

No. 16220

**UNITED STATES OF AMERICA
and
BRAZIL**

Exchange of notes constituting an interim agreement relating to air transport services (with final act dated 24 July 1968). Brasília, 27 October and 1 November 1976

Authentic texts: English and Portuguese.

Registered by the United States of America on 27 January 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
BRÉSIL**

Échange de notes constituant un accord intérimaire concernant les services de transport aérien (avec acte final en date du 24 juillet 1968). Brasília, 27 octobre et 1^{er} novembre 1976

Textes authentiques : anglais et portugais.

Enregistré par les États-Unis d'Amérique le 27 janvier 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BRAZIL RELATING TO AIR TRANSPORT SERVICES

I

The American Embassy to the Brazilian Ministry of External Relations

No. 415

The Embassy of the United States of America presents its compliments to the Ministry of External Relations and has the honor to refer to the consultations held from November 3 to November 7 in Rio de Janeiro between representatives of the Government of the United States of America and the Government of the Federative Republic of Brazil pursuant to the terms of the Air Transport Agreement of 1946,² as amended,³ between our two Governments. During these consultations, the chairmen of the respective delegations signed the Final Act recording the views expressed and the understanding reached by the two delegations. The text of the Final Act is as follows:

“Delegations representing the Government of the United States of America and the Government of the Federative Republic of Brazil met in Rio de Janeiro from November 3-7, 1975, to consider matters of mutual interest arising under the Air Transport Agreement between the United States and Brazil, as amended, and the 1958⁴ and 1968⁵ note exchanges related thereto. The members of the respective Delegations are listed in the attachment hereto.

“The matters of mutual interest which were discussed and the results of the discussion are summarized as follows:

“A. Change of gauge and international service at Congonhas Airport

“Since the two Delegations could not come to a common understanding with regard to the legal interpretation of certain aspects of the bilateral Agreement regarding change of gauge and use of Congonhas Airport, they decided to postpone discussions of these aspects to a later date and, in the meantime, having in mind the importance of the commercial interests of the airlines, to consider the measures taken by the Brazilian Government for the leasing of aircraft between Galeão and Congonhas Airports as an adequate solution giving the airlines of the two countries a fair and equal opportunity to offer international service at Congonhas.

“The measures agreed upon are as follows:

“1. The Brazilian aeronautical authorities will approve the contract between Pan American and VASP dated October 17, 1975.

“2. If the Brazilian aeronautical authorities wish to modify subsequently the rules presently in force for the leasing of aircraft on the Galeão-Congonhas segment, and if such modifications were to result in any alteration in the operations established in item 1 above, the Brazilian aeronautical authorities will consult with the appropriate U.S. authorities before taking a final decision.

¹ Came into force on 1 November 1976 by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 54, p. 197.

³ *Ibid.*, vol. 133, p. 338.

⁴ *Ibid.*, vol. 337, p. 384.

⁵ *Ibid.*, vol. 706, p. 278.

"3. Uniform conditions consistent with article 15 of the Chicago Convention,¹ imposed by the Brazilian aeronautical authorities on the use of Congonhas Airport will not be subject to the consultations mentioned in item 2 above.

"4. All international clearance formalities for the services provided in the airline contract will take place at Congonhas Airport.

"5. Pan American will be permitted in its schedules to assign its own flight numbers to the connecting flights of aircraft of a Brazilian airline between Galeão Airport and Congonhas pursuant to a leasing contract, and Pan American will be permitted to operate one or more of such flights, using its own aircraft, beyond Rio de Janeiro to points on its routes in third countries.

"The two Delegations further agreed that, in the spirit of goodwill and friendship which characterizes US-Brazil air transport relations, they would consult promptly, formally or informally, should any procedural or interpretative questions arise in connection with the matters set forth above for the purpose of resolving them on an equitable and reasonable basis.

"B. Filing of schedules

"The two Delegations agreed that, wherever a notification is required pursuant to paragraph one or three of Annex B to the 1968 Final Act, such notification will include a copy of the complete schedule of the airline showing all of its services over routes provided in the Route Schedule to the Agreement. Such schedule will be submitted in the form prescribed by the respective aeronautical authorities.

"C. Scheduling practices in implementing traffic rights

"The two Delegations agreed that, among acceptable scheduling practices, an airline of one country may, at any authorized point in the territory of the other country, consolidate two flights into one single flight in such way that only one aircraft continues transporting the traffic of these two flights. The U.S. Delegation stated that the U.S. would, in fact, accept that this concept applies where more than two flights are involved.

