

47/17

DEPARTMENT OF STATE
WASHINGTON

August 16, 1978

Excellency:

I have the honor to refer to your note of today's date concerning the use of airports in Israel for scheduled and charter air services pursuant to the United States-Israel Protocol Relating to the Air Transport Agreement of 1950.

I am pleased to confirm that my Government accepts the understanding contained in your note.

Accept, Excellency, the renewed assurances of my highest consideration.

Walter Christopher
Acting Secretary of State

His Excellency

Simcha Dinitz,

Ambassador of Israel.

47/A

EMBASSY OF ISRAEL
WASHINGTON, D. C.

שגרירות ישראל
ושינמטן

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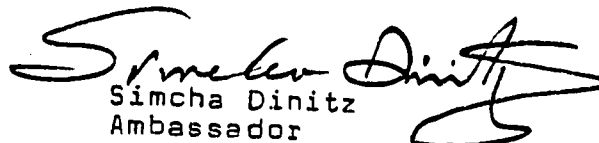
16 August 1978

My dear Mr. Secretary:

I have the honor to refer to the Protocol Relating to the United States-Israel Air Transport Agreement of 1950 which was signed today and to confirm the understanding of my Government that airlines designated by either Party under Article 2 of the Protocol shall, in operating scheduled or charter air services, use the following airports ^{AD} in Israel: Ben-Gurion, Ramat David (as an alternate for Ben-Gurion), and such other airports as may be mutually agreed.

I would appreciate receiving your Government's acceptance of this understanding.

Accept, Sir, the renewed assurances of my highest consideration.


Simcha Dinitz
Ambassador

The Honorable
Cyrus Vance
Secretary of State
Department of State
Washington, D.C.

PROTOCOL
RELATING TO ISRAEL-UNITED STATES
AIR TRANSPORT AGREEMENT OF 1950

The Government of Israel and the Government of the
United States of America,

Desiring to expand air services through elimination of
restrictions and to promote an international aviation system
based on competition among airlines in the marketplace with
minimum governmental regulation, and

Intending to make it possible for airlines to offer
the traveling and shipping public low-fare competitive
services and increased opportunities for charter air services
between the two countries,

Have agreed to this Protocol relating to the Air Trans-
port Agreement between the Government of Israel and the
Government of the United States of America signed at Hakiryia on
June 13, 1950:

ARTICLE I

2.

Definitions

(a) "Agreement" means the Air Transport Agreement between the Government of Israel and the Government of the United States of America signed at Hakiryra on June 13, 1950.

(b) "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944.

ARTICLE 2

Designation and Authorization

(a) Each Party shall have the right to designate an airline or airlines for the purpose of exercising the rights granted in the Agreement as amended by the present Protocol. Each Party shall be free to determine the type or types of services which its designated airlines may operate.

(b) An airline or airlines of a Party whose designation allows the exercise of scheduled air service rights shall be permitted to exercise these rights on the routes specified in the Schedule attached to the Agreement, as amended by Article 3 of this Protocol.

(c) An airline or airlines of a Party whose designation allows the exercise of the rights specified in Article 4 of this Protocol shall be permitted to exercise those rights in

accordance with the rules applicable to charter traffic now or hereafter published by the aeronautical authorities of the Party in which the charter traffic originates, or in accordance with waivers of such rules granted for appropriate reasons. When such rules of one Party apply more restrictive terms, conditions, or limitations to one, or more, of its designated airlines, the designated airlines of the other Party shall be subject to the least restrictive of such terms, conditions or limitations. Moreover, if the aeronautical authorities of either Party promulgate rules applicable to charter traffic which apply different conditions to different countries, each Party shall apply the most liberal rule to the designated airlines of the other Party.

(d) Designated airlines shall be granted appropriate operating permission without undue delay in accordance with Article III of the Agreement.

(e) Notwithstanding paragraph (C) of Article I of the Agreement, the term "designated airline" as used in this Protocol and in the Agreement shall be deemed to refer to an airline designated pursuant to this Article.

ARTICLE 3

Routes for Scheduled Air Services

The Schedule attached to the Agreement is amended to read, in its entirety, as follows:

"1. An airline or airlines designated by the Government of the United States shall be entitled to operate air services on the following route, in both directions, and to make scheduled landings in Israel at the points specified in this paragraph:

The United States via intermediate points
to Tel Aviv and beyond.

"2. An airline or airlines designated by the Government of Israel shall be entitled to operate air services on the following route, in both directions, and to make scheduled landings in the United States at the points specified in this paragraph:

Israel via points in Cyprus, Turkey, Greece, Romania, Italy, Spain, Portugal, Switzerland, Austria, Federal Republic of Germany, France, Luxembourg, Belgium, Netherlands, United Kingdom, Eire, and Montreal to New York and four additional points in the United States* to be selected by Israel and notified to the United States, and beyond (a) one specified US point to Mexico City, and (b) any specified US points to South America and Asia, without traffic rights between Montreal and US points or between US points and points beyond the United States.

