

**UNITED STATES OF AMERICA**  
and  
**SPAIN**

**Exchange of notes constituting an agreement amending the Agreement of 2 December 1944 relating to air transport services. Madrid, 21 December 1945 and 15 January 1946**

**Exchange of notes constituting an agreement further amending the Agreement of 2 December 1944 relating to air transport services. Madrid, 21 February and 12 March 1946**

**Exchange of notes constituting an agreement further amending the Agreement of 2 December 1944 relating to air transport services. Madrid, 4 July 1950**

*Official texts: English and Spanish.*

*Registered by the United States of America on 5 June 1951.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
et  
**ESPAGNE**

**Échange de notes constituant un accord modifiant l'Accord du 2 décembre 1944 relatif aux services de transport aérien. Madrid, 21 décembre 1945 et 15 janvier 1946**

**Échange de notes constituant un accord modifiant à nouveau l'Accord du 2 décembre 1944 relatif aux services de transport aérien. Madrid, 21 février et 12 mars 1946**

**Échange de notes constituant un accord modifiant à nouveau l'Accord du 2 décembre 1944 relatif aux services de transport aérien. Madrid, 4 juillet 1950**

*Textes officiels anglais et espagnol.*

*Enregistrés par les États-Unis d'Amérique le 5 juin 1951.*

No. 1221. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND SPAIN AMENDING THE AGREEMENT OF 2 DECEMBER 1944<sup>2</sup> RELATING TO AIR TRANSPORT SERVICES. MADRID, 21 DECEMBER 1945 AND 15 JANUARY 1946

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I

*The American Embassy to the Spanish Ministry of Foreign Affairs*

No. 1379

NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to inform the Ministry, under instructions received today from the Department of State, that Transcontinental World Airways, the airline indicated by the Civil Aeronautics Board of the United States to operate the route between the United States and Madrid via Lisbon, plans to inaugurate its service to Madrid on January 1, 1946 from New York, via Newfoundland, Ireland and Lisbon. The first flight is due to reach Madrid on January 2. It would depart from Madrid on its return flight on January 3. The service, for the time being, would be weekly; departures from New York being on January 1, 8, 15, etc. and from Madrid on Jan. 3, 10, 17, etc. However, it is the Embassy's understanding that the runway extension at present under construction at Barajas airport probably will not be completed in time to permit of this service being inaugurated as planned by the company, which is being kept informed of the progress of the construction work at Barajas by the Embassy.

Until such time as this airline is enabled to extend its services eastward from Madrid, this city will be its European terminus. At such time as this route can be extended to conform with the Transcontinental and Western Airline's route as communicated to the Ministry of Foreign Affairs in the Embassy's Note Verbale No. 535 of July 11, 1945,<sup>3</sup> this company will provide service through Madrid to Algiers, as authorized in Article I (a) (Route No. 2) of the Civil Air Agreement signed at Madrid on December 2, 1944.<sup>2</sup>

Under date of July 11, the Embassy communicated to the Ministry the details of the air routes between the United States and Europe by which the CAB of the United States had authorized three airlines of the United States to operate.

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<sup>1</sup> Came into force on 15 January 1946, by the exchange of the said notes.

<sup>2</sup> See p. 345 of this volume.

<sup>3</sup> Not printed by the Department of State of the United States of America.

The Ministry will have noted that the route allocated to Transcontinental and Western Airlines provides for a spur route to be operated by this company from Madrid to Rome, thence to North Africa via Athens. This spur route is not covered in Article I (a) 2 of the Civil Air Agreement of December 2, 1944.

In accordance with instructions from the Department of State the Embassy has the honor to inform the Ministry of Foreign Affairs that it would appreciate its consent to the effecting of an appropriate revision of the route definition as set forth in Article I (a) 2 of the Bilateral Air Agreement referred to above, to be modified to read as follows :

“Route 2. A route from the United States through Lisbon to Madrid, proceeding therefrom (a) to Rome and points beyond and (b) to Algiers and points beyond, return being made over the same route.”

The establishment of two routes to be operated from Madrid by Transcontinental World Airways (the name of this company having been modified recently to better describe the greater scope of its operations) will add considerably to the volume of traffic through Madrid, particularly as the route which it is now proposed to add will permit of through service by TWA from New York to Madrid, thence to the important traffic centers of Rome and Athens, which would be touched on the route to Cairo.

The Embassy expresses the hope that approval for this additional route through Madrid may be formalized by an early indication of the Ministry's willingness to effect the appropriate modification of Article I (a) 2 of the agreement of December 2, 1944, as set forth above.

