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**New Zealand
and
Kiribati**

Air Services Agreement between the Government of New Zealand and the Government of the Republic of Kiribati (with annexes). Tarawa, 26 August 2018

Entry into force: *26 August 2018 by signature, in accordance with article 17*

Authentic text: *English*

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**Nouvelle-Zélande
et
Kiribati**

Accord relatif aux services aériens entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République de Kiribati (avec annexes). Tarawa, 26 août 2018

Entrée en vigueur : *26 août 2018 par signature, conformément à l'article 17*

Texte authentique : *anglais*

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Air Services Agreement

between

The Government of New Zealand

and

The Government of the Republic of Kiribati

The Government of New Zealand and the Government of the Republic of Kiribati (hereinafter, "the Parties");

Desiring to promote an international aviation system based on competition among airlines in the marketplace with minimum government interference and regulation;

Desiring to facilitate the expansion of international air transport opportunities;

Recognising that efficient and competitive international air services enhance trade, the welfare of consumers, and economic growth;

Desiring to make it possible for airlines to offer the travelling and shipping public a variety of service options, and wishing to encourage individual airlines to develop and implement innovative and competitive prices;

Desiring to ensure the highest degree of safety and security in international air transport and reaffirming their grave concern about acts or threats against the security of aircraft, which jeopardise the safety of persons or property, adversely affect the operation of air transport, and undermine public confidence in the safety of civil aviation; and

Being Parties to the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944;

Have agreed as follows:

Article 1

Definitions

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

- (a) "aeronautical authorities" means, in the case of both Parties, the Minister responsible for Civil Aviation, and any person or agency authorised to perform the functions exercised by the said Minister;
- (b) "Agreement" means this Agreement, its Annexes, and any amendments thereto;
- (c) "air transport" means the public carriage by aircraft of passengers, baggage, cargo, and mail, separately or in combination, for remuneration or hire;
- (d) "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention;
- (e) "Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on December 7, 1944, and includes:
 - (i) any amendment that has entered into force under Article 94(a) of the Convention and has been ratified by both Parties, and

- (ii) any Annex or any amendment thereto adopted under Article 90 of the Convention, insofar as such Annex or amendment is simultaneously in effect for both Parties;
- (f) "designated airline" means an airline designated and authorised in accordance with Article 3 (Designation and Authorisation) of this Agreement;
- (g) "ICAO" means the International Civil Aviation Organization;
- (h) "international air transport" means air transport that passes through the airspace over the territory of more than one State;
- (i) "price" means any fare, rate or charge for the carriage of passengers (and their baggage) and/or cargo (excluding mail) in air transport charged by airlines, including their agents, and the conditions governing the availability of such fare, rate or charge;
- (j) "scheduled" means a series of flights performed by aircraft for the transport of passengers, cargo and mail between two or more points, where the flights are so regular or frequent as to constitute a systematic service, whether or not in accordance with a published timetable, and which are operated in such a manner that each flight is open to use by members of the public;
- (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 Tokelau.

Article 2

Grant of Rights

(1) Each Party grants to the other Party the following rights for the conduct of international air transport by the airlines of the other Party: .

- (a) the right to fly across its territory without landing; (b) the right to make stops in its territory for non-traffic purposes; and
- (c) the rights otherwise specified in this Agreement.

(2) Nothing in this Article shall be deemed to confer on the airline or airlines of one Party the rights to take on board, in the territory of the other Party, passengers, their baggage, cargo, or mail carried for compensation and destined for another point in the territory of that other Party.

Article 3

Designation and Authorisation

(1) Each Party shall have the right to designate as many airlines as it wishes to conduct international air transport in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the aeronautical authority of the other Party in writing and shall identify whether the airline is authorised to conduct the type of international air transport specified in Annex I or in Annex II or in both.

(2) On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorisations and technical permissions, the other Party shall grant appropriate authorisations and permissions with minimal procedural delay, provided that: