

**No. 2695**

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**BRAZIL  
and  
PORTUGAL**

**Air Transport Agreement (with annex and Protocol of Signature). Signed at Lisbon, on 10 December 1946**

**Exchange of notes constituting an agreement modifying the annex to the above-mentioned Agreement. Lisbon, 19 July 1954**

*Official text: Portuguese.*

*Registered by the International Civil Aviation Organization on 18 October 1954.*

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**BRÉSIL  
et  
PORTUGAL**

**Accord (avec annexe et Protocole de signature) relatif aux transports aériens. Signé à Lisbonne, le 10 décembre 1946**

**Échange de notes constituant un accord modifiant l'annexe de l'Accord susmentionné. Lisbonne, 19 juillet 1954**

*Texte officiel portugais.*

*Enregistrés par l'Organisation de l'aviation civile internationale le 18 octobre 1954.*

[TRANSLATION — TRADUCTION]

No. 2695. AIR TRANSPORT AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF BRAZIL AND PORTUGAL. SIGNED AT LISBON, ON 10 DECEMBER 1946

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The Government of the United States of Brazil and the Government of Portugal, considering :

That the possibilities of commercial aviation as a means of transport have greatly increased ;

That this means of transport, because of its essential characteristics, permitting rapid connexions, contributes to bringing nations together ;

That it is desirable to organize the regular international air services in a safe and orderly manner and to develop international co-operation in this field without prejudice to national and regional interests ;

That it is necessary to conclude an agreement for the purpose of ensuring regular air communications between the two countries ;

Have appointed for this purpose their representatives who, being duly authorized, have agreed as follows :

*Article 1*

The Contracting Parties grant each other the rights specified in the annex<sup>2</sup> to this Agreement, in order that there may be established the regular air services described therein (hereinafter referred to as "agreed services").

*Article 2*

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 have been granted, but not before :

(a) The Contracting Party to which the rights have been granted has designated one or more airlines for the specified route or routes ;

(b) The Contracting Party granting the rights has issued the necessary operating permit to the airline or airlines concerned (which, subject to the provisions of paragraph 2 of this article and of article 4, it shall do without delay).

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<sup>1</sup> Came into force on 7 July 1954, in accordance with article 13.

<sup>2</sup> See p. 84 of this volume.

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 the said authorities to the operation of commercial airlines.

### *Article 3*

In order to prevent discriminatory practices and to ensure equality of treatment :

1. The charges which either Contracting Party 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 its national aircraft engaged in similar international services.

2. Fuel, lubricating oils and spare parts introduced into or placed on board aircraft in the territory of one Contracting Party by the other Contracting Party directly or by or on behalf of the airlines designated by the other Contracting Party, and intended for use by the aircraft of such designated airlines, shall enjoy national or most-favoured-nation treatment with respect to customs duties, inspection fees and other national duties or charges.

3. Aircraft of one Contracting Party operated on the agreed services, and the fuel, lubricating oils, spare parts, normal equipment and aircraft stores of such aircraft, shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees and similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

### *Article 4*

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still valid shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates and licences issued to its own nationals by the other Contracting Party or by any other State.

### *Article 5*

1. The laws and regulations of one Contracting Party concerning the admission to or departure from its territory of aircraft engaged in international air naviga-

tion, or the operation and navigation of such aircraft within its territory, shall apply to aircraft of the designated airline or airlines of the other Contracting Party.

2. The laws and regulations of one Contracting Party concerning the admission to or departure from its territory of passengers, crew or cargo of aircraft (such as regulations concerning entry, clearance, immigration, passports, customs and quarantine) shall apply to the passengers, crew or cargo of the aircraft of the designated airline or airlines of the other Contracting Party while within the territory of the first Contracting Party.

#### *Article 6*

Each Contracting Party reserves the right to withhold permission to exercise the rights specified in the annex to this Agreement from an airline designated by the other Contracting Party, or to revoke such permission, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of the other Contracting Party, or in case of failure by that airline to comply with the laws and regulations referred to in article 5 of this Agreement or to fulfil the conditions under which the rights were granted in accordance with this Agreement and its annex, or when aircraft operated by such airline are not manned by nationals of the other Contracting Party, except in cases where air crews are being trained.

#### *Article 7*

If either Contracting Party considers it desirable to modify any provision or provisions of the annex to this Agreement, or to exercise the right referred to in article 6, it may request consultations between the aeronautical authorities of the two Contracting Parties, such consultations to begin within a period of sixty days from the date of the request.

Any modification of the annex agreed upon between the said authorities shall come into effect when it has been confirmed by an exchange of notes through the diplomatic channel.

#### *Article 8*

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or of its annex which cannot be settled through consultation shall, unless the Contracting Parties agree to refer it to an arbitral tribunal for decision, be referred for advisory report to the Interim Council of the Provisional International Civil Aviation Organization in accordance with the provisions of article III, section 6 (8), of the Interim Agreement on International Civil Aviation signed at Chicago on 7 December 1944,<sup>1</sup> or to its successor.

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 171, p. 345.

*Article 9*

Either Contracting Party may at any time give notice to the other of its desire to terminate this Agreement. Such notice shall be simultaneously communicated to the Provisional International Civil Aviation Organization or its successor. If such notice is given, this Agreement shall terminate six (6) months after the date of receipt of the notice by the other Contracting Party, unless the notice is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other Contracting Party, notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the Provisional International Civil Aviation Organization or its successor.

*Article 10*

In the event of the entry into force of a multilateral air convention to which both Contracting Parties subscribe, this Agreement shall be amended to conform with the provisions of the said convention.

*Article 11*

This Agreement supersedes any documents, licences, privileges or concessions previously granted for any reason by either Contracting Party to airlines of the other Contracting Party.

*Article 12*

This Agreement shall be registered with the Provisional Civil Aviation Organization established by the Interim Agreement on International Civil Aviation signed at Chicago on 7 December 1944 or with its successor.

*Article 13*

This Agreement shall come into force when the constitutional requirements of both Contracting Parties have been fulfilled.

DONE at Lisbon, this 10th day of December 1946.

For the Government of Portugal :

(Signed) A. O. SALAZAR

For the Government of the United States of Brazil:

(Signed) Cunha MACHADO

(Signed) Alberto DE MELLO FLORES