

No. 49713

**Israel
and
Brazil**

Bilateral Air Services Agreement between the Government of the State of Israel and the Government of the Federative Republic of Brazil (with annex). Brasilia, 22 July 2009

Entry into force: *13 June 2011 by notification, in accordance with article 29*

Authentic texts: *English, Hebrew and Portuguese*

Registration with the Secretariat of the United Nations: *Israel, 20 July 2012*

**Israël
et
Brésil**

Accord bilatéral relatif aux services aériens entre le Gouvernement de l'État d'Israël et le Gouvernement de la République fédérative du Brésil (avec annexe). Brasilia, 22 juillet 2009

Entrée en vigueur : *13 juin 2011 par notification, conformément à l'article 29*

Textes authentiques : *anglais, hébreu et portugais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Israël, 20 juillet 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

BILATERAL AIR SERVICES AGREEMENT
BETWEEN
THE GOVERNMENT OF THE STATE OF ISRAEL
AND
THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

PREAMBLE

The Government of the State of Israel and the Government of the Federative Republic of Brazil hereinafter referred to as the "Parties";

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944;

Desiring to contribute to the progress of international civil aviation and;

Desiring to conclude an agreement for the purpose of establishing and operating air services between and beyond their respective territories;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement, unless otherwise stated, the term:

- a) "aeronautical authorities" means, in the case of the Federative Republic of Brazil, the civil aviation authority represented by the National Civil Aviation Agency; in the case of the State of Israel the Ministry of Transport by the Civil Aviation Authority; or in both cases any other authority or person empowered to perform the functions exercised by the said authorities;
- b) "Agreement" means this Agreement, its Annex (es), and any amendments thereto;
- c) "capacity" means the amount(s) of services provided under the Agreement, usually measured in the number of flights (frequencies) or seats or tons of cargo offered in a market (city pair, or country-to-country) or on a route during a specific period, such as daily, weekly, seasonally or annually;
- d) "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any Annex adopted under Article 90 of that Convention, and any amendment of the Annexes or Convention under Articles 90 and 94, insofar as such Annexes and amendments have become effective for both Parties;
- e) "designated airline" means an airline which has been designated and authorized in accordance with Article 3 (Designation and Authorization) of this Agreement;
- f) "price" means any fare, rate or charge for the carriage of passengers, baggage and/or cargo, excluding mail, in air transportation, including any other mode of transportation in connection therewith, charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;

- g) “territory” in relation to a State has the meaning assigned to it in Article 2 of the Convention;
- h) “user charges” means a charge made to airlines by the competent authorities, or permitted by them to be made, for the provision of airport property or facilities or of air navigation facilities, or aviation security facilities or services, including related services and facilities, for aircraft, their crews, passengers and cargo; and
- i) “air service”, “international air service”, “airline”, and “stop for non-traffic purposes”, have the meanings assigned to them in Article 96 of the Convention.

ARTICLE 2

Grant of Rights

1. Each Party grants to the other Party the rights specified in this Agreement for the purpose of operating international air services on the routes specified in the Route Schedule.
2. Subject to the provisions of this Agreement, the airline(s) designated by each Party shall enjoy the following rights:
 - a) to fly without landing across the territory of the other Party;
 - b) to make stops in the territory of the other Party for non-traffic purpose;
 - c) to make stops at the point(s) on the route(s) specified in the Route Schedule to this Agreement for the purpose of taking on board and discharging international traffic in passengers, baggage, cargo or mail separately or in combination.
3. The airlines of each Party, other than those designated under Article 3 (Designation and Authorization) of this Agreement shall also enjoy the rights specified in paragraphs 2 a) and b) of this Article.
4. Nothing in paragraph 2 shall be deemed to confer on the designated airline(s) of one Party the privilege of taking on board, in the territory of the other Party, passengers, baggage, cargo and mail for remuneration and destined for another point in the territory of the other Party.

ARTICLE 3

Designation and Authorization

1. Each Party shall have the right to designate in writing to the other Party, through diplomatic channels, an airline or airlines to operate the agreed services and to withdraw or alter such designation.
2. On receipt of such a designation, and of application from the designated airline, in the form and manner prescribed for operating authorization each Party shall grant the appropriate operating authorization with minimum procedural delay, provided that:

- a) substantial ownership and effective control are vested in the Party designating the airline, nationals of that Party or both;
 - b) the Party designating the airline is in compliance with the provisions set forth in Article 8 (Safety) and Article 9 (Aviation Security); and
 - c) the designated airline is qualified to meet other conditions prescribed under the laws and regulations normally applied to the operation of international air transport services by the Party receiving the designation.
3. On receipt of the operating authorization of paragraph 2, a designated airline may at any time begin to operate the agreed services for which it is so designated, provided that the airline complies with the applicable provisions of this Agreement.

ARTICLE 4

Withholding, Revocation and Limitation of Authorization

1. The aeronautical authorities of each Party shall have the right to withhold the authorizations referred to in Article 3 (Designation and Authorization) of this Agreement with respect to an airline designated by the other Party, and to revoke, suspend or impose conditions on such authorizations, temporarily or permanently:
 - a) in the event that they are not satisfied that substantial ownership and effective control are vested in the Party designating the airline, nationals of that Party or both;
 - b) in the event of failure of the Party designating the airline to comply with the provisions set forth in Article 8 (Safety) and Article 9 (Aviation Security); and
 - c) in the event of failure that such designated airline is qualified to meet other conditions prescribed under the laws and regulations normally applied to the operation of international air transport services by the Party receiving the designation.
2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of the present Article is essential to prevent further infringements of laws and regulations, or of the provisions of this Agreement, such right shall be exercised only after consultation with the other Party. Such consultations shall take place prior to the expire of thirty (30) days following the request by one Party, unless both Parties otherwise agree.

ARTICLE 5

Application of Laws

1. The laws and regulations of one Party governing entry into and departure from its territory of aircraft engaged in international air services, or the operation and navigation