

No. 33236

**NEW ZEALAND
and
FIJI**

**Agreement on air services (with annex). Signed at Auckland
on 19 November 1994**

Authentic text: English.

Registered by New Zealand on 11 October 1996.

**NOUVELLE-ZÉLANDE
et
FIDJI**

**Accord relatif aux services aériens (avec annexe). Signé à
Auckland le 19 novembre 1994**

Texte authentique : anglais.

Enregistré par la Nouvelle-Zélande le 11 octobre 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI CONCERNING AIR SERVICES

The Government of New Zealand and the Government of the Sovereign Democratic Republic of Fiji (hereinafter referred to as "the Contracting Parties");

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944;²

Desiring to conclude a new Agreement, supplementary to the said Convention, for the purpose of replacing the Agreement dated 26 April 1979 between the Government of New Zealand and the Government of Fiji for Air Services between and beyond their respective territories;³

Desiring to ensure the highest degree of safety and security in international air transport;

Have agreed as follows:

ARTICLE 1

Definitions

1. For the purpose of this Agreement, unless otherwise stated:

¹ Came into force on 19 November 1994 by signature, in accordance with article 21.

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.

³ *Ibid.*, vol. 1183, p. 3.

- a) "Aeronautical authorities" means the Minister responsible for the subject of Civil Aviation or any authority or person empowered to perform the functions now exercised by the said authorities;
- b) "Agreed Services" means scheduled air services on the routes specified in the Annex to this Agreement for the transport of passengers and cargo separately or in combination;
- c) "Agreement" means this Agreement, its Annex and any amendments thereto;
- d) "Cargo" includes mail;
- e) "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes:
- i) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is at any given time in force for both Contracting Parties; and
 - ii) any amendment which has entered into force under Article 94(a) of the Convention and has been ratified by both Contracting Parties;
- f) "Designated airline" means an airline which has been designated and authorised in accordance with Article 3 (Designation and Authorisation) of this Agreement;
- g) "Ground handling" includes but is not limited to passenger, cargo and baggage handling, and the provision of catering facilities;

- h) "Specified Route" means a route specified in the Annex to the Agreement;
- i) "Tariffs" means the prices which the designated airlines charge for the transport of passengers and cargo and the conditions under which those prices apply but excluding remuneration and conditions for carriage of mail;
- j) "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;
- k) "Territory" has the meaning assigned to it in Article 2 of the Convention, provided that, in the case of New Zealand, the term "territory" shall exclude the Cook Islands, Niue and Tokelau.

ARTICLE 2

Grant of Rights

1. Subject to the provisions of this Agreement, each Contracting Party grants to the other Contracting Party the following rights to enable an airline designated by that other Contracting Party to establish and operate international air services on the routes specified in the Annex:

- a) to fly without landing across the territory of the other Contracting Party;
- b) to make stops in that territory for non-traffic purposes; and

c) to land in the said territory for the purpose of taking on board and discharging, while operating an agreed service, international traffic in passengers and cargo.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on a designated airline of one Contracting Party the privilege to uplift in the territory of the other Contracting Party passengers and cargo carried for remuneration or hire, and to discharge such traffic at another point in the territory of that other Contracting Party.

3. If because of armed conflict, political disturbances or developments, or special and unusual circumstances, the designated airline of one Contracting Party is unable to operate a service on its normal routes, the other Contracting Party shall use its best efforts to facilitate the continued operation of such services through appropriate temporary rearrangements of such routes as is mutually decided, where practicable in writing, by the Contracting Parties.

ARTICLE 3

Designation and Authorisation

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airline(s) to operate the agreed services on the specified routes and to withdraw, in writing, the designation of an airline.

2. On receipt of such designation and subject to the provisions of Article 4 (Revocation and Limitation of Authorisation) of this Agreement, the aeronautical authorities of the other Contracting Party shall grant without delay to an airline so designated the