

No. 556

**FRANCE
and
PORTUGAL**

Agreement on air transport between French and Portuguese territories (with annex). Signed at Lisbon, on 30 April 1946

French and Portuguese official texts communicated by the Secretary-General of the International Civil Aviation Organization. The registration took place on 7 September 1949.

**FRANCE
et
PORTUGAL**

Accord relatif aux transports aériens entre les territoires français et portugais (avec annexe). Signé à Lisbonne, le 30 avril 1946

Textes officiels français et portugais communiqués par le Secrétaire général de l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu le 7 septembre 1949.

TRANSLATION — TRADUCTION

No. 556. AGREEMENT¹ ON AIR TRANSPORT BETWEEN
FRENCH AND PORTUGUESE TERRITORIES. SIGNED AT
LISBON, ON 30 APRIL 1946

The Provisional Government of the French Republic and the Government of Portugal

Considering:

— that the possibilities of commercial aviation as a means of transport have greatly increased,

— that it is desirable to organize regular international air services in a safe and orderly manner and to promote to the fullest possible extent the development of international co-operation in this field, and

— that the agreements on the operation of regular air services previously concluded between the two Governments should be replaced by a more general agreement adapted to the new air transport conditions,

have appointed representatives who, being duly authorized, have agreed on the following provisions:

Article I

The Contracting Parties shall grant each other the rights specified in the annex for the establishment of the international services specified therein. Such services may be inaugurated immediately or at a later date, at the option of the Contracting Party to which the rights are granted.

Article II

(a) Each of the air services specified in the annex may be brought into operation as soon as the Contracting Party to which the rights specified in the said annex have been granted has designated an airline or airlines to operate the routes in question.

(b) Any airline so designated by either Contracting Party may be required, before receiving permission to inaugurate the services covered by the present agreement, to satisfy the competent aeronautical authorities of the other Con-

¹ Came into force on 30 April 1946, as from the date of signature, in accordance with article XI.

tracting Party, in accordance with the laws and regulations in force in the territory of the latter, that it possesses the necessary qualifications and commercial standing.

Article III

(a) Each of the Contracting Parties agrees that the charges imposed on the airline or airlines of the other Contracting Party for the use of airports and other facilities shall not be higher than those paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of either Contracting Party by or on behalf of an airline designated by the other Contracting Party, and intended solely for use by the aircraft of that airline, shall be accorded with respect to customs duties, inspection fees and other duties or charges, the same treatment as national airlines or most-favoured-nation treatment.

(c) Aircraft operated by the airline or airlines designated by either Contracting Party on the routes covered by the present agreement, and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board the said aircraft shall, upon entering or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees and similar duties or charges, even though such supplies be used or consumed by such aircraft on flights over that territory.

Article IV

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either Contracting Party shall be recognized by the other for the purpose of operating the routes and services specified in the annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight over its own territory, certificates of competency or licences issued to its own nationals by another State.

Article V

(a) The laws and regulations of either Contracting Party concerning the admission to or departure from its territory of aircraft engaged in international air navigation, or the operation and navigation of such aircraft within its territory, shall apply to aircraft of the airline or airlines of the other Contracting Party.

(b) Passengers, crews and consignors of goods shall comply, either personally or through a third party acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party governing the entry, stay or departure of passengers, crews or cargo, such as those relating to entry, clearance, immigration, passports, customs and quarantine.

Article VI

Each Contracting Party reserves the right to withhold or revoke a certificate or permit granted to any airline designated by the other Contracting Party if it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of one or other of the Contracting Parties, or if the airline fails to comply with the laws and regulations mentioned in article V, or to perform its obligations under the present agreement.

Article VII

For the purpose of the present agreement and its annex, the term "territory" shall be taken to mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate or trusteeship of one or other of the Contracting Parties.

Article VIII

(a) The Contracting Parties agree to submit to arbitration any dispute relating to the interpretation and application of the present agreement and its annex which cannot be settled by direct negotiation.

(b) Any such dispute shall be referred to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944,¹ or, pending the entry into force of the said Convention between the two Contracting Parties, to the Interim Council set up by the Interim Agreement on International Civil Aviation signed at Chicago on the same date.

(c) Nevertheless, the Contracting Parties may by common agreement settle the dispute by submitting it either to an arbitral tribunal or to any other person or body they may appoint.

(d) The Contracting Parties undertake to comply with the decision given.

Article IX

The present agreement supersedes all previous Franco-Portuguese arrangements relating to air transport, including those concluded between the two Governments by an exchange of notes dated 16 October and 10 November 1934, and 12 and 17 November 1936.

Article X

The present agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization set up

¹ United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402, and Volume 33, page 352.

by the Interim Agreement on International Civil Aviation signed at Chicago on 7 December 1944.

Article XI

(a) The present agreement shall come into force on the date of its signature.

(b) In a spirit of close collaboration, the competent aeronautical authorities of the two Contracting Parties shall from time to time consult together with a view to ensuring the application and satisfactory implementation of the principles laid down in the present agreement and its annex.

(c) In the event of the two Contracting Parties ratifying a multilateral air convention or becoming parties thereto, the present agreement or its annex shall be amended to conform with the provisions of such convention as soon as that convention shall have come into force between them.

(d) Should either of the Contracting Parties desire to modify the terms of the annex to the present agreement, it may request that a consultation be held between the competent aeronautical authorities of the two Contracting Parties, such consultation to begin within a period of sixty days from the date of such request. Any modification to the annex which may be agreed on by the said authorities shall come into force as soon as it has been confirmed by an exchange of diplomatic notes.

(e) Either Contracting Party may at any time give notice to the other of its desire to terminate the present agreement. Such notice shall be simultaneously communicated to the Provisional International Civil Aviation Organization or its successor. The present agreement shall expire twelve months from the date of receipt of the notice by the other Contracting Party, unless such notice be withdrawn by common consent before the end of that period. Failing acknowledgment of receipt of the notice by the Contracting Party to which it was addressed, notice shall be deemed to have been received fourteen days after its receipt by the Provisional International Civil Aviation Organization or its successor.

DONE at Lisbon the thirtieth day of April, nineteen hundred and forty-six, in duplicate, in the French and Portuguese languages, both texts being equally authentic.

For the Portuguese Government:

(Signed) ANTÓNIO DE OLIVEIRA SALAZAR

For the Provisional Government of the French Republic:

(Signed) J. DU SAULT