

No. 12243

**UNITED STATES OF AMERICA
and
SPAIN**

**Exchange of notes constituting an agreement concerning air
transport services. Madrid, 28 and 30 June 1972**

Authentic texts: Spanish and English.

Registered by the United States of America on 29 December 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
ESPAGNE**

**Échange de notes constituant un accord relatif aux services de
transport aérien. Madrid, 28 et 30 juin 1972**

Textes authentiques : espagnol et anglais.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

II

The American Embassy to the Spanish Ministry of Foreign Affairs

No. 479

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note Verbale No. 269 of June 28, 1972, which reads as follows:

"The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and has the honor to refer to the Ministry's Note Verbale No. 180 and to the Embassy's Note Verbale No. 345,* both relating to the subject of a concession to Iberia by the United States authorities of an adequate counterpart so that the Spanish authorities, in turn, may provisionally extend, during the present summer season, authorization to Pan American to operate the route Miami-San Juan-Lisbon-Madrid-Rome.

"In order to examine this situation, there have been held, as the Embassy knows, conversations in Madrid on May 25, 26, and 27, 1972, between delegations of the United States and Spain. These conversations permitted reaching an agreement for the provisional exchange of routes over the following points:

"1) The Spanish authorities will grant to Pan American timely authorization to continue operating, under the same conditions of capacity as in the present operations, two weekly frequencies on the Miami-San Juan-Lisbon-Madrid-Rome route, with traffic rights on sectors corresponding to Lisbon and Rome.

"2) The authorities of the United States will grant to Iberia the necessary authorizations to operate a new route, Madrid-Lisbon-San Juan-Miami and points beyond in Nicaragua, Honduras, and Costa Rica, with traffic rights at Lisbon for San Juan and Miami and beyond and at Miami with respect to the same points. It is understood that all flights that serve Miami in any direction will also call at San Juan, while Pan American thus operates, and that all flights that serve points in Central America will also serve Miami.

"3) The authorities of the United States will permit Iberia to continue operating the Las Palmas-New York route and vice versa in present conditions.

"4) The authorities of the United States will grant Iberia "stopover" rights at San Juan with respect to Miami, in both directions.

"5) Except as provided in paragraph 2, the points on any of the routes described above may be omitted on all flights, at the option of the air carrier company.

"6) By reason of the demand presently existing in the Miami-San Juan-Madrid market, both Parties recognize the necessity of establishing immediately a third frequency to attend to the needs of the public that wishes to travel on such route. This third frequency will be carried out by Iberia as soon as it is ready to initiate its operations on the cited route. In the meantime, the Spanish authorities will grant Pan American corresponding authorizations to operate this third frequency on the cited route, under the same conditions of capacity as those of the two frequencies which are granted to it under paragraph 1 above.

"7) In order to guarantee to Iberia the possibility of operating this third frequency, the United States authorities—immediately after receiving a request from that company to obtain timely authorization—will grant such an authorization on an urgent

* Not printed.

and expeditious basis. It is understood that Pan American and Iberian can utilize comparable equipment.

“8) In the event that Iberia should decide to operate more than two frequencies a week, the Spanish authorities will grant, at the same time, to Pan American the corresponding authorization to operate a number of frequencies equal to those operated by Iberia, it being understood that Pan American and Iberia can utilize comparable equipment.

“9) It is understood that respective concessions by the authorities of both countries will be granted independently of the existing Air Transport Agreement of December 2, 1944¹ and amendments thereto.² However, the services foreseen in these authorizations will be operated in conformity with the provisions of such Agreement. It is likewise understood that the agreements to which this Note Verbale refers are provisional, without prejudice to the positions previously expressed by each Party regarding subjects under discussion, and which will be valid through October 31, 1972, unless otherwise agreed.

“In the event that the Embassy should be in agreement with the terms of the present Note Verbale, the Ministry of Foreign Affairs has the honor of proposing that this note and the Embassy’s reply thereto constitute an agreement between our two Governments, which will become effective on the date of the Embassy’s reply note.”

The Embassy has the honor to inform the Ministry that the Government of the United States concurs in the foregoing arrangements and considers that the Ministry’s note and this reply constitute an agreement between the two Governments.

The Embassy of the United States of America wishes to take this opportunity to reiterate to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America

Madrid, June 30, 1972

¹ United Nations, *Treaty Series*, vol. 89, p. 345.

² *Ibid.*, p. 241, as well as vol. 232, p. 329, and vol. 791, p. 349.