

No. 384

**TURKEY
and
NORWAY**

Air Transport Agreement (with Annex and Exchange of Notes). Signed at Ankara, on 20 May 1948

French official text communicated by the Principal Permanent Representative of Turkey to the United Nations. The registration took place on 15 March 1949.

**TURQUIE
et
NORVEGE**

Accord relatif aux transports aériens (avec annexe et échange de notes). Signé à Ankara, le 20 mai 1948

Texte officiel français communiqué par le Chef de la délégation permanente de la Turquie auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 15 mars 1949.

TRANSLATION — TRADUCTION

No. 384. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE TURKISH REPUBLIC AND THE NORWEGIAN GOVERNMENT ON AIR TRANSPORT. SIGNED AT ANKARA, ON 20 MAY 1948

The Government of the Turkish Republic and the Norwegian Government,

having decided to conclude an agreement on air transport between Turkey and Norway,

have for that purpose appointed duly authorized representatives who have agreed upon the following:

Article 1

Each Contracting Party grants to the other Contracting Party the rights specified in the annex attached hereto for the purpose of establishing the international air routes and services referred to 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

(a) Each air service, the right to establish which has 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 to operate the service in question; subject to the provisions of article 6 below, the Contracting Party granting the right shall without delay grant the necessary operating permission to the airline or airlines so designated.

(b) Before authorizing the airline or airlines to inaugurate the services to which the present agreement refers, the Contracting Party granting the above-mentioned rights may require the airline or airlines thus designated to furnish proof regarding its qualifications in accordance with the laws and regulations in force in its territory.

(c) In certain areas which may be designated by the Governments concerned, the establishment of an international air service shall be subject to the approval of the competent military authorities.

¹ Came into force on 20 January 1949, by the exchange of notes, in accordance with article 11.

Article 3

In order to avoid any discriminatory practices and to ensure equality of treatment:

(a) Each Contracting Party agrees that the charges imposed or authorized for the use of its airports and other facilities by the airlines of the other Contracting Party shall not be higher than those which would be paid for the use of those 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 the use of the aircraft of that airline shall be accorded the treatment granted to national airlines or to airlines of the most favoured nation with respect to customs duties, inspection fees or other national fees and charges.

(c) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of airlines of one Contracting Party authorized to operate the routes and services described in the annex shall, on arrival in or departure from the territory of the other Contracting Party, be exempt from customs duty, inspection fees or similar charges, even if such supplies are used or consumed by the aircraft during flights over that territory.

Article 4

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one of the Contracting Parties and still in force shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services specified in the annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above 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 entry into or departure from its territory of aircraft engaged in international navigation or to the operation and navigation of such aircraft while within its territory shall apply to aircraft of the airline or airlines of the other Contracting Party.

(b) Passengers, crews and consignors of freight by aircraft shall be required to comply, either personally or through a third party acting in their name and on their behalf, with the laws and regulations in force in the territory of each Contracting Party relating to the entry, residence and departure of passengers, crews or cargo, such as regulations applicable to entry, clearance formalities, immigration, passports, customs and quarantine.

Article 6

Each Contracting Party reserves the right to withhold or revoke the permission to operate granted to an airline designated by the other Contracting Party in any case in which it is not satisfied that substantial ownership and effective control of that airline are vested in nationals of that Contracting Party or in case of failure by the airline to comply with the laws and regulations of the State over the territory of which it operates, referred to in article 5 above, or to fulfil the obligations imposed upon it by this agreement.

Article 7

This agreement and all contracts concluded in virtue thereof shall be deposited with the 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 the two Contracting Parties should enter into consultation for that purpose; such consultation must begin within a period of sixty days reckoned from the date of the request. Any such modification made by agreement between the said authorities shall enter into force after confirmation by an exchange of diplomatic notes.

If a general multilateral aeronautical convention enters into force for the two Contracting Parties, they shall consult together with a view to bringing the clauses of this agreement and the annex thereto into conformity with the provisions of the said convention.

Article 9

(a) The Contracting Parties agree to submit to arbitration any dispute regarding the interpretation and application of this agreement or the annex thereto which cannot be settled by means of direct negotiation.

(b) Such disputes shall be referred to the Council of the International Civil Aviation Organization set up by the Convention on International Civil Aviation signed at Chicago on 7 December 1944.¹

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

(c) The Contracting Parties may nevertheless by mutual consent settle the dispute by referring it to an arbitral tribunal or to any other person or body designated by agreement between them.

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

Article 10

Either Contracting Party may notify the other Party of its desire to denounce this agreement. Such denunciation shall take effect twelve months after the date of the receipt of the notification by the other Contracting Party, unless the notification is withdrawn by agreement before the expiry of this period.

Article 11

This agreement shall enter into force on the date of an exchange of notes which shall take place at Ankara as soon as possible.

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

DONE at Ankara, 20 May 1948, in duplicate in the French language.

On behalf of the Government
of the Turkish Republic:
Fuad CARIM

On behalf of the Royal Government
of Norway:
E. KROGH-HANSEN

ANNEX

A. — The rights to fly across in transit, and to land for non-traffic purposes on Norwegian territory and the right to embark and disembark passengers, mail and freight for international traffic at Oslo and Stavanger are granted to the Turkish airlines to be designated in accordance with the present agreement on the following routes:

“From Turkey to Norway and to countries beyond, via intermediate points in both directions.”

B. — The rights to fly across in transit, and to land for non-traffic purposes on Turkish territory and the right to embark and disembark passengers, mail and freight for international traffic, at Ankara and Istanbul are granted to the Norwegian airlines to be designated in accordance with the present agreement on the following routes:

“From Norway to Turkey and to countries beyond, via intermediate points, in both directions.”

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

Fuad CARIM

E. KROGH-HANSEN

EXCHANGE OF NOTES

I

Note from the Ministry of Foreign Affairs of Turkey to the Norwegian Legation

No. 30955/1

Ankara, 20 January 1949

Sir,

I have the honour to inform you that on 11 January 1949 the Grand National Assembly of Turkey ratified by law No. 5302 the Agreement on Air Transport concluded between our two Governments at Ankara on 20 May 1948. The above law was published in No. 7106 of the *Official Gazette* of 15 January 1949.

With reference to article 11 of the agreement, I propose that the agreement should enter into force as from that date.

I await your confirmation in this matter and have the honour to be, etc.

(Signed) Fuad CARIM
for the Minister for Foreign Affairs

Mr. Krogh-Hansen
Minister of Norway
Ankara

II

Note from the Norwegian Legation to the Ministry of Foreign Affairs of Turkey

NORWEGIAN LEGATION

Ankara, 20 January 1949

Sir,

I have the honour to acknowledge receipt of note No. 30955/1, which Your Excellency was good enough to address to me on 20 January 1949, and to inform Your Excellency that the Norwegian Government agrees that the Agreement on Air Transport concluded between our two Governments at Ankara on 20 May 1948 should enter into force as from that date.

I have the honour to be, etc.

(Signed) E. KROGH-HANSEN

His Excellency Mr. Necmeddin Sadak
Minister of Foreign Affairs
etc., etc., etc.
Ankara