

**No. 50092**

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**Portugal  
and  
Ukraine**

**Air Transport Agreement between the Portuguese Republic and Ukraine (with annexes).  
Lisbon, 24 June 2008**

**Entry into force:** *16 March 2012 by notification, in accordance with article 21*

**Authentic texts:** *English, Portuguese and Ukrainian*

**Registration with the Secretariat of the United Nations:** *Portugal, 17 September 2012*

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**Portugal  
et  
Ukraine**

**Accord relatif aux transports aériens entre la République portugaise et l'Ukraine (avec annexes). Lisbonne, 24 juin 2008**

**Entrée en vigueur :** *16 mars 2012 par notification, conformément à l'article 21*

**Textes authentiques :** *anglais, portugais et ukrainien*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Portugal,  
17 septembre 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

## **AIR TRANSPORT AGREEMENT BETWEEN THE PORTUGUESE REPUBLIC AND UKRAINE**

The PORTUGUESE REPUBLIC and UKRAINE, hereinafter referred to as "the Parties",

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944;

Considering that the Portuguese Republic is a Member State of the European Community;

Desiring to organize, in a safe and orderly manner, international air services and to promote in the greatest possible measure international cooperation in respect of such services; and

Desiring to conclude an Agreement for the purpose of establishing scheduled air services between and beyond their territories;

Agree as follows:

### **ARTICLE 1 DEFINITION**

For the purpose of this Agreement, unless otherwise stated:

a) The term "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944, including any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof, so far as those Annexes and amendments have been adopted by both Parties;

b) The term "aeronautical authorities" means, in the case of the Portuguese Republic the National Institute of Civil Aviation, and in the case of Ukraine the Ministry of Transport and Communications or, in both cases, any person or

body authorized to perform any functions at present exercised by the said authorities or similar functions;

c) The term "designated airline" means any airline, which has been designated and authorised in accordance with Article 3 of this Agreement;

d) The term "territory" has the meaning assigned to it in Article 2 of the Convention;

e) The terms "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meanings assigned to them in Article 96 of the Convention;

f) The term "tariff" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for agency and other ancillary services, but excluding remuneration or conditions for the carriage of mail;

g) The term "Agreement" means this Agreement, its Annexes and any amendments thereto;

h) The term "standard" means any specifications for physical characteristics, configurations, material, performance, personnel or procedure, and such other matters referred to in Article 37 of the Convention, the uniform application of which is recognized as necessary for the safety, regularity or efficiency of international air navigation and to which the Parties will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council of the International Civil Aviation Organization is compulsory under Article 38 of the Convention.

i) The term "effective regulatory control",

- (i) in the case of the Portuguese Republic, is predicated upon but is not limited to: the air carrier holds a valid Operating Licence issued by the competent authorities, and meets the criteria for the operation of international air services established by the competent authorities, such as proof of financial fitness, ability to meet, where relevant, public interest requirement, obligations for assurance of service, etc., and the licensing European Community

Member State has and maintains aviation safety and security oversight programs in compliance with standards of the International Civil Aviation Organization at least;

- (ii) in the case of Ukraine, means a relationship constituted by rights, contracts which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an airline or otherwise confer a decisive influence on the running of the business of an airline.

j) The term “Operating Licence”,

- (i) in the case of the Portuguese Republic means an authorization granted by the Member State of the European Community responsible to an undertaking, permitting the airline to carry out carriage by air of passengers, baggage, mail and/or cargo, as stated in the Operating Licence for remuneration and/or hire;
- (ii) and in the case of Ukraine means an authorization granted by the aeronautical authorities of Ukraine permitting the designated airline to provide carriage by air of passengers, baggage, mail and/or cargo, as stated in the licence for remuneration and/or hire.

k) The term “Air Operator’s Certificate” means a document issued to an airline by the competent authorities which affirms that the airline in question has the professional ability and organization to secure the safe operation of aircraft for the aviation activities specified in the certificate.

l) The term “Agreed Services” means scheduled international air services on the routes specified in the appropriate section of Annex 1 to this Agreement for the transport of passengers, cargo and mail, separately or in combination;

m) The term “Specified Route” means any route specified in the appropriate section of Annex 1 to this Agreement.

## **ARTICLE 2 GRANT OF RIGHTS**

1. Each Party grants to the designated airlines of the other Party the following rights in respect of its international air services:

- a) The right to fly across its territory without landing;
- b) The right to make stops in its territory for non-traffic purposes; and
- c) The right to make stops in its territory at the points specified for that route in the Annex 1 to this Agreement for the purpose of taking on board and disembarking passengers, baggage, cargo and mail.

2 Nothing in paragraph 1 of this Article shall be deemed to confer on the designated airlines of one Party the right of embarking, in the territory of the other Party, traffic carried for remuneration or hire and destined for another point in the territory of that Party.

3 If the designated airlines of one Party are unable to operate services on its normal routing because of armed conflict, political disturbances, or unusual circumstances the other Party shall make its best efforts to facilitate the continued operation of such service through appropriate rearrangements of such routes, including the grant of rights for such time as may be necessary to facilitate viable operations. The provisions of this norm shall be applied without discrimination between the designated airlines of the Parties.

## **ARTICLE 3 DESIGNATION AND OPERATING AUTHORIZATION OF AIRLINES**

1. Each Party shall have the right to designate two airlines for the purpose of operating the agreed services on the routes specified in the Annex 1 to this Agreement and to withdraw or alter such designations. Those designations shall be transmitted to the other Party through diplomatic channels.

2. On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorizations and technical permissions, the other Party shall grant the appropriate authorizations and permissions with minimum procedural delay, provided that: