

No. 2607

**ISRAEL
and
TURKEY**

**Air Transport Agreement (with annex). Signed at Ankara,
on 5 February 1951**

Official text: French.

Registered by the International Civil Aviation Organization on 30 June 1954.

**ISRAËL
et
TURQUIE**

**Accord sur les transports aériens (avec annexe). Signé à
Ankara, le 5 février 1951**

Texte officiel français.

Enregistré par l'Organisation de l'aviation civile internationale le 30 juin 1954.

[TRANSLATION — TRADUCTION]

No. 2607. AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF THE TURKISH REPUBLIC. SIGNED AT ANKARA ON 5 FEBRUARY 1951

The Government of the State of Israel and the Government of the Turkish Republic,

Having decided to conclude an agreement for air services between Israel and Turkey,

Have for this purpose appointed plenipotentiaries, who, being duly authorized, have agreed as follows :

Article 1

For the purposes of this Agreement and of its Annex, unless the context otherwise requires :

(a) The term “ aeronautical authorities ” means :

In the case of the State of Israel, the Ministry of Communications or any person or body authorized to assume the functions at present exercised by it; and, in the case of the Turkish Republic, the Ministry of Communications or any person or body authorized to assume the functions at present exercised by it;

(b) The term “ designated airline ” means any airline which the aeronautical authorities of one Contracting Party have notified in writing to the aeronautical authorities of the other Contracting Party, as the airline that it intends to designate in conformity with article 3 of this Agreement for the routes specified in such notification;

(c) The word “ territory ” has the meaning assigned to it by article 2 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944²;

(d) The definitions contained in paragraphs (a), (b) and (d) of article 96 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944, are deemed to apply.

¹ Came into force on 11 September 1953 by the exchange of the instruments of ratification, in accordance with article 15.

² 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; Vol. 139, p. 469, and Vol. 178, p. 418.

Article 2

The Contracting Parties grant each other the rights specified in the Annex¹ hereto with a view to establishing the international air routes and services therein described; 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 3

(a) Each Contracting Party shall designate one or more airlines to operate the agreed routes and services.

(b) Each Contracting Party shall, subject to the provisions of paragraph (c) of this article and of article 7 hereunder, without delay grant the necessary operating permit to the airline or airlines designated by the other Contracting Party.

(c) The aeronautical authorities of the Contracting Party granting the operating permit may, before authorizing the airline or airlines so designated to inaugurate the services agreed upon in this Agreement, require them to furnish proof that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied to the operation of international airlines.

(d) 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.

Article 4

In order to prevent discriminatory practices and to ensure equality of treatment :

(a) Each of the Contracting Parties agrees that the charges imposed or permitted to be imposed for the use of its airports or other facilities by the airlines of the other Contracting Party shall not be higher than would be paid for the use of such airports and facilities by national airlines engaged in similar international air transport 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 use by the aircraft of such airline shall be accorded the treatment granted to national airlines engaged in international services or most-favoured-nation treatment, with respect to the imposition of customs duties, inspection fees or other national duties or charges.

¹ See p. 15 of this volume.

(c) All aircraft operated on the agreed routes and services by the designated airline or airlines of one Contracting Party, and the fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees, or other similar duties, even though such supplies be used or consumed by or on such aircraft on flights in that territory.

Article 5

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party and still valid 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 6

(a) 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 be applied to the aircraft of the airline or airlines of the other Contracting Party.

(b) The laws and regulations in force in the territory of one Contracting Party respecting the entry, stay and departure of passengers, crew or cargo, such as those relating to formalities, immigration, passports, customs and quarantine, shall apply to passengers, crews or cargo carried by aircraft of the other Contracting Party while within that territory.

Article 7

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 in any case where it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the latter Party, or where the airline fails to comply with the laws and regulations referred to in Article 6, or to perform its obligations under this Agreement.

This right shall be exercised only after consultation with the other Contracting Party unless the suspension is essential for the safety of the passengers or to prevent further infringements of laws or regulations.

Article 8

In a spirit of close collaboration the aeronautical authorities of the two Contracting Parties shall consult together from time to time with a view to satisfying themselves that the principles laid down in the Agreement and its Annex are being applied and properly carried out.

Article 9

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization (ICAO).

Article 10

Should either of the Contracting Parties desire to modify any provision or provisions of the Annex to this Agreement, it may request that a consultation should be held between the aeronautical 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 by the said authorities shall come into effect after it has been confirmed by an exchange of diplomatic notes.

Nevertheless, changes in and additions to the routes listed in the schedules of routes may be made by direct agreement between the aeronautical authorities of the two Contracting Parties.

Article 11

If a general multilateral air convention on international civil aviation 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 12

Save where otherwise provided in this Agreement or the Annex thereto, any dispute between the Contracting Parties relating to the interpretation or application of this Agreement or of the Annex thereto which cannot be settled by negotiation shall be referred for an advisory opinion to an arbitral tribunal composed of three members; each Contracting Party shall appoint one arbitrator and the third party shall be chosen by the two arbitrators so appointed, provided always that the third arbitrator shall not be a national of either Contracting Party.