"D. Section VII of Annex

"The two Delegations agreed that it would be desirable to update section VII of the Annex to the Agreement. They exchanged copies of their current standard texts, noted that there appeared to be no fundamental differences (except possibly that the U.S. text provides for the possibility of modifications by the respective authorities of existing rates), and agreed to exchange comments on their respective texts with a view to adoption of a mutually agreed new text in due course. Both Delegations agreed, moreover, that tariff discipline is fundamental to the operation of air services and, for this purpose, the aeronautical authorities of both countries will consult when necessary to assure that section VII is observed by the airlines of both countries in the implementation of tariff.

"E. Exchange of statistics

"The two Delegations agreed that the respective airlines may suspend the regular exchange of statistics under Annex C to the 1968 Final Act, but that either side may request that statistics be furnished pursuant to Annex C for use in any capacity consultation which may be called pursuant to Annex B. They also agreed to exchange technical comments at the aeronautical authority level regarding on-line (or flight) O&D statistics with the aim of providing for the submission of common statistics of this nature by the airlines to the aeronautical authorities of the other country.

¹ United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117, and vol. 958, p. 217.

“F. *Commercial aspects of airline operations*

“Both Delegations exchanged views concerning commercial aspects of the operations of U.S. airlines in Brazil. In view of the necessity for greater details concerning the problems presented and so that the Brazilian aeronautical authorities may be able to submit these questions to the relevant Brazilian Government Agencies, both Delegations decided to deal with the matter in detail by exchange of correspondence in due course.

“G. *Section VIII of Annex*

“The U.S. Delegation suggested that section VIII of the Annex to the Agreement was out-of-date and that, while deletion of this section was not essential since neither country was likely to invoke its provisions, its deletion would be appropriate. The Brazilian Delegation’s tentative view was that deletion might be desirable but that further study was required, and it agreed to communicate its position on this matter in the near future.

“The Final Act, signed by the Chairmen of both Delegations, in two originals in English and Portuguese respectively, will become effective upon confirmation by the respective Governments through an exchange of notes.”

The Embassy wishes to inform the Ministry that the Government of the United States of America has approved the Final Act and the understandings which it contains. The Embassy would appreciate receiving confirmation from the Ministry that the Government of the Federative Republic of Brazil has similarly approved this Final Act.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of External Relations the assurances of its highest consideration.

Embassy of the United States of America

Brasília, October 27, 1976

II

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DAS RELAÇÕES EXTERIORES

DTC/DAI/DCS/139/680.4(B46)(B13)

O Ministério das Relações Exteriores cumprimenta a Embaixada dos Estados Unidos da América e tem a honra de acusar recebimento da nota verbal in nº. 415, de 27 de outubro de 1976, na qual transcreve os termos da Ata Final da VI Reunião de Consulta, realizada entre autoridades aeronáuticas do Brasil e dos Estados Unidos, no Rio de Janeiro, de 3 a 7 de novembro de 1975, abaixo reproduzida, em português:

“As Delegações representando o Governo dos Estados Unidos da América e o Governo da República federativa do Brasil, encontraram-se no Rio de Janeiro, no período de 3 a 7 de novembro de 1975, a fim de tratar de assuntos de mútuo interesse decorrentes do Acordo sobre Transporte Aéreo entre o Brasil e os Estados Unidos da América, suas alterações e as respectivas trocas de notas de 1958 e 1968. Os membros das respectivas Delegações acham-se relacionados em anexo.

“Os assuntos de interesse mútuo discutidos e os resultados das discussões foram, resumidamente, os seguintes:

[TRANSLATION¹ — TRADUCTION²]

The Brazilian Ministry of External Relations to the American Embassy

MINISTRY OF EXTERNAL RELATIONS

DTC/DAI/DCS/139/680.4(B46)(B13)

The Ministry of External Relations presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of note verbale No. 415 of October 27, 1976, stating the terms of the Final Act of the Sixth Meeting of Consultation held by aeronautical authorities of Brazil and the United States at Rio de Janeiro on November 3-7, 1975, of which the Portuguese version reads as follows:

[*See note I*]

[2.] The Ministry of External Relations informs the Embassy of the United States of America that the Brazilian Government is in full agreement with the foregoing provisions.

