



Treaty Series No. 9 (2001)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Turkmenistan

amending the Air Services Agreement
done at Ashgabat on 9 February 1995

Ashgabat, 11 September 2000

[The Exchange of Notes entered force on 11 September 2000]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2001*

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**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF TURKMENISTAN AMENDING THE AIR SERVICES
AGREEMENT DONE AT ASHGABAT ON 9 FEBRUARY 1995¹.**

No. 1

*Her Majesty's Charge d'Affaires at Ashgabat to the Minister of Foreign Affairs of
Turkmenistan*

Ashgabat

14 August 2000

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Turkmenistan concerning Air Services done at Ashgabat on 9 February 1995, ("the Agreement") and to discussions which have taken place on 29-30 October 1998 and 9 May 2000 between representatives of the two Governments concerning proposed amendments to that Agreement.

As a result of the discussions on 29-30 October 1998, I have the honour to propose that the Agreement be amended as follows:

- (i) inserting, as Article 9a (Safety), the text attached at Annex A;
- (ii) deleting Article 5 (Revocation or Suspension of Operating Authorisations) and substituting for it the revised Article 5 attached at Annex B;
- (iii) deleting the Route Schedule and substituting for it the Route Schedule attached at Annex C.

As a result of the discussions on 9 May 2000, I have the honour to propose that the Agreement be amended as follows:

- (iv) inserting at the end of the last line of paragraph (2) of Article 12 (Airline Representation and Sales), the following text:—

"in local currency or in any freely convertible other currency".

If the foregoing is acceptable to the Government of Turkmenistan, I have the honour to propose that this Note and Your Excellency's reply to that effect, shall constitute an agreement between our two Governments in this matter which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

CLIVE MCGILL

¹Turkmenistan No. 1 (1996) Cm 3338

ANNEX A

ARTICLE 9A

Safety

(1) Each Contracting Party may request consultations at any time concerning safety standards in any area relating to aircrews, aircraft or their operation adopted by the other Contracting Party. Such consultation shall take place within 30 days of that request.

(2) If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards in any such area that are at least equal to the minimum standards established at that time pursuant to the Chicago Convention, the first Contracting Party shall notify the other Contracting Party of those findings and the steps considered necessary to conform with those minimum standards, and that other Contracting Party shall take appropriate corrective action. Failure by the other Contracting Party to take appropriate action within 15 days or such longer period as may be agreed, shall be grounds for the application of Article 5(1) of this Agreement (revocation or suspension of operating authorisations).

(3) Notwithstanding the obligations mentioned in Article 33 of the Chicago Convention it is agreed that any aircraft operated by the airline or airlines of one Contracting Party on services to or from the territory of another Contracting Party may, while within the territory of the other Contracting Party, be made the subject of an examination by the authorised representatives of the other Contracting Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment (in this Article called "ramp inspection"), provided this does not lead to unreasonable delay.

(4) If any such ramp inspection or series of ramp inspections gives rise to:

- (a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Chicago Convention; or
- (b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Chicago Convention;

the Contracting Party carrying out the inspection shall, for the purposes of Article 33 of the Chicago Convention, be free to conclude that the requirements under which the certificate or licences in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid or that the requirements under which that aircraft is operated are not equal to or above the minimum standards established pursuant to the Chicago Convention.

(5) In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by the airline or airlines of one Contracting Party in accordance with paragraph (3) of this Article is denied by a representative of that airline or airlines, the other Contracting Party shall be free to infer that serious concerns of the type referred to in paragraph (4) of this Article above arise and draw the conclusions referred in that paragraph.

(6) Each Contracting Party reserves the right to suspend or vary the operating authorisation of an airline or airlines of the other Contracting Party immediately in the event the first Contracting Party concludes, whether as a result of a ramp inspection, a series of ramp inspections, a denial of access for ramp inspection, consultation or otherwise, that immediate action is essential to the safety of an airline operation.

(7) Any action by one Contracting Party in accordance with paragraphs (2) or (6) of this Article shall be discontinued once the basis for the taking of that action ceases to exist.

ANNEX B

ARTICLE 5

Revocation or Suspension of Operating Authorisations

(1) Each Contracting Party shall have the right to revoke an operating authorisation or to suspend the exercise of the rights specified in Article 3(2) of this Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights:

- (a) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Parties; or
- (b) in the case of failure by that airline to comply with the laws or regulations normally and reasonably applied by the Contracting Party granting those rights; or
- (c) if the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement; or
- (d) in the case of failure by the other Contracting Party to take appropriate action to improve safety in accordance with paragraph (2) of Article 9a; or
- (e) in accordance with paragraph (6) of Article 9a.

(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 consultation with the other Contracting Party.

