

No. 8155

**INDONESIA
and
JAPAN**

**Agreement for air services (with schedule). Signed at Tokyo,
on 23 January 1962**

Official text: English.

Registered by the International Civil Aviation Organisation on 15 March 1966.

**INDONÉSIE
et
JAPON**

**Accord relatif aux services aériens (avec tableau). Signé à
Tokyo, le 23 janvier 1962**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 15 mars 1966.

No. 8155. AGREEMENT¹ BETWEEN THE REPUBLIC OF INDONESIA AND JAPAN FOR AIR SERVICES. SIGNED AT TOKYO, ON 23 JANUARY 1962

The Government of the Republic of Indonesia and the Government of Japan,

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

Being parties to the Convention on International Civil Aviation signed at Chicago on December 7, 1944² (hereinafter called "the Convention"),

Have agreed as follows :

Article 1

(1) For the purpose of the present Agreement, unless the context otherwise requires :

- (a) the term "aeronautical authorities" means, in the case of the Republic of Indonesia, the Minister of Air Communications and any person or body authorised to perform any functions on civil aviation exercised by the said Minister or similar functions, and in the case of Japan, the Minister of Transportation and any person or body authorised to perform any functions on civil aviation exercised by the said Minister or similar functions;
- (b) the term "designated airline" means an airline which one Contracting Party has designated by written notification to the other Contracting Party for the operation of air services on the routes specified in such notification, and to which the appropriate operating permission has been given by that other Contracting Party, in accordance with the provisions of Article 3 of the present Agreement;
- (c) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail;
- (d) the term "international air service" means an air service which passes through the air space over the territory of more than one State;

¹ Came into force on 3 September 1963, the date of an exchange of diplomatic notes signifying the approval of the Agreement by both Contracting Parties pursuant to their legal procedures, in accordance with article 17.

² See footnote 2, p. 68 of this volume.

- (e) the term “airline” means any air transport enterprise offering or operating an international air service;
- (f) the term “stop for non traffic purposes” means a landing for any purpose other than taking on or discharging passengers, cargo or mail;
- (g) the term “Schedule” means the Schedule to the present Agreement or as amended in accordance with the provisions of Article 13 of the present Agreement.

(2) The Schedule forms an integral part of the present Agreement and all reference to the “Agreement” shall include reference to the Schedule except where otherwise provided.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement to enable its designated airline to establish and operate international air services on the routes specified in the Schedule¹ (hereinafter called “agreed services” and “specified routes” respectively).

(2) Subject to the provisions of the present Agreement, the designated airline of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

- (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; and
- (c) to make stops in the said territory at the points specified for that route in the Schedule for the purposes of discharging and of taking on international traffic in passengers, cargo or mail.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

(4) Notwithstanding the provisions of paragraphs (1) and (2) of this Article, either Contracting Party may, subject to the provisions of Article 9 of the Convention, restrict or prohibit the aircraft of the designated airline of the other Contracting Party from flying over areas of hostilities or military occupation in its territory, or over areas affected thereby.

¹ See p. 92 of this volume.

Article 3

(1) The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under the provisions of paragraph (1) of Article 2 of the present Agreement, subject to the provisions of Article 9 of the present Agreement, and not before :

- (a) the Contracting Party to which the rights have been granted has designated an airline for that route, and
- (b) the Contracting Party granting the rights has given the appropriate operating permission to the airline concerned; which it shall, subject to the provisions of paragraph (2) of this Article and of paragraph (1) of Article 5, be bound to grant without delay.

(2) An airline designated by either Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfil the conditions prescribed by the laws and regulations normally and reasonably applied by those authorities to the operation of international air services.

Article 4

(1) The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airline of the other Contracting Party for the use of airports and other facilities under its control shall be just and reasonable and not higher than would be paid for the use of such airports and facilities by the airlines of the most favoured nation or by any national airline of the first Contracting Party engaged in international air services.

(2) (a) In respect of customs duties, inspection fees and similar national or local duties or charges on fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of one Contracting Party or taken on board aircraft in that territory, by or on behalf of the designated airline of the other Contracting Party and intended solely for use by or in the aircraft of that airline, the designated airline of the second Contracting Party shall, subject to compliance with normal customs regulations, be accorded, in addition to the treatment prescribed in Article 24 of the Convention, treatment not less favourable than that granted by the first Contracting Party to the airlines of the most favoured nation or to its national airlines engaged in international air services.

(b) Neither Contracting Party shall, however, be obliged to grant to the designated airline of the other Contracting Party exemption or remission of the duties or charges in question to the designated airline of the first Contracting Party.