

No. 9978

**BURMA
and
THAILAND**

**Air Transport Agreement (with annex). Signed at
Bangkok on 15 August 1969**

Authentic text: English.

Registered by Burma on 30 October 1969.

**BIRMANIE
et
THAÏLANDE**

**Accord relatif aux transports aériens (avec annexe). Signé
à Bangkok le 15 août 1969**

Texte authentique : anglais.

Enregistré par la Birmanie le 30 octobre 1969.

AIR TRANSPORT AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNION OF BURMA

The Government of the Kingdom of Thailand and the Government of the Union of Burma,

Being parties to the Convention on International Civil Aviation, ² and

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

Have accordingly appointed authorized representatives for this purpose, who have agreed as follows:

Article 1

For the purpose of the present Agreement and its Annex except where the text provides otherwise:

a. The term "aeronautical authorities" means, in the case of the Kingdom of Thailand, the Minister of Communications and any person or body authorized to perform the functions exercised at the present time by the said Minister or similar functions; and in the case of the Union of Burma, the Minister of Transport and Communications and any person or body authorized to perform the functions exercised at present time by the said Minister or similar functions;

b. The term "designated airline" means an airline which the aeronautical authorities of one of the Contracting Parties have notified in writing to the aeronautical authorities of the other Contracting Party as the airline which it has designated in conformity with Article 3 of the present Agreement for the routes specified in such designation;

c. The term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State; and

¹ Came into force on 29 August 1969, the date of the exchange of the diplomatic notes confirming approval by each Contracting Party in conformity with its legal procedure, 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.

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.

Article 2

Each Contracting Party grants to the other Contracting Party the rights as specified in the Annex hereto for the purpose of the establishment of the air services therein described (herein referred to as the "agreed services"). The agreed services may be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

Article 3

Each of the agreed services may be placed in operation as soon as the Contracting Party to whom the rights specified in the Annex have been granted, has designated an airline to operate the specified routes. The Contracting Party granting the rights shall, subject to Article 7 hereof, be bound to give the appropriate operating permission to the airline concerned; provided that the airline so designated may be required to satisfy the competent aeronautical authorities of the Contracting Party granting the rights that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by these authorities to the operations of commercial airlines.

Article 4

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

a. Each of the Contracting Parties may impose or permit to be imposed on the designated airline of the other Contracting Party just and reasonable charges for the use of airports and other facilities under its control. Each of the Contracting Parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and other facilities by its national aircraft engaged in similar international services.

b. Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one Contracting Party by or on behalf of the airline designated by the other Contracting Party and intended solely for use by the aircraft of such designated airline shall be accorded, with respect to customs duties, inspection fees or other charges imposed by the former Contracting Party, treatment not less favourable than that granted to national airlines engaged in similar international services.

c. Aircraft of the designated airline of one Contracting Party operating on the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board such aircraft shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs duties, inspection fees or similar duties or charges, even though such supplied be used or consumed on flights in that territory.

Article 5

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences granted to its own nationals by another state.

Article 6

a. The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the airline designated by the other Contracting Party and shall be complied with by such aircraft upon entrance into or departure from or while within the territory of the first Contracting Party.

b. The laws and regulations of one Contracting Party as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the airline designated by the other Contracting Party upon entrance into or departure from or while within the territory of the first Contracting Party.

Article 7

a. Notwithstanding the provisions of Article 16 hereof, each Contracting Party reserves the right to withhold or revoke the exercise of the rights specified in the Annex to this Agreement by the airline designated by the other Contracting Party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in the other Contracting Party or in nationals of the other Contracting Party.

b. Each Contracting Party shall have the right to suspend the exercise by the designated airline of the rights specified in the Annex to this Agreement or to impose such conditions as it may deem necessary on the exercise by such airline of those rights in any case where the said airline fails to comply with the laws and regulations of the Contracting Party granting those rights or otherwise fails to operate in accordance with the conditions prescribed in this Agreement; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws and regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 8

a. The designated airline of each Contracting Party shall have fair and equal opportunity to carry on the agreed services traffic embarked in the territory of one Contracting Party and disembarked in the territory of the other Contracting Party or vice versa and shall regard as being of supplementary character traffic embarked or disembarked in the territory of the other Contracting Party to and from points en route. The designated airline of each Contracting Party in providing capacity for the carriage of traffic embarked in the territory of the other Contracting Party and disembarked at points on the specified routes or vice versa shall take into consideration the primary interest of the designated airline of the other Contracting Party in such traffic so as not to affect unduly that interest of the latter airline.

b. The agreed services provided by the designated airline of each Contracting Party shall be closely related to the requirements of the public for transportation on the specified routes, and each shall have as its primary objective the provision of capacity adequate to meet the demands to carry passengers, cargo and mail embarked or disembarked in the territory of the Contracting Party which has designated the airline.

c. Provision for the carriage of passengers, cargo and mail embarked in the territory of the other Contracting Party and disembarked at points in third countries on the specified routes or vice versa shall be made in accordance with the general principle that capacity shall be related to:

- (1) The requirements of traffic embarked or disembarked in the territory of the Contracting Party which has designated the airline;
- (2) the requirements of traffic of the area through which the airline passes, after taking account of other air services established by airlines of the States situated in the area; and