



Treaty Series No. 3 (1936)

EXCHANGE OF NOTES

between His Majesty's Government in the United Kingdom
and the Netherlands Government

for the

RECIPROCAL EXEMPTION OF AIRCRAFT
FROM DUTIES ON FUEL
AND LUBRICANTS

London, December 30, 1935

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE NETHERLANDS GOVERNMENT FOR THE RECIPROCAL EXEMPTION OF AIRCRAFT FROM DUTIES ON FUEL AND LUBRICANTS.

London, December 30, 1935.

No. 1.

Mr. Anthony Eden to Jonkheer R. de Marees van Swinderen.

Sir, *Foreign Office, London, December 30, 1935.*

I HAVE the honour to inform you that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are desirous of concluding with the Netherlands Government a provisional agreement for the reciprocal exemption of aircraft from the payment of customs and other duties on fuel and lubricants and propose that it should consist of the following provisions:—

1. The Government of the United Kingdom will accord in the United Kingdom to all aircraft registered in the Netherlands the following facilities:—

- (i) On the arrival of the aircraft in the United Kingdom the fuel and the lubricants contained in the tanks installed in the aircraft shall be admitted free of customs or other duties, it being understood, however, that no quantity of such fuel or lubricants may be removed from the aircraft without paying duty.
- (ii) On the departure of the aircraft from a customs aerodrome in the United Kingdom for a destination abroad, the fuel and lubricants intended for use on the journey shall be delivered free of customs or other duties, it being understood, however, that in the event of the aircraft landing again before leaving the United Kingdom, the grant of exemption may be subject to certain prescribed conditions.
- (iii) The exemption contemplated under sub-paragraph (ii) may be accorded in the form of a restitution of duties paid.
- (iv) A customs aerodrome is an aerodrome open to the public at which a customs service is in regular operation.

2. The Government of the Netherlands will reciprocally accord in the Netherlands to all aircraft registered in the United Kingdom facilities equivalent to those indicated above.

3. The Government of the United Kingdom may, at any time, by means of a notification to the Netherlands Government through the

diplomatic channel extend the present agreement to any British colony, overseas territory, protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom, and on such notification being received :—

- (a) Aircraft registered in the territory or territories named in the notification shall, in the Netherlands and in any other territory to which the agreement shall have been or shall thereafter be extended under paragraph 4 below, be entitled to the same benefits as are provided for in paragraph 2 of this agreement in respect of United Kingdom aircraft in the Netherlands; and
- (b) Aircraft registered in the Netherlands, or in any territory to which the present agreement shall have been or shall thereafter be extended in accordance with the provisions of paragraph 4 below, shall, in the territory or territories named in the notification, be entitled to the same benefits as are provided for in paragraph 1 of this agreement in respect of Netherlands aircraft in the United Kingdom.

4. Similarly, the Government of the Netherlands may at any time, by means of a notification to the Government of the United Kingdom, extend the present agreement to any overseas territory of the Kingdom of the Netherlands and on the receipt of such notification :—

- (a) Aircraft registered in the territory or territories mentioned in the notification shall, in the United Kingdom, and in any territory to which the agreement shall have been or shall thereafter be extended under paragraph 3 above, be entitled to the same benefits as are provided for in paragraph 1 of this agreement in respect of Netherlands aircraft in the United Kingdom; and
- (b) Aircraft registered in the United Kingdom or in any territory to which the present agreement shall have been or shall thereafter be extended in accordance with paragraph 3 shall, in the territory or territories mentioned in the notification, be entitled to the same privileges as are provided for in paragraph 2 of this agreement in respect of United Kingdom aircraft in the Netherlands.

5. Any extension of the present agreement, by notification under paragraph 3 or 4 above, may be separately terminated by either Government by means of a notice given to the other Government of their desire to terminate such extension. Any such notice shall take effect three months after the date on which it is given.

6. The present agreement shall come into force immediately and shall remain in force until three months after the date on which either Government shall have given to the other notice of the termination of the agreement.

