

**AIR SERVICES AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF TURKEY**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA**



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The Government of the Republic of Turkey and the Government of the Republic of Colombia hereinafter referred to as "Contracting Parties",

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944,

Desiring to facilitate the expansion of international air services opportunities,

Recognising that efficient and competitive international air services enhance economic growth, trade, tourism, investment and the welfare of consumers,

Desiring to ensure the highest degree of safety and security in international air services 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 services, and undermine public confidence in the safety of civil aviation, and

Desiring to conclude an Agreement for the purpose of establishing and operating air services between and beyond their respective territories,

HAVE AGREED AS FOLLOWS:



## ARTICLE I DEFINITIONS

1. For the purpose of this Agreement, unless the context otherwise requires, the terms:
- a. "Aeronautical Authorities" means, in the case of the Republic of Turkey, the Ministry of Transport, Maritime and Communications and in the case of the the Republic of Colombia, the Civil Aviation Authority or in both cases any person or body authorised to exercise the functions presently assigned to the said authorities;
  - b. "Agreement" means, this Agreement, its Annexes and any amendments thereto;
  - c. "Agreed services" means, the international air services which can be operated, according to provisions of this Agreement on the specified routes;
  - d. "Annex" means the Annex to this Agreement or any amendments thereto, in accordance with the provisions of Article 25 (Consultations and Amendments) of this Agreement. The Annex forms an integral part of this Agreement and all references to the Agreement shall include the Annex except where explicitly agreed otherwise;
  - e. "Air service" "international air service", "airline" and "stop for non-traffic purposes" have the meanings specified in Article 96 of the Convention;
  - f. "Capacity" means,
    - in relation to an aircraft, the payload of that aircraft available on the route or section of a route,
    - in relation to a specified air service, the capacity of the aircraft used on such service multiplied by the frequency operated by such aircraft over a given period on a route or section of a route;
  - g. "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes of the Convention under Articles 90 and 94 thereof, so far as those annexes and amendments have become effective for or been ratified by both Contracting Parties;
  - h. "Designated airline(s)" means any airline(s) which has/have been designated and authorized in accordance with Article 3 ( Designation and Authorization) of this Agreement;



- i. "Ground-handling" means and 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. "Party" is a State which has formally agreed to be bound by this Agreement;
- n. "Regular equipment" means articles, other than stores and spare parts of a removable nature, for use on board an aircraft during flight, including first aid and survival equipment;
- o. "Schedule" means the schedule of the routes to operate air transportation services annexed to the present Agreement and any modifications thereto as agreed in accordance with the provisions of Article 25 of the present Agreement;
- p. "Specified routes" means the routes established or to be established in the Annex to this Agreement;
- q. "Spare parts" means, articles of a repair or replacement nature for incorporation in an aircraft, including engines;
- r. "Tariff" means any fare, rate or charge, the prices to be paid for the carriage of passengers, baggage and/or cargo, excluding mail, in air transportation, including any other mode of transportation in connection therewith, charged by airlines, including their agents and the conditions governing the availability of such fare, rate or charge;
- s. "Territory" has the meaning specified in Article 2 of the Convention;
- t. "Traffic" means, passengers, baggage, cargo and mail;
- u. "User charges" means fees or rates levied for the use of airports, navigational facilities and other related services offered by one Contracting Party to the other.



**ARTICLE 2  
GRANT OF RIGHTS**

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of scheduled international air services on the routes specified in Annex I to this Agreement by the designated airlines of the other Contracting Party:
  - a. to fly without landing across the territory of the other Contracting Party,
  - b. to make stops in the said territory for non-traffic purposes,
  - c. to make stops in the territory at the points specified for that route in Annex I to this Agreement for the purpose of embarking and disembarking the international traffic in combination or separately.
  - d. the rights otherwise specified in this Agreement.
2. The airlines of each Party, other than those designated under Article 3 (Designation and Authorization) of this Agreement, shall also enjoy the rights specified in paragraphs 2 a) and b) of this Article.
3. Nothing in paragraph (1) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, traffic carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

**ARTICLE 3  
DESIGNATION AND AUTHORISATION**

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes in accordance with its own national regulations. Such designation shall be effected by virtue of a written notification through diplomatic channels under reciprocity basis.
2. On receipt of such designation, the aeronautical authorities of other Contracting Party shall, subject to paragraphs (3) of this Article, grant without delay to the designated airline(s) the appropriate operating authorization.



3. Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 (Grant of Rights) of this Agreement, in any case where the Contracting Party is not satisfied that the Government designating the airline is maintaining and administering the standards set forth in Article 18 (Aviation Safety) and Article 19 (Aviation Security) of this Agreement.
4. When an airline has been so designated and authorized, it may begin at any time to operate the agreed services, provided that a capacity agreed upon and a tariff established in accordance with the provisions of Article 5 (Capacity) and Article 6 (Tariffs) of this Agreement is in force in respect of that service.

#### **ARTICLE 4 REVOCATION OR SUSPENSION OF OPERATING AUTHORISATION**

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 (Grant of Rights) of this Agreement by an airline/s designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights:
  - a. in case of failure by that airline to comply with the laws or regulations of the Contracting Party granting the rights; or,
  - b. in case that airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.
2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultations aeronautical authorities of the State of other Contracting Party. In such a case consultations shall begin within a period of sixty (60) days from the date of request made by either Contracting Party for consultations.



## **ARTICLE 5 CAPACITY**

1. The designated airline(s) of each Contracting Party shall enjoy fair and equal opportunity for the operation of air services between the territories of two Contracting Parties.
2. In the operation by the designated airline(s) of either Contracting Party of the specified air services, the interests of the airline of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same route.
3. The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements of passengers and cargo including mail between the territories of the Contracting Parties.
4. In the operation of the agreed services, the total capacity to be provided and the frequency of the services to be operated by the designated airlines of each Contracting Party shall be, at the outset, be mutually determined by the aeronautical authorities of the Contracting Parties before the services are inaugurated. Such capacity and frequency of services initially determined may be reviewed and revised from time to time by said authorities.

## **ARTICLE 6 TARIFFS**

1. The tariffs to be applied by the designated airline or airlines of a Party for services covered by this Agreement shall be established at reasonable levels, due regard being paid to all relevant factors, including interests of users, cost of operation, characteristics of service, reasonable profit, tariffs of other airlines and other commercial considerations in the market-place.
2. Each Party may require notification or filing of tariffs proposed by the designated airlines of the other Party for carriage to or from its territory. Such notification or filing may be required not more than 30 days before the proposed date of introduction. In special cases, this period may be reduced.
3. Each Party may approve or disapprove tariffs for one-way or round-trip carriage between the territories of the two Parties which commences in its own territory, according to its procedures. The tariffs to be charged by a designated airline of one Party for carriage between the territory of the other Party and that of a third State may be subject to the approval requirements of the other Party.