* "Only two of these four additional points may be served until August 1, 1979."

"3. Each designated airline may, on any or all flights and at its option, operate flights in either or both directions, serve points on the routes in any order, and omit stops at any point or points without loss of any right to uplift or discharge traffic otherwise permissible under the Agreement, provided the service begins or terminates in the territory of the Party designating the airline.

"4. Each designated airline may, on any or all flights and at its option, operate flights on any segment or segments of the routes described in paragraphs 1 or 2 above without any limitation as to change in type or number of aircraft operated, whether or not traffic rights are available."

ARTICLE 4

Grant of Rights for Charter Air Services

(a) Each Party grants to the other Party the right for the designated airlines of that other Party to uplift and discharge international charter traffic in passengers (and their accompanying baggage) and cargo at any point or points in the territory of the first Party for carriage between such points and any point or points in the territory of the other Party, either directly or with stopovers at points outside the territory of either Party or with carriage of stopover or transiting traffic to points beyond the territory of the first Party.

(b) Charter traffic:

(i) originating outside the territory of both Parties; or

(ii) carried by an airline of one Party, originating in the territory of the other Party, and having a traffic stop beyond the territory of the first Party without an intermediate stopover in the territory of the first Party of at least two consecutive nights;

shall not be covered by this Protocol.

ARTICLE 5

Fair Competition

(a) Each Party shall allow a fair opportunity for the designated airlines of both Parties to compete in the international air transportation services covered by the Agreement and this Protocol.

(b) Each Party shall take into consideration the interests of the other Party in its designated airlines so as not to affect unduly the opportunity for the airlines of each Party to offer the services covered by the Agreement and this Protocol.

(c) Neither Party shall limit the volume, frequency, or aircraft type operated by the designated airlines of the other Party, except as may be required for technical, operational or environmental reasons under uniform conditions consistent with Article 15 of the Convention.

(d) Neither Party shall impose or allow to be imposed a first refusal requirement, an uplift ratio, no-objection fee, or any other requirement with respect to the capacity, frequency or traffic to be carried by the designated airlines of the other Party which would be inconsistent with the purposes of the Protocol.

(e) Sections IV, V, VI, VII, and VIII of the Annex to the Agreement are deleted.

ARTICLE 6

Fares, Rates and Prices

(a) Section IX of the Annex to the Agreement is amended to read in its entirety as follows:

"(A) Both Parties desire to facilitate the expansion of international air transportation opportunities over the routes specified in the Schedule attached to the Agreement, as well as in charter air transportation. This objective can best be achieved by making it possible for airlines to offer the traveling and shipping public a variety of service options at the lowest fares, rates and prices that are not predatory or discriminatory and do not represent an abuse of monopoly position. In order to give weight to this objective, each Party shall encourage individual airlines to develop and implement competitive fares, rates and prices. Accordingly, the Parties agree that fares, rates and prices

should be set by each designated airline based primarily on commercial considerations in the marketplace and that governmental intervention should be limited to prevention of predatory or discriminatory practices, protection of consumers from the abuse of monopoly position, and protection of airlines from prices that are artificially low because of direct or indirect governmental subsidy or support.

"(B) Each Party may require the filing with its aeronautical authorities of fares and rates and of wholesale prices to be charged by designated airlines of the other Party. Such tariffs shall be filed by such airlines at least forty-five (45) days, in the case of passenger tariffs, and sixty (60) days, in the case of cargo tariffs, before the proposed date of introduction unless the Party with whom the filing is to be made permits filing on shorter notice. Neither Party shall require the filing by a designated airline of the other Party of prices or rates charged by charterers to the public for charter traffic originating in the territory of that other Party.

"(C) If a Party is dissatisfied with a fare, rate or price or the rules governing their availability that are contained in tariffs filed with it by a designated airline of either Party for scheduled or charter air transportation between the territories of the two Parties, it shall notify that other Party as soon as possible, and in any event within 30 days of receiving notification of the fare, rate or price. Either Party may then request consultations which shall be held as soon as possible,

and in no event later than 30 days of the receipt of the request.

"(D) Neither Party shall take unilateral action to prevent the inauguration or continuation of fares, rates or prices or the rules governing their availability that are contained in tariffs filed with it by the designated airlines of either Party for scheduled or charter air transportation between the territories of the two Parties. If a Party has expressed dissatisfaction with a fare, rate or price and requests consultations in accordance with paragraph (C) of this Section, the Parties shall meet and endeavor to reach an agreement. Prior to and during such consultations, the fares, rates or prices at issue shall immediately go into effect, or continue in effect. After consultations, unless mutual agreement is reached between the Parties to suspend the fares, rates or prices in question, the fares, rates or prices shall be introduced or continue in effect as filed. If the Parties agree to disapprove a fare, rate or price, both Parties shall use their best efforts to prevent the implementation or continuation of the fare, rate or price that was mutually disapproved.

