

**No. 209**

**TURKEY  
and  
FRANCE**

**Agreement (with Annex) respecting air communications.  
Signed at Ankara, on 12 October 1946**

*Turkish and French official texts communicated by the Permanent Representative of Turkey to the United Nations. The registration took place on 9 March 1948.*

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**TURQUIE  
et  
FRANCE**

**Accord, accompagné d'une annexe, relatif aux communications aériennes. Signé à Ankara, le 12 octobre 1946**

*Textes officiels turc et français communiqués par le représentant permanent de la Turquie auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu de 9 mars 1948.*

## TRANSLATION — TRADUCTION

No. 209. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE TURKISH REPUBLIC AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC RESPECTING AIR COMMUNICATIONS. SIGNED AT ANKARA, ON 12 OCTOBER 1946

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The Government of the Turkish Republic and the Provisional Government of the French Republic,

Having decided to conclude an agreement respecting air communications between Turkey and France,

Have for that purpose appointed representatives, who, being duly authorized, have agreed as follows:

*Article 1*

The Contracting Parties grant each other the rights specified in the annex to this agreement with a view to establishing the international civil air routes and services therein described; such services may be begun immediately or at a later date, at the option of the Contracting Party to whom the rights are granted.

*Article 2*

(a) Each of the air services for which establishment rights have been granted by one Contracting Party to the other Contracting Party may be put into operation as soon as the latter Party has designated an airline or airlines for the operation of the service in question; the Contracting Party granting the rights shall, subject to the provisions of article 6, be bound to grant without delay the requisite operating permit to the airline or airlines designated as above-mentioned.

(b) The Contracting Party granting the above-mentioned rights may require the airline or airlines designated to furnish complete evidence of qualification in accordance with the laws and regulations in force in its territory before granting permission to engage in the operations contemplated by this agreement.

(c) The Governments concerned may designate areas in which the establishment of an international air service shall be subject to the approval of the competent military authorities.

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<sup>1</sup> Came into force on 30 June 1947, upon the exchange of the instruments of ratification at Ankara, in accordance with article 11.

### Article 3

In order to prevent discriminatory practices and ensure equality of treatment, it is agreed that:

(a) The charges which either of the Contracting Parties may impose or permit to be imposed for the use of its airports or other facilities by the airlines of the other Contracting Party shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one Contracting Party by or on behalf of an airline designated by the other Contracting Party, and intended solely for use by aircraft of the latter Contracting Party, shall receive national or most-favoured-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees or similar duties, even though such supplies be used or consumed by such aircraft on flights over that territory.

### Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still valid shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight over its own territory, certificates of competency and licences granted to its own nationals by another State.

### Article 5

(a) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline or airlines of the other Contracting Party.

(b) The passengers and crews of aircraft and consignors of goods by air shall comply, either in person or through a third person acting in their name and on their behalf, with the laws and regulations in force on the territory of

each Contracting Party respecting the entry, stay and departure of passengers, crews or cargo, such as regulations relating to entry, departure, immigration, passports, customs and quarantine.

#### *Article 6*

Each Contracting Party reserves the right to withhold an operating permit from an airline designated by the other Contracting Party, or to revoke such a permit in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of the latter Party, or whenever that airline fails to comply with the laws and regulations of the State over which it operates, as described in article 5 above, or to perform its obligations under this agreement.

#### *Article 7*

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization.

#### *Article 8*

If either of the Contracting Parties desires to modify any provision of the annex to this agreement, it may request that the competent authorities of both Contracting Parties should consult together thereon within a time-limit of sixty days from the date of the request. Any modification agreed upon by these authorities shall not come into effect until it has been confirmed by an exchange of diplomatic notes.

If a general air multilateral convention comes into force with respect to the two Contracting Parties, they shall consult together to bring the provisions of this agreement and of its annex into harmony with the provisions of the said convention.

#### *Article 9*

(a) The Contracting Parties agree to submit to arbitration any dispute relative to the interpretation or application of this agreement or of the annex thereto which is incapable of settlement by direct negotiation.

(b) Such a dispute shall be referred to the Council of the International Civil Aviation Organization established by the Convention on International Civil Aviation signed at Chicago on 7 December 1944; or, until such time as the said Convention comes into force, to the Interim Council established by the Interim Agreement on International Civil Aviation signed at Chicago on the same date.

(c) Notwithstanding anything to the contrary, the Contracting Parties may by agreement settle the dispute by referring it either to an arbitration tribunal or to any other person or body designated by them.

(d) The Contracting Parties undertake to comply with the award.

*Article 10*

Either Contracting Party may notify the other of its desire to denounce this agreement. Such denunciation shall take effect twelve months after the date on which the other Contracting Party receives notice, unless such notice is annulled by agreement before the expiry of this period.

*Article 11*

The ratifications shall be exchanged at Ankara as soon as possible. This agreement shall come into force on the date of the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized thereto by their respective Governments, have signed the present agreement and have affixed thereto their seals.

DONE in duplicate at Ankara, in the Turkish and French languages, this twelfth day of October 1946, both texts being equally authentic.

(Signé) Feridun Cemal ERKIN

(Signé) MAUGRAS

## A N N E X

A. The rights of transit flights and non-traffic stops over Turkish territory and the right to pick up and set down passengers, mail and goods in international traffic at Ankara and Istanbul are granted to the French airlines designated in accordance with this agreement on the following routes:

*Paris-Ankara*, via Marseilles, Tunis, points in Cyrenaica and Tripolitania, Cairo, Beyrouth, Ankara.

*Paris-Ankara*, via points in Italy (Genoa or Milan) (Rome or Naples), points in Greece (Athens or Salonika), Istanbul, Ankara.

*Paris-Istanbul, Ankara*, by a route over Central Europe to be subsequently determined.

B. Similarly, the rights of transit flights and non-traffic stops over French territory, and the right to pick up and set down on French territory passengers, mail and goods in international traffic over routes to be subsequently determined are granted to the Turkish airlines which will be designated in accordance with this agreement.

C. It is agreed that before putting an airline into operation, each Contracting Party will notify the other Contracting Party of the itinerary which it proposes for entry into and departure from the territory of that Contracting Party, which shall then indicate the exact points of entry and departure and the route to be followed over its territory.

(Signed) Feridun Cemal ERKIN

(Signed) MAUGRAS