

No. 494

NETHERLANDS
and
GREECE

Agreement concerning air transport between their respective territories (with annex). Signed at Athens, on 17 April 1947

French official text communicated by the Permanent Representative of the Netherlands to the United Nations. The registration took place on 7 July 1949.

PAYS-BAS
et
GRECE

Accord relatif aux transports aériens entre leurs territoires respectifs (avec annexe). Signé à Athènes, le 17 avril 1947

Texte officiel français communiqué par le représentant permanent des Pays-Bas auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 7 juillet 1949.

TRANSLATION — TRADUCTION

No. 494. AGREEMENT¹ BETWEEN THE ROYAL GOVERNMENT OF THE NETHERLANDS AND THE ROYAL GREEK GOVERNMENT CONCERNING AIR TRANSPORT BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT ATHENS, ON 17 APRIL 1947

The Royal Government of the Netherlands and the Royal Greek Government, desiring to conclude an agreement concerning the establishment of air communications between the Netherlands and Greece, have for that purpose appointed their plenipotentiaries, who have agreed on the following provisions:

Article 1

The Contracting Parties shall grant one another the rights specified in the annex hereto for the purpose of establishing the international civil air routes and services enumerated therein.

The said services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

Article 2

(1) Each of the air services mentioned in the annex hereto shall be put into operation as soon as the Contracting Party empowered to do so under article 1 hereof has designated one or more airlines for the routes concerned.

The Contracting Party granting the right shall, subject to the provisions of paragraph 2 of this article and to those of article 6 below, give the necessary operating permit forthwith to the airline or airlines concerned.

(2) (a) The airline or airlines thus designated by one of the Contracting Parties may, before being authorized to open the services specified in the present agreement, be called upon to satisfy the competent aeronautical authorities of the other Contracting Party as to its qualifications under the laws and regulations in force in that country for the operation of international civil air routes by commercial airlines.

¹ Came into force on 22 December 1948, upon ratification by Greece, in accordance with article 13.

(b) In areas where a military occupation has its headquarters and in zones affected by military occupation, the inauguration of such services shall be subject to the approval of the competent military authorities.

Article 3

In order to avoid discrimination and ensure equality of treatment, it is agreed that:

(1) Each of the Contracting Parties may levy or permit to be levied fair and reasonable charges for the use of airports and other installations. Each of the Contracting Parties agrees, however, that these charges shall not be higher than those which would be paid for the use of the said airports and installations by its national aircraft engaged in similar international services.

(2) Fuel, lubricating oils and spare parts brought into the territory of either Contracting Party by or on behalf of an airline designated by the other Contracting Party, and intended solely for use by the aircraft of the latter, shall be accorded treatment as favourable as that given to the national airline or to that of the most-favoured nation as regards the levying of customs duties, inspection fees or other national duties or charges levied by the Contracting Party into whose territory the supplies have been imported.

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

(4) The supplies enumerated in paragraph 3 of this article which benefit by the exemption described above may be unloaded only with the approval of the customs authorities of the other Contracting Party.

If such supplies are to be re-exported, they shall, pending their re-exportation, be placed under the customs supervision of the other Contracting Party.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either Contracting Party and which are still in force 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 flights over its own territory certificates of competency or licences issued to its own nationals by another State.

Article 5

(1) The laws and regulations of either Contracting Party concerning the admission to or departure from its territory of aircraft engaged in international air navigation or the operation and navigation of such aircraft while inside its territory shall apply to the aircraft of the airline or airlines of the other Contracting Party and shall be complied with by such aircraft on arrival in, departure from or while inside the territory of that Contracting Party.

(2) The laws and regulations operative in the territory of a Contracting Party concerning the admission to, stay in, or departure from its territory of passengers, crew or cargo transported by the aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall be complied with by or on behalf of such passengers, crew or cargo on arrival in, departure from or while inside the territory of that Contracting Party.

Article 6

Each Contracting Party reserves the right to withhold permission to exercise the rights specified in the annex hereto from an airline designated by the other Contracting Party or to revoke such permission whenever it has no proof that a substantial share in the ownership and the effective control of that airline are vested in nationals of the latter Contracting Party, or whenever such an airline fails to comply with the laws and regulations of the State over which it operates, as described in article 5 above, or to discharge its obligations under this agreement.

Article 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization established by the Interim Agreement on International Civil Aviation concluded on 7 December 1944 at Chicago or its successor.

Article 8

The aeronautical authorities of the two Contracting Parties shall, where necessary, consult together from time to time in a spirit of close collaboration, to ensure that this agreement and its annex are being properly implemented and that the principle therein defined is being applied.