[3.] The Ministry of External Relations agrees, furthermore, that this note and the United States Embassy's note No. 415 of October 27, 1976, shall constitute the exchange of notes provided for in the Final Act signed on November 7, 1975, and emphasizes that the Portuguese and English texts are equally authentic.

Brasília, November 1, 1976

AERONAUTICAL CONSULTATION, FEDERATIVE REPUBLIC
OF BRAZIL — UNITED STATES OF AMERICA (1967-68)

FINAL ACT

Delegations representing the Government of the United States of America and the Government of the Federative Republic of Brazil met in Rio de Janeiro from February 15 through March 18, 1968 and July 15 through July 22, 1968 to continue the consultations held in Washington between June 15 and July 18, 1967, to consider matters of mutual interest arising under the Air Transport Agreement between the United States and Brazil (as amended) and the 1958 Note Exchange relating thereto. The members of the respective delegations are listed at Annex A.

During the consultation, *ad referendum* agreement was reached on certain matters which are described in the Annexes listed below:

- Annex B, Capacity procedures to be followed by each Government in applying the existing Agreement and the related Note Exchange of 1958;
- Annex C, Exchange of statistics;
- Annex D, The introduction of new equipment;
- Annex E, Amendment of the route schedule of the Agreement.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

It was also agreed that for the purpose of registering the modification of the Route Schedule with ICAO, after review and approval of this Final Act and its Annexes, both Governments will exchange notes covering the text of Annex E.

In addition, certain other matters of mutual interest were discussed and the results of the discussion are summarized as follows:

a. *Brazilian desire for a route to Europe via New York*

The Brazilian Delegation indicated continuing interest in a route to a point in Europe via New York and hoped that the United States would be able to reconsider the matter in the future. The United States Delegation explained the difficulties which such a route poses for the United States Government, but indicated that the United States would be willing to examine this question again in the future.

b. *Deletion of section VIII of the Annex to the Air Transport Agreement*

The United States Delegation suggested that the Air Transport Agreement be amended to delete section VIII of the Annex. The Brazilian Delegation stated that the suggestion would be considered.

This Final Act, signed by the Chairmen of both Delegations, in two originals in English and Portuguese respectively, both equally authentic, together with its Annexes, will become effective upon confirmation by the respective Governments through an exchange of notes.

[Signed]

Ten. Brig. MARTINHO CÂNDIDO DOS SANTOS
Chairman
Brazilian Delegation

[Signed]

JOHN S. MEADOWS
Chairman
United States Delegation

Rio de Janeiro, July 24, 1968

ANNEX A

UNITED STATES DELEGATION

First Session, Washington, June/July 1967

Chairman

Henry T. Snowden, Chief, Aviation Negotiations Division, Department of State

Members

Hon. Whitney Gilliland, Member, Civil Aeronautics Board

Richard J. O'Melia, Deputy Director, Bureau of International Affairs, Civil Aeronautics Board

Nathaniel Wilson, Staff Member, Office of Aviation, Department of State

Joseph McKenna, Staff Member, Bureau of International Affairs, Civil Aeronautics Board

Observer

Gabriel Phillips, Air Transport Association

2nd Session, Rio de Janeiro, February/March 1968

Chairman

John S. Meadows, Director, Office of Aviation, Department of State

Members

Dorothy E. Thomas, Chief, Geographic Area I, Bureau of International Affairs,
Civil Aeronautics Board
Frank M. Ravndal, Transportation and Communications Officer, U.S. Embassy,
Rio de Janeiro

Observer

Gabriel Phillips, Air Transport Association

*3rd Session, Rio de Janeiro, July 1968**Chairman*

John S. Meadows, Director, Office of Aviation, Department of State

Members

Hon. Whitney Gilliland, Member, Civil Aeronautics Board
Dorothy E. Thomas, Chief, Geographic Area I, Bureau of International Affairs,
Civil Aeronautics Board
Frank M. Ravndal, Transportation and Communications Officer, U.S. Embassy,
Rio de Janeiro

Observer

Gabriel Phillips, Air Transport Association

BRAZILIAN DELEGATION

*First Session, Washington, June/July 1967**Chairman*

Maj. Brig. Martinho Cândido dos Santos, President of CERNAI and Director
General of Civil Aeronautics

