

45 (1966) Nr. 6

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 163

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en Maleisië
inzake luchtdiensten, met bijlage;
Kuala Lumpur, 15 december 1966*

B. TEKST

De tekst van de Overeenkomst, met bijlage, is geplaatst in *Trb.* 1967, 14. Voor aanvulling van de tekst van de Overeenkomst zie rubriek J hieronder. Voor wijziging van de routetabel zie de rubrieken J van *Trb.* 1980, 44, *Trb.* 1988, 70, *Trb.* 1993, 79 en rubriek J hieronder.

C. VERTALING

Zie *Trb.* 1967, 14.

D. PARLEMENT

Zie *Trb.* 1967, 149, *Trb.* 1980, 44, *Trb.* 1988, 70 en *Trb.* 1993, 79.
Bij brieven van 9 juli 1993 zijn de op 27 april en 10 mei 1993 te Kuala Lumpur gewisselde nota's tot wijziging van de routetabel bij de onderhavige Overeenkomst (tekst in rubriek J van *Trb.* 1993, 79) medegedeeld aan de Eerste en Tweede Kamer der Staten-Generaal.
Zie voorts rubriek J hieronder.

G. INWERKINGTREDING

Zie *Trb.* 1967, 149, *Trb.* 1980, 44, *Trb.* 1988, 70 en *Trb.* 1993, 79.
Zie voorts rubriek J hieronder.

J. GEGEVENS

Zie *Trb.* 1967, 14 en 149, *Trb.* 1980, 44, *Trb.* 1988, 70 en *Trb.* 1993, 79.

Van het op 14 september 1963 te Tokio tot stand gekomen Verdrag inzake strafbare feiten en bepaalde andere handelingen begaan aan boord van luchtvaartuigen, waarnaar wordt verwezen in artikel 8 bis, vierde lid, is de tekst geplaatst in *Trb.* 1964, 115 en de vertaling in *Trb.* 1964, 186; zie ook, laatstelijk, *Trb.* 1995, 203.

Van het op 16 december 1970 te 's-Gravenhage tot stand gekomen Verdrag tot bestrijding van het wederrechtelijk in zijn macht brengen van luchtvaartuigen, waarnaar wordt verwezen in artikel 8 bis, vierde lid, zijn de Engelse en de Franse tekst alsmede de vertaling geplaatst in *Trb.* 1971, 50; zie ook, laatstelijk, *Trb.* 1995, 204.

Van het op 23 september 1971 te Montreal tot stand gekomen Verdrag tot bestrijding van wederrechtelijke gedragingen, gericht tegen de veiligheid van de burgerluchtvaart, waarnaar wordt verwezen in artikel 8 bis, vierde lid, zijn de Engelse en de Franse tekst alsmede de vertaling geplaatst in *Trb.* 1971, 218; zie ook, laatstelijk, *Trb.* 1995, 205.

Bij notawisseling van 12 april en 23 mei 1996 te Kuala Lumpur is in overeenstemming met artikel 12, eerste lid, van de Overeenkomst een aanvulling van de Overeenkomst en een wijziging van de routetabel tot stand gekomen. De tekst van de nota's luidt als volgt:

Nr. I

ROYAL NETHERLANDS EMBASSY

Introductory Note

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of Malaysia and, with reference to the consultations between the Aeronautical Authorities of the Netherlands and Malaysia which were held at Kuala Lumpur on 18-19 September 1995, has the honour on behalf of the Government of the Kingdom of the Netherlands to confirm that Article 8 bis regarding security, as set out in Annex 1, shall be added to the Agreement between the Government of the Kingdom of the Netherlands and the Government of Malaysia for air services between and beyond their respective territories of 15 December 1966 (hereinafter referred to as "the Agreement"), and that the route schedule, as annexed to the Agreement and as amended by the exchange of Notes of 27 April 1993 and 10 May 1993, shall be placed by a new route schedule as set out in Annex 2.

If the addition of Article 8 bis and the new route schedule is acceptable to the Government of Malaysia, it is suggested that this Note and the confirming Note of the Ministry shall constitute the exchange of diplomatic notes as provided for in Article 12, paragraph 1, of the Agreement, and shall be regarded as constituting an agreement between the

Kingdom of the Netherlands and Malaysia, which shall enter into force on the date on which both Governments have informed each other that the formalities constitutionally required therefor have been complied with.

The Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Malaysia the assurances of its highest consideration.

Kuala Lumpur, 12 april 1996

*Ministry of Foreign Affairs
Wisma Putra
Kuala Lumpur*

Annex 1

Article 8 bis

1. The Contracting Parties agree to provide aid to each other as necessary with a view to preventing unlawful seizure of aircraft and other unlawful acts against the safety of aircraft, airports and air navigation facilities and any other threat to aviation security.

2. Each Contracting Party agrees to observe non-discriminatory and generally applicable security provisions required by the other Contracting Party for entry into the territory of the other Contracting Party and to take adequate measures to inspect passengers and their carry-on items. Each Contracting Party shall also give sympathetic consideration to any request from the other Contracting Party for special security measures for its aircraft or passengers to meet a particular threat.

3. The Contracting Parties shall act in accordance with applicable aviation security provisions established by the International Civil Aviation Organization. Should a Contracting Party depart from such provisions, the other Contracting Party may request consultations with that Contracting Party. Unless otherwise agreed by the Contracting Parties, such consultations shall begin within a period of sixty (60) days from the date of receipt of such a request. Failure to reach a satisfactory agreement could constitute grounds for the application of Article 11 of this Agreement.

4. The Contracting Parties shall act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, and the Convention for the Suppression

of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, insofar as the Contracting Parties are both party to these Conventions.

