

No. 2883

**UNITED STATES OF AMERICA
and
VENEZUELA**

**Air Transport Agreement (with annex and exchange of
notes). Signed at Caracas, on 14 August 1953**

Official texts: English and Spanish.

Registered by the United States of America on 26 July 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
VENEZUELA**

**Accord relatif aux transports aériens (avec annexe et échange
de notes). Signé à Caracas, le 14 août 1953**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 26 juillet 1955.

No. 2883. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA. SIGNED AT CARACAS, ON 14 AUGUST 1953

The Government of the United States of America and the Government of the Republic of Venezuela, desiring to conclude an Agreement for the purpose of the developing air services between their respective territories have designated as their Plenipotentiaries :

The President of the United States of America : His Excellency Fletcher Warren, Ambassador Extraordinary and Plenipotentiary ;

The President of the Republic of Venezuela : His Excellency Doctor Aureliano Otáñez, Minister of Foreign Relations ;

Who, after exchanging their respective full powers and finding them sufficient and in due form, have agreed upon the following :

Article 1

For the purposes of the present Agreement, and its Annex,² except where the text provides otherwise :

(A) The term “aeronautical authorities” shall mean in the case of the United States of America, the Civil Aeronautics Board and any person or agency authorized to perform the functions exercised at the present time by the Civil Aeronautics Board and, in the case of the Republic of Venezuela, the Ministry of Communications and any person or agency authorized to perform the functions exercised at present by the said Ministry of Communications.

(B) The term “designated airlines” shall mean those airlines that the aeronautical authorities of one of the contracting parties have communicated in writing to the aeronautical authorities of the other contracting party that they are the airlines that it has designated in conformity with Article 3 of the present Agreement for the routes specified in such designation.

(C) The term “territory” shall have the meaning given to it by Article 2 of the Convention on Internacional Civil Aviation, signed at Chicago on December 7, 1944.³

¹ Came into force on 22 August 1953, eight days after signature, in accordance with article 15.

² See p. 112 of this volume.

³ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 418, and Vol. 199, p. 362.

(D) The definitions contained in paragraphs A, B, and D of Article 96 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944 shall be applied to the present Agreement.

Article 2

Each contracting party grants to the other contracting party the rights 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 3

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 2 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 7 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned without undue delay; 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 operations shall be subject to the approval of the competent military authorities.

Article 4

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, and aircraft of the most favored nation.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of the airlines designated by such contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is

entered, be accorded the same treatment as that applying to international operations of national airlines and to airlines of the most favored nation.

(c) Aircraft of the designated airline or airlines of one contracting party operating on the agreed services to, from, or across the territory of the other contracting party shall be admitted temporarily free from customs duties, subject otherwise to the customs regulations of such other contracting party. The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the designated airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, 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 that territory.

Article 5

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, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 6

(a) The laws and regulations of one contracting party relating to the admission to 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 airlines designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory 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 airlines designated by the other contracting party upon entrance into or departure from, or while within the territory of the first party.

Article 7

Notwithstanding the provisions of Article 14 hereof, 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 is vested in nationals of the other contracting party, or in case of failure by such airline to comply with laws and regulations referred to in Article 6 hereof, or in case of the failure of the airline or the Government designating it otherwise to perform its obligations hereunder, or to fulfill the conditions under which the rights are granted in accordance with this Agreement and its Annex.

Article 8

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization.

Article 9

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

Article 10

It is the intention of both contracting parties that their respective aeronautical authorities shall consult regularly and frequently to the end of assuring the reciprocal compliance with and fulfillment of all of the principles, objectives, conditions, and provisions of the present Agreement and its Annex. Such consultation may be requested by either of the parties at any time and should be initiated within sixty (60) days from the date of the request. It will be conducted in the most rapid manner possible, utilizing all information, including statistics, that may be exchanged by mutual agreement between the parties.

Article 11

(a) In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the Agreement and attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty (60) days from the date of the request. When these authorities mutually agree on new or revised routes or on new or revised conditions affecting the Agreement or the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.