

No. 1981

**TURKEY
and
BRAZIL**

**Air Transport Agreement (with annex). Signed at Ankara,
on 21 September 1950**

Official text: French.

Registered by the International Civil Aviation Organization on 12 December 1952.

**TURQUIE
et
BRÉSIL**

**Accord sur les transports aériens (avec annexe). Signé à
Ankara, le 21 septembre 1950**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 12 décembre 1952.

[TRANSLATION — TRADUCTION]

No. 1981. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE TURKISH REPUBLIC AND THE GOVERNMENT OF THE BRAZILIAN REPUBLIC. SIGNED AT ANKARA, ON 21 SEPTEMBER 1950

The Government of the Turkish Republic and the Government of the United States of Brazil,

Having decided to conclude an agreement for air services between the two countries,

Have to this effect appointed plenipotentiaries, who, being duly authorized have agreed as follows :

Article 1

The Contracting Parties grant each other the rights specified in this Agreement and its annex with a view to establishing the regular international air routes and services described in the annex. 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

1. 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 designated one or more national airlines for the operation of the Service in question. The Contracting Party granting the rights shall, subject to the provisions of article 6 below, be bound to grant without delay the desired operating permit to the airline or airlines concerned.

2. The Contracting Party granting the above-mentioned rights may require the airline or airlines so designated to satisfy them that it is or they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied to the operation of commercial airlines.

3. 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.

¹ Came into force on 7 March 1952, by the exchange of the instruments of ratification at Ankara, in accordance with article 12.

Article 3

In order to avoid discrimination and ensure equality of treatment :

1. 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 airlines designated by the other Contracting Party shall not be higher than would be paid for the use of such airport and facilities by its national aircraft engaged in similar international services.

2. 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 other Contracting Party, shall be accorded treatment as favourable as that granted to national airlines or the airline of the most favoured nation with respect to the imposition of customs duties, inspection fees, or other national duties or charges.

3. Aircraft of one of the Contracting Parties operating the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft shall be exempt from customs duties, inspection fees or other similar duties and charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

Article 4

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 flights above its own territory, certificates of competency and licences granted to its own nationals by another State.

Article 5

1. 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 apply to the aircraft of the airline or airlines of the other Contracting Party.

2. The passengers and crews of aircraft and consignors of goods by air shall comply, either in person or through the intermediary of a third person acting in their name and on their behalf, with the laws and regulations in force in the terri-

tory of each Contracting Party respecting the entry, stay and departure of passengers, crews or cargo, such as those relating to entry, clearance, 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 whenever it has no proof that the 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 specified in article 5 above or to perform its obligations under this Agreement and its annex, or whenever the aircraft operated by such airline are not manned by nationals of the other Contracting Party, except in cases where air crews are being trained.

Article 7

This Agreement and all contracts resulting therefrom shall be registered with the International Civil Aviation Organization.

Article 8

Should either of the Contracting Parties consider it desirable to modify any clause of the annex to this Agreement, or to exercise the right specified in article 6 above, it may request that a consultation should be held between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request.

Any modification agreed upon between the said authorities shall come into effect after 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 its annex into harmony with the provisions of the said convention.

Article 9

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or of its annex which is not subject to the provisions of chapter XVIII of the aforementioned Convention on International Civil Aviation¹ and which cannot be settled by direct consultation, shall be submitted to arbitration by a tribunal or by any other agreed person or body.

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; Vol. 51, p. 336, and Vol. 139, p. 469.

Article 10

Either Contracting Party may at any time notify the other of its desire to terminate this Agreement. Such notification shall simultaneously be communicated to the International Civil Aviation Organization and shall take effect six months after the date of receipt by the other Contracting Party of the notice, unless the notice is withdrawn by common agreement before the expiry of this period. In the absence of acknowledgment of receipt of the notice by the Contracting Party to which it is addressed, the notice shall be deemed to have been received fourteen days after its receipt by the International Civil Aviation Organization.

Article 11

For the purposes of this Agreement and its annex :

- (a) The term "aeronautical authorities" shall mean, in the case of the United States of Brazil, the Ministry of Aviation, and in the case of Turkey, the Ministry of Communications, or, in both cases, any person or agency authorized to assume the functions at present exercised by them ;
- (b) The term "designated airline" shall mean any airline which has been selected by one of the Contracting Parties to operate the agreed services, and in respect of which notification has been sent to the competent aeronautical authorities of the other Contracting Party in accordance with article 2 of this Agreement ;
- (c) The term "regular international air service" shall mean any international service operated on a regular schedule by a designated airline in accordance with time-tables and routes agreed to in advance by the Governments concerned.

Article 12

This Agreement shall enter into force on the date of exchange of the instruments of ratification, which shall take place at Ankara at the earliest opportunity.

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

DONE in duplicate, at Ankara, this 21st day of September 1950, in the French language.

For the Government
of the Turkish Republic :
Faik Zihni AKDUR

For the Government
of the United States of Brazil :
Mario DE CASTELLO BRANCO

ANNEX

I

The rights of transit and non-traffic stops over Turkish territory and the right to pick up and set down international traffic in passengers, mail and goods at Ankara and Istanbul are granted to the Brazilian airlines to be designated in accordance with article III of this annex on the routes specified in schedule I below.

II

The rights of transit and non-traffic stops over Brazilian territory and the right to pick up and set down in Brazil international traffic in passengers, mail and goods are granted to the Turkish airlines to be designated in accordance with article III of this annex on the routes specified in schedule II below.

