

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1969 Nr. 243

A. TITEL

*Luchtvaartovereenkomst tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika, met bijlage;
Washington, 3 april 1957*

B. TEKST

De tekst van Overeenkomst en bijlage is geplaatst in *Trb.* 1957, 53.

C. VERTALING

Zie *Trb.* 1957, 53.

D. GOEDKEURING

G. INWERKINGTREDING

Zie *Trb.* 1957, 197.

I. GEGEVENS

Zie *Trb.* 1957, 53 en 197.

In overeenstemming met artikel 102 van het Handvest der Verenigde Naties is de onderhavige Overeenkomst, met bijlage, op 10 oktober 1961 geregistreerd bij het Secretariaat der Verenigde Naties onder nr. 5904. De tekst van de Overeenkomst, met bijlage, alsmede een Franse vertaling daarvan, is afgedrukt in „Recueil des Traités” van de Verenigde Naties, deel 410, blz. 193 e.v.

Voor het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart zie ook, laatstelijk, *Trb.* 1967, 201.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationale Gerechtshof zie ook, laatstelijk, *Trb.* 1965, 171.

Op 25 november 1969 zijn te Washington tussen de Nederlandse Regering en de Regering van de Verenigde Staten van Amerika brieven gewisseld, waarin de bereikte overeenstemming inzake wijziging van de routetabel bij de onderhavige Overeenkomst, in overeenstemming met artikel 12 van de Overeenkomst werd bevestigd.

De wijziging is ingevolge het gestelde aan het slot van deze brieven op 25 november 1969 van kracht geworden.

De tekst van de brieven luidt als volgt:

Nr. I

DEPARTMENT OF STATE WASHINGTON

Nov 25 1969

Excellency:

I have the honor to refer to the Air Transport Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands, signed on April 3, 1957, and to propose that the Schedule attached thereto be deleted in its entirety and replaced by the following:

Schedule

1. An airline or airlines designated by the Government of the United States shall be entitled to operate air services on each of the air routes specified, in both directions, and to make scheduled landings in the Kingdom of the Netherlands at the points specified in this paragraph:

a. The United States via intermediate points to Amsterdam and beyond.

b. The United States and/or an airport serving the Canal Zone via intermediate points to Aruba, Curacao, St. Maartens, and Paramaribo and beyond.

2. An airline or airlines designated by the Government of the Kingdom of the Netherlands shall be entitled to operate air services on each of the air routes specified, in both directions, and to make

scheduled landings in the United States at the points specified in this paragraph:

- a. The Netherlands to New York. ¹⁾
- b. The Netherlands via Montreal to Houston. ²⁾
- c. The Netherlands to Chicago.
- d. The Netherlands Antilles via the intermediate points Santo Domingo, Port au Prince, Kingston, Montego Bay, Camaguey, Havana, to Miami. ³⁾
- e. The Netherlands Antilles to New York.
- f. The Netherlands Antilles to San Juan. ³⁾

3. Points on any of the specified routes may at the option of the designated airlines be omitted on any or all flights.

If this proposal is acceptable to your Government, I have the honor to suggest that this note and Your Excellency's reply accepting this proposal be regarded, in accordance with Article 12 of the said Agreement as constituting an agreed modification of the Schedule to the extent specified in these notes, such modification to be effective from this date.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
(sd.) PHILIP H. TREZISE

His Excellency
Baron Rijnhard van Lynden
Ambassador of the Netherlands

Nr. II

EMBASSY OF THE NETHERLANDS

November 25, 1969

Sir:

I have the honor to acknowledge the receipt of your note of this date, which reads as follows:

(zoals in Nr. I)

1) The Netherlands carrier(s) is authorized to navigate aircraft, in all-cargo services only, on Route 2a between Montreal, Canada and New York, New York without traffic rights between Montreal and New York.

2) The Netherlands carrier(s) is authorized to navigate aircraft on Route 2b between Houston and Mexico City; without traffic rights between Houston and Mexico City, and without stopover rights at Houston.

3) Air services on this route shall not be operated by KLM, either directly or indirectly.

I have the honor to inform you that the proposal mentioned above is acceptable to the Government of the Kingdom of the Netherlands, and that my Government will consider your note together with this reply as constituting an agreed modification of the Schedule attached to the Air Transport Agreement, such modification to be effective from this date.