5. When an incident, or threat of an incident, of unlawful seizure of aircraft or other unlawful acts against the safety of aircraft, airports and air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications intended to terminate rapidly and safely such incident or threat thereof.

Annex 2

Route Schedule I for Passengers and Combination Operations

Section I

Routes to be operated by the designated airline(s) of the Kingdom of the Netherlands:

<i>Points of departure:</i>	<i>Intermediate points (any one or more of following):</i>	<i>Points in Malaysia:</i>	<i>Points beyond:</i>
Any point or points in the Netherlands	Vienna*, Athens*, one point in Egypt, two points in the Near & Middle East including one point in the Gulf (with the exception of points in Saudi Arabia not situated on the Gulf), one point in Pakistan, one point in India, Colombo and Bangkok	Kuala Lumpur	Points in Asia, excluding Japan, China and South Korea

* Vienna or Athens may be replaced by a point in Fed. Rep. of Germany.

Section II

Routes to be operated by the designated airline(s) of Malaysia.

<i>Points of departure:</i>	<i>Intermediate points (any one or more of following):</i>	<i>Points in the Netherlands:</i>	<i>Points beyond:</i>
Any point or points in Malaysia	Bangkok, Colombo, one point in India, one point in Pakistan, two points in the Middle and Near East (with the exception of points in Saudi-Arabia and Abu Dhabi), one point in Egypt, Athens*, Rome*, Frankfurt	Amsterdam	London

* Athens or Rome may be replaced by a point in Switzerland.

Note:

a) On the agreed services the designated airline(s) of either Party may include points other than those specified in Sections I and II of the Route Schedule, provided that no fifth freedom traffic (including stopover traffic) is carried between such points and the territory of the other Party, unless otherwise agreed between the Aeronautical Authorities of both Parties.

b) In operating or holding out authorized services on the agreed routes, the designated airline(s) of either Party, which hold appropriate route authority to provide such service, may enter into cooperative arrangements such as (but not limited to) blocked-space and code-sharing agreements with any other airline or airlines.

Route Schedule II for all Cargo Operations

a) Routes to be operated by the designated airline(s) of the Kingdom of the Netherlands:

all points in the Netherlands – all intermediate points – all points in Malaysia – all beyond points.

b) Routes to be operated by the designated airline(s) of Malaysia:
all points in Malaysia – all intermediate points – all points in the Netherlands – all beyond points.

Each designated airline may, on any or all flights and at its option:

1. operate flights in either or both directions;
2. combine different flight numbers within one aircraft operation;
3. serve points on the route in any combination and in any order, which may include serving intermediate points as beyond points and beyond points as intermediate points;
4. omit stops at any point or points;
5. transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes;
6. serve points behind any point in its territory with or without change of aircraft or flight number and hold out and advertise such services to the public as through services;

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible as agreed by the Contracting Parties.

- c) 1. On any segment or segments of the routes under a) and b) above, a designated airline may perform international air transportation without any limitations as to change, at any point on the route, in type or number of aircraft operated.
2. For the purpose of change of aircraft operations, a designated airline may use its own equipment and, subject to national regulations, leased equipment, and may operate under commercial arrangements (including, but not limited to, blocked-space and code-sharing agreements) with any other airline or airlines.
3. Designated airlines may use different or identical flight numbers for the sectors of its change of aircraft operations.
4. Designated airlines of one Party shall have the right to position aircraft in the territory of the other Party at the airports of their choice, reasonably required for their change of aircraft operations.

d) In operating or holding out authorized services on the agreed routes, the designated airline(s) of either Party, which hold appropriate route authority to provide such service, may enter into cooperative arrangements such as (but not limited to) blocked-space and code-sharing agreements with any other airline or airlines.

Nr. II

No. BO 14/96

The Ministry of Foreign Affairs presents its compliments to the Royal Netherlands Embassy and has the honour to acknowledge receipt of the Embassy's Note dated 12 April 1996 pertaining to the consultations between the Aeronautical Authorities of the Netherlands and Malaysia held at Kuala Lumpur on 18–19 September 1995.

The Government of Malaysia notes that the Government of the Kingdom of the Netherlands seeks to confirm that Article 8 bis regarding security, as set out in Annex 1, shall be added to the Agreement between the Government of the Kingdom of the Netherlands and the Government of Malaysia for air services between and beyond their respective territories of 15 December 1966 (hereinafter referred to as “the 1966 Agreement”), and that the route schedule, as annexed to the 1966 Agreement and as amended by the exchange of Notes of 27 April 1993 and 10 May 1993, shall be replaced by a new route schedule as set out in Annex 2.

In this connection, the Ministry has the further honour to inform that the addition of Article 8 bis and the new route schedule is acceptable to the Government of Malaysia. The Ministry also confirms that the Embassy’s Note and this Note shall constitute an agreement to amend the 1966 Agreement between Malaysia and the Kingdom of the Netherlands and shall come into force on the date on which both Governments have informed each other that the formalities required by the national legislation of each country have been accomplished. The Ministry also wishes to inform that Malaysia has completed the above formalities.

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

Kuala Lumpur, 23 May 1996.

*The Royal Netherlands Embassy
Kuala Lumpur.*

(Annex 1 en Annex 2 zoals in Nr. I)

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.

Het verdrag zal ingevolge het gestelde in de voorlaatste alinea van de nota’s in werking treden op de dag waarop beide Regeringen elkaar hebben medegedeeld dat aan de daarvoor constitutioneel vereiste formaliteiten is voldaan.

Uitgegeven de *achtste* juli 1996.

De Minister van Buitenlandse Zaken,

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