

**No. 50901**

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**United States of America  
and  
Portugal**

**Air Transport Agreement between the United States of America and the Portuguese Republic (with annexes). Lisbon, 30 May 2000**

**Entry into force:** *provisionally on 30 May 2000 by signature*

**Authentic texts:** *English and Portuguese*

**Registration with the Secretariat of the United Nations:** *United States of America, 18 June 2013*

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**États-Unis d'Amérique  
et  
Portugal**

**Accord relatif au transport aérien entre les États-Unis d'Amérique et la République portugaise (avec annexes). Lisbonne, 30 mai 2000**

**Entrée en vigueur :** *provisoirement le 30 mai 2000 par signature*

**Textes authentiques :** *anglais et portugais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 18 juin 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AIR TRANSPORT AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE PORTUGUESE REPUBLIC**

**The United States of America and the Portuguese Republic, hereinafter called  
"the Contracting Parties,"**

**Desiring to facilitate the expansion of international air transport opportunities;**

**Desiring to make it possible for airlines to offer the traveling and shipping  
public a variety of service options at the lowest prices that are not  
discriminatory and do not represent abuse of a dominant position, and wishing  
to encourage individual airlines to develop and implement  
innovative and competitive prices;**

**Desiring to ensure the highest degree of safety and security in international air  
transport and reaffirming their grave concern about acts or threats against the  
security of aircraft, which jeopardize the safety of persons or property,  
adversely affect the operation of air transportation, and undermine public  
confidence in the safety of civil aviation;**

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

**Desiring to conclude a new Air Transport Agreement between the United  
States of America and Portugal, in order to implement their common policy of  
a market-oriented air transport system,**

**Have agreed as follows:**

## ARTICLE I

### DEFINITIONS

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

1. “Aeronautical authorities” means, in the case of the United States, the Department of Transportation, or its successor, and in the case of the Portuguese Republic, the National Institute of Civil Aviation and any person or body authorized to perform any functions at present exercised by the National Institute of Civil Aviation;
2. “Agreement” means this Agreement, its Annexes, and any amendments thereto;
3. “Air transportation” means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, for remuneration or hire;
4. “Convention” means the Convention on international Civil Aviation, opened for signature at Chicago on December 7, 1944, and includes:
  - a) any amendment that has entered into force under Article 94 (a) of the Convention and has been ratified by both Parties, and
  - b) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time effective for both Parties;
5. “Designated airline” means an airline designated and authorized in accordance with Article 3 of this Agreement;
6. “Full cost” means the cost of providing service plus a reasonable charge for administrative overhead;
7. “International air transportation” means air transportation that passes through the air space over the territory of more than one State;
8. “Price” means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transportation charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;
9. “Stop for non-traffic purposes” means a landing for any purpose other than taking on or discharging passengers, baggage, cargo and/or mail in air transportation;
10. “Territory” means the land areas under the sovereignty, jurisdiction, protection, or trusteeship of a Party and the territorial waters adjacent thereto; and

11. "User charge" means a charge imposed on airlines for the provision of airport, air navigation, or aviation security facilities or services including related services and facilities;

## ARTICLE 2

### GRANT OF RIGHTS

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air transportation by the airlines of the other Contracting Party:

- 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 rights otherwise specified in this Agreement.

2. Nothing in this Article shall be deemed to confer on the airline or airlines of one Contracting Party the rights to take on board, in the territory of the other Contracting Party, passengers, their baggage, cargo, or mail carried for compensation and destined for another point in the territory of that other Contracting Party.

## ARTICLE 3

### DESIGNATION AND AUTHORIZATION

1. Each Contracting Party shall have the right to designate as many airlines as it wishes to conduct international air transportation in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the other Contracting Party in writing through diplomatic channels, and shall identify whether the airline is authorized to conduct the type of air transportation specified in Annex I or in Annex II or both.

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 Contracting Party shall grant appropriate authorizations and permissions with minimum procedural delay, provided:

- a) substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline, nationals of that Contracting Party, or both;
- b) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air transportation by the Contracting Party considering the application or applications; and

- c) the Contracting Party designating the airline is maintaining and administering the standards set forth in Article 6 (Safety) and Article 7 (Aviation Security).

#### ARTICLE 4

##### REVOCATION OF AUTHORIZATION

1. Each Contracting Party may revoke, suspend or limit the operating authorizations or technical permissions of an airline designated by the other Contracting Party where:
  - a) substantial ownership and effective control of that airline are not vested in the other Contracting Party, the Contracting Parties' nationals, or both;
  - b) that airline has failed to comply with the laws and regulations referred to in Article 5 (Application of Laws) of the Agreement; or
  - c) the other Contracting Party is not maintaining and administering the standards as set forth in Article 6 (Safety).
2. Unless immediate action is essential to prevent further non-compliance with subparagraphs 1.b) or 1.c) of this Article, the rights established by this Article shall be exercised only after consultation with the other Contracting Party. Such consultations shall commence within thirty (30) days from the date the other Contracting Party receives the request therefor.
3. This Article does not limit the rights of either Contracting Party to withhold, revoke, limit or impose conditions on the operating authorization or technical permissions of an airline or airlines of the other Contracting Party in accordance with the provisions of Article 7 (Aviation Security).

#### ARTICLE 5

##### APPLICATION OF LAWS

1. 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 airline or airlines of the other Contracting Party and shall be complied with by such aircraft upon entrance into or departure from, and while within the territory of the first Contracting Party.
2. The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, aviation security, immigration, passports, customs and quarantine or, in the case of mail, postal regulations, 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, and while within, the territory of the first Contracting Party.