Members

Cons. Sergio Weguelin Vieira, Representative of the Ministry of Foreign Relations
and Member of CERNAI
Cel. Av. Horácio Monteiro Machado, Director, Div. of Air Transportation
CERNAI and Member of CERNAI
Dr. Expedito Albano da Silveira, Director, Div. of Intern'l Air Policy and Juridical
Matters, CERNAI, and Member of CERNAI
Dr. José Ribamar de Faria Machado, Legal Division, DAC, and Member of
CERNAI

Advisor

João Baptista Andrade, VARIG representative

*2nd Session, Rio de Janeiro, February/March 1968**Chairman*

Tte. Brig. Martinho Cândido dos Santos, President of CERNAI and Director
General of Civil Aeronautics

Members

Cons. Sergio Weguelin Vieira, Representative of the Ministry of Foreign Relations
and Member of CERNAI
Cons. Murillo Gurgel Valente, Representative of the Ministry of Foreign Relations
Dr. Eugênio Seifert, Director, Air Navigation Division of CERNAI, and Member of
CERNAI
Dr. Expedito Albano da Silveira, Director, Div. of Intern'l Air Policy and Juridical
Matters, CERNAI, and Member of CERNAI
Dr. José Ribamar de Faria Machado, Legal Division, DAC, and Member of
CERNAI
Tte. Cel. Av. Pompeu Marques Perez, Director, Traffic Division of DAC and
Member of CERNAI

Advisor

João Baptista Andrade, VARIG representative

*3rd Session, Rio de Janeiro, July 1968**Chairman*

Tte. Brig. Martinho Cândido dos Santos, President of CERNAI and Director General of Civil Aeronautics

Members

Dr. Eugênio Seifert, Director, Air Navigation Division of CERNAI, and Member of CERNAI

Dr. José Ribamar de Faria Machado, Director, Div. of Intern'l Air Policy and Juridical Matters, CERNAI, and Member of CERNAI

Tte. Cel. Av. Pompeu Marques Perez, Director, Traffic Division of DAC and Member of CERNAI

Dr. José da Silva Pacheco, Advisor to the Air Minister on Juridical Matters and Member of CERNAI

Sec. Ruy Antonio Pinheiro de Vasconcellos, Representative of the Ministry of Foreign Relations and Deputy to Permanent Member of CERNAI

Advisors

João Baptista Andrade, VARIG representative

Wilma Coutinho Pereira Baena, Secretary to the Council of CERNAI

ANNEX B TO FINAL ACT

CAPACITY PROCEDURES

The two Delegations discussed the capacity clauses of the Agreement and the effect of a request for consultation to examine the capacity offered by their respective airlines in accordance with the Agreement and particularly the Exchange of Notes dated December 1, 1958, relating to assurances against the mounting of patently unreasonable capacity and against the unilateral imposition of capacity controls. As a result of this discussion, the two Delegations reaffirmed these assurances and agreed upon the following procedures:

1. A schedule reflecting an increase in capacity (except as mentioned in paragraph 3 below) shall be submitted by the interested airline directly to its own Government for review. Should the proposed increase appear to that Government to be appropriate in light of the applicable provisions of the Agreement, the related Exchange of Notes dated December 1, 1958, and other pertinent factors, that Government shall transmit the schedule to the aeronautical authorities of the other Government at least 30 days prior to the effective date of the proposed service. The Government transmitting the schedule shall indicate it has reviewed the proposed increase in light of the applicable provisions of the Agreement, the related Exchange of Notes, and other pertinent factors and has concluded that the proposed increase is appropriate.

2. *a.* If the aeronautical authorities of the other Government consider that a schedule reflecting an increase in capacity filed pursuant to paragraph 1 above may be inconsistent with the applicable provisions of the Agreement and the related Exchange of Notes, they may so notify the appropriate authorities of the Government of the airline concerned, through diplomatic channels, and may request consultation to consider the question. Such notification shall specify the single point in each country between which additional services are of concern, it being understood that for this purpose Los Angeles/San Francisco and Rio de Janeiro/São Paulo, respectively, shall be deemed a single point. Every effort shall be made to conclude the consultation prior to the effective date of the schedule concerned.

b. When both Governments agree during such consultation that the new schedule should be modified, the Government of the airline concerned shall take steps to assure that adjustments are made in the proposed schedule to reflect the understandings achieved.

c. When no such agreement is reached, or the consultation has not been concluded prior to the effective date of the schedule concerned, the proposed schedule shall be permitted to become effective. However, the Government of the airline concerned shall refrain from transmitting schedules reflecting further increases for that airline between the points specified in the notification mentioned in paragraph 2a above for a period of nine months from the date of effectiveness of the schedule which had been questioned, unless otherwise mutually agreed in consultations held during this period.

