

No. 563

**DENMARK
and
PORTUGAL**

Air Transport Agreement (with annex and exchange of notes). Signed at Lisbon, on 15 December 1947

Danish, Portuguese and English official texts communicated by the Secretary-General of the International Civil Aviation Organization. The registration took place on 7 September 1949.

**DANEMARK
et
PORTUGAL**

Accord relatif aux transports aériens (avec annexe et échange de notes). Signé à Lisbonne, le 15 décembre 1947

Textes officiels danois, portugais et anglais communiqués par le Secrétaire général de l'Organisation de l'aviation civile internationale. L'enregistrement a eu lieu le 7 septembre 1949.

No. 563. AIR TRANSPORT AGREEMENT¹ BETWEEN THE
GOVERNMENTS OF PORTUGAL AND DENMARK.
SIGNED AT LISBON, ON 15 DECEMBER 1947

The Governments of Portugal and Denmark considering:

that the possibilities of commercial aviation, as a means of transportation, have increased considerably;

that it seems desirable to organize, in a safe and orderly manner, the regular international air services and to develop as much as possible the international cooperation in respect of such services; and

that it is necessary to conclude an Agreement for the purpose of establishing regular air communications between and through the territories of Portugal and of Denmark,

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

Article I

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of the establishment of the air services therein described (hereinafter referred to as the agreed services). The agreed services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article II

(1) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline or airlines for the specified route or routes. The contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article and of Article VI, be bound to grant without delay the appropriate operating permission to the airline or airlines concerned.

¹ Came into force on 15 December 1947, as from the date of signature, in accordance with article XII.

(2) The airlines designated may be required to satisfy the competent 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 these authorities to the operations of commercial airlines.

Article III

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated 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 taken on board aircraft in the territory of one contracting party by, or on behalf of, the airlines designated by the other contracting party and intended solely for use by the aircraft of such designated airlines shall be accorded, with respect to customs duties, inspection fees or similar charges imposed by the former contracting party, treatment not less favourable than that granted to national airlines engaged in international air transport or to the airlines of the most favoured nation.

(3) Aircraft of the designated airlines of one contracting party operating on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft shall be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

Article IV

Certificates of airworthiness, certificates of competency and licences 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 agreed services. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by the other contracting party or any other State.

Article V

(1) The laws and regulations of one contracting party relating to entry into, departure from or flights over its territory of aircraft engaged in international air navigation shall apply to aircraft of the designated airlines of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into 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 applicable to the passengers, crew or cargo of the aircraft of designated airlines of the other contracting party while in the territory of the first contracting party.

Article VI

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that principal ownership and effective control of a designated airline of the other contracting party are vested in nationals of either contracting party, or in case of failure by a designated airline to comply with its laws and regulations as referred to in Article V, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article VII

This agreement shall be registered with the Council of the International Civil Aviation Organisation set up by the Convention for International Aviation signed at Chicago on the 7th December 1944.¹

Article VIII

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent aeronautical authorities of the contracting parties.

¹United Nations, *Treaty Series*, Volume 15, page 295; Volume 26, page 420; Volume 32, page 402, and Volume 33, page 352.

Article IX

Any dispute between the contracting parties relating to the interpretation or application of this Agreement or of the Annex thereto shall be referred for decision to the Council of the International Civil Aviation Organisation (in accordance with the provisions of Chapter 18, Part IV of the Convention for International Civil Aviation signed at Chicago on 7th December 1944) unless the contracting parties agree to settle the dispute by reference to an Arbitral Tribunal appointed by agreement between the contracting parties, or to some other person or body. The contracting parties undertake to comply with the decision given.

Article X

If a general multilateral air Convention which is accepted by both contracting parties comes into force, the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article XI

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organisation. If such notice is given, this Agreement shall terminate on the date specified in the notice which shall not be less than twelve months after the date of receipt of the notice by the other contracting party, unless the notice to terminate 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 days after the receipt of the notice by the International Civil Aviation Organisation.

Article XII

This Agreement shall enter into force on the date of signature.

