

No. 422

**IRELAND
and
NETHERLANDS**

**Air Transport Agreement (with annex). Signed at Dublin,
on 10 May 1948**

**Exchange of Notes constituting an agreement amending the
annex to the above-mentioned agreement. Dublin,
21 December 1948**

*English and Dutch official texts of the agreement and English official text of the
notes communicated by the Secretary-General of the International Civil
Aviation Organization. The registration took place on 13 April 1949.*

**IRLANDE
et
PAYS-BAS**

**Accord relatif aux transports aériens (avec annexe). Signé à
Dublin, le 10 mai 1948**

**Echange de notes constituant un accord modifiant l'annexe
de l'accord susmentionné. Dublin, 21 décembre 1948**

*Textes officiels anglais et néerlandais de l'Accord et texte officiel anglais desdites
notes communiquées par le Secrétaire général de l'Organisation de l'aviation
civile internationale. L'enregistrement a eu lieu le 13 avril 1949.*

No. 422. AIR TRANSPORT AGREEMENT¹ BETWEEN IRELAND AND THE NETHERLANDS. SIGNED AT DUBLIN, ON 10 MAY 1948

The Government of Ireland and the Government of the Netherlands,

Desiring to conclude an Agreement for the purpose of establishing air services between Ireland and the Netherlands,

Have accordingly appointed plenipotentiaries for this purpose, who, being duly authorised to this effect, have agreed as follows:

Article I

Each contracting party grants to the other contracting party the rights specified in the Annex to this Agreement for the purpose of the establishment of the air services therein described (hereinafter referred to as the "agreed services"). The agreed services may be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article II

(1) Each of the agreed services may be put into operation as soon as the contracting party to whom the rights have been granted has designated an airline or airlines for the specified route or routes and the contracting party granting the rights shall, subject to the provisions of paragraph (2) of this Article and of Article 6, be bound to grant without delay the appropriate operating permission to the airline(s) concerned.

(2) The airline(s) designated may be required to satisfy the competent aeronautical authorities of the contracting party granting the rights that it (they) is (are) qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

¹Came into force on 10 May 1948, by signature.

Article III

(1) The charges which either of the contracting parties may impose, or permit to be imposed, on the designated airline(s) of the other contracting party for the use of airports and other facilities 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.

(2) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one contracting party by, or on behalf of, the other contracting party or its designated airline(s) and intended solely for use by the aircraft of the other contracting party shall be accorded, with respect to customs duties, inspection fees or other charges imposed by the former contracting party, treatment not less favourable than that granted to national airline(s) engaged in international air transport or the airline(s) of the most-favoured nation.

(3) Aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airline(s) of one contracting party shall be exempt in the territory of the other contracting party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory.

Goods so exempted may only be unloaded with the approval of the customs authority of the other contracting party. Those goods which are to be re-exported shall be kept until re-exportation under customs supervision.

Article IV

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one contracting party and still in force shall be recognised as valid by the other contracting party for the purpose of operating the agreed services. Each contracting party reserves the right, however, to refuse to recognise, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article V

(1) The laws and regulations of one contracting party relating to entry into 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 apply to aircraft of the designated airline(s) of the other contracting party.

(2) The laws and regulations of one contracting party relating to the entry into or departure from its territory of passengers, crew or cargo of aircraft (such as regulations relating to entry, clearance, immigration, passports, customs and quarantine) shall be applicable to the passengers, crew or cargo of the aircraft of the designated airline(s) of the other contracting party while in the territory of the first contracting party.

Article VI

Each contracting party reserves the right to withhold or revoke the rights specified in the Annex to this Agreement in any case in which it is not satisfied that substantial ownership and effective control of the designated airline(s) of the other contracting party are vested in nationals of either contracting party, or in case of failure by the designated airline(s) to comply with its laws and regulations as referred to in Article V, or otherwise to fulfil the conditions under which the rights are granted in accordance with this Agreement.

Article VII

This Agreement shall be registered with the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944.¹

Article VIII

If either of the contracting parties considers it desirable to modify any provision or provisions of the Annex to this Agreement, such modification may be made by direct agreement between the competent aeronautical authorities of the contracting parties.

¹ United Nations, *Treaty Series*, Volume 15, page 295, and Volume 26, page 420.

Article IX

Any disputes between the contracting parties relating to the interpretation or application of this Agreement or to the Annex thereto, shall be referred for decision to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944, unless the contracting parties agree to settle the dispute by reference to an Arbitral Tribunal appointed by agreement between the contracting parties, or to some other person or body. The contracting parties undertake to comply with the decision given.