7. I have the honour to propose that the present note and your reply in similar terms be regarded as constituting a formal agreement on this matter between the two Governments.

I have, &c.

ANTHONY EDEN.

No. 2.

Jonkheer R. de Marees van Swinderen to Mr. Anthony Eden.

*Netherlands Legation, London,
December 30, 1935.*

Sir,

I HAVE the honour to acknowledge your note of to-day's date stating that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are desirous of concluding with the Netherlands Government a provisional agreement for the reciprocal exemption of aircraft from the payment of customs and other duties on fuel and lubricants, and in the following terms:—

1. The Government of the United Kingdom will accord in the United Kingdom to all aircraft registered in the Netherlands the following facilities:—

- (i) On the arrival of the aircraft in the United Kingdom the fuel and the lubricants contained in the tanks installed in the aircraft shall be admitted free of customs or other duties, it being understood, however, that no quantity of such fuel or lubricants may be removed from the aircraft without paying duty.
- (ii) On the departure of the aircraft from a customs aerodrome in the United Kingdom for a destination abroad, the fuel and lubricants intended for use on the journey shall be delivered free of customs or other duties, it being understood, however, that in the event of the aircraft landing again before leaving the United Kingdom, the grant of exemption may be subject to certain prescribed conditions.
- (iii) The exemption contemplated under sub-paragraph (ii) may be accorded in the form of a restitution of duties paid.
- (iv) A customs aerodrome is an aerodrome open to the public at which a customs service is in regular operation.

2. The Government of the Netherlands will reciprocally accord in the Netherlands to all aircraft registered in the United Kingdom facilities equivalent to those indicated above.

3. The Government of the United Kingdom may, at any time, by means of a notification to the Netherlands Government through the diplomatic channel extend the present agreement to any British

colony, overseas territory, protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom, and on such notification being received :—

- (a) Aircraft registered in the territory or territories named in the notification shall, in the Netherlands and in any other territory to which the agreement shall have been or shall thereafter be extended under paragraph 4 below, be entitled to the same benefits as are provided for in paragraph 2 of this agreement in respect of United Kingdom aircraft in the Netherlands; and
- (b) Aircraft registered in the Netherlands, or in any territory to which the present agreement shall have been or shall thereafter be extended in accordance with the provisions of paragraph 4 below, shall, in the territory or territories named in the notification, be entitled to the same benefits as are provided for in paragraph 1 of this agreement in respect of Netherlands aircraft in the United Kingdom.

4. Similarly, the Government of the Netherlands may at any time, by means of a notification to the Government of the United Kingdom, extend the present agreement to any overseas territory of the Kingdom of the Netherlands and on the receipt of such notification :—

- (a) Aircraft registered in the territory or territories mentioned in the notification shall, in the United Kingdom, and in any territory to which the agreement shall have been or shall thereafter be extended under paragraph 3 above, be entitled to the same benefits as are provided for in paragraph 1 of this agreement in respect of Netherlands aircraft in the United Kingdom; and
- (b) Aircraft registered in the United Kingdom or in any territory to which the present agreement shall have been or shall thereafter be extended in accordance with paragraph 3 shall, in the territory or territories mentioned in the notification, be entitled to the same privileges as are provided for in paragraph 2 of this agreement in respect of United Kingdom aircraft in the Netherlands.

5. Any extension of the present agreement, by notification under paragraph 3 or 4 above, may be separately terminated by either Government by means of a notice given to the other Government of their desire to terminate such extension. Any such notice shall take effect three months after the date on which it is given.

6. The present agreement shall come into force immediately and shall remain in force until three months after the date on which either Government shall have given to the other notice of the termination of the agreement.

7. I am authorised to state that the Netherlands Government accept the above proposals and agree that the present note and your note of to-day's date shall be regarded as constituting a formal agreement between the two Governments.

I have, &c.

R. DE MAREES VAN SWINDEREN.