DONE at Lisbon, in duplicate, this 15th day of December, 1947, in the Portuguese, Danish and English languages, all three texts being equally authentic.

For the Government of Denmark:
(Signed) F. BOECK

For the Government of Portugal:
(Signed) JOSÉ CAEIRO DA MATTA

ANNEX

1. The airline(s) operating the air services on the routes specified in Schedule I to this Annex shall be designated by the Portuguese Government.

2. The airline(s) operating the air services on the routes specified in Schedule II to this Annex shall be designated by the Danish Government.

3. a) For the purpose of operating air services on the routes specified in Schedule I, the designated Portuguese airline(s) referred to in Paragraph 1 above shall be accorded in Danish territory rights of transit and of non-traffic stops as well as the right to pick up and discharge in international traffic passengers, cargo and mail as hereinafter provided, and the use on the said routes of aerodromes and ancillary facilities designated for international traffic.

b) For the purpose of operating a route or routes between Portugal and North America, rights of transit and non-traffic stops shall also be accorded to the designated Portuguese airline(s) in Greenland territory.

4. For the purpose of operating air services on the routes specified in Schedule II, the designated Danish airline(s) referred to in Paragraph 2 above shall be accorded in Portuguese territory rights of transit and of non-traffic stops as well as the rights to pick up and discharge in international traffic passengers, cargo and mail as hereinafter provided, and the use on the said routes of aerodromes and ancillary facilities designated for international traffic.

5. The air transport facilities available to the travelling public shall bear a close relationship to the requirements of the public for such transport.

6. There shall be a fair and equal opportunity for the airlines of each contracting party to operate on any route between their respective territories covered by this Annex.

7. In the operation by the airlines of either contracting party of the trunk services described in this Annex, the interests of the airlines of the other contracting party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

8. It is understood by the contracting parties that services provided by a designated airline under this Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services in international traffic passengers, cargo and mail destined for and coming from third countries at a point or points on the routes specified in this Annex shall be applied in accordance

with the general principles of orderly development to which the contracting parties subscribe and shall be subject to the general principle that capacity should be related:

- a) To traffic requirements between the country of origin and the countries of destination;
- b) To the requirements of through airline operation; and
- c) To the traffic requirements of the area through which the airline passes after taking account of local and regional services.

9. As regards the application of the foregoing paragraph, the Danish Government recognizes the very special nature of the air services between Portugal and Brazil, which shall be considered as having the same character as the services mentioned at the end of letter *c*) of the said paragraph.

10. The determination of rates in accordance with the following paragraph shall be made at reasonable levels, due regard being paid to all relevant factors, such as cost of operation, reasonable profit, and the rates charged by any other airlines as well as the characteristics of each service.

11. Tariffs to be charged on routes or parts of a route operated by the airlines of the contracting parties shall be agreed in the first instance between these airlines. Any tariffs so agreed shall be subject to the approval of the aeronautical authorities of the respective contracting parties. In fixing these tariffs account shall be taken of the recommendations of the International Air Transport Association. In the event of disagreement between the airlines, the contracting parties shall endeavour to reach agreement. In case such an agreement cannot be reached the procedure of Article IX of the Agreement shall apply.

(Signed) F. BOECK

(Signed) José CAEIRO DA MATTA

SCHEDULE I

PORTUGUESE ROUTES TERMINATING IN OR TRAVERSING DANISH TERRITORY

1. Lisbon—Copenhagen, via Bordeaux—Paris—Brussels—Amsterdam, or Madrid—Barcelona—Marseilles—Geneva or Zurich, points in Germany and points beyond in both directions.
2. Lisbon—London—Copenhagen, with or without landing at Amsterdam, and points beyond, in both directions.
3. Lisbon—Shannon or Prestwick—Reykjavik or a point in South Greenland (for later designation)—Gander—New York, in both directions.

The above mentioned routes may be altered after agreement between the competent aeronautical authorities of both contracting parties.