Madrid, December 21, 1945.

## II

### *The Spanish Ministry of Foreign Affairs to the American Embassy*

SPANISH TEXT — TEXTE ESPAGNOL

TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>

MINISTERIO DE ASUNTOS EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

P. E.  
Núm. 63

P. E.  
No. 63

NOTA VERBAL

NOTE VERBALE

El Ministerio de Asuntos Exteriores saluda atentamente a la Embajada de los Estados Unidos de América y en contestación a la Nota Verbal de la

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and in reply to the Embassy's Note

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

Embajada nº 1.379, de 21 de diciembre de 1945, tiene la honra de manifestarle su conformidad a que la ruta nº 2, prevista en el artículo I (a) 1 del "Convenio entre España y los Estados Unidos de América, relativo al funcionamiento de Servicios Internacionales de Transporte Aéreo" firmado con fecha 2 de diciembre de 1944, quede redactado de la siguiente forma :

*Ruta número 2*

" Ruta desde los Estados Unidos por Lisboa a Madrid continuando desde aquí :

a) A Roma y puntos ulteriores; y

b) A Argel y puntos ulteriores, efectuándose el regreso por la misma ruta ".

Al propio tiempo el Ministerio participa a la Embajada que ha tomado nota de que, en cuanto el aeropuerto de Madrid-Barajas se encuentre en condiciones de recibir los grandes aviones de transporte transoceánicos, empezará a funcionar la línea explotada por la Empresa Transcontinental World Airways y que este servicio será semanal.

Madrid, 15 de enero de 1946.

A la Embajada  
de los Estados Unidos de América  
en Madrid

Verbale No. 1379 of December 21, 1945, has the honor to inform it that it agrees that the definition of Route 2 as set forth in Article I (a) 1 of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services" signed on December 2, 1944, be modified to read as follows :

*Route 2*

" A route from the United States through Lisbon to Madrid, proceeding therefrom :

a) To Rome and points beyond;  
and

b) To Algiers and points beyond, return being made over the same route ".

At the same time the Ministry informs the Embassy that it has taken note of the fact that, as soon as the Madrid-Barajas airport is in condition to receive large transoceanic transport planes, the line operated by Transcontinental World Airways will begin to function, and that this service will be weekly.

Madrid, January 15, 1946.

The Embassy  
of the United States of America  
in Madrid

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
FURTHER AMENDING THE AGREEMENT OF 2 DE-  
CEMBER 1944<sup>2</sup> RELATING TO AIR TRANSPORT SER-  
VICES. MADRID, 21 FEBRUARY AND 12 MARCH 1946

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I

*The American Embassy to the Spanish Ministry of Foreign Affairs*

NOTE VERBALE

No. 1626

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to its Note No. 575 of July 14, 1945<sup>3</sup> concerning the suggested revision of route definitions set forth in Article I (a) 1. of the Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services.<sup>2</sup>

In pursuance of that Note and in view of the desire of Pan American Airways to inaugurate service in the near future over a route from the United States to Lisbon, Barcelona, and Marseilles, the Embassy is desirous of obtaining the early agreement of the Spanish Government to the proposed re-definition of Route 1 to read as follows :

“ A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route.”

At the same time, because of its bearing on the safety of United States commercial airline operations between Portugal and the United Kingdom, the agreement of the Spanish Government is requested to the inclusion of the following paragraph (as proposed also in the Embassy's Note No. 575) as part of Article I (a) 1. and immediately following the revised route descriptions :

“ Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom.”

The Embassy has noted with gratification the Ministry's Note Verbale No. 63 (P.E.) of January 15, 1946<sup>4</sup> conveying the agreement of the Spanish

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<sup>1</sup> Came into force on 12 March 1946, by the exchange of the said notes.

<sup>2</sup> See p. 345 of this volume.

<sup>3</sup> Not printed by the Department of State of the United States of America.

<sup>4</sup> See p. 243 of this volume.

Government to the proposed modification of Route 2, as defined in Article I (a) 1. of the December 2, 1944 Agreement, to cover the projected operations of Transcontinental and Western Air (Trans-World Airlines) into and through Spain.

Madrid, February 21, 1946.