Article X

If a general multilateral air Convention which is accepted by both contracting parties comes into force the present Agreement shall be amended so as to conform with the provisions of the said Convention.

Article XI

Either contracting party may at any time give notice to the other if it desires to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. If such notice is given, this Agreement shall terminate on the date specified in the notice but in any case not less than 12 months after the date of receipt of the notice by the other contracting party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other contracting party notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

DONE at Dublin this 10th day of May, nineteen hundred and forty-eight, in the English and Dutch languages, both texts being equally authentic.

For the Government
of Ireland:
Sean MACBRIDE

For the Government
of the Netherlands:
W. VAN TETS

ANNEX

A. Airlines of the Netherlands designated under the present agreement are accorded in the territory of Ireland rights of transit and non-traffic stop, and are entitled to set down and pick up international traffic in passengers, cargo and mail at Dublin on the route:

Amsterdam—a point in the Midlands of England—Dublin, in both directions.

B. Airlines of Ireland designated under the present agreement are accorded in the territory of the Netherlands rights of transit and non-traffic stop, and are entitled to set down and pick up international traffic in passengers, cargo and mail at Amsterdam on the route:

Dublin—a point in the Midlands of England—Amsterdam and points beyond, in both directions.

S. MacB.

W. v. T.

EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT
AMENDING THE ANNEX TO THE AGREEMENT SIGNED AT
DUBLIN, ON 10 MAY 1948

I

*The Chargé d'Affaires of the Netherlands in Dublin to the Minister for
External Affairs of Ireland*

LEGATION OF THE NETHERLANDS
DUBLIN

21st December, 1948

Excellency,

I have the honour to refer to the discussions which have taken place between the Irish and Dutch delegates and to confirm that the "K.L.M. Royal Dutch Airlines" desire to initiate services in the Spring of 1949 on the route Amsterdam-Shannon-Gander-New York-Curaçao. I am to refer to the Air Transport Agreement concluded between our two Governments on the 10th May, 1948, and to say that the Dutch Government propose the modification of the Annex by the addition thereto of the following:

"Airlines of the Netherlands designated under this agreement are accorded in the territory of Ireland, while operating agreed services on the route Amsterdam, Shannon, Gander, points in North America and beyond, in both directions,

"(a) the right to land at Shannon Airport and to set down and pick up there international traffic in passengers, cargo and mail and

"(b) the right to fly over Irish territory before and after landing at Shannon, but only in the operation of the agreed services."

It is understood from discussions which have taken place between our respective aeronautical authorities that you would, in turn, desire the addition of the following to Paragraph B of the Annex;

"Shannon-Amsterdam and points beyond in both directions."

The Dutch Government are agreeable to this proposal.

I am to enquire whether you would be agreeable to the amendment of the Annex to the Agreement as proposed above and, if so, I am to suggest

¹ Came into force on 21 December 1948, by the exchange of the said notes.

that this note and your reply thereto should be regarded as constituting an amendment of the Annex to the Agreement for these purposes.

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

W. VAN TETS

His Excellency Sean MacBride
Minister for External Affairs
Dublin

II

The Minister for External Affairs of Ireland to the Chargé d'Affaires of the Netherlands in Dublin

ROINN GNOTHAI EACHTRACHA

(DEPARTMENT OF EXTERNAL AFFAIRS)

BAILE ATHA CLLATH

(DUBLIN)

321/61/6.

21st December, 1948

Sir,

I have the honour to refer to your Note of the 21st December, 1948, in which you were good enough to inform me that the Royal Dutch Airlines (K.L.M.) desire to initiate services in the Spring of 1949 on the route Amsterdam-Shannon-Gander-New York Curaçao, and that, in this connection, the Government of the Netherlands propose that the Annex to the Air Transport Agreement concluded between our two Governments on the 10th May, 1948, should be amended by the addition thereto of the following provision:

[See note I]

In the same Note, you are good enough to state that the Government of the Netherlands is agreeable to the amendment of paragraph B of the Annex to the Agreement of the 10th May, 1948, by the addition thereto of the following words:

“Shannon-Amsterdam and points beyond in both directions.”

I have now the honour to confirm the Irish Government's acceptance of these modifications and their concurrence in your suggestion that your Note, and the present Note in reply thereto, should be regarded as constituting an agreed amendment of the Annex to the Air Transport Agreement of the 10th May, 1948.

Accept, Sir, the renewed assurance of my high consideration.

Sean MACBRIDE
Minister for External Affairs

William van Tets, Esq.
Chargé d'Affaires
Netherlands Legation
Dublin