(Signed) F. BOECK

(Signed) JOSÉ CAEIRO DA MATTA

SCHEDULE II

DANISH ROUTES TERMINATING IN OR TRAVERSING PORTUGUESE TERRITORY

1. Copenhagen—Paris—Bordeaux—Lisbon, in both directions;
2. Copenhagen—points in Germany—Zurich and/or Geneva—Marseilles or Barcelona and/or Madrid—Lisbon, in both directions;
3. Sweden and/or Norway and/or Denmark via intermediate points in the United Kingdom of Great Britain and Northern Ireland and/or France to the Azores and further to points in North America, in both directions;
4. Sweden and/or Norway and/or Denmark via intermediate points in Western Europe—Lisbon—Casablanca, if desired—Dakar and/or Sal—Natal or Recife—to Rio de Janeiro and to points beyond, in both directions;
5. Sweden and/or Norway and/or Denmark to South Africa via Portuguese territory in both directions, the application to be submitted later on and the conditions to be fixed at the same time by both contracting parties.

The above mentioned routes may be altered after agreement between the competent aeronautical authorities of both contracting parties.

(Signed) F. BOECK

(Signed) JOSÉ CAEIRO DA MATTA

II

TRADUCTION—TRANSLATION

LÉGATION DE DANEMARK

LÉGATION DE DANEMARK

Lisbonne, December 15th, 1947

Lisbonne, le 15 décembre 1947

Your Excellency,

Monsieur le Ministre,

With reference to the conversations which have to-day resulted in the conclusion of an Air Transport Agreement between the Governments of Denmark and Portugal, I have the honour to confirm that it has further been agreed:

Me référant aux conversations qui ont abouti aujourd'hui à la conclusion d'un accord relatif aux transports aériens entre le Gouvernement du Danemark et le Gouvernement du Portugal, j'ai l'honneur de confirmer qu'il a été en outre convenu de ce qui suit:

1) That aircraft of the airline(s) designated by the Danish Government in accordance with paragraph 2) of the Annex to the aforesaid Agreement, which may fly across Portuguese continental territory on the routes mentioned in Schedule II to the Annex, shall stop at Lisbon, except for derogation from this principle agreed upon by the proper Portuguese authorities, in special cases;

1) Les aéronefs de l'entreprise ou des entreprises de transports aériens désignées par le Gouvernement du Danemark, conformément au paragraphe 2 de l'annexe à l'accord susmentionné, qui survoleront, le cas échéant, le territoire continental portugais sur les routes mentionnées au tableau II de l'annexe, devront faire escale à Lisbonne, sauf dérogation à ce principe que les autorités portugaises compétentes pourront consentir dans certains cas spéciaux.

2) That the provision of paragraph 4) of the Annex regarding the right of the designated Danish airline(s) to pick up and discharge in international traffic passengers, cargo and mail shall not apply to traffic on any points between Portugal and Spain.

2. La disposition du paragraphe 4 de l'annexe relative au droit pour l'entreprise ou les entreprises danoises de transports aériens désignées de charger et de décharger, en trafic international, des passagers, des marchandises et du courrier, ne s'appliquera en aucun point au trafic entre le Portugal et l'Espagne.

Please accept, Your Excellency, the assurances of my highest consideration.

(Signed) F. BOECK

His Excellency
Dr. José Caeiro da Matta
Minister of Foreign Affairs
Lisbon

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

(Signé) F. BOECK

Son Excellence
Monsieur José Caeiro da Matta
Ministre des affaires étrangères
Lisbonne

III

PORTUGUESE TEXT — TEXTE PORTUGAIS
MINISTÉRIO DOS NEGÓCIOS ESTRANJEIROS

Lisboa, 15 de Dezembro de 1947

Senhor Ministro,

De harmonia com as conversações que conduziram à conclusão nesta data de um Acôrdo sôbre Transportes Aéreos entre os Governos de Portugal e da Dinamarca, tenho a honra de confirmar a Vossa Excelência ter ficado entendido:

1. Que, durante as paragens no território da Groenlândia, todos os passageiros ou membros da tripulação terão de respeitar os regulamentos especiais em vigor que são devidos ao facto de a Groenlândia ser, em princípio, um território fechado, onde todo contacto com a população nativa é proibido.