## II

### *The Spanish Ministry of Foreign Affairs to the American Embassy*

SPANISH TEXT — TEXTE ESPAGNOL

TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>

MINISTERIO DE ASUNTOS EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

P. E.  
NÚM. 200

P. E.  
No. 200

#### NOTA VERBAL

#### NOTE VERBALE

El Ministerio de Asuntos Exteriores saluda atentamente a la Embajada de los Estados Unidos de América, y en contestación a la Nota Verbal de la Embajada nº 1626, de 21 de febrero último, tiene la honra de participarle la conformidad del Gobierno español para la nueva definición propuesta por las autoridades norteamericanas, para la ruta nº 1, fijada en el Artículo I (a), del "Convenio entre España y los Estados Unidos de América relativo al funcionamiento de servicios internacionales de transporte aéreo", con la redacción siguiente :

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and, in reply to the Embassy's Note Verbale No. 1626 of February 21 last, has the honor to inform it that the Spanish Government agrees to the new definition proposed by the American authorities for Route 1, set forth in Article I (a) of the "Agreement between the United States of America and Spain relating to the Operation of International Air Transport Services", to read as follows :

" Ruta desde los Estados Unidos por Lisboa a Barcelona, continuando desde aquí a Marsella y posiblemente puntos ulteriores, efectuándose el vuelo de regreso por la misma ruta ".

" A route from the United States through Lisbon to Barcelona, proceeding therefrom to Marseilles and possibly points beyond, return being made over the same route ".

El Ministerio confía que la empresa

The Ministry hopes that Pan Ame-

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

Pan American Airways, esté en situación de inaugurar en breve plazo el servicio en la mencionada ruta.

Respecto de la segunda petición contenida en la referida Nota Verbal nº 1626, el Gobierno Español está igualmente conforme, con que a fin de reforzar la seguridad de funcionamiento de la línea aérea comercial norteamericana entre Portugal y el Reino Unido, se incluya el siguiente párrafo, como parte del Art. I (a) 1. y a continuación inmediatamente de las descripciones revisadas de rutas :

“ Se concede a las líneas aéreas norteamericanas en territorio español los derechos de tránsito y escala técnica en una ruta entre Portugal y el Reino Unido ”.

Como en la actualidad los posibles aterrizajes para escala técnica en dicha región, no se encuentran por el momento en condiciones de prestar servicio, el Ministerio ruega a la Embajada, tenga a bien manifestar cuáles son los puntos del territorio español en que eventualmente desearían aterrizar los aviones en la línea de referencia, para informar a la Embajada sobre las condiciones en que se encuentran actualmente.

Madrid, 12 de marzo de 1946.

A la Embajada  
de los Estados Unidos de América

rican Airways will be able to inaugurate service on this route shortly.

With respect to the second request contained in the aforesaid Note Verbale No. 1626, the Spanish Government also agrees, for the purpose of increasing the safety of United States commercial airline operations between Portugal and the United Kingdom, to the inclusion of the following paragraph as a part of Article I (a) 1. and immediately following the revised route descriptions :

“ Rights of transit and non-traffic stop are granted United States airlines in the territory of Spain on a route between Portugal and the United Kingdom ”.

Since at the present time the possible landing fields for non-traffic stops in that area are not prepared to render service, the Ministry requests the Embassy to be good enough to specify the points in Spanish territory at which aircraft of the line under reference might eventually wish to land, in order that the Ministry may inform the Embassy as to their present condition.

Madrid, March 12, 1946.

The Embassy  
of the United States of America

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
FURTHER AMENDING THE AGREEMENT OF 2 DE-  
CEMBER 1944<sup>2</sup> RELATING TO AIR TRANSPORT SER-  
VICES. MADRID, 4 JULY 1950

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## I

*The American Chargé d'Affaires ad interim to the Spanish Minister for Foreign  
Affairs*

THE FOREIGN SERVICE  
OF THE UNITED STATES OF AMERICA

Madrid, July 4, 1950

No. 567

AMENDMENT TO THE AIR AGREEMENT  
BETWEEN THE UNITED STATES AND SPAIN

Excellency :

The Delegations of the Governments of the United States of America and Spain named for the purpose of revising the "Agreement Relating to the Operation of International Air Transport Services" signed in Madrid December 2, 1944<sup>2</sup> and subsequently amended by exchange of notes in 1946,<sup>3</sup> have agreed in Washington on June 23, 1950 to recommend to their respective Governments the embodiment of various amendments and additions concurred in at this time between them in an exchange of diplomatic notes constituting an integral part of the aforementioned Agreement with its subsequent amendments.

