

**No. 36841. Republic of Korea and
Netherlands**

AIR TRANSPORT AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC
OF KOREA AND THE GOVERNMENT OF
THE KINGDOM OF THE
NETHERLANDS. THE HAGUE, 24 JUNE
1970 [*United Nations, Treaty Series, vol. 2117,
I-36841.*]

EXCHANGE OF LETTERS BETWEEN THE
KINGDOM OF THE NETHERLANDS AND THE
REPUBLIC OF KOREA CONSTITUTING AN
AGREEMENT TO AMEND THE AIR
TRANSPORT AGREEMENT BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF KOREA
AND THE GOVERNMENT OF THE KINGDOM
OF THE NETHERLANDS (WITH APPENDICES).
THE HAGUE, 5 OCTOBER 2017*

Entry into force: 19 August 2018, in
accordance with the provisions of the said
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**N° 36841. République de Corée et
Pays-Bas**

ACCORD RELATIF AU TRANSPORT
AÉRIEN ENTRE LE GOUVERNEMENT
DE LA RÉPUBLIQUE DE CORÉE ET LE
GOUVERNEMENT DU ROYAUME DES
PAYS-BAS. LA HAYE, 24 JUIN 1970
[*Nations Unies, Recueil des Traités, vol. 2117,
I-36841.*]

ÉCHANGE DE LETTRES ENTRE LE ROYAUME
DES PAYS-BAS ET LA RÉPUBLIQUE DE
CORÉE CONSTITUANT UN ACCORD
MODIFIANT L'ACCORD RELATIF AU
TRANSPORT AÉRIEN ENTRE LE
GOUVERNEMENT DE LA RÉPUBLIQUE DE
CORÉE ET LE GOUVERNEMENT DU
ROYAUME DES PAYS-BAS (AVEC
APPENDICES). LA HAYE, 5 OCTOBRE 2017*

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conformément aux dispositions desdites
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[ENGLISH TEXT – TEXTE ANGLAIS]

I

EMBASSY OF THE REPUBLIC OF KOREA AND PERMANENT MISSION TO THE INTERNATIONAL ORGANIZATIONS

The Hague, 14 September 2017

Excellency,

I have the honor to refer to the Air Transport Agreement between the Government of the Republic of Korea and the Government of the Kingdom of the Netherlands, done at The Hague, on 24 June 1970 (hereinafter referred to as the "Agreement") and the Exchange of Notes between the Government of the Republic of Korea and the Government of the Kingdom of the Netherlands for the amendment of the Agreement which entered into force on September 19, 1995.

In accordance with Article 13 of the Agreement, I have the honor to propose, on behalf of the Government of the Republic of Korea, the following amendments to the Agreement:

1. Article 3 of the Agreement shall be replaced by a new Article 3 and a new Article 3bis, with the text attached as Appendix 1.
2. Article 11bis and Article 11ter shall be added between Article 11 and Article 12 of the Agreement, with the text attached as Appendix 2.
3. Annex to the Agreement shall be replaced by a new Annex, attached as Appendix 3.

If the above proposal is acceptable to the Government of the Kingdom of the Netherlands, I have the further honor to propose that this Note, together with its Appendices, and Your Excellency's Note in reply indicating your acceptance shall constitute an agreement for the amendment, which shall enter into force thirty (30) days after the date of the last notification that both Governments have completed their internal procedures for its entry into force.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Yun Young LEE
Ambassador Extraordinary and Plenipotentiary of the
Republic of Korea to the Kingdom of the Netherlands

*His Excellency
Bert Koenders
Minister of Foreign Affairs
of the Kingdom of the Netherlands*

Appendix 1

Article 3

1. Each Contracting Party shall have the right, by written notification through diplomatic channels to the other Contracting Party, to designate one or more airlines to operate international air services on the routes specified in the Annex and to substitute another airline for an airline previously designated.

2. On receipt of such a notification, and of an application from the designated airline, in the form and manner prescribed for operating authorizations, each Contracting Party shall, without delay, grant to the airline(s) so designated by the other Contracting Party the appropriate operating authorizations subject to the provisions of this Article, provided that:

- a) in the case of the airline(s) designated by the Kingdom of the Netherlands:
 - (i) it is established in the territory of the Kingdom of the Netherlands under the Treaty on European Union and the Treaty on the Functioning of the European Union and has a valid operating license issued by a European Union Member State in accordance with European Union law, and
 - (ii) effective regulatory control of the airline is exercised and maintained by the European Union Member State responsible for issuing its air operator's certificate and the relevant aeronautical authority is clearly identified in the designation, and
 - (iii) the airline has its principal place of business in the territory of the European Union Member State from which it has received its valid operating license, and
 - (iv) the airline is owned, directly or through majority ownership, and is effectively controlled by Member States of the European Union and/or the European Free Trade Association and/or by nationals of such States; and
- b) in the case of the airline(s) designated by the Republic of Korea:
 - (i) it is established in the territory of the Republic of Korea and has a valid operating license issued by the Republic of Korea in accordance with the applicable laws and regulations of the Republic of Korea, and
 - (ii) effective regulatory control of the airline is exercised and maintained by the Republic of Korea and the relevant aeronautical authority is clearly identified in the designation, and
 - (iii) the airline is owned, directly or through majority ownership, and is effectively controlled by the Republic of Korea and/or by nationals of the Republic of Korea; and
- c) the Contracting Party designating the airline(s) is maintaining and administering the standards set forth in Article 11bis on aviation safety and Article 11ter on aviation security of this Agreement; and
- d) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air services by the Contracting Party considering the application or applications.

3. Upon receipt of the operating authorizations referred to in paragraph 2 of this Article, the designated airline(s) may begin to operate the agreed services, provided that it complies with the provisions of this Agreement.

Article 3bis

1. Each Contracting Party shall have the right to withhold, revoke, suspend or limit the operating authorizations of an airline designated by the other Contracting Party where:

- a) in the case of the airline(s) designated by the Kingdom of the Netherlands:
 - (i) it is not established in the territory of the Kingdom of the Netherlands under the Treaty on European Union and the Treaty on the Functioning of the European Union or does not have a valid operating license issued by a European Union Member State in accordance with European Union law, or
 - (ii) effective regulatory control of the airline is not exercised or not maintained by the European Union Member State responsible for issuing its air operator's certificate or the relevant aeronautical authority is not clearly identified in the designation, or
 - (iii) the airline does not have its principal place of business in the territory of the European Union Member State from which it has received its valid operating license, or
 - (iv) the airline is not owned, directly or through majority ownership, or is not effectively controlled by Member States of the European Union and/or the European Free Trade Association and/or by nationals of such States, or
 - (v) the airline is already authorized to operate under a bilateral agreement between the Republic of Korea and another European Union Member State and the Republic of Korea can demonstrate that,