3. A schedule which reflects no increase in an airline's total capacity, or which reflects the resumption of capacity operated during the same season of the previous year, shall be submitted by the interested airline directly to the aeronautical authorities of the other Government for information at least 15 days in advance of the effective date. For the purpose of this paragraph it is understood that an increase in capacity resulting from a routine substitution of an aircraft or a routine change in aircraft configuration shall be deemed to constitute no increase in total capacity.

4. Consultation to review existing services may be invoked whenever one Party believes, in light of the actual operating experience of six months or more, that the services being provided by an airline or airlines of the other Party violate the capacity provisions of the Agreement. The services in question shall be permitted to remain in effect pending the conclusion of the consultation.

5. The joint reviews contemplated in paragraphs 2 and 4 above shall be based on the traffic statistics described in Annex C together with such other data as may be considered relevant.

6. The procedures set forth in paragraphs 1, 2 and 3 above will remain in effect for a period of three years from the date of this Exchange of Notes and will continue in effect for subsequent periods of three years. However, either Party may notify the other three months in advance of the expiration of any three-year period that it desires to consult to review or revise the aforesaid procedures. In such event, consultation will be held promptly and will be prosecuted diligently in order to conclude the consultation prior to the expiration of the three-month period. In the event no agreement is reached in such consultation, the procedures set forth in paragraphs 1, 2 and 3 above will cease to be effective as of the expiration of the period during which such consultation was held.

ANNEX C TO FINAL ACT

EXCHANGE OF STATISTICS

The two Delegations agreed that the exchange of statistical data which has been in effect since January 1959 has been useful and should be continued with some modification in the detail of the reporting. For reference purposes, the basis on which the statistics are to be prepared and exchanged in the future is set forth below.

1. *Reporting periods.* Reports will continue to be compiled by the individual airlines covering alternate months of each year beginning with the month of January.

2. *Due date of reports and method of exchange.* Airline reports will be transmitted to the aeronautical authorities of the other Government within sixty (60) days of the close of the reporting period. United States airline reports will be transmitted by the United States aeronautical authorities through the United States Embassy in Brazil to the Brazilian aeronautical authorities. Brazilian airline reports will be transmitted by the Brazilian

aeronautical authorities through the United States Embassy in Brazil to the United States aeronautical authorities. In all cases the reports should carry a notation indicating they are submitted pursuant to the Exchange of Notes to which this document is attached.

3. *Traffic to be reported.* The traffic to be reported will consist of the revenue traffic, by direction, in passengers, cargo and mail on board any aircraft of the reporting airline which serves a point in the territory of the other party pursuant to authority granted under the Air Transport Agreement. All traffic enplaned or deplaned in such territory will be reported by Freedom category; all traffic on board which is neither enplaned nor deplaned in such territory will be reported by numbers in the case of passengers and in the case of cargo and mail by weight in kilograms. (Excess baggage need not be reported.) For each route segment on which reports are submitted, each airline will also provide information on the total number of seats offered during the month, the total number of revenue passengers carried, and the seat load factor.

4. *Basis for collection of data.* The data to be reported by Freedom category will be derived from the ticket in the case of revenue passengers and from the waybill in the case of revenue cargo and mail traffic, and the reports shall show: (a) in the case of passengers, the initial origin and ultimate destination of the traffic as indicated by the ticket, and (b) in the case of cargo and mail, the initial on-line origin and the ultimate on-line destination of the traffic as indicated by the waybill, since actual true origin and destination data are not presently available for cargo and mail. In the case of a one-way trip the initial origin shall be the first point and the ultimate destination shall be the last point on the ticket or waybill or combination of tickets or combination of waybills. In the case of a circle or round trip a directional criterion will apply, that is, the point of deplanement farthest from the initial origin of the trip out, on the basis of the great circle distance, as shown on the ticket or combination of tickets, shall be the ultimate destination on the trip out and the point of initial origin on the return trip. A stopover or connection at a point or points along the route shown on the ticket or waybill does not change the initial origin and ultimate destination of the traffic.

