

No. 50321

**Hong Kong Special Administrative Region (under authorization
by the Government of the People's Republic of China)
and
Russian Federation**

Air services agreement between the Government of Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Russian Federation (with annex). Hong Kong, 22 January 1999

Entry into force: *provisionally on 22 January 1999 by signature and definitively on 1 June 2010 by notification, in accordance with article 20*

Authentic texts: *English and Russian*

Registration with the Secretariat of the United Nations: *China, 24 January 2013*

**Région administrative spéciale de Hong Kong (par autorisation
du Gouvernement de la République populaire de Chine)
et
Fédération de Russie**

Accord relatif aux services aériens entre le Gouvernement de la Région administrative spéciale de Hong Kong de la République populaire de Chine et le Gouvernement de la Fédération de Russie (avec annexe). Hong Kong, 22 janvier 1999

Entrée en vigueur : *provisoirement le 22 janvier 1999 par signature et définitivement le 1^{er} juin 2010 par notification, conformément à l'article 20*

Textes authentiques : *anglais et russe*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Chine, 24 janvier 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENT
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA AND
THE GOVERNMENT OF THE RUSSIAN FEDERATION**

The Government of the Hong Kong Special Administrative Region of the People's Republic of China ("the Hong Kong Special Administrative Region") and the Government of the Russian Federation (hereinafter referred to as the "Contracting Parties"),

Desiring to conclude an Agreement for the purpose of establishing air services between the Hong Kong Special Administrative Region and the Russian Federation,

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 the Hong Kong Special Administrative Region, the Secretary for Economic Services or the Director of Civil Aviation, and in the case of the Russian Federation, the Federal Aviation Authority of Russia, or, in both cases, any person or body authorised to perform any functions at present exercisable by the above-mentioned authorities or similar functions;
- (b) the term “designated airline” means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;
- (c) the term “area” in relation to the Hong Kong Special Administrative Region includes Hong Kong Island, Kowloon and the New Territories and in relation to the Russian Federation means the territory of the Russian Federation in accordance with the definition of “territory” contained in Article 2 of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944;
- (d) 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 on International Civil Aviation, opened for signature at Chicago on 7 December 1944;
- (e) the term “tariff” means one or more of the following:
 - (i) the fare charged by an airline for the carriage of passengers and their baggage, and cargo (excluding mail), on scheduled air services and the charges and conditions for services ancillary to such carriage;
 - (ii) the conditions governing the availability or applicability of any such fare or rate including any benefits attaching to it; and
 - (iii) the rate of commission paid by an airline to an agent in respect of tickets sold or air waybills completed by that agent for carriage on scheduled air services;
- (f) the term “user charge” means a charge made to airlines by the competent authorities or permitted by them to be made for the provision of airport property or facilities or of air navigation

facilities, including related services and facilities, for aircraft, their crews, passengers and cargo;

- (g) the term “Agreement” means this Agreement and the Annex hereto, which is an integral part of the Agreement, and any amendments to it or to this Agreement.

ARTICLE 2

Provisions of the Chicago Convention Applicable to International Air Services

In implementing this Agreement, the Contracting Parties shall act in conformity with the provisions of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including the Annexes and any amendments to the Convention or to its Annexes which apply to both Contracting Parties, insofar as these provisions are applicable to international air services.

ARTICLE 3

Grant of Rights

- (1) Each Contracting Party grants to the other Contracting Party the rights hereinafter specified in this Agreement for the purpose of operating international air services on the routes specified in the appropriate Section of the Annex to this Agreement. Such services and routes are hereinafter called “the agreed services” and “the specified routes” respectively.
- (2) Each Contracting Party grants to the designated airlines of the other Contracting Party the following rights on the specified routes in respect of its international air services:
- (a) the right to fly across its area without landing;
 - (b) the right to make stops in its area for non-traffic purposes.

(3) While operating an agreed service on a specified route the designated airlines of each Contracting Party shall enjoy in addition to the rights specified in paragraph (2) of this Article the right to make stops in the area of the other Contracting Party at points determined for that route in accordance with the Annex to this Agreement for the purpose of taking on board and discharging passengers and cargo, including mail, separately or in combination.

(4) Nothing in paragraph (3) of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, at one point in the area of the other Contracting Party, passengers and cargo, including mail, carried for hire or reward and destined for another point in the area of the other Contracting Party.

ARTICLE 4

Designation of and Authorisation of Airlines

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designations.

(2) On receipt of such a designation the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorisations.

(3) (a) The Government of the Hong Kong Special Administrative Region shall have the right to refuse to grant the operating authorisations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 3 of this Agreement, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Government of the Russian Federation or nationals of the Russian Federation.