"(E) (1) If both Parties have concluded agreements with a third country which include provisions similar to those in paragraph (D) of this Section, fares, rates or prices of airlines of such third countries, for scheduled or charter air transportation between the

territories of the two Parties and via such third country, shall be governed by the provisions of paragraph (D) of this Section.

"(2) In any event, each Party shall permit any airlines, including airlines of third countries, to match fares, rates and prices, including their terms and conditions, on an intra-line or inter-line basis, for service via third countries, offered by designated airlines of either Party for scheduled or charter air transportation between the territories of the two Parties; provided, however, that if an airline or airlines of that Party is providing service to or through that third country, the government of that third country permits the airlines of that Party to match fares, rates and prices offered by that third country airline for scheduled or charter air transportation between such third country and the territory of the other Party.

"(F) Notwithstanding the filing time periods set forth in paragraph (B) of this Section, each designated airline shall have the opportunity to meet, on a timely basis, prices or rates charged or proposed to be charged by charterers or by other designated airlines for the carriage of cargo.

"(G) Notwithstanding paragraph (D) of this section, either Party may take unilateral action to prevent the inauguration until August 1, 1979, of a fare, rate or price if it continues to believe that such fare, rate or price is predatory, discriminatory or an abuse of monopoly position. Such action may only be undertaken following timely consultations with the other Party, pursuant to paragraph (C) of this Section, it being understood that during such consultations such fare, rate or price shall not be permitted to become effective. The Parties shall exercise their powers under this paragraph only in exceptional circumstances and in a manner consistent with paragraph (A) of this Section."

ARTICLE 7

Flight or Program Approvals

(a) Each Party shall minimize the administrative burdens of filing requirements and procedures on passenger or cargo charterers and designated airlines of the other Party.

(b) A designated airline of one Party proposing to carry charter traffic originating in the territory of the other Party shall comply with the applicable rules of that other Party.

(c) Neither Party shall require a designated airline of the other Party, in respect of the carriage of charter traffic originating in the territory of that other Party, to submit more than a declaration of conformity with the rules applicable to charter traffic of that other Party or of a waiver of these rules granted by the aeronautical authorities of that other Party.

(d) Notwithstanding paragraph (c) above, each Party may require that a designated airline of the other Party provide such advance information with regard to flights as is essential for customs, airport, and air traffic control purposes.

(e) Designated airlines shall comply with established procedures in regard to airport slotting and shall provide prior notification of flights or series of flights to the relevant authorities if so required.

(f) Neither Party shall require prior approval of flights or notifications of information relating thereto by designated airlines of the other Party, except as provided in paragraphs (b), (c), (d) and (e) above.

ARTICLE 8

Enforcement

(a) The Party in whose territory the traffic originates shall, for practical purposes, have exclusive

jurisdiction for the enforcement of its aeronautical rules and regulations.

(b) The Parties shall cooperate with each other on enforcement matters. Where one Party obtains evidence of a possible violation of the aeronautical rules of the other Party with regard to traffic originating in that other Party's territory, it shall transmit such evidence to the other Party for investigation and appropriate enforcement action, instead of interrupting flights or interfering with traffic which originated in the territory of the other Party.

(c) Each Party may take such steps as it considers necessary to regulate the conduct of its own airlines, charterers, travel organizers, agents, forwarders or shippers offering or organizing services covered by the Agreement and this Protocol. However, such regulations shall not preclude or limit the power of the other Party to regulate, within its territory and pursuant to its domestic laws, the conduct of such organizations or individuals of the first Party.

ARTICLE 9

Aviation Security

(a) The Parties reaffirm their grave concern about acts or threats against the security of aircraft, which jeopardize the safety of persons or property, adversely affect the operation of air services and undermine public

confidence in the safety of civil aviation. The Parties agree to provide maximum aid to each other with a view to preventing hijackings and sabotage to aircraft, airports and air navigation facilities and threats to aviation security. They reaffirm their commitments under and shall act consistently with the applicable provisions of the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 14, 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970, and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971. The Parties shall also act consistently with applicable aviation security provisions established by the International Civil Aviation Organization. Each Party agrees to observe the security provisions required by the other Party for entry into its territory and to take adequate measures to screen passengers and their carry-on items. When incidents or threats of hijacking or sabotage against aircraft, airports or air navigation facilities occur, the Parties shall assist each other by facilitating communications intended to terminate such incidents rapidly and safely. Each Party shall give sympathetic consideration to any request from the other for special security measures for its aircraft or passengers to meet a particular threat.

