

No. 211

**TURKEY
and
NETHERLANDS**

**Agreement (with Annex and Exchange of Notes) respecting
air communications. Signed at Ankara, on 19 March
1947**

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

**TURQUIE
et
PAYS-BAS**

**Accord, accompagné d'une annexe et d'un échange de notes,
relatif aux communications aériennes. Signé à Ankara,
le 19 mars 1947**

*Texte officiel français communiqué par le représentant permanent de la Turquie
auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le
9 mars 1948.*

TRANSLATION — TRADUCTION

No. 211. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE TURKISH REPUBLIC AND THE GOVERNMENT OF THE NETHERLANDS RESPECTING AIR COMMUNICATIONS. SIGNED AT ANKARA, ON 13 MARCH 1947

The Government of the Turkish Republic and the Government of the Netherlands,

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

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 the present 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 air line or air lines 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 air line or air lines designated as above mentioned.

(b) The Contracting Party granting the above-mentioned rights may require the air line or air lines 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.

¹ Came into force on 3 September 1947, upon the exchange of notes at Ankara, in accordance with article 11.

(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.

Article 3

In order to prevent discriminatory practices and to 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 air lines 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 air line 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 aircraft in actual operation on the air services enumerated in the annex to the present agreement, the fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the air lines 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 other similar duties even though such supplies be used or consumed by such aircraft on flights over that territory. Articles thus exempt may be unloaded subject to the consent of the customs authorities of the other Contracting Party. Such articles, which shall be re-exported, shall remain under the control of the customs authorities until re-exported.

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 air line or air lines 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 of cargo, such as regulations relating to entry, departure, immigration, passports, customs and quarantine.

Article 6

Each Contracting Party shall be entitled to deny to an air line designated by the other Contracting Party the exercise of the rights mentioned in the Annex or to withdraw them in any case where it is not satisfied that substantial ownership and effective control of that air line are vested in nationals of the latter Party, or whenever that air line 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 or the organization succeeding it.

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 the said authorities shall not come into effect until it has been confirmed by an exchange of diplomatic notes.

If a general multilateral air convention comes into force with respect to the two Contracting Parties, they shall consult together with a view to bringing 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 any dispute relative to the interpretation or application of this agreement or of the annex thereto which is incapable of settlement by direct negotiation to the decision of 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 decision of the Interim Council established by the Interim Agreement on International Civil Aviation signed at Chicago on the same date.

(b) 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.

(c) 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 agreement shall come into force upon the date of an exchange of notes which shall take place at Ankara as soon as possible.

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 French language, this nineteenth day of March 1947.

For the Government
of the Turkish Republic:
Feridun Cemal ERKIN

For the Government
of the Netherlands:
W. A. A. M. DANIELS

A N N E X

A — The right of transit flight 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 Netherlands air lines to be designated in accordance with this agreement on the following routes:

“From the Netherlands to Turkey and to countries beyond via intermediate points in either direction.”

B — Similarly, the rights of transit flight and non-traffic stops over Netherlands territories and the right to pick up and set down on Netherlands territory passengers, mail and goods in international traffic, over routes to be subsequently determined, are granted to the Turkish air lines 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.

Feridun Cemal ERKIN

W. A. A. M. DANIELS

EXCHANGE OF NOTES

I

NETHERLANDS LEGATION

Ankara, 3 September 1947

Your Excellency,

I have the honour to inform you that the agreement respecting air communications signed at Ankara on 19 March 1947 has been ratified by my Government according to the formalities prescribed in the laws governing the subject.

Should the formalities of ratification have been completed by the Government of the Turkish Republic, Her Majesty's Government would declare that the agreement has come into operation as provided under article 11 thereof.

Accordingly, I should be grateful if you would be good enough to inform me whether the formalities of ratification required by Turkish law have been completed.

I have the honour to be, etc.

W. A. A. M. DANIELS
Netherlands Minister

His Excellency Mr. Hasan Saka
Minister for Foreign Affairs
of the Turkish Republic
Ankara

II

Ankara, 3 September 1947

Your Excellency,

I have the honour to acknowledge receipt of your letter dated 3 September 1947, which reads as follows:

[*See note I*]

I hasten to inform you that the agreement signed at Ankara on 19 March 1947 between our two Governments was ratified by the Great National Assembly on 20 June 1947 and that the law relating thereto has been promulgated according to the required formalities.

I therefore have pleasure in declaring, in the name of the Turkish Government, that the said agreement has come into operation in conformity with the provisions of article 11 thereof.

I have the honour to be, etc.

Hasan SAKA
Minister for Foreign Affairs

His Excellency Mr. W. A. A. M. Daniels
Netherlands Minister
Ankara