I have the honor therefore to inform Your Excellency that the United States Government is in accord that the Agreement in question be now amended in the following respects :

" The provisions of Sub-section (a) 2 of Article I of said Agreement will be fulfilled by substituting therefor the following :

- " 2. Spanish air carriers will be permitted to operate and pick up and discharge passengers, cargo and mail in international traffic at the following points within the territory under the jurisdiction of the United States of America, in operations over the following routes :

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<sup>1</sup> Came into force on 4 July 1950, by the exchange of the said notes.

<sup>2</sup> See p. 345 of this volume.

<sup>3</sup> See p. 242 and 245 of this volume.



“ *Route 1*

A route from Spain to San Juan, Puerto Rico, via Lisbon, the Azores and Bermuda, and Caracas; in both directions.

“ *Route 2*

A route from Spain via Lisbon, the Azores and Bermuda to Miami, and beyond Miami (*a*) to Mexico and (*b*) to Habana and points beyond in the Caribbean area and the West Coast of South America; in both directions.

“ In addition, the aircraft of the air transport enterprises of Spain which are engaged in international air services will have the right to overfly the territory of the United States as well as to make non-traffic stops at airports open to international traffic in the territory of the United States. The foregoing shall not restrict the right of the United States, for reasons of military necessity or public safety, to prohibit or otherwise restrict the aircraft of Spain from flying over certain areas in its territory, subject to the applicable provisions of Article VII below.

“ The United States Government likewise agrees that United States Route No. 3 will be deleted from Sub-section (*a*) 1 of Article I. The words ‘ return being made over the same route ’ will be deleted from this sub-section wherever they appear, and the words ‘ in both directions ’ will be substituted therefor.

“ At the end of Sub-section (*a*) 1 of Article I, there will be added the following :

“ In addition, the aircraft of the air transport enterprises of the United States which are engaged in international air services will have the right to overfly the territory of Spain as well as to make non-traffic stops at airports open to international traffic in the territory of Spain. The foregoing shall not restrict the right of Spain, for reasons of military necessity or public safety, to prohibit or otherwise restrict the aircraft of the United States from flying over certain areas in its territory, subject to the applicable provisions of Article VII below.

“ At the end of Section (*a*) of Article I, there will be added the following paragraph :

“ 3. Points on any of the routes may, at the option of the air carrier, be omitted on any or all flights.

“ At the end of Article III of the Agreement there will be added the following sentence :

“ 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 the other contracting party or any other State.

“ After the final article of the Agreement there will be added the following :

*“ Article XI*

“ Except as otherwise provided in this Agreement, any dispute between the contracting parties relative to the interpretation or application of this Agreement, which cannot be settled through consultations, shall be submitted for an advisory report to a tribunal of three arbitrators, one to be named by each contracting party, and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either contracting party. Each of the contracting parties shall designate an arbitrator within two months of the date of delivery by either party to the other party of a diplomatic note requesting arbitration of a dispute; and the third arbitrator shall be agreed upon within one month after such period of two months. The executive authorities of the contracting parties will use their best efforts under the powers available to them to put into effect the opinion expressed in any such advisory report. A moiety of the expenses of the arbitral tribunal shall be borne by each party.

*“ Article XII*

“ (A) The determination of rates in accordance with the following paragraphs 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 carriers, as well as the characteristics of each service.

“ (B) The rates to be charged by the air carriers of either contracting party between points in the territory of the United States and points in Spanish territory referred to in Article I shall, consistent with the provisions of the present Agreement, be subject to the approval of the aeronautical authorities of the contracting parties, who shall act in accordance with their obligations under the present Agreement, within the limits of their legal powers.

“ (C) Any rate proposed by the air carrier or carriers of either contracting party shall be filed with the aeronautical authorities of both contracting parties at least thirty (30) days before the proposed date of introduction; provided that this period of thirty (30) days may be reduced in particular cases if so agreed by the aeronautical authorities of both contracting parties.

“ (D) The aeronautical authorities of the United States have approved the traffic conference machinery of the International Air Transport Association (hereinafter called IATA), for a period ending June 30, 1952, and such approval may be extended by said aeronautical authorities. Any rate agreements concluded through this machinery during the period of such approval and involving United States air carriers will be subject

to approval of the aeronautical authorities of the United States, and likewise any rate agreements concluded through this machinery and involving Spanish air carriers will be subject to approval of the aeronautical authorities of Spain, all pursuant to the principles enunciated in paragraph (B) above.

“(E) The contracting parties agree that the procedure described in paragraphs (F), (G) and (H) of this Article shall apply :

“ 1. If, during the period of approval of the IATA traffic conference machinery by the aeronautical authorities of the United States, either any specific rate agreement is not approved within a reasonable time by either contracting party, or a conference of IATA is unable to agree on a rate, or

“ 2. At any time no IATA machinery is applicable, or

“ 3. If either contracting party at any time withdraws or fails to renew its approval of that part of the IATA traffic conference machinery relevant to this Article.