5. *Freedom classification of traffic.* The traffic shall be reported under the following categories: Third Freedom, Fourth Freedom, Fifth Freedom (Primary and Secondary), and Transit. These terms are defined for the purposes of this Agreement as follows:

- Third Freedom: traffic whose initial origin is a point in the home country of the reporting carrier;
- Fourth Freedom: traffic whose ultimate destination is a point in the home country of the reporting carrier;
- Fifth Freedom: traffic whose initial origin and ultimate destination are points outside the home country of the reporting airline. Primary Fifth Freedom is that traffic which is Fifth Freedom for the reporting airline and Third or Fourth Freedom for the airlines of the other Party to this arrangement. Secondary Fifth Freedom is that traffic which is Fifth Freedom for the airlines of both Parties to this arrangement;
- Transit: traffic on board an aircraft of the reporting carrier on its arrival at and departure from a point in the territory of the other Party which is neither enplaned nor deplaned in the territory of that Party.

6. *Route segments to be reported.* Each airline will report, by direction, the revenue traffic over the last route segment into and the first route segment out of the territory of the other Party on all flights serving a point in that territory. When an airline's service over a reported segment operates to or from different gateways in the airline's homeland, the airline's reports covering reported segments between the two countries will be broken down so as to show separately the traffic carried on flights to or from each of such gateways.

ANNEX D TO FINAL ACT

INTRODUCTION OF NEW TYPE AIRCRAFT

Under the Air Transport Agreement, the related note exchange of 1958, and Annex B of the Final Act, each designated airline has the right to decide which type of aircraft it wishes to use. Having in mind the possibility of new types of aircraft entering into service in the near future, and taking into consideration the desire of both Governments to assure that the introduction of such aircraft not be jeopardized, the Delegations decided that:

1. a designated airline planning to introduce a new type or types of aircraft over routes specified in the Route Schedule of the Agreement will notify the other Government, through diplomatic channels, at least six months before the intended date of introduction;
2. there should be regular and frequent consultations between the aeronautical authorities of the two Governments concerning plans for the introduction of new type aircraft.

ANNEX E TO FINAL ACT

AMENDMENT OF THE ROUTE SCHEDULE

The two Delegations agreed that the Route Schedule of the Agreement be amended to read, in its entirety, as follows:

Route Schedule

A. An airline or airlines designated by the Government of the United States of America are accorded the right to pick up and discharge international traffic in passengers, cargo and mail, separately or in combination, on the following routes, in both directions:

1. from the United States of America, via intermediate points in the Caribbean, Central America, and countries on the West Coast of South America to São Paulo and Rio de Janeiro;
2. from the United States of America, via intermediate points in the Caribbean and South America to Belem, Recife and beyond to Africa;
3. from the United States of America, via intermediate points in the Caribbean, Panama, and countries on the North and East Coasts of South America to Belem or Manaus, Brasília, Rio de Janeiro, São Paulo, Porto Alegre and beyond Brazil to Uruguay and Argentina and beyond to Antarctica and beyond;
4. from the United States of America, via intermediate points in Middle America and countries on the North and East Coasts of South America to Belem or Manaus, Brasília, Rio de Janeiro, São Paulo, Porto Alegre, and beyond Brazil to Uruguay and Argentina;
5. from the United States of America, via intermediate points in the Caribbean and South America to Rio de Janeiro and São Paulo and beyond to points in Africa south of the equator.

B. An airline or airlines designated by the Government of the Federative Republic of Brazil are accorded the right to pick up and discharge international traffic in passengers, cargo and mail, separately or in combination, on the following routes in both directions:

1. from the Federative Republic of Brazil, via intermediate points in South America and Middle America, to Los Angeles (Note 1);
2. from the Federative Republic of Brazil, via intermediate points in South America and the Caribbean, to Miami and Chicago;
3. from the Federative Republic of Brazil, via intermediate points in South America, the Caribbean and Panama, to Washington and New York;

4. from the Federative Republic of Brazil, via intermediate points on the East and North Coasts of South America and in the Caribbean, to Miami and New York and beyond to Canada;
5. from the Federative Republic of Brazil, via intermediate points in South America, to New York and beyond to Japan and beyond, via the intermediate point Anchorage (Note 1).

