

No. 48340

**Japan
and
Nepal**

Agreement between Japan and the Kingdom of Nepal for air services (with schedule and exchange of notes). Kathmandu, 17 February 1993

Entry into force: *2 June 1994 by notification, in accordance with article 20*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Japan, 3 March 2011*

**Japon
et
Népal**

Accord relatif aux services aériens entre le Japon et le Royaume du Népal (avec annexe et échange de notes). Katmandou, 17 février 1993

Entrée en vigueur : *2 juin 1994 par notification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Japon, 3 mars 2011*

[ENGLISH TEXT - TEXTE ANGLAIS]

AGREEMENT BETWEEN JAPAN AND
THE KINGDOM OF NEPAL
FOR AIR SERVICES

The Government of Japan and His Majesty's
Government of Nepal,

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

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

Have agreed as follows:

ARTICLE 1

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

- (a) the term "Convention" means the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944, including any Annex adopted under Article 90 of that Convention and any amendment made to the Convention or its Annexes under Article 90 and 94 thereof;
- (b) the term "aeronautical authorities" means, in the case of Japan, the Minister of Transport and any person or body authorized to perform any functions on civil aviation at present exercised by the said Minister or similar functions, and, in the case of the Kingdom of Nepal, the Minister of Tourism and Civil Aviation and any person or body authorized to perform

any functions on civil aviation at present exercised by the said Minister or similar functions;

- (c) the term "designated airline" means an airline which one Contracting Party has designated by written notification to the other Contracting Party for the operation of air services on the routes specified in such notification, and to which the appropriate operating permission has been given by that other Contracting Party, in accordance with the provisions of Article 3 of the present Agreement;
- (d) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty of that State;
- (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 "Schedule" means the Schedule to the present Agreement or as amended in accordance with the provisions of Article 16 of the present Agreement;
- (g) the term "specified route" means any of the routes specified in the Schedule;
- (h) the term "agreed service" means any air service operated on the specified routes.

2. The Schedule forms an integral part of the present Agreement, and all reference to the "Agreement" shall include reference to the Schedule except where otherwise provided.

ARTICLE 2

Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement, particularly to enable its designated airlines to establish and operate the agreed services.

ARTICLE 3

1. The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under Article 2 of the present Agreement, subject to the provisions of Article 11 of the present Agreement, and not before:

- (a) the Contracting Party to which the rights have been granted has designated an airline or airlines for that route, and
- (b) the Contracting Party granting the rights has given the appropriate operating permission in accordance with its laws and regulations to the airline or airlines concerned; which it shall, subject to the provisions of paragraph 2 of this Article and of paragraph 1 of Article 7, be bound to grant without delay.

2. Each of the airlines designated by either Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfill the conditions prescribed by the laws and regulations normally and reasonably applied by those authorities to the operation of international air services.

ARTICLE 4

1. The airlines of each Contracting Party shall enjoy the following privileges in respect of their international air services:

- (a) to fly across the territory of the other Contracting Party without landing; and
- (b) to make stops in the territory of the other Contracting Party for non-traffic purposes.

2. Subject to the provisions of the present Agreement, the designated airlines of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the privilege to make stops in the territory of the other Contracting Party at the points specified for that route in the Schedule for the purposes of discharging and of taking on international traffic in passengers, cargo and mail separately or in combinations.

3. Nothing in paragraph 2 of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking on, 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 5

The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airlines of the other Contracting Party for the use of airports and