ANNEX C

ROUTE SCHEDULE

Section 1

Routes to be operated by the designated airline or airlines of the United Kingdom:

Points in the UK—Intermediate Points—Points in Turkmenistan—Points beyond

NOTES:

1. Intermediate points or points beyond may be omitted on any flight provided that the service begins or ends in the United Kingdom.
2. No traffic may be picked up at an intermediate point to be set down in the territory of Turkmenistan or in the territory of Turkmenistan to be set down at a point beyond, and vice versa, except as may from time to time be jointly determined by the aeronautical authorities of the Contracting Parties. This restriction also applies to all forms of stop-over traffic.

Section 2

Routes to be operated by the designated airline or airlines of Turkmenistan:

Points in Turkmenistan—Intermediate Points—Points in the United Kingdom—Points Beyond

NOTES:

1. Intermediate points or points beyond may be omitted on any flight provided that the service begins or ends in Turkmenistan.
2. No traffic may be picked up at an intermediate point to be set down in the territory of the United Kingdom or in the territory of the United Kingdom to be set down at a point beyond, and vice versa, except as may from time to time be jointly determined by the aeronautical authorities of the Contracting Parties. This restriction also applies to all forms of stop-over traffic.

The Ministry of Foreign Affairs of Turkmenistan to the British Embassy at Ashgabat

Ashgabat

11 September 2000



TÜRKMENISTANYŇ
DAŞARY IŞLER
MINISTRRLIGI

05/1248 n

Türkmenistanyň Daşary İşler Ministrligi Beýik Britaniýanyň we Demirgazyk Irlandiýanyň Birleşen Patysalygynyň Turkmenistandaky Ilçihanasyňa hormat goýmak bilen, 2000-nji ýylyň 14-nji awgustyndaky 110/2000 belgili nota jogap hökmünde 1995-nji ýylyň 09-njy fewralynda Aşgabat şäherinde gol çekilen Türkmenistan Hökümeti bilen Beýik Britaniýanyň we Demirgazyk Irlandiýanyň Birleşen Patysalygynyň Hökümetiniň arasyndaky howa gatnawy baradaky Ylalaşyga görkezilen notadaky hödürlenlen goşmaçylary girizmäge Türkmen tarapyň razylygy barada habar bermegi özüne meretebe hasaplaýar.

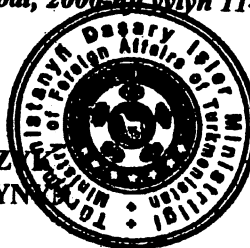
Hormatly Ilçihanyň notasyny hem-de şu notany nazara alyp goşmaçalary herekete girizmek üçin gerekli Habarnamalary alyşma tamamlandy diýip hasaplanýar.

Ýokarda beýan edilen bilen laýyklykda Ministirlik Ylalaşygyň 16-njy maddasyna laýyklykda Türkmenistanyň Daşary İşler Ministrliginiň şu notasyny hormatly Ilçihana alanyndan soň, ýany 2000-nji ýylyň 11 sentýabrynda goşmaçylaryň güýje girýändigini belläp geçýär.

Türkmenistanyň Daşary İşler Ministrligi pursatdan peýdalanyp, Beýik Britaniýanyň we Demirgazyk Irlandiýanyň Birleşen Patysalygynyň Ilçihanasyňa beýik sarpa goýýandygyny ýene bir gezek tekrarlaýar.

Aşgabat, 2000-nji ýylyň 11-nji sentýabry

BEÝIK BRITANIÝANYŇ WE DEMIRGAZYK
IRLANDIÝANYŇ BIRLEŞEN PATYSALYGYN
ILÇIHANASY
Aşgabat ş.



[Translation of No. 2]

No: 05/1278

Ministry of Foreign Affairs of Turkmenistan presents its compliments to Embassy of the United Kingdom of Great Britain and Northern Ireland in Turkmenistan, and, in reply to the Embassy's note No110/2000 of 14 August 2000, has the honour to inform them of consent of the Turkmen side to enter amendments proposed in the said Note into the Air Service Agreement made between the Government of Turkmenistan and the Government of the United Kingdom of Great Britain and Northern Ireland on 9 February 1995.

Taking into account the Embassy's note No110/2000 and this Note, it is considered that exchange of notifications required by entering the amendments has taken place.

Proceeding from the above, the Ministry points out that, in accordance with Article 16 of the agreement, the amendments come into effect on receipt of this Note by the Embassy i.e. on 11 September 2000.

Ministry of Foreign Affairs of Turkmenistan avails itself of this opportunity to renew to the Embassy of the United Kingdom of Great Britain and Northern Ireland the assurance of its highest consideration.

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