

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 163

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Staat
Bahrein inzake luchtdiensten tussen en via hun onderscheiden
grondgebieden, met Bijlage;
Manama, 11 juli 1990*

B. TEKST

De tekst van de Overeenkomst, met Bijlage, is geplaatst in *Trb.* 1990, 134.

C. VERTALING

Zie *Trb.* 1990, 134.

D. PARLEMENT

Zie *Trb.* 1995, 107.

G. INWERKINGTREDING

Zie *Trb.* 1995, 107.

J. GEGEVENS

Zie *Trb.* 1990, 134.

Voor het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart zie ook *Trb.* 1996, 32.

Voor het op 14 september 1963 te Tokio tot stand gekomen Verdrag inzake strafbare feiten en bepaalde andere handelingen begaan aan boord van luchtvaartuigen zie ook, laatstelijk, *Trb.* 1995, 203.

Voor het op 16 december 1970 te 's-Gravenhage tot stand gekomen Verdrag tot bestrijding van het wederrechtelijk in zijn macht brengen van luchtvaartuigen zie ook, laatstelijk, *Trb.* 1995, 204.

Voor het op 23 september 1971 te Montreal tot stand gekomen Verdrag tot bestrijding van wederrechtelijke gedragingen, gericht tegen de veiligheid van de burgerluchtvaart zie ook, laatstelijk, *Trb.* 1995, 205.

De Nederlandse en de Bahreinse autoriteiten hebben op 4 maart en 31 mei 1998 nota's gewisseld tot invoeging van een artikel 13 bis in de onderhavige Overeenkomst. De tekst van de nota's luidt als volgt:

Nr. I

ROYAL NETHERLANDS EMBASSY

Ref. no. B/360/98

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the State of Bahrain and has the honour, with reference to the consultations held in Bahrain on 11–12 February 1997 between the Aeronautical Authorities of the Kingdom of the Netherlands and of the State of Bahrain, to state that the Government of the Kingdom of the Netherlands and the Government of the State of Bahrain agreed, in accordance with Article 14, paragraph 3 of the Agreement between the Kingdom of the Netherlands and the State of Bahrain for Services between and beyond their respective territories of 11 July 1990 (hereinafter referred to as "the Agreement"), to add to the Agreement Article 13bis regarding Aviation Safety and Standards, as set out in the Attachment.

If the addition of Article 13bis to the Agreement is acceptable to the Government of the State of Bahrain, it is proposed that this Note and the Ministry's reply to that effect shall be regarded as constituting an agreement between the Kingdom of the Netherlands and the State of Bahrain, which shall come into effect on the date on which both Governments have informed each other that the nationally required legal procedures have been completed.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the State of Bahrain the assurances of its highest consideration.

Kuwait, 4 March 1998

*The Ministry of Foreign Affairs
of the State of Bahrain
Manama
Bahrain*

Attachment

Article 13bis

1. Each Contracting Party shall recognise as valid, for the purpose of operating the air transport services provided for in this Agreement, certificates of airworthiness, certificates of competency and licenses issued or validated by the other Contracting Party and still in force, provided that the requirements for such certificates or licenses at least equal the minimum standards that may be established pursuant to the Convention. Each Contracting Party may, however, refuse to recognise as valid for the purpose of flight above its own territory, certificates of competency and licenses granted to or validated for its own nationals by the other Contracting Party.

2. Each Contracting Party or its Aeronautical Authorities may request technical discussion concerning the safety standards maintained and administered by the other Contracting Party relating to aeronautical facilities, air crews, aircraft, technical supervision and operation of the designated airlines. If, following such technical discussions, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards and requirements in these areas that at least equal the minimum standards that may be established pursuant to the Convention, the other Contracting Party shall be notified of such findings and the steps considered necessary to conform with these minimum standards, and the other Contracting Party shall take appropriate corrective action. Each Contracting Party reserves the right to immediately implement the rights in Article 4, paragraph 1, with regard to the designated airline or airlines concerned in the event the other Contracting Party does not take such appropriate corrective action within a reasonable time.

Nr. II*Unofficial Translation*

From: The Embassy of the State of Bahrain
Kuwait: 31/05/1998
Ref.: 4/50/119-309

The Embassy of the State of Bahrain presents its compliments to the Royal Netherlands Embassy in Kuwait and with reference to the note number 429/98¹⁾ dated 17/05/1998 concerning the addition to article (13)bis regarding Aviation Safety and Standards to the Aeronautical Agreement between the State of Bahrain and the Kingdom of the Netherlands and which was finalized and signed in the State of Bahrain in 22/03/1989.

¹⁾ Niet afgedrukt.

The Embassy is pleased to submit copies of the decree number (14 for 1998¹⁾), certifying this additional amendment to the aforementioned agreement taking into consideration that the article mentioned will be taken into effect between both Bahrain and the Netherlands on 26/05/98.

The Embassy of the State of Bahrain avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

*To
the Royal Netherlands Embassy
State of Kuwait*

Het in de nota's vervatte verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring der Staten-Generaal, alvorens het Koninkrijk aan het verdrag kan worden gebonden.

In tegenstelling tot hetgeen gesteld is in nota Nr. II, is het in de nota's vervatte verdrag nog niet in werking getreden.

