

No. 9515

ARGENTINA
and
BRAZIL

**Agreement concerning regular air transport (with annex
and protocol of signature). Signed at Rio de Janeiro
on 2 June 1948**

Authentic texts : Spanish and Portuguese.

Registered by Argentina on 28 April 1969.

ARGENTINE
et
BRÉSIL

**Accord relatif aux transports aériens réguliers (avec annexe
et protocole de signature). Signé à Rio de Janeiro
le 2 juin 1948**

Textes authentiques : espagnol et portugais.

Enregistré par l'Argentine le 28 avril 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
ARGENTINE REPUBLIC AND THE GOVERNMENT OF
THE UNITED STATES OF BRAZIL CONCERNING REGU-
LAR AIR TRANSPORT

The Government of the Argentine Republic and the Government of the United States of Brazil, considering :

— That the steadily growing possibilities of commercial aviation are becoming increasingly important ;

— That this means of transport, because of its essential characteristics, affording rapid communication, brings nations closer together ;

— That it is desirable to organize regular international air services in a safe and orderly manner, without prejudice to national and regional interests, taking into account the development of international co-operation in the field of air transport ;

— That it is their hope that a general multilateral agreement applying to all nations in the matter of international air transport will be concluded ;

— That pending the conclusion of such a general multilateral agreement, to which both Governments would be parties, it is essential to draw up an Agreement for the purpose of ensuring regular air communications between the two countries, under the terms of the Convention on International Civil Aviation, concluded at Chicago on 7 December 1944.²

Have appointed for this purpose plenipotentiaries, who, after exchanging their full powers, which were found to be in good and proper form, and having been mindful of the agreements concluded by each party previously, have agreed upon the following provisions :

Article I

The Contracting Parties grant each other the rights specified in this Agreement and its annex in order that the regular international air services

¹ Came into force provisionally on 2 June 1948 by signature and definitively on 29 November 1966 by the exchange of the instruments of ratification which took place at Buenos Aires, in accordance with article XVI.

² 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.

which are described therein and which are hereinafter referred to as "agreed services" may be established.

Article II

1. Each of the agreed services may be inaugurated immediately or at a later date, at the option of the Contracting Party to which the rights are granted, but not before :

- (a) The Contracting Party to which they are granted has designated one or more airlines of its own nationality for all or each of the specified routes ;
- (b) The Contracting Party granting the rights has issued the necessary operating licence to the airline or airlines concerned, which, subject to the provisions of paragraph 2 of this article and those of article VI, it shall do without delay.

2. The designated airlines may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities with respect to the operation of commercial airlines.

Article III

In order to prevent discriminatory practices and to ensure that the principle of equality of treatment is observed :

1. The charges and other fiscal duties which one of the Contracting Parties may impose or permit to be imposed on the designated airline or airlines of 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 aircraft of its flag engaged in similar international services.

2. Fuel, lubricating oils and spare parts introduced into the territory of one Contracting Party or taken on board aircraft of the other Contracting Party in that territory, whether directly by an airline designated by the latter or on behalf of such airline, intended solely for use by its aircraft, shall enjoy the same treatment as that granted to national airlines or airlines of the most favoured nation with respect to customs duties, inspection fees or other national duties or charges.

3. Aircraft of one of the Contracting Parties used in operating the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board for use in such aircraft shall enjoy exemption from customs duties, inspection fees and similar duties or fees in the territory of the other Contracting Party, even though they are used by the aircraft on flights in that territory.

4. The items listed in the foregoing paragraph, enjoying the exemption established therein, may not be unloaded without the approval of the customs authorities of the other Contracting Party. These items, until such time as they are re-exported or used, shall be kept under customs supervision, but the right to dispose of them shall not be affected thereby.

Article IV

Certificates of airworthiness, certificates of competency and licences issued or validated by one Contracting Party and still in force shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services. Each Contracting Party reserves the right to refuse to recognize, for the purpose of flight over its territory, certificates and licences granted to its nationals by the other Contracting Party or by a third State.

Article V

1. The laws and regulations of one Contracting Party relating to the admission to, stops in or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the designated airline or airlines of the other Contracting Party.

2. The laws and regulations of each Contracting Party relating to the admission to, stops in and departure from its territory of passengers, crews or cargo of aircraft, such as those relating to entry, clearance, immigration, passports, customs and quarantine, shall be applied to the passengers, crew and cargo of aircraft operating the agreed services.

Article VI

Each Contracting Party reserves the right to withhold an operating licence from an airline designated by the other Contracting Party or to revoke such licence if it is not duly satisfied that substantial ownership and

effective control of the airline in question are vested in nationals of the other Contracting Party, or in the case of failure by that airline to comply with the laws and regulations referred to in article XIII of the above-mentioned Convention on International Civil Aviation or with the conditions under which the rights have been granted in accordance with this Agreement and its annex.

Article VII

Breaches of legal provisions or regulations which do not constitute an offence and which have been committed in the territory or superjacent air space of one of the Contracting Parties shall be reported to the aeronautical authorities of the other Contracting Party, in order that those authorities may take steps to ensure that the obligations deriving from such breaches are complied with. If the person concerned fails to comply with those obligations, he shall be barred from serving as a member of a crew travelling in its territory, without prejudice to any pecuniary penalties that may be imposed.

In investigations conducted to determine the existence of such breaches, the aeronautical authorities concerned shall endeavour to ensure that the regularity of the agreed services is not affected.

Article VIII

The Contracting Parties reserve the right to replace the designated airline or airlines by other national airlines, giving prior notice to the other Contracting Party. All the provisions of this Agreement and its annex shall apply to the newly designated airlines.

Article IX

If either of the Contracting Parties wishes to modify the terms of the annex to this Agreement or to exercise the right referred to in article VI hereof, it shall request consultation between the aeronautical authorities of both Contracting Parties, such consultation to commence within a period of sixty days from the date of the request.

When the said authorities agree to modify the annex, such modifications shall enter into force after they have been confirmed by an exchange of notes through the diplomatic channel.

Article X

1. The aeronautical authorities of the two Contracting Parties shall, by mutual agreement and on the basis of reciprocity, resolve any matters relating to the execution of this Agreement, its annex and route plans and