

No. 33217. New Zealand and Indonesia

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA RELATING TO SCHEDULED AIR TRANSPORT. JAKARTA, 27 MAY 1988 [*United Nations, Treaty Series, vol. 1937, I-33217.*]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT TO AMEND THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA RELATING TO SCHEDULED AIR TRANSPORT (WITH ATTACHMENTS). BALI, 6 OCTOBER 2013*

Entry into force: 6 October 2013 by the exchange of the said letters, in accordance with their provisions

Authentic texts: English and Indonesian

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Nº 33217. Nouvelle-Zélande et Indonésie

ACCORD RELATIF AUX TRANSPORTS AÉRIENS RÉGULIERS ENTRE LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE D'INDONÉSIE. JAKARTA, 27 MAI 1988 [*Nations Unies, Recueil des Traités, vol. 1937, I-33217.*]

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD AMENDANT L'ACCORD RELATIF AUX TRANSPORTS AÉRIENS RÉGULIERS ENTRE LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE D'INDONÉSIE (AVEC PIÈCES JOINTES). BALI, 6 OCTOBRE 2013*

Entrée en vigueur: 6 octobre 2013 par l'échange desdites lettres, conformément à leurs dispositions

Textes authentiques : anglais et indonésien

Enregistrement auprès du Secrétariat des Nations Unies : Nouvelle-Zélande, 1^{er} novembre 2015

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I

Your Excellency

I have the honour to refer to the *Air Transport Agreement between the Government of New Zealand and the Government of the Republic of Indonesia Relating to Scheduled Air Transport*, done at Jakarta on 27 May 1988 ("the Agreement"), and to the Memorandum of Understanding concluded between representatives of the aeronautical authorities of New Zealand and Indonesia on 8 November 2012 ("the Memorandum of Understanding").

In accordance with the understandings recorded in the Memorandum of Understanding and in accordance with Article 12 of the Agreement, I have the honour to confirm on behalf of the Government of New Zealand that the existing provisions of the Agreement be replaced as follows:

- Article 3 (Operating Authorisation) with the Article appended as Attachment 1;
- Article 4 (Suspension and Revocation) with the Article appended as Attachment 2;
- Article 6 (Recognition of Certificated and Licences) with the Article appended as Attachment 3;
- Article 9 (Tariffs) with the Article appended as Attachment 4;
- Article 15 (Aviation Security) with the Article appended as Attachment 5: and
- The Annex with the Annex appended as Attachment 6.

If the above is acceptable to the Government of the Republic of Indonesia, I have the further honour to confirm that this letter, together with your confirmatory letter in reply, shall constitute an agreement amending the

Agreement, which shall enter into force on the date of your confirmatory letter in reply in accordance with Article 12 of the Agreement.

I take this opportunity to renew to your Excellency the assurances of my highest consideration.

Yours sincerely,



Mr. David Leslie Taylor

Ambassador to the Republic of Indonesia

Done at Bali on this 6 day of October 2013

Attachment 1

Attachment 1

Designation of and Authorisation of Airlines

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designations.
2. On receipt of such a designation, and of application from the designated airline, in the form and manner prescribed for operating authorization, each Party shall grant the appropriate operating authorisation with minimum procedural delay, provided that:
 - a. an airline designated by the Government of New Zealand:
 - i. has its place of incorporation and principal place of business in the territory of the designating Party; and
 - ii. effective regulatory control is exercised by New Zealand;
 - b. an airline designated by the Republic of Indonesia has its substantial ownership and effective control of that airline vested in the Government of the Republic of Indonesia, or its nationals.
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 to the operation of international air services by such authorities.
4. When an airline has been so designated and authorised it may begin to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.

Attachment 2

Withholding, Revocation and Limitation of Authorisation

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorisations referred to in Article 3 of this Agreement with respect to an airline designated by the other Contracting Party, to revoke or suspend such authorisations or impose conditions, temporarily or permanently:
 - (a) in event of failure by such airline to qualify before the aeronautical authorities of that Contracting Party under the laws, regulations and rules normally and reasonably applied by these authorities in conformity with the convention;
 - (b) in the event of failure by such airline to comply with the laws, regulations and rules of that Contracting Party;
 - (c) in the event that the relevant Contracting Party is not satisfied that:
 - i. an airline designated by New Zealand has its place of incorporation and principal place of business in New Zealand; and
 - ii. an airline designated by New Zealand has its effective regulatory control overseen by New Zealand authorities;
 - iii. substantial ownership and effective control of the designated airline is vested in the Government of the Republic of Indonesia or its nationals;
 - (d) in the event that the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.
2. Unless immediate action is essential to prevent further infringements of the laws, regulations and rules referred to above, the rights enumerated in paragraph (1) of this Article shall be exercised only after consultation with the aeronautical authorities of the other Contracting Party in conformity with Article 12 of this Agreement.