NOTE 1. Operations over Route 1 may be extended beyond Los Angeles via the intermediate point Honolulu to Japan and beyond, until a Brazilian airline commences operations beyond New York over Route 5, at which time all rights to operate beyond Los Angeles over Route 1 shall terminate automatically.

C. Any point or points on any route or routes contained in this Route Schedule may be omitted in either or both directions at the option of the airline designated to operate such route or routes.

D. The airlines designated by one Contracting Party in accordance with the provisions of the Agreement will be permitted to operate other services across the territory of the other Contracting Party, without obligation of landing, by the most direct route between the points to be served so long as the safety of operation is not affected. In any case, the use of uneconomic and circuitous routings shall be avoided.

E. Flights of a designated airline which do not serve all the points granted in the routes contained in the Route Schedule may be operated by the most direct route between the points to be served so long as the safety of operation is not affected. In any case, the use of uneconomic and circuitous routings shall be avoided.

F. The airlines designated by one Contracting Party in accordance with the provisions of the Agreement will be permitted to land for non-traffic purposes in the territory of the other Contracting Party. Every airport in the territory of one of the Contracting Parties which is open to international operation shall be open under uniform conditions to the aircraft of the other Contracting Party for such non-traffic purposes.

G. For the purposes of this Route Schedule, the term "Middle America" is interpreted as including only those countries situated on the mainland between South America and the continental United States of America.

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DA AERONÁUTICA V. CONSULTA AERONÁUTICA REPÚBLICA FEDERATIVA DO BRASIL-ESTADOS UNIDOS DA AMÉRICA 1967-1968

ATA FINAL

Delegações do Governo da República Federativa do Brasil e do Governo dos Estados Unidos da América reuniram-se no Rio de Janeiro, de 15 de fevereiro a 18 de março de 1968 e de 15 de julho a 22 de julho de 1968, para continuar a Consulta realizada em Washington, entre 15 de junho a 18 de julho de 1967, para examinar assuntos de interesse mútuo relativos ao Acôrdo de Transporte Aéreo entre o Brasil e os Estados Unidos e a Emenda constante da troca de Notas de 1958 a êle relativas. Os membros das duas Delegações estão relacionados no Anexo A.

Durante a Consulta, *ad referendum* dos seus respectivos Governos, foram acordados os assuntos abaixo relacionados e constantes dos seguintes Anexos:

- Anexo B, Procedimentos relativos à capacidade, a serem observados por ambos os Governos, para aplicar o Acôrdo e as Notas trocadas em 1958;
- Anexo C, Troca de estatísticas;
- Anexo D, Introdução de novos equipamentos;
- Anexo E, Modificação do Quadro de Rotas do Acôrdo.

Foi ainda acordado que para fins de registro junto à OACI da modificação do Quadro de Rotas do Acôrdo, depois da revisão e aprovação da presente Ata Final e seus Anexos, ambos os Governos trocarão Notas, cobrindo o texto do Anexo E.

Discutiram-se ainda outros assuntos de interesse mútuo e os resultados de tais discussões se resumem como se segue:

a. *Desejo brasileiro de uma rota para a Europa, via Nova York*

A Delegação brasileira manifestou continuado interesse em uma rota para um ponto na Europa, via Nova York, e confia que os Estados Unidos poderão reconsiderar o assunto no futuro. A Delegação dos Estados Unidos explicou as dificuldades que tal rota criaria para seu Governo, mas indicou que os Estados Unidos se dispõem a examinar essa questão, novamente, no futuro.

b. *Cancelamento da Seção VIII do Anexo ao Acôrdo de Transporte Aéreo*

A Delegação dos Estados Unidos sugeriu que o Acôrdo de Transporte Aéreo seja emendado para cancelar a Seção VIII de seu Anexo. A Delegação brasileira declarou que esta sugestão seria considerada.

A presente Ata Final é assinada pelos Chefes de ambas as Delegações, em dois originais, em inglês e português, ambos igualmente autênticos, e, juntamente com seus Anexos, entrará em vigor mediante confirmação dos seus respectivos Governos, por troca de Notas.

Rio de Janeiro, 24 de julho de 1968

[Signed — Signé]

Tenente Brigadeiro
MARTINHO CÂNDIDO DOS SANTOS
Chefe da Delegação
do Brasil

[Signed — Signé]

JOHN S. MEADOWS
Chefe da Delegação
dos Estados Unidos da América