2. Que as aterragens só poderão realizar-se nos aeródromos ou, no que se refere a hidro-aviões, nas áreas marítimas adjuntas, devendo notar-se que para todos os fins úteis o aeródromo de Bluc-West I é único da Groenlândia a considerar para aterragens entre a Europa e a América e que êste é actualmente fiscalizado pelas autoridades americanas, a quem se deve requerer a aterragem de aviões portugueses.

3. Que no caso de ter de se efectuar aterragens fora dos aeródromos, as autoridades dinamarquesas mais próximas, eventualmente o Landfoged, deverão ser informadas, sempre que for possível.

Aproveito a oportunidade para reiterar a Vossa Excelência, Senhor Ministro, os protestos da minha alta consideração.

a) JOSÉ CAEIRO DA MATTÁ

A Sua Excelência
O Senhor Frantz Christoffer Bianco Boeck
Ministro da Dinamarca

TRANSLATION

MINISTRY OF FOREIGN AFFAIRS

Lisbon, 15 December 1947

Excellency:

[See note IV]

(Signed) J. CAEIRO DA MATTA

His Excellency

Frantz Christoffer Bianco Boeck

Minister of Denmark

TRADUCTION

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Lisbonne, le 15 décembre 1947

Monsieur le Ministre,

[Voir note IV]

(Signé) J. CAEIRO DA MATTA

Son Excellence

Monsieur Frantz Christoffer Bianco

Boeck

Ministre du Danemark

IV

TRADUCTION—TRANSLATION

LÉGATION DE DANEMARK

Lisbonne, December 15th, 1947

Your Excellency,

With reference to the conversations which have to-day resulted in the conclusion of an Air Transport Agreement between the Governments of Denmark and Portugal, I have the honour to confirm that it has further been agreed:

1. That during stops on the Greenland territory all passengers or members of the crew will follow such special regulations in force which are due to the fact that Greenland is in principle a closed territory where all intercourse with the native population is prohibited.

2. Landings may take place only at the airports or, as far as sea-planes are concerned, on the adjoining water areas in which respect it is to be noted that

LÉGATION DE DANEMARK

Lisbonne, le 15 décembre 1947

Monsieur le Ministre,

Me référant aux conversations qui ont abouti aujourd'hui à la conclusion d'un Accord relatif aux transports aériens entre le Gouvernement du Danemark et le Gouvernement du Portugal, j'ai l'honneur de confirmer qu'il a été en outre convenu de ce qui suit:

1. Au cours des escales sur le territoire du Groënland, tous les passagers ou les membres de l'équipage observeront les règlements en vigueur, qui résultent du fait que le Groënland est en principe un territoire clos où tout rapport avec la population indigène est interdit.

2. Les escales ne sont autorisées qu'aux aéroports ou, en ce qui concerne les hydravions, dans les eaux adjacentes; il convient de noter à ce

for all practical purposes the airport at Blue-West 1 is the only airport on Greenland which enters into consideration for landings between Europe and America, and that this airport is actually controlled by the American Authorities, who would have to be applied to for the landing of Portuguese aircrafts.

3. That in case landings should take place outside of the airports the nearest Danish Authority, eventually the Landfoged, should, if possible, be informed.

Please accept, Your Excellency, the assurances of my highest consideration.

(Signed) F. BOECK

His Excellency
Dr. José Caeiro da Matta
Minister of Foreign Affairs
Lisbon

propos qu'à toutes fins utiles, l'aéroport de Blue-West I est le seul aéroport du Groënland qui puisse être utilisé pour les atterrissages effectués entre l'Europe et l'Amérique, et que cet aéroport est en fait sous le contrôle des autorités américaines auxquelles il faudrait adresser une demande pour que les aéronefs portugais puissent y atterrir.

3. Dans le cas où des atterrissages se produiraient en dehors des aéroports, l'autorité danoise la plus proche, éventuellement le Landfoged, doit si possible être informée.

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

(Signé) F. BOECK

Son Excellence
Monsieur José Caeiro da Matta
Ministre des affaires étrangères
Lisbonne