

No. 214

TURKEY
and
CZECHOSLOVAKIA

Agreement (with Annex and Protocol of signature) respecting air communications. Signed at Ankara, on 5 March 1947

French official text communicated by the Permanent Representative of Turkey to the United Nations. The registration took place on 31 March 1948.

TURQUIE
et
TCHÉCOSLOVAQUIE

Accord, accompagné d'une annexe et d'un Protocole de signature, relatif aux transports aériens. Signés à Ankara, le 5 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 31 mars 1948.

TRANSLATION — TRADUCTION

No. 214. AGREEMENT¹ BETWEEN THE TURKISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC RESPECTING AIR COMMUNICATIONS. SIGNED AT ANKARA, ON 5 MARCH 1947

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

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

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 hereto with a view to establishing the international 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 designed an airline to operate the service in question; the Contracting Party granting the rights shall, subject to the provisions laid down in article 6 below, be bound to grant without delay the requisite operating permit to the airline designated as above-mentioned.

(b) The Contracting Party granting the above-mentioned rights may require the airline 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.

Article 3

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

¹ Came into force on 12 December 1947, upon the exchange of the instruments of ratification at Prague, in accordance with article 10.

(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 airline 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 airline 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 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 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 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 with respect to the two Contracting Parties, 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

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

Article 11

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 the notice to terminate is annulled by agreement before the expiry of this period.

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 fifth day of March, 1947.

For the Government
of the Turkish Republic:
Feridun Cemal ERKIN

For the Government
of the Czechoslovak Republic:
J. Kolowrat KRAKOVSKY

A N N E X

A. The right to pick up and set down passengers, mail and goods in international traffic at Prague and Bratislava is granted to the Turkish airline which will be designated in accordance with this agreement on the following route or routes: Ankara direct or via intermediate points to Bratislava-Prague and to the countries beyond in one or several directions.

B. Similarly, the right to pick up and set down passengers, mail and goods in international traffic at Ankara and Istanbul is granted to the Czechoslovak airline to be designated in accordance with this agreement on the following route or routes: Prague direct or via intermediate points to Istanbul-Ankara and the countries beyond in one or several directions.

Feridun Cemal ERKIN

J. Kolowrat KRAKOVSKY

PROTOCOL OF SIGNATURE

At the time of signing the agreement respecting air communications concluded on this day's date between the Turkish Republic and the Czechoslovak Republic, the two Contracting Parties have agreed on the following provisions:

(a) 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.

(b) It is agreed that each Contracting Party shall before putting an airline into operation 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.

This Protocol is an integral part of the present agreement and shall enter into force together with it.

DONE in duplicate, at Ankara, in the French language, this fifth day of March, 1947.

For the Government
of the Turkish Republic:
Feridun Cemal ERKIN

For the Government
of the Czechoslovak Republic:
J. Kolowrat KRAKOVSKY