Article 9

Should either of the Contracting Parties consider it desirable to modify any clause of the annex to this agreement, the competent aeronautical authorities of the two Contracting Parties may make such modification by direct agreement between themselves.

Article 10

Any dispute between the Contracting Parties relating to the interpretation and application of this agreement or its annex which it has proved impossible to settle by direct negotiation shall be referred to the Interim Council of the Provisional International Civil Aviation Organization in accordance with the provisions of article III, section 6 (8), of the Interim Agreement on International Civil Aviation, signed at Chicago on 7 December 1944, or its successor. The Contracting Parties may, however, by common agreement settle a dispute by referring it either to an arbitral tribunal or to some other person or body appointed by them.

The Contracting Parties undertake to comply with the decision given.

Article 11

Should a multilateral convention on international civil aviation come into force for the two Contracting Parties, the present agreement and its annex shall be amended so as to conform to the provisions of that convention.

Article 12

Either Contracting Party may at any time give notice to the other Contracting Party of its desire to terminate the present agreement. Such denunciation shall take effect twelve months after the date on which the notification is received by the other Contracting Party unless such notification is annulled by common consent before the end of that period.

Article 13

The provisions of the present agreement shall enter into force on the day of its signature.

The Royal Greek Government shall communicate to the Royal Government of the Netherlands the ratification of the present agreement by the Greek Parliament, and the Netherlands Government shall consider this agreement as definitive from the date on which it receives the communication from the Royal Greek Government.

IN FAITH WHEREOF the plenipotentiaries, duly authorized for the purpose by their respective Governments, have signed the present agreement and have affixed thereto their seals.

DONE at Athens, in duplicate in the French language, on 17 April 1947.

For the Royal Government of the Netherlands:

L. P. J. DE DECKER

For the Royal Greek Government:

C. TSALDARIS

ANNEX

I

The airline or airlines of the Royal Greek Government authorized under the present agreement shall have the right to cross the territory of the Netherlands without landing, to make non-traffic stops therein and to pick up and discharge in international traffic passengers, cargo and mail on routes to be subsequently determined.

II

The airline or airlines of the Royal Government of the Netherlands authorized under the present agreement shall have the right to cross Greek territory without landing, to make non-traffic stops therein, and to pick up and discharge in international traffic passengers, goods and mail on the following routes:

1. Netherlands—Rome—Athens and/or Rhodes—Ankara—Iraq, via intermediate points or directly and to points beyond, in both directions.
2. Netherlands via Athens and/or Rhodes to the Netherlands East Indies via intermediate points and to points beyond, in both directions.
3. Netherlands—Rome—Athens and/or Rhodes—Lydda and/or Cairo via intermediate points and to points beyond, in both directions.
4. Netherlands—Middle East flying over Greek territory via intermediate points or directly and to points beyond, in both directions.

III

For the purpose of establishing and operating the air services covered by the present agreement and its annex, it is agreed between the two Contracting Parties:

(1) That it is desirable to promote and encourage, at the lowest rates compatible with sound economic principles, as wide a distribution as possible of the advantages to the general well-being of humanity resulting from air travel, and to stimulate international air travel as a means of promoting a friendly understanding and common good-will between nations and at the same time of ensuring the numerous indirect benefits of this new mode of transport for the common good of the two countries.

(2) That the air services placed at the disposal of the public should correspond to the requirements of the public in respect of air transport.

(3) That the airlines of the two nations should have fair and equal opportunities of servicing any route or routes between their respective territories which are covered by the present agreement and its annex.

(4) That in the operation by the airlines of either Contracting Party of the through services mentioned in the annex to the present agreement, the interests of the airlines of the other Contracting Party shall nevertheless be taken into consideration in order that the services provided by the latter on all or part of the same routes should not be unduly affected.

(5) That the essential aim of the services provided by the airline or airlines designated under the present agreement and its annex shall be the provision of capacity adequate to meet the demands of traffic between the country to which such airline belongs and the country of ultimate destination of the traffic.

IV

The right to pick up and discharge on the routes specified in the present annex in international traffic bound for or coming from third countries shall be exercised in conformity with the general principles of orderly development affirmed by the two Contracting Parties and in such manner that capacity shall be related:

- (1) to traffic requirements between the country of origin and the countries of destination;
- (2) to the requirements of economically operated through services;
- (3) to the traffic requirements of the regions crossed, after taking account of local and regional services.
- (4) Should the airline or airlines of one of the Contracting Parties, as the result of difficulties arising from the war, be temporarily prevented from benefiting immediately from the advantages offered in article 3 of the present annex, the situation shall be reviewed by the two Contracting Parties as soon as the airline or airlines of the first Contracting Party is able to make a progressive contribution to the operation of the air services.