

No. 27478

**FRANCE
and
INDONESIA**

**Agreement concerning air services between and beyond their
respective territories (with annex). Signed at Djakarta
on 24 November 1967**

**Exchange of letters amending the above-mentioned Agree-
ment (with annex). Jakarta, 8 June 1989**

Authentic texts: French and Indonesian.

Registered by France on 7 August 1990.

**FRANCE
et
INDONÉSIE**

**Accord relatif aux services aériens entre leurs territoires res-
pectifs et au delà de ceux-ci (avec annexe). Signé à Dja-
karta le 24 novembre 1967**

**Échange de lettres modifiant l'Accord susmentionné (avec
annexe). Jakarta, 8 juin 1989**

Textes authentiques : français et indonésien.

Enregistré par la France le 7 août 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA CONCERNING AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

The Government of the French Republic and the Government of the Republic of Indonesia, both of which are parties to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944² and desiring to conclude an agreement, supplementary to the said Convention, for the purpose of establishing air services between and beyond France and Indonesia,

Have agreed as follows:

Article 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 7 December 1944 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 the French Republic, the Secrétaire Général à l’Aviation Civile or any person or body authorized to perform the functions exercised at present by the said Secrétaire Général or similar functions, and in the case of the Republic of Indonesia, the Minister of Communications or any person or body authorized to perform the functions at present exercised by the said Minister or similar functions;

(c) The term “designated airline” means an airline which one Contracting Party shall have designated, by notice in writing to the other Contracting Party, in accordance with article 3 of the present Agreement, for the purpose of operating air services on the routes specified in such notification;

(d) The term “territory” in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, protection or trusteeship of that State;

(e) 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

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the

¹ Came into force on 24 November 1967 by signature, in accordance with article 13.

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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.

routes specified in the appropriate section of the schedule annexed hereto, hereinafter referred to as “the agreed services” and “the specified routes”.

2. Subject to the provisions of the present Agreement, the airlines, designated by each Contracting Party shall enjoy, while operating the agreed services, on a specified route, the following rights:

(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 annexed to the present Agreement for the purpose of putting down and taking on international traffic in passengers, cargo and mail.

3. Nothing in paragraph 2 of this article shall be deemed to confer on the airlines of one Contracting Party the right of taking on, 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, in areas of hostilities or military occupation, or in areas affected thereby, the operation of agreed services shall, in accordance with article 9 of the Convention, be subject to the approval of the competent military authorities.

Article 3

1. Each Contracting Party shall designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

2. On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this article, without delay grant to the designated airline or airlines the appropriate operating authorization.

3. 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 under the laws and regulations normally and reasonably applied by such authorities, in conformity with the provisions of the Convention, to the operation of international commercial air services.

4. Each Contracting Party reserves the right to refuse to accept the designation of an airline and to withhold or revoke the rights stipulated in article 2, paragraph 2, of the present Agreement, or to impose such conditions as it may deem necessary on the exercise of those rights 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 that Contracting Party.

5. At any time after the provisions of paragraphs 1 and 2 of this article have been complied with, the airline so designated and authorized may at any time begin to operate the agreed services, provided that a tariff established in accordance with the provisions of article 6 of the present Agreement is in force in respect of that service.

6. Each Contracting Party shall have the right to suspend the exercise by an airline of the rights specified in article 2, paragraph 2 of the present Agreement or to impose on the exercise of those rights by an airline any condition it may deem necessary in any case where the 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 the present Agreement; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

1. Aircraft of the designated airlines of either Contracting Party operating international air services on a specified route, together with the regular equipment, fuel, lubricants and stores (including food, beverages and tobacco) on board such aircraft, shall, on arriving in the territory of the other Contracting Party, be exempt from all customs duties, inspection fees and other similar duties and charges, provided that such supplies:

(a) Remain on board the aircraft up to such time as they leave the territory of the latter Contracting Party; or

(b) Are discharged from the aircraft with the authorization of the local customs authorities, in conformity with the provisions of paragraph 3 of this article.

2. The following shall also be exempt from the same duties and charges, with the exception of charges corresponding to the service performed:

(a) Stores, of whatever origin, taken on board in the territory of a Contracting Party, within limits fixed by the laws and regulations of the said Contracting Party, and placed on board on aircraft of the other Contracting Party engaged in an international service on a specified route;

(b) Spare parts imported into the territory of a Contracting Party for the maintenance or repair of aircraft of the other Contracting Party used in an international service on a specified route;

(c) Fuel and lubricants taken on board in the territory of a Contracting Party and intended to supply aircraft of the other Contracting Party used in an international service on a specified route, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

3. The regular equipment together with the supplies mentioned in paragraph 1 of this article may be unloaded only with the consent of the customs authorities of the Contracting Party concerned.

In such case, they may be placed under the supervision of the local authorities up to such time as they are re-exported or otherwise used as authorized by customs regulations.

Article 5

1. The airlines of both Contracting Parties shall enjoy fair and equal treatment in the operation of the agreed services on the specified routes between their respective territories.

2. In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same route.

3. The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public in respect of air transport on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity corresponding to the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating from or destined for the territory of the Contracting Party which designated the airline. Provision for the carriage of passengers, cargo and mail both taken on and put down at points on the specified routes in the territories of States other than those which designated the airlines shall be made in accordance with the general principles that capacity shall be related to:

- (i) Traffic requirements from and to the territory of the Contracting Party which designated the airline;
- (ii) Traffic requirements of the area served by the airline, after taking account of other transport services established by airlines of the States comprising the area; and
- (iii) The requirements of the operation of through airline services.

Article 6

1. On each agreed service the tariffs shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit, characteristics of service (such as standards of speed and comfort) and the tariffs of other airlines for the whole or any part of the specified route.

These tariffs shall be fixed in accordance with the following provisions of this article.

2. The tariffs referred to in paragraph 1 of this article, together with the rates of agency commission corresponding thereto, shall, if possible, be fixed, in respect of each of the specified routes, by agreement between the designated airlines concerned, in consultation with other airlines operating over the whole or part of those routes, and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both Contracting Parties.

3. If the designated airlines cannot agree on any particular tariff, or if for some reason a tariff cannot be agreed in accordance with the provisions of paragraph 2 of this article, the aeronautical authorities of the Contracting Parties shall try to determine the tariffs by mutual agreement.

4. If the aeronautical authorities cannot agree on the approval of any particular tariff submitted to them under paragraph 2 of this article or on the determination of any tariff under paragraph 3 above, the dispute shall be settled in accordance with the provisions of article 9 of the present Agreement.

5. (a) Except where the provisions of article 9, paragraph 3, of the present Agreement apply, no tariff shall come into force if the aeronautical authorities of either Contracting Party are dissatisfied with it.

(b) The tariffs established in accordance with the provisions of this article, shall remain in force until new tariffs have been established in accordance with the provisions of this article.