

No. 917

**UNITED STATES OF AMERICA
and
EGYPT**

Air Transport Agreement (with annex and exchange of letters). Signed at Cairo, on 15 June 1946

Official texts : English and Arabic.

Registered by the United States of America on 30 September 1950.

**ÉTATS-UNIS D'AMÉRIQUE
et
ÉGYPTE**

Accord relatif aux transports aériens (avec annexe et échange de lettres). Signé au Caire, le 15 juin 1946

Textes officiels anglais et arabe.

Enregistré par les Etats-Unis d'Amérique le 30 septembre 1950.

No. 917. AIR TRANSPORT AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND EGYPT. SIGNED AT CAIRO, ON 15 JUNE 1946

Having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference² in Chicago, Illinois, for the adoption of a standard form of agreement for provisional air routes and services, and the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Egypt, the two Governments parties to this arrangement agree that the establishment and development of air transport services between their respective territories shall be governed by the following provisions :

Article 1

The Contracting Parties grant 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 2

(a) Each of the air services so described shall be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article 1 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 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; 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

¹ In accordance with article 11, the agreement became operative from 15 June 1946, by signature, and came into force definitively on 8 August 1947, by notification of the approval thereof by the Egyptian Parliament given to the Government of the United States of America by the Government of Egypt.

² International Civil Aviation Conference, Chicago, Illinois, 1 November to 7 December 1944. *Final Act and Related Documents*, United States of America, Department of State publication 2282, Conference Series 64.

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 inauguration shall be subject to the approval of the competent military authorities.

(b) It is understood that either Contracting Party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

Article 3

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.

(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 such other Contracting Party shall be accorded national and most-favored-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the Contracting Party whose territory is entered.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the 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, event though such supplies be used or consumed by such aircraft on flights in that territory.

Article 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. 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 5

(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 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 other Contracting Party upon entrance into or departure from, or while within the territory of the first party.

Article 6

Each Contracting Party reserves the right to withhold or revoke a certificate or permit to an airline of the other Party in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of either Party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates as described in Article 5 hereof, or to perform its obligations under this Agreement.

Article 7

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

Article 8

Either Contracting Party may terminate the rights for services granted by it under this Agreement by giving one year's notice to the other Contracting Party.

Article 9

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

Article 10

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or its Annex, which cannot be settled through consultation, shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article III, Section 6 (8) of the Interim Agreement on Civil Aviation signed at Chicago on December 7, 1944)¹ or its successors.

Article 11

The provisions of this Agreement shall become operative from the day it is signed. The Egyptian Government shall notify the Government of the United States of approval of the Agreement by the Egyptian Parliament, and the Government of the United States shall consider the Agreement as becoming definitive upon the date of such notification by the Egyptian Government.

DONE at Cairo in duplicate in the English and Arabic languages, each of which shall be of equal authenticity, this 15th (15th) day of June (ragab), 1946 (1365).

For the Government of the United States of America :
S. PINKNEY TUCK

For the Royal Egyptian Government :
A. LOUFY EL-SAYED

[SEAL]

¹ International Civil Aviation Conference, Chicago, Illinois, 1 November to 7 December 1944. *Final Act and Related Documents*, United States of America, Department of State publication 2282, Conference Series 64.

ANNEX
TO AIR TRANSPORT AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA AND EGYPT

Section 1

Airlines of the United States of America authorized under the present Agreement are accorded rights of transit and non-traffic stop in Egyptian territory as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Cairo on the following routes in both directions :

United States to Egypt (Cairo) and thence to Palestine (Lydda), Iraq (Basra), Saudi Arabia (Dhahran), and beyond, via :

- (a) Ireland, France, Switzerland, Italy, and Greece,
- (b) Portugal, Spain, Italy, and Greece, and
- (c) Portugal, Spain, and North African points.

Section 2

Airlines of Egypt authorized under the present Agreement are accorded rights of transit and non-traffic stop in United States territory as well as the right to pick up and discharge international traffic in passengers, cargo and mail in the United States on a route or routes as may be determined at a later date from Egypt, via intermediate points to the United States in both directions.

Section 3

In the establishment and operation of air services covered by this Agreement and its Annex, the following principle shall apply :

(1) The two Governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

(2) It is the understanding of both Governments that services provided by a designated air carrier under the 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 air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the Agreement shall be applied in accordance with the general principles of orderly development to which both Governments 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.

Section 4

The Contracting Parties should undertake regular and frequent consultation between their respective aeronautical authorities so that there should be close collaboration in the observance of the principles and the implementation of the provisions outlined in the Agreement and its Annex, and in case of dispute the matter shall be settled in accordance with the provisions of Article 10 of the Agreement.

EXCHANGE OF LETTERS

I

*The Minister of Foreign Affairs of Egypt
to the American Minister*

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

No. 151

Cairo, June 15, 1946

Excellency :

With reference to the bilateral Air Transport Agreement signed today, I have the honor to inform Your Excellency that for the purpose of protecting Egyptian airlines in regional areas it is the policy of the Egyptian Government that, prior to granting permission to operate any airlines, it will be necessary that a traffic agreement for transportation, booking, servicing and other facilities be negotiated between the foreign company or companies certified to operate to Egypt and the Egyptian Company to be designated by the Egyptian Government.

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

The Minister of Foreign Affairs,

A. LOUFY EL-SAYED

His Excellency Mr. S. Pinkney Tuck
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Cairo

II

*The American Minister
to the Minister of Foreign Affairs of Egypt*

Cairo, Egypt
June 15, 1946

Excellency :

I have the honor to acknowledge receipt of your letter dated today, the text of which is the following :

[See letter I]

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

S. Pinkney TUCK
American Minister

His Excellency Ahmed Loutfy El-Sayed Pasha
Minister for Foreign Affairs
Cairo

III

*The American Minister
to the Minister of Foreign Affairs of Egypt*

Cairo, Egypt
June 15, 1946

Excellency :

I have the honor to refer to the Air Transport Agreement between the Governments of the United States and Egypt which has been signed today. The Government of the United States, appreciating the viewpoint of the Egyptian Government with respect to the Fifth Freedom traffic right between Cairo, Egypt, and Lydda, Palestine, assures the Egyptian Government that should the Egyptian Government consider it necessary in the future to restrict the Fifth Freedom traffic right with respect to this particular traffic the United States Government will agree to give consideration to such proposal as is provided in Articles 9 and 10 of the Air Transport Agreement.

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

S. Pinkney TUCK
American Minister

His Excellency Ahmed Loutfy El-Sayed Pasha
Minister for Foreign Affairs
Cairo

IV

*The Minister of Foreign Affairs of Egypt
to the American Minister*

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

No. 153

Cairo, June 15, 1946

Excellency :

I have the honor to acknowledge receipt of your letter of today, the text of which is the following :

[See letter III]

I avail myself of this opportunity to renew to Your Excellency the assurance of my very high consideration.

The Minister of Foreign Affairs,

A. LOUFTY EL-SAYED

His Excellency Mr. S. Pinkney Tuck
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America
Cairo
