operating similar international services ;

(b) Fuel, lubricating oils, spare parts and regular equipment intended solely for use by aircraft employed by the airlines designated by one of the Contracting Parties or introduced into the territory of the other Contracting Party by or on behalf of such airlines, or taken on board in such territory for use on board the aircraft of such airlines, shall be accorded by the latter Contracting Party the same treatment as it applies to its national aircraft with respect to customs duties, inspection fees and other charges imposed on aircraft engaged in similar international services. If one Contracting Party applies to the airlines designated by the other Contracting Party customs duties and other charges on the aforementioned goods, the latter Contracting Party shall have the right to impose the same charges in respect of the aforesaid goods ;