Each Contracting Party shall appoint an arbitrator within the two months following the despatch by one of the Contracting Parties of a diplomatic note to the other Party requesting arbitration of a dispute and the third arbitrator shall be

chosen within a further period of one month. If the third arbitrator is not chosen within the specified time-limit, the vacancy thus created shall be filled by the appointment of a person designated by the President of the International Civil Aviation Organization Council from a panel of arbitrators established in accordance with the customary procedure of the International Civil Aviation Organization. The executive authorities of the Contracting Parties shall make every effort, within the limits of the powers conferred upon them, to ensure compliance with the terms of such advisory opinion. Each of the Parties shall defray one-half of the costs of the arbitral tribunal.

Article 13

(a) Rates shall be fixed, in accordance with the procedure established below, at reasonable levels, regard being paid to all relevant factors and, in particular, to operating costs, reasonable profit, the rates charged by other airlines and the characteristics of each service, such as speed and accommodation.

(b) The rates to be charged by the designated airlines shall be submitted for approval to the competent aeronautical authorities of each Contracting Party who shall act, within the limits of their legal powers, in accordance with their obligations under the Annex to this Agreement.

(c) Any rate proposed by the airline or airlines of either Contracting Party shall be submitted to the aeronautical authorities of the other Contracting Party for approval not less than thirty days before the date laid down for its entry into force. In special cases this time-limit of thirty days may be reduced, subject to the agreement of the aeronautical authorities of the two Contracting Parties.

(d) If after receipt of the notice referred to in paragraph (b) above the aeronautical authorities of either Contracting Party fail to approve the rate proposed by an airline of the other Contracting Party, such airline shall so inform the latter Contracting Party before the expiry of a specified period of thirty days and the Contracting Parties shall endeavour to reach agreement on a satisfactory rate. In the last resort, the matter shall be referred to arbitration as provided for in article 12 of this Agreement.

Article 14

Either Contracting Party may at any time give notice to the other of its desire to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization. This Agreement shall terminate one year after the date of receipt of the notice by the other Contracting Party, unless the notice is withdrawn by agreement between the Parties 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 (14) days after receipt of the notice by the International Civil Aviation Organization.

Article 15

This Agreement shall come into force on the date of the exchange of the instruments of ratification.

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

DONE in duplicate at Ankara, this 5th day of February 1951, in the French language.

For the Government of the State of Israel :
[L. S.] (*Signed*) Eliahu SASSON

For the Government of the Turkish Republic :
[L. S.] (*Signed*) Rifki Refik PASIN

A N N E X

Article 1

The Government of the State of Israel grants to the Government of the Turkish Republic the right to have air transport services operated by airlines designated by the latter Government on the routes specified in schedule II attached.

The Government of the Turkish Republic grants to the Government of the State of Israel the right to have air transport services operated by the airlines designated by the latter Government on the routes specified in schedule I attached.

Article 2

The airlines designated by each Contracting Party under the conditions laid down in this Agreement and the present Annex shall enjoy, in the territory of the other Contracting Party, the right of transit and of stops for non-traffic purposes. They shall also enjoy in the territory of the other Contracting Party and on the routes specified in the attached schedules, the right to pick up and set down international traffic in passengers, mail and cargo.

Article 3

In the establishment and operation of the air services covered by this Agreement and its Annex, the following principles shall apply :

(a) It is desirable 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 air travel as a means of promoting friendly understanding and good will among peoples and ensuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries;

(b) The air transport facilities available to the travelling public shall bear a close relationship to the requirements of the public for such transport;

(c) There shall be a fair and equal opportunity for the airlines of the two nations to operate on any route or routes between their respective territories covered by this Agreement and its Annex;

(d) In the operation by the airlines of either Contracting Party of the trunk services described in the Annex to this Agreement, the interests of the airlines of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes;

(e) It is the understanding of both Contracting Parties that services provided by a designated airline under this Agreement and its Annex shall have as their primary objective the provision of capacity adequate to meet traffic demands between the country of which the airline is a national and the country of ultimate destination of the traffic.

Article 4

The right to pick up and set down on such services at a point or points on the routes covered by this Agreement and its Annex international traffic destined for or coming from third countries shall be exercised in accordance with the general principles of orderly development to which both Contracting Parties 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 country of destination;

(b) to the requirements of through airline operation;

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

Article 5

A) As soon as the Agreement comes into force, the competent aeronautical authorities of the two Contracting Parties shall supply to each other as soon as possible all information on the franchise granted to the airlines which they have designated to operate all or part of the routes specified in the attached schedules.

They shall attach to this information copies of the said franchise, of the charter of the designated airlines, with any subsequent changes therein, and of any other relevant document.

B) Not less than fifteen days before their respective services are put into effective operation the competent aeronautical authorities of the two Contracting Parties shall notify each other of the complete time-tables, flight frequencies and types of aircraft to be used. They shall likewise notify each other of any subsequent changes therein.

SCHEDULE I

Routes to be operated by the airlines designated by the Government of Israel :

From Lydda and/or Haifa—directly or via intermediate points—to Ankara and/or Istanbul and countries beyond—in both directions.

SCHEDULE II

Routes to be operated by the airlines designated by the Turkish Government :

Istanbul—directly or via intermediate points—to Lydda and/or Haifa and countries beyond—in both directions.