

No. 1467

**NETHERLANDS
and
SYRIA**

**Agreement relating to civil air services between their
respective territories (with annex). Signed at Da-
mascus, on 13 February 1950**

Official text: English.

Registered by the International Civil Aviation Organization on 23 October 1951.

**PAYS-BAS
et
SYRIE**

**Accord relatif aux services aériens civils entre leurs terri-
toires respectifs (avec annexe). Signé à Damas, le
13 février 1950**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 23 octobre 1951.

No. 1467. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE SYRIAN REPUBLIC RELATING TO CIVIL AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT DAMASCUS, ON 13 FEBRUARY 1950

The Government of the Kingdom of the Netherlands and The Government of the Syrian Republic,

Desiring to conclude an Agreement for the purpose of establishing civil air communications as soon as possible between the Netherlands and Syria, having accordingly appointed plenipotentiaries for this purpose, who being duly authorised to this effect, have agreed as follows :

Article I

Each Contracting Party grants the other Contracting Party the rights specified in the Annex to this Agreement, for the purpose of the establishment of the international civil air services therein described (hereinafter referred to as the "agreed services"). Such 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 specified air 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 paragraph (2) of this Article and to Article VI, be bound to grant without delay the appropriate operation permission to the airline or airlines concerned.

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

¹ In accordance with article XII, the Agreement became operative on 13 February 1950, the date of signature, and came into force on 4 April 1951, by notification of the ratification given to the Government of the Netherlands by the Government of Syria.

(b) In areas of military occupation, or in areas affected thereby, the inauguration of the agreed services shall be subject to the approval of the competent military authorities.

Article III

(1) The charges which either of the Contracting Parties may impose or permit to be imposed on the designated airline or airlines of the other Contracting Party for the use of public 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 and intended solely for use by the latter's aircraft on the agreed services shall be accorded with respect to customs duties, inspection fees and all other duties imposed by the former Contracting Party, treatment not less favourable than that granted to national airlines or the airline 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 or airlines of one Contracting Party shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees, and similar duties even though such supplies be used by such aircraft on flights in that territory.

Article IV

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and 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 flight above its own territory certificates of competency and licences granted to its own nationals by another State.

Article V

(1) The laws, rules, 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 or airlines of the other Contracting Party.

(2) The laws, rules, 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 or airlines 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 an operating permit in any case in which it is not satisfied that substantial ownership and effective control of the designated airline or airlines of the other Contracting Party are vested in nationals of the other Contracting Party, or in case of failure by the designated airline or airlines to comply with its laws, rules, 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 under the Convention on International Civil Aviation¹ drawn up at the Chicago Conference in December, 1944.

Article VIII

In the event either of the Contracting Parties considers it desirable to modify this Agreement or its Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on the modifications their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

Article IX

Any dispute between the two Contracting Parties relating to the interpretation or application of this Agreement or its Annex, which cannot be settled

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346, and Vol. 51, p. 336.

by negotiations, shall be referred to the Council of the International Civil Aviation Organization, which will deal with the matter in accordance with the provisions of its regulations governing such matters.

Article X

If a general multilateral air transport convention comes into force which is accepted by both Contracting Parties, 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 Contracting Party of its desire to terminate this Agreement. If such notice is given, this Agreement shall terminate 12 months after the date of its receipt by the other Contracting Party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgement 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.

Article XII

The provisions of this Agreement shall become operative from the day it is signed. The Government of Syria shall notify the Government of the Kingdom of the Netherlands of the ratification of the Agreement, and the Government of the Kingdom of the Netherlands shall consider the Agreement as becoming definitive upon the date of such notification by the Syrian Government.

IN WITNESS WHEREOF the undersigned Plenipotentiaries being duly authorised thereto by their respective Governments have signed the present Agreement and have affixed thereto their seals.

DONE at Damascus in duplicate in the English language this thirteenth day of February 1950.

For the Government of the
Kingdom of the Netherlands :
(Signed) H. HAGENAAR

For the Government
of Syria :
(Signed) M. MOBARAK

ANNEX

1. It is the desire of the two Governments to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles, and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and ensuring to the common welfare of their two countries the many indirect benefits of this new form of transportation.

2. It is the understanding of both Governments that the services provided by a designated airline under this Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demand between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such service international traffic destined for and coming from third countries at a point on the routes specified shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principles that capacity should be related :

(a) to traffic requirements between the country of origin and the countries of destination,

(b) to the requirements of through airline operation, and

(c) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

3. It is the understanding of both Governments that tariffs shall be fixed at reasonable levels, due regards being paid to all relevant factors including economical operation, reasonable profit, difference of characteristics of service (including standards of speed and accommodation) and the tariffs charges by any other air operators on the specified routes.

4. The two Governments, having subscribed to the provisions and conditions of the Agreement and the general principles established in the preceding paragraphs of this Annex, hereby further declare :

(a) That in case a Contracting Party uses its right under Article 7 of the Convention on International Civil Aviation signed at Chicago on December 7, 1944, it shall notify the other Contracting Party accordingly.

(b) That there shall be a fair and equal opportunity for the airlines of the two Contracting Parties to operate any route between their respective territories covered by this Annex.

(c) That, as regards the right to embark or disembark international traffic at intermediate points on the specified air routes between their two territories, this shall be governed by the principles defined in paragraph (2) above.

(d) That the privileges granted to their respective designated airlines shall be exercised in such a way as not to affect unduly the services of the national air transport enterprise of the other Government.

(e) That nothing in the provisions of the Agreement or its Annex shall be construed or regarded as conferring sole and exclusive rights on the other Government or its airlines or as excluding and discriminating against the airlines of any other State.

(f) That the Contracting Parties agree that their competent authorities will consult regularly and frequently at the request of either Party so that there will be a close collaboration in the application of the principles and conditions set forth in the Agreement and in the Annex.

5 (A).— Airlines of the Kingdom of the Netherlands authorised under the present Agreement are accorded rights of transit and non-traffic stop in Syrian territory, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail, at Damascus on the following routes :—

1. Netherlands—Italy—Syria—Irak (Baghdad/Basrah)—Pakistan—India and beyond in both directions;
2. Netherlands—France—Italy—Greece—Syria—Irak or Iran and beyond in both directions;
3. Netherlands—Tunis—Damascus—Kuweit—Karachi and beyond in both directions.

(B) Airlines of Syria authorised under the present Agreement are accorded rights of transit and non-traffic stop in Netherlands territory as well as the right to pick up and discharge international traffic in passengers, cargo, and mail, in the Netherlands on a route or routes as may be determined at a later date from Syria via intermediate points to the Netherlands and beyond in both directions.

(C) The airlines may at their discretion omit points mentioned in the routes described above.
