

No. 810

**UNITED STATES OF AMERICA
and
PANAMA**

**Aviation Agreement (with annex). Signed at Panama, on
31 March 1949**

Official texts : English and Spanish.

Registered by the United States of America on 26 May 1950.

**ÉTATS-UNIS D'AMÉRIQUE
et
PANAMA**

**Accord relatif à l'aviation (avec annexe). Signé à Panama,
le 31 mars 1949**

Textes officiels anglais et espagnol.

Enregistré par les Etats-Unis d'Amérique le 26 mai 1950.

No. 810. AVIATION AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA. SIGNED AT PANAMA, ON 31 MARCH 1949

PREAMBLE

WHEREAS the Governments of the United States of America and of the Republic of Panamá are signatories to the International Civil Aviation Convention² which was formulated by the International Civil Aviation Conference in Chicago in 1944; and

WHEREAS the Government of the Republic of Panama has constructed a modern airport in its territory, known as Tocumen National Airport, which is located approximately fifteen miles from the border of Panamá City and the Canal Zone, and is now serving international civil aviation; and

WHEREAS the utilization of Tocumen National Airport by airlines of the United States of America and of the Republic of Panamá will further the bonds of friendship and cooperation which now exist between the two Governments; and

WHEREAS it is believed that Tocumen National Airport, if certain provisions are made, may function as a civil airport serving the Canal Zone as well as the Republic of Panamá, thereby benefitting both the Republic of Panamá and the United States of America because of its relation to the Canal Zone; and

WHEREAS the Governments of the United States of America and of the Republic of Panamá consider appropriate, for a clear understanding concerning the operations of the international civil airline services at Tocumen National Airport, the conclusion of a bilateral air agreement; and

WHEREAS the President of the United States of America and the President of the Republic of Panamá, desiring to enter into appropriate

¹ Came into force on 14 April 1949, the day on which notice of ratification by the Government of the Republic of Panama was given to the Government of the United States of America, in accordance with article 20.

² United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402; Volume 33, page 352; Volume 44, page 346; Volume 51, page 330; Volume 53, page 341 and Volume 54, page 197.

engagements to these ends, have designated for this purpose as their representatives :

His Excellency Monnett B. Davis, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panamá, and

His Excellency Licentiate Ignacio Molino, Jr., Minister of Foreign Relations of the Republic of Panamá, who, having communicated their respective full powers to each other, which have been found to be in good and due form, have agreed upon the following :

Article I

Each Contracting Party grants to the other Contracting Party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

Article II

Each of the air services so described may be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article I to designate an airline or airlines for the route concerned has authorized an airline for such route, and the Contracting Party granting the rights shall, subject to Article VI hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the Contracting Party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such operation shall be subject to the approval of the competent authorities.

Article III

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that :

(a) Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be 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 areas with respect to which one Contracting Party has jurisdiction by the other Contracting Party or its nationals, and intended solely for use by aircraft of the airlines of such other Contracting Party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party having jurisdiction of such areas, be accorded the same treatment as that applying to national airlines and to airlines of the most favored nation.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the areas with respect to which the other Contracting Party has jurisdiction, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in those areas.

Article IV

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party and still in force shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above areas with respect to which it has jurisdiction, certificates of competency and licenses granted to its own nationals by another State.

Article V

(a) Subject to Article XVII hereof, the laws and regulations of one Contracting Party relating to the admission to or departure from areas with respect to which it has jurisdiction of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within those areas, shall be applied to the aircraft of the airlines designated by the other Contracting Party, and shall be complied with by such aircraft upon entering or departing from or while within those areas.

(b) Subject to Article XVII hereof, the laws and regulations of one Contracting Party as to the admission to or departure from areas with respect to which it has jurisdiction of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports,

customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other Contracting Party upon entrance into or departure from, or while within those areas.

Article VI

Each Contracting Party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to this Agreement by an airline designated by the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other Contracting Party, or in case of failure by such airline to comply with the laws and regulations referred to in Article V hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this Agreement and its Annex.

Article VII

The Contracting Parties agree that this Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization.

Article VIII

Existing rights and privileges relating to air transport services which may have been granted previously by either of the Contracting Parties to the benefit of an airline of the other Contracting Party shall continue in force according to their terms.

Article IX

Either of the Contracting Parties may at any time notify the other of its intention to terminate the present Agreement. Such a notice shall be sent simultaneously to the International Civil Aviation Organization. In the event such communication is made, this Agreement shall terminate one year after the date of receipt of the notice to terminate, unless by agreement between the Contracting Parties the communication under reference is withdrawn before the expiration of that time. If the other Contracting Party fails to acknowledge receipt, notice shall be deemed as having been received 14 days after its receipt by the International Civil Aviation Organization.

Article X

In the event either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both Contracting