

No. 3596

**NETHERLANDS
and
IRAN**

**Agreement relating to commercial air services between
and beyond their respective territories. Signed at
Tehran, on 31 October 1949**

Official texts: English, Dutch and Persian.

Registered by the International Civil Aviation Organization on 1 December 1956.

**PAYS-BAS
et
IRAN**

**Accord relatif aux services aériens commerciaux entre
leurs territoires respectifs et au-delà. Signé à Téhéran,
le 31 octobre 1949**

Textes officiels anglais, néerlandais et persan.

Enregistré par l'Organisation de l'aviation civile internationale le 1^{er} décembre 1956.

No. 3596. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE IMPERIAL GOVERNMENT OF IRAN RELATING TO COMMERCIAL AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT TEHRAN, ON 31 OCTOBER 1949

Her Majesty the Queen of the Netherlands
and

His Imperial Majesty the Shahanshah of Iran,

Being equally desirous to conclude an agreement for the purpose of establishing and operating commercial Air Services between and beyond their respective territories have accordingly appointed their plenipotentiaries for this purpose as follows :

Her Majesty the Queen of the Netherlands :

His Excellency Mr. W. P. Montijn, her Envoy Extraordinary and Minister Plenipotentiary.

His Imperial Majesty the Shahanshah of Iran :

His Excellency Mr. Ali Asghar Hekmat, Minister of Foreign Affairs.

Who having exhibited and exchanged their full powers and found them to be in due form have agreed upon the following Articles :

PREAMBLE

For the purpose of the present Agreement, unless the context otherwise requires :

a) The term " Aeronautical Authorities " means, in the case of Iran the Department General of Civil Aviation and any person or body authorized to perform the functions presently exercised by the said Department General or similar functions, and in the case of the Netherlands the Director General of Civil Aviation and any person or body authorized to perform any functions presently exercised by the said Director General or similar functions.

b) The term " Convention " means the Convention² on International Civil

¹ Came into force on 7 April 1956, date of an exchange of notes stating that the Agreement has been ratified by the Iranian Parliament, in accordance with article 16.

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; Vol. 178, p. 420; Vol. 199, p. 362, and Vol. 252.

Aviation opened for signature at Chicago on the seventh day of December nineteen hundred forty-four.

c) The term "Territory", "Air Service", "International Air Service", "Airline" and "Stop for non-traffic purposes" shall have the meanings respectively assigned to them in Article 2 and 96 of the Convention.

Article 1

Subject to the provisions of the present Agreement each Contracting Party grants the airline or airlines designated by the other Contracting Party the right, while operating the agreed services, to fly their aircraft in transit across its territory as well as the right to land in the said territory at points specified in the attached schedule,¹ for non-traffic purpose and also for the purpose of picking up or putting down international traffic in passengers, cargo and mail.

Article 2

a) Each Contracting Party shall designate in writing to the other Contracting Party one or more of its airlines for the purpose of operating by virtue of the present Agreement services on the routes specified in the attached schedule. On receipt of the designation the other Contracting Party shall, subject to the provisions of Article 3 of the present Agreement, without delay, grant the airline or airlines designated, the appropriate operating permission, provided that, if required to do so, they satisfy the competent Aeronautical Authorities of the Party granting the rights that they are qualified to fulfil the conditions prescribed under the laws and regulations of that Country for the operation of its commercial airlines. At any time thereafter any airline so designated and authorized may begin to operate the agreed services.

b) It is further provided that in areas of hostilities or military occupation, or areas affected thereby, the operation of such services shall be subject to the approval of the competent military authorities.

Article 3

a) Each Contracting Party shall have the right to refuse to grant the rights specified under article 1 of the present Agreement to an airline or airlines or to

¹ See p. 279 of this volume.

withhold or revoke the rights granted or to impose such conditions as it may deem necessary on the exercise by an airline or airlines of those rights, in any case where it is not satisfied that substantial ownership and effective control of that airline or airlines, are vested in the Contracting Party designating the airline or airlines, or its nationals.

b) Each Contracting Party shall also have the right to suspend the exercise by a designated airline or airlines of the rights granted under Article 1 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline or airlines of those rights in any case where the said airline or airlines fail to comply with the provisions of Article 11 and 13 of the Convention in their present form or with the conditions prescribed in the present Agreement. Such unilateral action however shall not take place before the intention to do so is notified to the other Contracting Party and consultation between the aeronautical authorities of both Contracting Parties has not led to mutual agreement within a period of twenty-eight days after the date of receipt of such notification by the other Contracting Party.

Article 4

Nothing in the provisions of the present Agreement shall be construed or regarded as conferring sole and exclusive rights on the other Contracting Party or its airlines or as excluding or discriminating against the airlines of any other country.

Article 5

Nothing in the provisions of the present Agreement shall be construed or regarded as conferring on the airline designated by one of the Contracting Parties the right to take up, in the territory of the other Contracting Party, passengers, cargo or mail carried for hire or reward and destined for another point in the same Territory.

Article 6

There shall be fair and equal opportunity for the designated airline or airlines of both Contracting Parties to operate the agreed services on the specified