“(F) In the event that power is conferred by law upon the aeronautical authorities of the United States to fix fair and economic rates for the transport of persons and property by air on international services and to suspend proposed rates in a manner comparable to that in which the aeronautical authorities of the United States are empowered to act with respect to such rates for the transport of persons and property by air within the United States, each of the contracting parties shall thereafter exercise its authority in such manner as to prevent any rate proposed by one of its airlines for services from the territory of one contracting party to a point or points in the territory of the other contracting party from becoming effective, if in the judgment of the aeronautical authorities of the contracting party whose air carrier or carriers is or are proposing such rate, that rate is unfair or uneconomic. If one of the contracting parties on receipt of the notification referred to in paragraph (C) above is dissatisfied with the rate proposed by the air carrier or carriers of the other contracting party, it shall so notify the other contracting party prior to the expiry of the first fifteen of the thirty (30) days referred to, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

“ In the event that such agreement is reached, each contracting party will exercise its best efforts to put such rate into effect as regards its air carrier or air carriers.

“ If agreement has not been reached at the end of the thirty (30) day period referred to in paragraph (C) above, the proposed rate may, unless the aeronautical authorities of the country of the air carrier concerned see fit to suspend its application, go into effect provisionally pending the settlement of any dispute in accordance with the procedure outlined in paragraph (H) below.

“(G) Prior to the time when such power may be conferred by law upon the aeronautical authorities of the United States, if one of the contracting parties is dissatisfied with any rate proposed by the air carrier or carriers of either contracting party for services from the territory of one contracting party to a point or points in the territory of the other contracting party, it shall so notify the other prior to the expiry of the first fifteen (15) of the thirty (30) day period referred to in paragraph (C) above, and the contracting parties shall endeavor to reach agreement on the appropriate rate.

“In the event that such agreement is reached, each contracting party will use its best efforts to cause such agreed rate to be put into effect by its air carrier or carriers.

“It is recognized that if no such agreement can be reached prior to the expiry of such thirty (30) days, the contracting party raising the objection to the rate may take such steps as it may consider necessary to prevent the inauguration or continuation of the service in question at the rate complained of.

“(H) When in any case under paragraph (F) and (G) above the aeronautical authorities of the two contracting parties cannot agree within a reasonable time upon the appropriate rate after consultation initiated by the complaint of one contracting party concerning the proposed rate or an existing rate of the air carrier or carriers of the other contracting party, they shall follow the procedure prescribed in Article XI of this Agreement.”

I am accordingly pleased to inform Your Excellency that the United States Government agrees that the foregoing modifications and additions be embodied as an integral part of the “Agreement Relating to the Operation of International Air Transport Services” signed in Madrid December 2, 1944 and subsequently amended by exchange of notes in 1946.

I avail myself, Mr. Minister, of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Paul T. CULBERTSON  
Chargé d’Affaires a. i.

His Excellency Don Alberto Martín Artajo  
Minister for Foreign Affairs  
Madrid

TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>

MINISTRY OF FOREIGN AFFAIRS

*Subject:* Amendment to the Air Agreement between Spain and the United States

Madrid, July 4, 1950

No. 513

Sir :

The Delegations appointed by the Governments of Spain and the United States of America for the purpose of revising the " Agreement Relating to the Operation of International Air Transport Services " signed in Madrid December 2, 1944 and subsequently amended by exchange of notes in 1946, have agreed in Washington on June 23, 1950 to recommend to their respective Governments the embodiment of various amendments and additions concurred in at this time between them in an exchange of diplomatic notes which would constitute an integral part of the aforementioned Agreement with its subsequent amendments.

I have the honor therefore to inform Your Excellency that the Spanish Government is in accord that the Agreement in question be now amended in the following respects :

[See note I]

I am accordingly pleased to inform Your Excellency that the Spanish Government agrees that the foregoing modifications and additions be embodied as an integral part of the " Agreement Relating to the Operation of International Air Transport Services " signed in Madrid December 2, 1944 and subsequently amended by exchange of notes in 1946.

I avail myself, Mr. Chargé d'Affaires, of this opportunity to renew to Your Excellency the assurances of my distinguished consideration.

Alberto MARTÍN ARTAJO

Mr. Paul T. Culbertson  
Chargé d'Affaires ad interim  
of the United States of America at Madrid

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<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.