De Nederlandse en de Bahreïnse autoriteiten hebben op 4 maart en 19 april 1998 nota's gewisseld tot vervanging van de Bijlage bij de Overeenkomst. De tekst van de nota's voor zover deze betrekking heeft op bedoelde vervanging, luidt als volgt:

Nr. III

ROYAL NETHERLANDS EMBASSY

Ref. no. B/361/98

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the State of Bahrain and has the honour, with reference to the consultations held in Bahrain on 11–12 February 1997 between the Aeronautical Authorities of the Kingdom of the Netherlands and of the State of Bahrain, to state that the Government of the Kingdom of the Netherlands and the Government of the State of Bahrain agreed, in accordance with Article 14, paragraph 4 of the Agreement between the Kingdom of the Netherlands and the State of Bahrain for Services between and beyond their respective territories of 11 July 1990 (hereinafter referred to as “the Agreement”), to replace the Annex to the Agreement, as set out in the Attachment.

The Embassy has the honour to propose, on behalf of the Government of the Kingdom of the Netherlands, that the Annex to the Agreement shall be replaced as set out in the Attachment.

¹⁾ Niet afgedrukt.

If the above proposal is acceptable to the Government of the State of Bahrain, it is proposed that this Note and the Ministry's reply shall be regarded as constituting an agreement between the Kingdom of the Netherlands and the State of Bahrain, which shall take effect on the date of receipt of the Ministry's reply.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the State of Bahrain the assurances of its highest consideration.

Kuwait, 4 March 1998

*The Ministry of Foreign Affairs
of the State of Bahrain
Manama
Bahrain*

Attachment

Annex

Route Schedules

Route Schedule I

Routes on which air services may be operated by the designated airline of the State of Bahrain.

Bahrain – Any Intermediate Points – Amsterdam – Any Beyond Points.

Route Schedule II

Routes on which air services may be operated by the designated airline of the Kingdom of the Netherlands.

Points in the Netherlands – Any Intermediate Points – Bahrain – Any Beyond Points.

Notes

1. Under this Agreement both designated airlines shall have the right to operate up to a daily frequency with any type of aircraft in any configuration.
2. Intermediate and beyond points on any of the specified routes may, at the option of the designated airline, be omitted on any or all flights.
3. The designated airlines shall have the right to operate full third and fourth freedom traffic rights on the specified routes.
4. Each designated airline shall have the right to operate two (2) intermediate over points * in the Europe/Middle East regions with full fifth freedom traffic rights.

Each designated airline shall have the right to operate two (2) beyond rover points * in the Europe/Middle East regions with full fifth freedom traffic rights.

The Europe/Middle East regions cover all of geographical Europe, all the Near and Middle East, including Iran.

5. The designated airline of the State of Bahrain shall have the right to operate up to four (4) weekly services with full fifth freedom traffic rights from Amsterdam to and from New York, USA.

The designated airline of the Kingdom of the Netherlands shall have the right to operate up to in total four (4) weekly services with full fifth freedom traffic rights to and from one (1) beyond rover point * and one (1) fixed beyond point to be nominated by the designated airline, to the Indian Sub Continent (covering Pakistan, India, Bangladesh and Sri Lanka).

Both Contracting Parties agree that, in view of the special position of Gulf Air, the current designated carrier of Abu Dhabi, the State of Bahrain, the State of Qatar and the State of Oman, the exchange of fifth freedom traffic rights is based upon the supportive attitude rights of Gulf Air towards applications for similar fifth freedom traffic rights both intra Gulf and beyond, by the designated airline of the Kingdom of the Netherlands in the aforementioned Owner States.

6. Fifth freedom traffic rights to all other intermediate and beyond points shall only be exercised on the basis of a prior commercial agreement between the designated airlines, which agreement shall be subject to approval by both Aeronautical Authorities.

7. Each designated airline can freely enter into code share arrangements, including third country code share arrangements, with another airline, for the operation of its services under the Agreement. Such code share arrangement shall be accepted by the Aeronautical Authorities concerned, provided that the actual airline operating each particular leg or route of the code share arrangement, shall have the required traffic rights for that particular leg or route of the code share operation.

Each airline involved in code sharing arrangements pursuant to this Agreement must, in respect of any ticket sold by it, make clear to the purchaser at the point of sale which airline will actually operate each sector of the service and with which airline or airlines the purchaser is entering into a contractual relationship.

*) Rover points can be operated at the free choice of the designated airline concerned and can be changed each IATA traffic season also at the free choice of that designated airline.

Nr. IV

Unofficial Translation

From: The Embassy of the State of Bahrain
Kuwait: 19/04/1998
Ref.: 4/50/119-238

The Embassy of the State of Bahrain presents its compliments to the Royal Netherlands Embassy in Kuwait.

.....

Accordingly, the concerned authorities in the State of Bahrain agree to note number 361/98 related to the methods table annex of this agreement only.

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The Embassy of the State of Bahrain avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurance of its highest consideration.

*To
the Royal Netherlands Embassy
State of Kuwait*

Het in de nota's vervatte verdrag tot vervanging van de Bijlage is ingevolge het gestelde in de tweede alinea van nota nr. III op 19 april 1998 in werking getreden.

De nieuwe Bijlage geldt, evenals de Overeenkomst, alleen voor Nederland.

Uitgegeven de vijftiende juni 1998.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO