

No. 49703

**Republic of Korea
and
Nepal**

Air Services Agreement between the Government of the Republic of Korea and His Majesty's Government of Nepal (with annex). Kathmandu, 21 September 2004

Entry into force: *18 March 2005 by notification, in accordance with article 20*

Authentic texts: *English, Korean and Nepali*

Registration with the Secretariat of the United Nations: *Republic of Korea, 6 July 2012*

**République de Corée
et
Népal**

Accord relatif aux services aériens entre le Gouvernement de la République de Corée et le Gouvernement de Sa Majesté le Roi du Népal (avec annexe). Katmandou, 21 septembre 2004

Entrée en vigueur : *18 mars 2005 par notification, conformément à l'article 20*

Textes authentiques : *anglais, coréen et népalais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *République de Corée, 6 juillet 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AIR SERVICES AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA
AND
HIS MAJESTY'S GOVERNMENT OF NEPAL**

The Government of the Republic of Korea and His Majesty's Government of Nepal (hereinafter referred to as "Contracting Parties");

Reaffirming their adherence to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944; and

Desiring to conclude an agreement relating to air services between their respective territories;

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement, unless otherwise stated, the term:

- (a) "Aeronautical Authorities" means, in the case of Nepal, the Ministry of Culture, Tourism and Civil Aviation or any person or body authorized to perform any function exercised at present by the said authorities and, in the case of the Republic of Korea, the Minister of Construction and Transportation or any person or body authorized to perform any function exercised at present by the said authorities;
- (b) "Annex" means the Annex to this Agreement or as amended in accordance with the provisions of Article 15 of this Agreement. The Annex forms an integral part of this Agreement and all references to the Agreement shall include references to the Annex except where otherwise provided;
- (c) "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;
- (d) "Capacity" in relation to an aircraft means the pay-load of that aircraft available on a route or section of a route; and "Capacity" in relation to an agreed service means the capacity of the aircraft used on such service, multiplied by the frequency (number of flights operated by such aircraft over a given period on a route or section of a route);
- (e) "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, and includes:

- (i) any amendment thereto which has entered into force under Article 94(a) thereof and has been ratified by both Contracting Parties; and
- (ii) any annex or any amendment thereto adopted under Article 90 of that Convention, in so far as such amendment or annex is at any given time effective for both Contracting Parties;
- (f) "Designated Airline" means any airline designated and authorized in accordance with Article 3 of this Agreement;
- (g) "Tariff" means the price to be charged for the carriage of passengers, baggage and cargo (excluding mail) on scheduled air services and the conditions under which such price applies;
- (h) "Territory" in relation to a Contracting Party means the land areas, territorial waters and air space above them under the sovereignty of that Contracting Party; and
- (i) "Prohibited area" means the area and the air space above the area over or through which any prohibition to the flying of an aircraft of any description may be imposed by the Contracting Party concerned in accordance with Article 12 of the Convention.

ARTICLE 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing scheduled international air services on the routes specified in the Annex to this Agreement. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively.
2. Subject to the provisions of this Agreement, the designated airline of each Contracting Party shall enjoy, while operating the agreed services on the specified routes, the following rights:
 - (a) to fly without landing across the territory of the other Contracting Party;
 - (b) to make stops in the territory of the other Contracting Party for non-traffic purposes; and
 - (c) to make stops in the territory of the other Contracting Party at the points specified in the Annex to this Agreement for the purpose of taking on board and discharging passengers, cargo or mail separately or in combination, in scheduled international air services.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on a designated airline of one Contracting Party the right to take on board, in one point of the territory of the other Contracting Party, passengers, cargo or mail carried for compensation and destined for another point in the territory of the other Contracting Party.

ARTICLE 3

Designation and Authorization 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 designation, the Aeronautical Authorities of the other Contracting Party shall grant to the airlines so designated the appropriate authorizations to operate the agreed services, provided that:

- (a) substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in its nationals; and
- (b) the designated airlines are qualified to meet the conditions under the laws and regulations normally applied to the operation of international air services by the Contracting Party considering the application.

3. The Aeronautical Authorities of each Contracting Party shall, subject to the provisions of this Article, without delay, grant to the designated airline of the other Contracting Party the appropriate operating authorizations.

4. Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph 2 of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of this Agreement, 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 its nationals.

5. Upon receipt of such authorizations pursuant to paragraph 2 above the designated airline may begin at any time to operate agreed services, in whole or in part, provided that the airline complies with the applicable provisions of this Agreement.