

**No. 45100\***

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**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 (with annex). Hanoi, 17 October 2003**

**Entry into force:** *18 March 2004 by notification, in accordance with article 20*

**Authentic texts:** *English*

**Registration with the Secretariat of the United Nations:** *New Zealand, 1 July 2008*

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**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 (avec annexe). Hanoi, 17 octobre 2003**

**Entrée en vigueur :** *18 mars 2004 par notification, conformément à l'article 20*

**Textes authentiques :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Nouvelle-Zélande, 1er juillet 2008*

\* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The relevant Treaty Series volume will be published in due course.*

*Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour l'enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive. Le volume correspondant du Recueil des Traités sera disponible en temps utile.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

THE GOVERNMENT OF NEW ZEALAND

AND

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM

Hereinafter referred to as "the Contracting Parties";

Being parties of the Convention on International Civil Aviation opened for signature at Chicago, on the 7th day of December, 1944;

Desiring to conclude an agreement for the purpose of establishing air services between and beyond their respective territories;

Desiring to ensure the highest degree of safety and security in international air transport;

Recognizing that Asia Pacific Economic Cooperation member economies, through the Bogor Declaration of Common Resolve, agreed to eliminate impediments to economic cooperation and integration, and committed themselves to free and open trade in goods, services and investments no later than 2010 and in the case of developing economies no later than 2020;

**Have agreed as follows:**

**Article 1**  
**Definitions**

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

- (a) the term "aeronautical authorities" means, in the case of New Zealand, the Minister responsible for the subject of Civil Aviation, and in the case of the Socialist Republic of Viet Nam, the Civil Aviation Administration of Viet Nam - Ministry of Transport or, in both cases, any other authority or person empowered to perform the functions now exercised by the said authorities;
- (b) the term "agreed services" means scheduled air services on the routes specified in the Annex to this Agreement for the transport of passengers, cargo and mail, separately or in combination;
- (c) the term "Agreement" means this Agreement, its Annex, and any amendments thereto;
- (d) the term "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 those Annexes and amendments have been adopted or ratified by both Contracting Parties;

(e) the term "designated airline" means an airline which has been designated and authorized in accordance with Article 3 of this Agreement;

(f) the term "tariffs" means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for agency and other ancillary services, but excluding remuneration and conditions for the carriage of mail;

(g) the term "air services", "international air service", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention; and

(h) the term "territory" in relation to a State means land areas (mainland and islands), internal waters and territorial water adjacent thereto and airspace above them under the sovereignty of that State, provided that, in the case of New Zealand, the term "territory" shall exclude Tokelau.

## **Article 2**

### **Grant of Rights**

1. Each Contracting Party grants to the other Contracting Party the following rights for the conduct of international air services by the airline designated by the other Contracting Party:

(a) to fly without landing across the territory of the other Contracting Party;

(b) to make stops in the said territory for non-traffic purposes; and

(c) to make stops in the said territory for the purpose of taking up and discharging, while operating the routes specified in the Annex, international traffic in passengers, cargo and mail, separately or in combination.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on a designated airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo and mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

3. Passengers, baggage and cargo in direct transit through the territory of either Contracting Party and not leaving the area of the airport reserved for such purpose shall

be subject to no more than a simplified control. Baggage and cargo in direct transit shall be exempt from customs duties and other similar taxes.

### **Article 3** **Designation and Authorization**

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines to operate the agreed services in accordance with this Agreement and to withdraw or alter such designation.
2. On receipt of such a designation, and of application from the designated airline, in the form and manner prescribed for operating authorization, each Contracting Party shall grant the appropriate operating authorization with minimum procedural delay, provided that:
  - a) the designated airline has its principal place of business in the territory of the designating Contracting Party;
  - b) the Contracting Party designating the airline has and maintains effective regulatory control of the airline;
  - c) the Contracting Party designating the airline is in compliance with the provisions set forth in Article 6 and Article 7; and
  - d) the designated airline is qualified to meet other conditions prescribed under the laws, regulations and rules normally applied to the operation of international air transport services by the Contracting Party receiving the designation.

### **Article 4** **Withholding, Revocation and Limitation of Authorisation**

1. The aeronautical authorities of each Contracting Party shall have the right to withhold the authorisations referred to in Article 3 of this Agreement with respect to an airline designated by the other Contracting Party, to revoke or suspend such authorisations or impose conditions, temporarily or permanently:
  - (a) in event of failure by such airline to qualify before the aeronautical authorities of that Contracting Party under the laws, regulations and rules

normally and reasonably applied by these authorities in conformity with the Convention;

(b) in the event of failure by such airline to comply with the laws, regulations and rules of that Contracting Party;

(c) in the event that they are not satisfied that the designated airline has its principal place of business in the territory of the designating Party;

(d) in the event that they are not satisfied that the Party designating the airline has and maintains effective regulatory control of the airline; and

(e) in case the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

2. Unless immediate action is essential to prevent further infringement of the laws, regulations and rules referred to above, the rights enumerated in paragraph 1 of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party in conformity with Article 14 of this Agreement.

#### **Article 5**

##### **Application of Laws, Regulations and Rules**

1. The laws, regulations, rules and procedures of one Contracting Party relating to the admission to, remaining in, or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft shall be complied with by the airline or airlines of the other Contracting Party upon entrance into, departure from and while within the said territory.

2. The laws, regulations and rules of one Contracting Party respecting entry, clearance, transit, immigration, passports, customs and quarantine shall be complied with by the airline or airlines of the other Contracting Party and by or on behalf of its crews, passengers, cargo and mail upon transit of, admission to, departure from and while within the territory of such a Contracting Party.

3. Neither of the Contracting Parties shall give preference to its own or any other airline over an airline of the other Contracting Party engaged in similar international air services in the application of its customs, immigration, quarantine and similar regulations.