

No. 9479

**JAPAN
and
REPUBLIC OF KOREA**

Agreement for air services (with schedule, exchange of notes and agreed minutes). Signed at Tokyo on 16 May 1967

Authentic texts of the Agreement and the agreed minutes : Japanese, Korean and English.

Authentic text of the notes : English.

Registered by the International Civil Aviation Organization on 24 March 1969.

**JAPON
et
RÉPUBLIQUE DE CORÉE**

Accord relatif aux services aériens (avec tableau, échange de notes et procès-verbal approuvé). Signé à Tokyo le 16 mai 1967

Textes authentiques de l'Accord et du procès-verbal approuvé : japonais, coréen et anglais.

Texte authentique des notes : anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 24 mars 1969.

AGREEMENT ¹ BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE REPUBLIC OF KOREA FOR AIR SERVICES

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

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944, ² 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 1

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

(a) the term “the Convention” means the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944, ² and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof ;

(b) the term “aeronautical authorities” means, in the case of Japan, the Minister of Transport and any person or body authorized to perform any functions on civil aviation at present exercised by the said Minister or similar functions ; and, in the case of the Republic of Korea, the Minister of Transportation and any person or body authorized to perform any functions on civil aviation at present exercised by the said Minister or similar functions ;

(c) 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 ;

(d) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the Convention ;

¹ Came into force on 30 August 1967, the date of the exchange of diplomatic notes indicating approval by each Contracting Party under its constitutional procedures, in accordance with article 18.

² United Nations, *Treaty Series*, Vol. 15, p. 295. For the texts of the Protocols amending this Convention, see Vol. 320, pp. 209 and 217 ; Vol. 418, p. 161, and Vol. 514, p. 209.

(e) the term "Schedule" means the Schedule to the present Agreement or as amended in accordance with the provisions of Article 14 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

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement to enable its designated airlines to establish and operate international air services on the routes specified in the Schedule (hereinafter called "agreed services" and "specified routes" respectively).

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 Article 2 of the present Agreement, subject to the provisions of Article 10 of the present Agreement, and not before :

- (a) the Contracting Party to which the rights have been granted has designated an airline or airlines for that route, and
- (b) the Contracting Party granting the rights has given the appropriate operating permission in accordance with its laws and regulations to the airline or airlines concerned ; which it shall, subject to the provisions of paragraph 2 of this Article and of paragraph 1 of Article 6, be bound to grant without delay.

2. The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed by the laws and regulations normally and reasonably applied by them in conformity with the provisions of the Convention to the operation of international air services.

Article 4

1. Subject to the provisions of the present Agreement, the designated airlines 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 and mail.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on the designated airlines 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.

Article 5

1. The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airlines 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. 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 airlines of the other Contracting Party and intended solely for use by or in the aircraft of those airlines shall, subject to compliance with normal customs regulations, be accorded the following treatment by the first Contracting Party in respect of customs duties, inspection fees and other similar national or local duties and charges ;

- (a) in the case of fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores on board aircraft upon arrival in the said territory and retained on board on leaving that territory, exemption ; and
- (b) in the case of fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores not included under (a) above, treatment not less favourable than that accorded to similar supplies introduced into the said territory, or taken on board aircraft in that territory, and intended for use by or in the aircraft of the airlines of the most favoured nation or of any national airline of the first Contracting Party engaged in international air services. This treatment shall be in addition to and without prejudice to that which each Contracting Party is under obligation to accord under Article 24 of the Convention. Neither Contracting Party shall, however, be obliged to grant to the designated airlines of the other Contracting

Party exemption or remission of customs duties, inspection fees or similar national or local duties or charges, unless such other Contracting Party grants exemption or remission of the duties or charges in question to the designated airlines of the first Contracting Party.

Article 6

1. Each Contracting Party reserves the right to withhold or revoke the privileges specified in paragraph 1 of Article 4 of the present Agreement in respect of an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise by the airline of those privileges, in any case where it is not satisfied that substantial ownership and effective control of such airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party.

2. Each Contracting Party reserves the right to suspend the exercise by a designated airline of the other Contracting Party of the privileges referred to in paragraph 1 above, or to impose such conditions as it may deem necessary on the exercise by the airline of those privileges, in any case where such airline fails to comply with the laws and regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of such laws and regulations, or for reasons of safety of air navigation, this right shall be exercised only after consultation with the other Contracting Party.

Article 7

There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

Article 8

In the operation by the designated airlines of either Contracting Party of the agreed services, the interests of the designated airlines 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 routes.

Article 9

The agreed services provided by a designated airline of either Contracting Party shall have as their primary objective the provision of capacity adequate to the current and foreseeable traffic demands to and from the