(b) Article V of the Agreement is amended by lettering the existing paragraph "(a)" and adding the following paragraph (b): "The competent aeronautical authorities of each Party may request consultations concerning the safety and security standards and requirements maintained and administered by the other Party relating to aeronautical facilities, aircrew, aircraft, and the operation of the designated airlines. If, following such consultations, the competent aeronautical authorities of either Party find that the other Party does not effectively maintain and administer safety and security standards and requirements in these areas that are equal to or above the minimum standards which may be established pursuant to the Convention, they will notify the other Party of such findings and the steps considered necessary to bring the safety and security standards and requirements of the other Party to standards at least equal to the minimum standards which may be established pursuant to the Convention, and the other Party shall take appropriate corrective action. Each Party reserves the right to withhold or revoke, pursuant to Articles III or VII, the operating authorization or technical permission of an airline or airlines designated by the other Party, in the event the other Party does not take such appropriate action within a reasonable time."

ARTICLE 10

Commercial Operations

(a) The airlines of one Party shall have the right, in accordance with such laws and regulations as may pertain, to establish offices in the territory of the other Party for business purposes and for the promotion and sale of their services.

(b) The designated airline or airlines of one Party shall have the right, in accordance with the laws and regulations relating to entry, residence and employment of the other Party, to bring in and maintain in the territory of the other Party those of their own managerial, technical, operational and other specialist staff who are required for the provision of air services.

(c) Each designated airline shall have the right to perform its own ground handling in the territory of the other Party or to use the services of an authorized agent of its choice. Such agents shall be freely authorized, subject to the availability of airport facilities.

(d) Each Party grants to each designated airline of the other Party the right to engage in the sale of air transportation in its territory directly and, at the airline's discretion, through its agents. Each airline shall have the right to sell such transportation, and any person shall be free to purchase such transportation, in

the currency of that territory or in freely convertible currencies of other countries. These rights shall, however, be available only to the extent authorized by the aeronautical authorities of the country of the airline concerned.

(e) Each designated airline shall have the right to convert and remit to its country on demand local revenues in excess of sums locally disbursed. Conversion and remittance shall be permitted without restrictions at the rate of exchange applicable to current transactions and remittance.

(f) User charges shall be established at reasonable and non-discriminatory levels, consistent with the costs of providing the relevant services or facilities, and be equitably apportioned among categories of users.

(g) Each Party shall use its best efforts to secure for the designated airlines of the other Party on a reciprocal basis an exemption from taxes, charges and fees imposed by state, regional and local authorities on the aircraft and regular equipment of such airlines and on the items listed in paragraphs (b) and (c) of Article IV of the Agreement, as well as from fuel through-put charges, in the circumstances described in those paragraphs, except to the extent that the charges are based on the actual cost of providing the service.

ARTICLE 11

Entry into Force

The provisions of this Protocol shall be applied from the date of its signature.

DONE at Washington, in duplicate, this 16th day of August, 1978.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT
OF ISRAEL:



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Handwritten notes in the top center, including "11/2/83" and "47/A".

Handwritten note "47/A" in the top right corner.

No. 58

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 Protocol of August 16, 1978 between the United States and Israel amending the Air Transport Agreement of June 13, 1950, as amended.

The Embassy has the honor to inform the Government of Israel that the Government of the United States of America has designated, under Article 2 of the Protocol, the United States airline Jet Charter Service, Inc., to operate charter air transportation of passengers and cargo, as provided for in Article 4 of the Protocol.

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

Handwritten initials "RK" inside a circular stamp.

Embassy of the United States of America,
Tel Aviv, April 19, 1983

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 101

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the State of Israel and has the honor to refer to the August 16, 1978, Protocol between the Government of the United States of America and the Government of Israel amending the 1950 Civil Air Transport Agreement, as amended.

The Embassy wishes to inform the Government of Israel that the Government of the United States of America designates Wayfarer Aviation, Inc., pursuant to Article 2 of the above-referenced Protocol, to operate charter air transportation of passengers, cargo and mail under Article 4 of the Protocol.

The Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,
Tel Aviv, October 9, 1996.



EMBASSY OF ISRAEL
WASHINGTON, D. C.

שגרירות ישראל
ושינגטון

AD/934

16 August 1978

My dear Mr. Secretary:

I have the honor to refer to the Protocol Relating to the United States-Israel Air Transport Agreement of 1950 which was signed today and to confirm the understanding of my Government that airlines designated by either Party under Article 2 of the Protocol shall, in operating scheduled or charter air services, use the following airports in Israel: Ben-Gurion, Ramat David (as an alternate for Ben-Gurion), and such other airports as may be mutually agreed.

I would appreciate receiving your Government's acceptance of this understanding.

Accept, Sir, the renewed assurances of my highest consideration.


Simcha Dinitz
Ambassador

The Honorable
Cyrus Vance
Secretary of State
Department of State
Washington, D.C.