

18 (2004) Nr. 3

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2008 Nr. 221**

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A. TITEL

*Verdrag inzake luchtvervoer tussen de lidstaten en geassocieerde leden  
van de Associatie van Caraïbische Staten;  
Panama-Stad, 12 februari 2004*

B. TEKST

De Spaanse en Engelse tekst van het Verdrag zijn geplaatst in *Tvb.* 2004, 271. In dat Tractatenblad dient in de Engelse tekst op blz. 7, in artikel 2, onderdeel d (i), het woord „Partles” te worden vervangen door „Parties”.

D. PARLEMENT

Bij brieven van 31 oktober 2005 (Kamerstukken II 30 378 (R1804) nr. 1) is het Verdrag in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Buitenlandse Zaken B. R. BOT.

De goedkeuring door de Staten-Generaal is verleend op 16 december 2005.

## E. PARTIJGEGEVENS

Zie *Trb.* 2004, 271 en *Trb.* 2005, 181.

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Barbados	12-02-04	26-11-04	R	19-09-08		
Belize	15-12-04	28-07-05	R	19-09-08		
Costa Rica	15-12-04					
Cuba	12-02-04	10-09-07	R	19-09-08		
Dominicaanse Republiek, de	12-02-04					
Guatemala	15-12-04	03-09-08		19-09-08		
Haïti	15-12-04					
Jamaica	27-07-04	28-07-05	R	19-09-08		
<b>Nederlanden, het Koninkrijk der</b> – Nederland – Ned. Antillen – Aruba	29-06-04	– 21-04-06 21-04-06	R R	– 19-09-08 19-09-08		
Nicaragua	12-02-04					
Panama	12-02-04	14-07-05	R	19-09-08		
Suriname	12-02-04	22-07-08	R	19-09-08		
Trinidad en Tobago	27-07-04					
Venezuela	12-02-04	24-10-07	R	19-09-08		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, =Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

### Verklaringen, voorbehouden en bezwaren

Barbados, 26 november 2004

[...] in conformity with the provision of Article 2 paragraph 3, [Barbados] opts for the application of Article 2 subparagraph 1.d.ii which reads: "The exercise of such rights on the reciprocal and liberal exchange of rights among the Parties concerned."

Costa Rica, 15 december 2004

In Article 2, entitled "Granting of Rights", specifically in respect of fifth freedom rights, paragraph 1 (d), the Government of the Republic of Costa Rica selects option (i), which states: "(i) The exercise of such rights among the Parties concerned".

Guatemala, 3 september 2008

The State of Guatemala, in ratifying the Air Transport Agreement among the Member States and Associate Members of the Association of Caribbean States, declares that its application shall be without prejudice to the Open Skies aviation policy that is recognised by Guatemalan legislation. The State of Guatemala, in ratifying the Air Transport Agreement among the Member States and Associate Members of the Association of Caribbean States, makes the following reservation, namely that its application shall not imply the partial or total renunciation of its sovereignty and jurisdiction over its territory, airspace, inland waters, territorial sea and contiguous zone, as well as the exclusive economic zone and continental shelf to which it is entitled under international law, and that application of the Agreement shall not imply the total or partial renunciation of its claims to maritime and island territories and zones.

Jamaica, 28 juli 2005

And whereas Article 2(1)(d) of the Air Transport Agreement provides that each Party shall select one of two options set out in Article 2(1)(d)(i) or (ii) in relation to the exercise of fifth freedom traffic rights and scheduled flights for passengers, cargo and mail, separately or in combination within the ACS, the notification of the option selected by the Government of Jamaica is annexed hereto.

And whereas Jamaica has notified of its selection of the option set out in Article 2(1)(d)(ii) which provides that in respect of the exercise of fifth freedom traffic rights on scheduled flights for passengers, cargo and mail, separately or in combination, within the ACS region, the exercise of such rights shall be on the reciprocal and liberal exchange of the rights among the Parties concerned.

Hereby declare that the understanding of the Government of Jamaica of Article 2(1)(d)(ii) of the Air Transport Agreement is as follows:

Consent to the grant of fifth freedom rights pursuant to the option in Article 2 (1)(d)(ii) shall be subject to the conclusion of bilateral agreements between the parties concerned.

**Nederlanden, het Koninkrijk der**, 21 april 2006

1. Voor de Nederlandse Antillen:

The Embassy, on behalf of the Kingdom of the Netherlands, wishes to indicate to the Government of Colombia in its capacity as depositary state, that the Netherlands Antilles chooses to be bound by sub-paragraph 1d ii of Article 2, Granting of Rights, of the aforementioned Agreement.

2. Voor Aruba:

The Embassy, on behalf of the Kingdom of the Netherlands, wishes to indicate to the Government of Colombia in its capacity as depositary state, that Aruba chooses to be bound by sub-paragraph 1d i, of Article 2, Granting of Rights, of the aforementioned Agreement.

Nicaragua, 14 februari 2004

The Republic of Nicaragua declares that, in respect of Article 2, paragraph 1 (d) of this Agreement, it has opted to apply the provisions of paragraph 1,(d)(ii), which literally states: "The exercise of such rights on the reciprocal and liberal exchange of rights among the Parties concerned."

This declaration shall not imply the automatic recognition of rights in respect of Parties to this Agreement. Accordingly, the terms of operation for airlines shall be agreed bilaterally, and due reciprocal treatment shall be accorded.

In respect of Article 2, paragraph 2, when reference is made to favourable consideration of requests by designated airlines, such favourable consideration shall in no way detract from the requirements on the subject laid down in relevant national legislation.

In respect of Article 3, paragraph 2 (a), with regard to substantial ownership and effective control of designated airlines being vested in one or more Parties, its or their nationals, or both, the Republic of Nicaragua reserves the right not to apply the said paragraph 2 (a), since its contents conflict with the provisions on the subject laid down in the Civil Aviation Code of the Republic of Nicaragua.

In respect of Article 9, entitled "Code Sharing", with regard to the making of code-sharing arrangements with airlines flying under the flag of Parties to this Agreement, this shall be subject to approval by the competent authorities in order to ensure that users are fully informed and protected as regards code-shared flights operating to or from the territory of the Republic of Nicaragua.

Suriname, 3 juni 2004

The Ministry, on behalf of the Government of the Republic of Suriname, wishes to indicate to the Government of the Republic of Colombia in its capacity as depositary country that it elects to be bound by sub-paragraph I.d.ii of article 2, Granting of Rights, of the aforementioned Agreement.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 26 op 19 september 2008 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag alleen voor de Nederlandse Antillen en Aruba.

J. VERWIJZINGEN

Zie *Trb.* 2004, 271 en *Trb.* 2005, 181.

- Titel : Verdrag tot oprichting van de Associatie van Caraïbische Staten;  
Cartagena de Indias, 24 juli 1994
- Laatste *Trb.* : *Trb.* 2008, 73
- Titel : Protocol tot bestrijding van wederrechtelijke daden van geweld op luchthavens voor de internationale burgerluchtvaart bij het Verdrag tot bestrijding van wederrechtelijke gedragingen tegen de veiligheid van de burgerluchtvaart te Montreal op 23 september 1971  
Montreal, 24 februari 1988
- Laatste *Trb.* : *Trb.* 2006, 62

Uitgegeven de tweeëntwintigste december 2008.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN