

**No. 45100. New Zealand and Viet Nam**

AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM ON AIR SERVICES. HANOI, 17 OCTOBER 2003 [United Nations, Treaty Series, vol. 2524, I-45100.]

PROTOCOL BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM ON AIR SERVICES, SIGNED IN HA NOI ON 17 OCTOBER 2003. AUCKLAND, 19 MARCH 2015\*

**Entry into force:** 11 March 2016 by notification, in accordance with article VI

**Authentic text:** English

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**N° 45100. Nouvelle-Zélande et Viet Nam**

ACCORD RELATIF AUX SERVICES AÉRIENS ENTRE LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE SOCIALISTE DU VIET NAM. HANOÏ, 17 OCTOBRE 2003 [Nations Unies, Recueil des Traités, vol. 2524, I-45100.]

PROTOCOLE ENTRE LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE SOCIALISTE DU VIET NAM MODIFIANT L'ACCORD RELATIF AUX SERVICES AÉRIENS ENTRE LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE SOCIALISTE DU VIET NAM, SIGNÉ À HANOI LE 17 OCTOBRE 2003. AUCKLAND, 19 MARS 2015\*

**Entrée en vigueur :** 11 mars 2016 par notification, conformément à l'article VI

**Texte authentique :** anglais

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**Protocol**  
**between**  
**the Government of New Zealand**  
**and**  
**the Government of the Socialist Republic of Viet Nam**  
**amending the Agreement between the Government of New Zealand**  
**and the Government of the Socialist Republic of Viet Nam**  
**on Air Services, signed in Ha Noi on 17 October 2003**

The Government of New Zealand and the Government of the Socialist Republic of Viet Nam, hereinafter referred to as Contracting Parties;

Desiring to amend the Agreement between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam on Air Services, signed in Ha Noi on 17 October 2003 (the “Agreement on Air Services”);

Referring to the Memorandum of Understanding (MOU) signed on 16 August 2013 between New Zealand and the Socialist Republic of Viet Nam in Ha Noi, Viet Nam;

**Have agreed as follows:**

## ARTICLE I

Article 6 of the Agreement on Air Services shall be amended as follows:

### *Article 6 Safety*

1. *Certificates of airworthiness, certificates of competency and licenses, issued or validated by one Contracting Party and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services on the routes specified in the Annex provided that such certificates or licenses were issued or validated pursuant to, and in conformity with, the standards established under the Convention. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flights above or landing within its own territory, certificates of competency and licenses granted to its own nationals by the other Contracting Party.*
2. *Each Contracting Party may request consultations at any time concerning safety standards in any area relating to aircrew, aircraft or their operation adopted by the other Contracting Party. Such consultations shall take place within thirty (30) days of that request.*
3. *If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards in any such area that are at least equal to the minimum standards established at that time pursuant to the Convention, the first Contracting Party shall notify the other Contracting Party of those findings and the steps considered necessary to conform with those minimum standards, and that other Contracting Party shall take appropriate corrective action. Failure by the other Contracting Party to take appropriate action within fifteen (15) days or such longer period as may be agreed, shall be grounds for the application of Article 4 of this Agreement*
4. *Notwithstanding the obligations mentioned in Article 33 of the Convention, it is agreed that any aircraft operated by the airline of one Contracting Party on services to or from the territory of the other Contracting Party may, while within the territory of the other Contracting Party, be the subject of an examination by the authorized representatives of the other Contracting Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its*

*equipment (in this Article called “ramp inspection”), provided this does not lead to unreasonable delay.*

5. *If any such ramp inspection or series of ramp inspections gives rise to:*

- a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Convention, or*
- b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Convention,*

*the Contracting Party carrying out the inspection shall, for the purposes of Article 33 of the Convention, be free to conclude that the requirements under which the certificate or licenses in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid, or that the requirements under which that aircraft is operated, are not equal to or above the minimum standards established pursuant to the Convention.*

- 6. *In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by the airline of one Contracting Party in accordance with paragraph 4 of this Article is denied by the representative of that airline, the other Contracting Party shall be free to infer that serious concerns of the type referred to in paragraph 4 of this Article arise and draw the conclusions referred to in that paragraph.*
- 7. *Each Contracting Party reserves the right to suspend or vary the operating authorization of the airline of the other Contracting Party immediately in the event the first Contracting Party concludes, whether as a result of a ramp inspection, consultation or otherwise, that immediate action is essential to ensure the safety of an airline operation*
- 8. *Any action by one Contracting Party in accordance with paragraphs 3 or 7 of this Article shall be discontinued once the basis for the taking of that action ceases to exist.*