

OPERATION OF AIR TRANSPORT COMMAND THROUGH PORTUGUESE TERRITORY

*Exchange of notes at Lisbon March 27, 1945, with text of agreement
and annex*

Entered into force March 27, 1945

Expired June 30, 1946

Department of State files

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

No. 971

LISBON, *March 27, 1945*

EXCELLENCY:

The Governments of the United States of America and of Portugal, having concluded an Agreement upon the terms for the operation through Portuguese territory in Europe of the Air Transport Command service, I have the honor, acting upon instructions from my Government, to confirm that the enclosed document and annex thereto constitute the above-mentioned Agreement which will take effect immediately upon this exchange of notes between us.

Please accept, Excellency, the renewed assurances of my highest consideration.

EDWARD S. CROCKER

His Excellency

Dr. ANTONIO DE OLIVEIRA SALAZAR
*Minister for Foreign Affairs
Lisbon*

[AGREEMENT]

Considering the terms of the request of January 25, 1945, whereby the Government of the United States seeks landing rights in Lisbon for A.T.C. aircraft in the European service;

Considering President Roosevelt's decree of 24 October 1944 in which he authorized those (A.T.C.) aircraft to augment its existing service by taking over civil transport under regulations similar to those applicable to

aircraft of private enterprises, for as long a period as these latter enterprises are unable to satisfy the necessities of commercial traffic; and

Considering, on the other hand, the Portuguese Government's pledge to aid, whenever the rendering of aid is possible in the prosecution of the policy it has always defended and supported, activities of relief or reconstruction in areas affected by the war and the reestablishment of economic or other activities disorganized by the war and which are necessary to the rapid restoration of normal peacetime conditions;

The Portuguese Government and the Government of the United States agree on the following:

1. A.T.C. aircraft coming from North America to Europe and returning, for the above ends, are permitted to fly over Portuguese territory on the European continent under the following terms:

1st) In flights over Portuguese territory in Europe planes must land in Lisbon;

2nd) They shall not discharge or load passengers or freight except at the request or with the consent of the Portuguese Government in each case;

3rd) They shall pay those charges established by Portuguese laws and regulations which correspond to the services utilized, on a non-discriminatory basis;

4th) They shall be unarmed and the crews shall be civilian.

2. Notwithstanding the stipulation in the existing agreement relative to the Santa Maria airport, which continues in full force, the Portuguese Government, in view of the very special governmental character of the service entrusted to A.T.C. which is the object of the present agreement, gives its consent during the life of the latter that the aircraft referred to in the preceding article which have to land in the Azores and are intended eventually to form connections through Europe with the orient may by special exception utilize that airport.

3. Recognizing, for the execution of this agreement, the necessity of constructing certain repair shop or spare parts storage facilities, installing certain equipment, or making certain general improvements, the Portuguese Government shall, in the shortest possible time, meet these requirements.

For the utilization of these installations there shall be levied such charges or rents as may be established by the Portuguese Government on a non-discriminatory basis.

For the execution of the work outlined in the first paragraph of this article, the United States Government agrees to render all aid necessary to the Portuguese Government for the acquisition of the required machinery, equipment and materials.

4. The protective services of radio and meteorology shall be Portuguese under the conditions as set forth in the preceding article; the United States

Government agrees to authorize the Portuguese Government to contract such specialized technical personnel as may be considered necessary, both for the installation and subsequent operation of the required equipment.

5. Spare parts and, in general, all material inherent to aircraft will remain in customs bond since they are not for national use.

6. Transit traffic, since it does not leave the zone of customs control, will not be subject to the payment of customs duties; as for police formalities there will be accorded a special system of facilities.

7. The A.T.C. will be authorized to employ its own ground service crews who will be subject to the general airport discipline rules.

8. This accord will remain in force until 30 June 1946 unless the traffic can be turned over to private enterprises before this date.

If the traffic is returned to private enterprise before that date, this accord shall terminate as of date of such return.

LISBON, *March 27, 1945*

ANNEX TO AGREEMENT

In view of the transitory and exceptional nature of this service, the Portuguese Government shall agree with the United States Government to safeguard the security of the equipment furnished, in accordance with its classification, and of the communications which are to be used only for the service of A.T.C. aircraft.

All meteorological data that can be released without prejudice to security will be furnished currently and promptly to the appropriate Portuguese authority.

All communications equipment not of a strictly secret character which has not been already acquired by the Portuguese Government in accordance with Articles 3 and 4 of the Agreement will be turned over to the Portuguese Government upon the termination of this Agreement at a reasonable cost price to be fixed by the two Governments. During the life of this Agreement, Portuguese technicians will be given full instructions with reference to the use and operation of such equipment.

LISBON, *March 27, 1945*

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

LISBON, *March 27, 1945*

MR. CHARGÉ D'AFFAIRES:

The Governments of Portugal and the United States having, pursuant to the request submitted by the latter, concluded an agreement upon the terms on

which the project of the Air Transport Command may be carried out across Portuguese territory in Europe, I inform Your Excellency that, on the part of the Portuguese Government, the above-mentioned agreement is contained in the enclosed document and the note annexed thereto, which are to take effect on the date of the present note and another identical one from Your Excellency in the name of the United States Government.

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

ANTONIO DE OLIVEIRA SALAZAR [SEAL]

Mr. E. S. CROCKER

Chargé d'Affaires ad interim
of the United States of America
Lisbon

[For text of agreement and annex, see U.S. note, above.]