Accept, Sir, the renewed assurances of my highest consideration.

(sd.) R. B. VAN LYNDEN
Ambassador of the Kingdom of
the Netherlands

*The Honorable
William P. Rogers
Secretary of State of
the United States of America
Washington*

Voorts zijn eveneens op 25 november 1969 te Washington tussen de Nederlandse Regering en de Regering van de Verenigde Staten van Amerika brieven gewisseld, houdende een nadere interpretatie van artikel 10 van de onderhavige Overeenkomst.

De tekst van deze brieven luidt als volgt:

Nr. I

DEPARTMENT OF STATE
WASHINGTON

Nov 25 1969

Excellency:

I have the honor to refer to the consultations which recently have taken place in Washington between representatives of the Government of the United States of America and the Government of the Kingdom of the Netherlands with respect to the Air Transport Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands, signed on April 3, 1957, and set forth the following understandings which were reached.

1. Article 10 states that "The air services made available to the public by the airlines operating under this Agreement shall bear a close relationship to the requirements of the public for such services."

It is the understanding of both Contracting Parties that services provided by a designated airline under the present Agreement shall

retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the countries of ultimate destination of the traffic.

2. Article 10 further grants "The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in this Agreement shall be applied in accordance with" certain principles. Both Contracting Parties recognize that the traffic referred to is all traffic having neither its initial origin nor ultimate destination, as shown by the ticket or waybill or combination of tickets or combination of waybills, in the country of which the transporting airline is a national, irrespective of whether the initial origin or the ultimate destination of the traffic is intermediate to or beyond the terminals of the route, specified in the Schedule to the Agreement, over which it is transported.

3. Both Contracting Parties agree that the services of a designated airline over a route specified in the Schedule to the Agreement, in meeting their primary objective of providing capacity adequate to the traffic demands between the country of which such airline is a national and the countries of ultimate destination of the traffic, may, notwithstanding the above understanding of Article 10 of the Agreement, also add to their primary objective the provision of capacity adequate to the demands of passenger traffic stopping over for 12 hours or more at a point in the country of which such designated airline is a national en route to or from points not in the country of which such designated airline is a national. This addition to the primary objective does not extend to the provision of capacity for the demands of any passenger traffic which passes through, connects at, or stops over for less than 12 hours at a point in the country of which the transporting designated airline is a national. The right of a designated airline of one Contracting Party to provide capacity pursuant to this paragraph shall not alter the right, referred to in paragraph 1, of a designated airline of the other Contracting Party to provide capacity for all traffic whose initial origin or ultimate destination is in the country of which the latter airline is a national. Moreover, nothing in this paragraph shall be construed to impair the rights referred to in paragraph 2 above.

4. For the purposes of paragraphs 1, 2, and 3, the following definitions of initial origin and ultimate destination will apply:

a. for a one way trip the initial origin is the first point and the ultimate destination is the last point on the ticket or waybill or combination of tickets or combination of waybills;

b. for a circle or round trip a directional criterion will apply, i.e., the landing point farthest from the initial origin of the trip out, on the basis of the great circle distance, as shown on the ticket or com-

bination of tickets, is the ultimate destination on the trip out and the point of initial origin on the return trip.

I have the honor to confirm on behalf of the Government of the United States the foregoing understandings and would appreciate receiving confirmation of these understandings on the part of the Government of the Kingdom of the Netherlands.

Accept, Excellency, the assurances of my highest consideration.

For the Secretary of State:
(sd.) PHILIP H. TREZISE

His Excellency
Baron Rijnhard van Lynden
Ambassador of the Netherlands

Nr. II

EMBASSY OF THE NETHERLANDS

November 25, 1969

Sir:

I have the honor to acknowledge the receipt of your note of this date, which reads as follows:

(zoals in Nr. I)

The contents of the foregoing note also represent the understandings of the Government of the Kingdom of the Netherlands.

Accept, Sir, the renewed assurances of my highest consideration.

(sd.) R. B. VAN LYNDEN
Ambassador of the Kingdom of
the Netherlands

The Honorable
William P. Rogers
Secretary of State of
the United States of America
Washington

Uitgegeven de eenendertigste december 1969.

De Minister van Buitenlandse Zaken.

J. LUNS.