

No. 30351

**REPUBLIC OF KOREA
and
INDIA**

**Air Services Agreement (with annex). Signed at Seoul on
16 March 1992**

Authentic texts: Korean, Hindi and English.

Registered by the Republic of Korea on 6 October 1993.

**RÉPUBLIQUE DE CORÉE
et
INDE**

**Accord relatif aux services aériens (avec annexe). Signé à
Séoul le 16 mars 1992**

Textes authentiques : coréen, hindi et anglais.

Enregistré par la République de Corée le 6 octobre 1993.

AIR SERVICES AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF INDIA

The Government of the Republic of Korea and the Government of the India (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 an agreement for the purpose of establishing and operating air services between and beyond their respective territories,

Have agreed as follows:

Article 1 Definitions

For the purpose of the present Agreement, unless the context otherwise requires:

- (a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any annex adopted under Article 90 of that Convention and any amendment of the annexes or of the Convention under Articles 90 and 94 thereof so far as these annexes and amendments have been effective for both Contracting Parties:

¹ Came into force on 16 March 1992 by signature, in accordance with article 20.

² United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocol 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.

- (b) the term "aeronautical authorities" means, in the case of the Republic of Korea, the Minister of Transportation and in the case of India, the Director General of Civil Aviation or in both cases any other person or body authorized to perform the functions exercised at present by the said authorities;
- (c) the term "designated airline" means any airline which the aeronautical authorities of one Contracting Party has designated, by written notification to the other Contracting Party, for the operation of air services on the routes specified in the Annex of the present Agreement, and to which the appropriate operating permission has been given by the aeronautical authorities of that other Contracting Party, in accordance with Article 3 of the present Agreement;
- (d) the term "territory" in relation to a State has the meaning assigned to it in Article 2 of the Convention;
- (e) the terms "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;
- (f) the term "capacity" in relation to an aircraft means the payload of that aircraft available on a route or section of a route;
- (g) the term "capacity" in relation to an agreed service means the capacity of the aircraft used on such service multiplied by the frequency operated by such aircraft over a given period and route or section of a route;
- (h) the term "carriage of traffic" means carriage of passengers, cargo and mail; and

- (i) the term "Annex" means the Annex to the present Agreement or as amended in accordance with the provisions of Article 16 of the present Agreement. The Annex forms an integral part of the present Agreement, and all references to the Agreement shall include references to the Annex except where otherwise explicitly provided.

Article 2
Grant of Traffic Rights

1. Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement to enable its designated airlines to establish and operate scheduled international air services on the routes specified in the Annex. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively.
2. Subject to the provisions of the present Agreement, the designated airlines of each Contracting Party shall enjoy 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) while operating the agreed services on the specified routes, to take up and put down passengers, cargo and mail at any point subject to the provisions contained in the Annex.
3. Nothing in paragraph 2 of this Article shall be deemed to confer on the designated airlines of one Contracting Party the rights of taking up, in the territory of the other Contracting Party, passengers,

cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3
Designation of Airlines

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one airline or airlines for the purpose of operating the agreed services on the specified routes.
2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this Article, grant without delay to the designated airlines the appropriate operating authorisation.
3. The aeronautical authorities of one Contracting Party may require the designated airlines of the other Contracting Party to satisfy them that the airlines qualify to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention.
4. Each Contracting Party shall have the right to refuse to accept the designation of airlines or to refuse to grant the operating authorisation referred to in paragraph 2 of this Article, or to impose such conditions as it may deem necessary on the exercise by the designated airlines of the rights specified in Article 2 of the present Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of those airlines are vested in the Contracting Party designating the airlines or in its nationals.