III

(a) The air transport capacity provided by the designated airlines of both Contracting Parties shall bear a close relationship to traffic requirements.

(b) There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services.

(c) Where the airlines designated by the two Contracting Parties operate on the same route, they shall take into account their reciprocal interests so as not to affect unduly their respective services.

(d) The agreed services shall have as their primary objective the provision of capacity adequate to traffic demands between the country of origin and the countries of ultimate destination of the traffic.

(e) The right of a designated airline to pick up and set down, at specified points and on specified routes, international traffic destined for or coming from third countries shall be applied in accordance with the general principles of orderly development of air transport to which both Contracting Parties subscribe and in conditions such that capacity shall be related :

1. To traffic requirements between the country of origin and the countries of destination ;
2. To the requirements of the economic operation of trunk services ;
3. To the traffic requirements of the area through which the airline passes, after taking account of local and regional services.

IV

The aeronautical authorities of the Contracting Parties may consult together, at the request of either of them, to determine the conditions in which the principles set forth in article III above are being complied with, and in particular to prevent an unfair proportion of traffic being diverted from any designated airline.

V

(a) Rates shall be fixed at reasonable levels, regard being paid in particular to economy of operation, reasonable profit, the rates charged by other airlines and the characteristics of each service.

(b) The rates to be charged by the designated airlines of either Contracting Party, between the points in Brazilian territory and the points in Turkish territory referred to in the attached schedules, shall be subject to approval by the aeronautical authorities of the Contracting Parties not less than thirty days before the proposed date of introduction, provided that this period may be reduced in particular cases with the consent of the said authorities.

(c) The airlines of each Contracting Party shall agree on the passenger and goods rates to be applied on the joint sections of their routes, after consultation where necessary with the airlines of third countries operating all or part of the same routes.

(d) Should the designated airlines fail to agree on the rates to be established, the aeronautical authorities of the two Contracting Parties shall endeavour to reach a satisfactory solution. In the last resort the matter shall be referred to the arbitration provided for in article 9 of the Agreement.

VI

(a) For the purposes of the present article, the term "transshipment" shall mean the transportation by the same airline of traffic beyond a certain point on a given route by different aircraft than those employed on the earlier stages of the same route.

(b) Transshipment, when justified by economy of operation, shall be permitted at all points mentioned in the attached schedules in the territory of the two Contracting Parties.

(c) However, no transshipments shall be made in the territory of either Contracting Party which would alter the long-range characteristics of the operation or which would be inconsistent with the standards set forth in this Agreement and its annex and particularly article III of this annex.

(d) In particular, in the case of services originating in the country in which the aircraft are registered, no onward flight after transshipment shall be effected except in connexion with the arrival of the aircraft employed up to the point of transshipment. Similarly, the capacity of the aircraft employed after transshipment shall be determined with reference to the traffic arriving at the point of transshipment and requiring to be carried beyond that point.

(e) If any capacity is available in the aircraft employed after a transshipment operation effected in accordance with the provisions of the above paragraph, such capacity may be allotted, in either direction, to international traffic from or to the territory in which transshipment was effected.

VII

Changes made by either Contracting Party in the routes described in the attached schedules, except changes in the points served by these airlines in the territory of the

other Contracting Party, shall not be considered as modifications of the annex. The aeronautical authorities of either Contracting Party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change is given without delay to the aeronautical authorities of the other Contracting Party.

If such aeronautical authorities find that, having regard to the principles set forth in article III of the present annex, the interests of their national airlines are prejudiced by the carriage by the airlines of the first Contracting Party of traffic between the territory of the second Contracting Party and the new point in the territory of a third country, the authorities of the two Contracting Parties shall consult with a view to arriving at a satisfactory agreement.

VIII

After the present Agreement comes into force, the aeronautical authorities of both Contracting Parties shall exchange information as promptly as possible concerning the authorizations extended to their respective designated airlines to operate the agreed services or fractions thereof. Such exchange of information shall include copies of the authorizations granted, any modifications thereof and all annexed documents.

IX

It is agreed that, before putting an airline into operation, each Contracting Party will 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.

SCHEDULE I

A. *Brazilian route to Turkey:*

Rio de Janeiro—Recife (or Natal)—Dakar (or Ilha do Sal)—Lisbon—Madrid—Rome—Athens—Istanbul—Ankara, in both directions, by reasonably direct routes.

B. *Brazilian routes serving and crossing Turkish territory:*

Rio de Janeiro—Recife (or Natal)—Dakar (or Ilha do Sal)—Lisbon—Madrid—Rome—Athens—Istanbul—Ankara and countries beyond, in both directions, by reasonably direct routes.

SCHEDULE II

A. *Turkish routes to Brazil:*

Ankara—Istanbul—Athens—Rome—Madrid—Lisbon—Dakar (or Ilha do Sal)—Recife (or Natal)—Rio de Janeiro, in both directions, by reasonably direct routes.

B. *Turkish routes serving and crossing Brazilian territory:*

Ankara—Istanbul—Athens—Rome—Madrid—Lisbon—Dakar (or Ilha do Sal)—Recife (or Natal)—Rio de Janeiro (or São Paulo) and countries beyond, in both directions, by reasonably direct routes.

Faik Zihni AKDUR

Mario DE CASTELLO BRANCO