

**No. 50543**

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**New Zealand  
and  
Turkey**

**Agreement between the Government of New Zealand and the Government of the Republic of Turkey relating to Air Services (with annex). Ankara, 4 March 2010**

**Entry into force:** *9 May 2012 by notification, in accordance with article 21*

**Authentic texts:** *English and Turkish*

**Registration with the Secretariat of the United Nations:** *New Zealand, 21 March 2013*

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**Nouvelle-Zélande  
et  
Turquie**

**Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République turque relatif aux services aériens (avec annexe). Ankara, 4 mars 2010**

**Entrée en vigueur :** *9 mai 2012 par notification, conformément à l'article 21*

**Textes authentiques :** *anglais et turc*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Nouvelle-Zélande, 21 mars 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF NEW ZEALAND**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF TURKEY**  
**RELATING TO AIR SERVICES**

The Government of New Zealand and the Government of the Republic of Turkey (hereinafter, "the Parties");

Being parties to the Convention on International Civil Aviation and to the International Air Services Transit Agreement both opened for signature at Chicago on December 7, 1944;

Desiring to promote an international aviation system based on competition among airlines in the marketplace and wishing to encourage airlines to develop and implement innovative and competitive services;

Desiring to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardise the safety of persons or property, adversely affect the operation of air transport, and undermine public confidence in the safety of civil aviation;

Have agreed as follows:

## **ARTICLE 1**

### **Definitions**

For the purpose of this Agreement, unless otherwise stated, the term:

- (a) "Aeronautical Authorities" means in the case of New Zealand, the Minister responsible for the subject of Civil Aviation, and any person or body authorized to perform any functions exercised by the said Minister and in the case of the Republic of Turkey, the Ministry of Transport Communications and any person or body authorized to perform any functions exercised by the said Ministry,
- (b) "Agreed services" means services for the uplift and discharge of traffic as defined in Article 3, subparagraph 1 (c);
- (c) "Agreement" means this Agreement, its Annexes, and any amendments thereto;
- (d) "Air transportation" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, for remuneration or hire;
- (e) "Airline" means any air transport enterprise marketing or operating air transportation;
- (f) "Capacity" is the amount(s) of services provided under the Agreement, usually measured in the number of flights (frequencies), or seats or tonnes of cargo offered in a market (city pair, or country-to-country) or on a route during a specific period, such as daily, weekly, seasonally or annually;
- (g) "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes:
  - (i) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time in force for both Parties; and
  - (ii) any amendment which has entered into force under Article 94(a) of the Convention and has been ratified by both Parties;
- (h) "Designated airline" means an airline or airlines designated and authorised in accordance with Article 2 (Designation, Authorisation and Revocation) of this Agreement;

- (i) "Ground-handling" includes but is not limited to passenger, cargo and baggage handling, and the provision of catering facilities and/or services;
- (j) "ICAO" means the International Civil Aviation Organization;
- (k) "International air transportation" means air transportation which passes through the air space over the territory of more than one State;
- (l) "Marketing airline" means an airline that offers air transportation on an aircraft operated by another airline, through code-sharing;
- (m) "Stop for non-traffic purposes" has the meaning assigned to it in Article 96 of the Convention;
- (n) "Tariffs" means any price, fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in international air transportation, including transportation on an intra- or interline basis, charged by airlines, including their agents, and the conditions governing the availability of such price, fare, rate or charge;
- (o) "Territory" has the meaning assigned to it in Article 2 of the Convention, provided that, in respect of New Zealand, the term "territory" shall exclude Tokelau; and
- (p) "User charges" means a charge made to airlines by a service provider for the provision of airport, airport environmental, air navigation and aviation security facilities and services.

## **ARTICLE 2**

### **Designation, Authorisation and Revocation**

1. Each Party shall have the right to designate as many airlines as it wishes to conduct international air transportation in accordance with this Agreement, and to withdraw or alter such designations. Such designations shall be transmitted to the other Party in writing through diplomatic channels. Designation shall not be required for airlines exercising the rights provided for in Article 3, subparagraph 1(a) and 1(b).

2. On receipt of such a designation, and of applications from a designated airline, in the form and manner prescribed for operating authorisations and technical permissions relating to the operation and navigation of the aircraft, the other Party shall grant appropriate authorisations without delay, provided that:
  - a) substantial ownership and effective control of that airline are vested in the Party designating the airline or in its nationals;
  - b) the airline is incorporated and has its principal place of business in the territory of the Party designating the airline;
  - c) the airline is qualified to meet the conditions prescribed under the laws, regulations and rules normally and reasonably applied to the operation of international air transportation by the Party considering the application or applications, in conformity with the provisions of the Convention;
  - d) the airline holds the necessary operating permits; and
  - e) the Party designating the airline is maintaining and administering the standards set forth in Article 5 (Safety) and Article 6 (Aviation Security) of this Agreement.
3. When an airline has been so designated and authorised it may commence international air transportation, provided that the airline complies with the applicable provisions of this Agreement.
4. Either Party may withhold, revoke, suspend or limit the operating authorisations or technical permissions of an airline designated by the other Party, at any time, if the conditions specified in paragraph 2 of this Article are not met, or if the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.
5. Unless immediate action is essential to prevent further non-compliance with subparagraphs 2 (a) to 2 (d) of this Article, the rights established by paragraph 4 of this Article shall be exercised only after consultation with the other Party.
6. This Article does not limit the rights of either Party to withhold, revoke, limit or impose conditions on the operating authorisation or technical permission of an airline or airlines of the other Party in accordance with the provisions of Article 5 ( Safety ) or Article 6 (Aviation Security) of this Agreement.