

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

**JAARGANG 2014 Nr. 12**

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 de Engelse tekst van het Verdrag zijn geplaatst in  
*Trb.* 2004, 271.

Voor een correctie in de Engelse tekst zie *Trb.* 2008, 221.

D. PARLEMENT

Zie *Trb.* 2008, 221.

E. PARTIJGEGEVENS

Zie *Trb.* 2004, 271.

| Partij                    | Onder-<br>tekening | Ratificatie | Type* | In<br>werking | Opzeg-<br>ging | Buiten<br>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<br>Republiek | 12-02-04           |             |       |               |                |                   |
| Guatemala                 | 15-12-04           | 03-09-08    | R     | 02-11-08      |                |                   |
| Haïti                     | 15-12-04           | 13-07-09    | R     | 11-09-09      |                |                   |

| Partij                                                                                                                                                                                 | Onder-<br>tekening | Ratificatie                            | Type* | In<br>werking                                                             | Opzeg-<br>ging | Buiten<br>werking |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------|-------|---------------------------------------------------------------------------|----------------|-------------------|
| Jamaica                                                                                                                                                                                | 27-07-04           | 28-07-05                               | R     | 19-09-08                                                                  |                |                   |
| <b>Nederlanden,<br/>het Koninkrijk<br/>der</b><br>– Nederland:<br>– in Europa<br>– Bonaire<br>– Sint Eustatius<br>– Saba<br>– Aruba<br>– Curaçao<br>– Sint Maarten                     | 29-06-04           | –<br>–<br>–<br>–<br>21-04-06<br>–<br>– | R     | –<br>10-10-10<br>10-10-10<br>10-10-10<br>19-09-08<br>10-10-10<br>10-10-10 |                |                   |
| Nicaragua                                                                                                                                                                              | 12-02-04           | 12-07-11                               | R     | 10-09-11                                                                  |                |                   |
| Panama                                                                                                                                                                                 | 12-02-04           | 14-07-05                               | R     | 19-09-08                                                                  |                |                   |
| Suriname                                                                                                                                                                               | 12-02-04           | 22-07-08                               | R     | 19-09-08                                                                  |                |                   |
| Trinidad en<br>Tobago                                                                                                                                                                  | 27-07-04           |                                        |       |                                                                           |                |                   |
| Venezuela                                                                                                                                                                              | 12-02-04           | 24-10-07                               | R     | 19-09-08                                                                  |                |                   |
| * O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend |                    |                                        |       |                                                                           |                |                   |

### Verklaringen, voorbehouden en bezwaren

Barbados, 26 november 2004

Barbados made in its instrument of ratification the following declaration “... it elects to be bound by Article 2 sub-paragraph 1d. ii of the Agreement namely: “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

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.

Nicaragua, 12 juli 2011

[...]

The Government of the Republic of Nicaragua, in depositing the present instrument of ratification, withdraws the declaration and reservation notified to the Depositary at the time of signing this Agreement, concerning fifth freedom rights, on the understanding that this implies neither any automatic recognition of rights nor any derogation from its national laws.[...]

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

Zie *Trb.* 2008, 221.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag dat vanaf 19 september 2008 voor de Nederlandse Antillen en Aruba gold, vanaf 10 oktober 2010 voor Nederland (het Caribische deel), Aruba, Curaçao en Sint Maarten.

#### J. VERWIJZINGEN

Zie *Trb.* 2004, 271, *Trb.* 2005, 181 en *Trb.* 2008, 221.

- |                     |                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------|
| Titel               | : Verdrag tot oprichting van de Associatie van Caraïbische Staten;<br>Cartagena de Indias, 24 juli 1994 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2012, 25                                                                                  |
| Titel               | : Verdrag inzake de internationale burgerluchtvaart;<br>Chicago, 7 december 1944                        |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2012, 126                                                                                 |

- 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, gedaan te Montreal op 23 september 1971;  
Montreal, 24 februari 1988
- Laatste *Trb.* : *Trb.* 2011, 41
- Titel : Verdrag tot bestrijding van het wederrechtelijk in zijn macht brengen van luchtvaartuigen;  
's-Gravenhage, 16 december 1970
- Laatste *Trb.* : *Trb.* 2013, 209

Uitgegeven de *twintigste* januari 2014.

*De Minister van Buitenlandse Zaken,*

F.C.G.M. TIMMERMANS