

AGREEMENT

BETWEEN

THE ROYAL GOVERNMENT OF BHUTAN

AND

THE GOVERNMENT OF THE REPUBLIC OF MALDIVES

CONCERNING AIR SERVICES

The Royal Government of Bhutan and the Government of the Republic of Maldives (hereinafter referred to as the "Contracting Parties");

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

Desiring to conclude an Agreement supplementary to the said Convention for the purpose of establishing air services between and beyond their respective territories;

Have agreed as follows:

ARTICLE 1

Definitions

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

- (a) the term "Chicago Convention" means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944 and includes: (i) any amendment thereto which has entered into force under Article 94(a) thereof and has been ratified by both Contracting Parties; and (ii) any Annex or any amendment thereto adopted under Article 90 of that Convention, insofar as such amendment or annex is at any given time effective for both Contracting Parties;
- (b) the term "aeronautical authorities" means in the case of the Royal Government of Bhutan, the Director General of Department of Civil Aviation, Ministry of Information and Communications, and in the case of Republic of Maldives, the Ministry of Transport and Communication or in both cases, any person or body who may be authorized to perform any functions at present exercised by the above-mentioned authorities or similar functions;
- (c) the term "designated airline" means an airline which has been designated and authorized in accordance with Article 3 of this Agreement;
- (d) the term "territory" in relation to a State has the meaning assigned to it in Article 2 of the Chicago 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 Chicago Convention;
- (f) the term "tariff" 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 auxiliary service, but excluding remuneration and conditions for the carriage of mail;
- (g) the term "this Agreement" includes the Annex hereto and any amendments to it or to this Agreement;

- (h) the term “user charges” 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.

ARTICLE 2
Grant of Rights

- (1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its international air services:
- (a) the right to fly across its territory without landing;
 - (b) the right to make stops in its territory for non-traffic purposes.
- (2) 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 Schedule annexed to this Agreement. Such services and routes are hereinafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route the airlines designated by each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article the right to make stops in the territory of the other Contracting Party at the points specified for that route in the Schedule to this Agreement for the purpose of taking on board and discharging passengers and cargo, including mail.
- (3) Nothing in paragraph (2) of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, in the territory of the other Contracting Party, passengers and cargo, including mail, carried for hire or reward and destined for another point in the territory of the other Contracting Party.
- (4) If because of armed conflict, political disturbances or developments, or special and unusual circumstances, a designated airline of one Contracting Party is unable to operate a service on its normal routeing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate temporary rearrangements of routes.

ARTICLE 3

Designation of and Authorization 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 authorizations.
- (3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified 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 Chicago Convention.
- (4) Each Contracting Party shall have the right to refuse to grant the operating authorization 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 2(2) of this Agreement, in any case where the said Contracting Party is not satisfied that the airline;
 - a) is incorporated and has its principal place of business in the territory of that Contracting Party; and
 - b) holds a current Air Operator's Certificate issued by the aeronautical authority of that Contracting Party.
- (5) When an airline has been so designated and authorized it may begin to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.

ARTICLE 4

Revocation or Suspension of Operating Authorizations

- (1) Each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2(2) of this Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of those rights;
 - a) in any case where it is not satisfied that the airline is incorporated and has its principal place of business in the territory of that Contracting Party; and holds a current Air Operator's Certificate issued by the aeronautical authority of that Contracting Party; or
 - b) in the case of failure by that airline to comply with the laws or regulations normally and reasonably applied by the Contracting Party granting these rights; or
 - c) if the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement
- (2) Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

ARTICLE 5

Application of Laws and Regulations

- (1) The laws, regulations and administrative requirements and procedures of one Contracting Party relating to the admission to, the stay in or departure from its territory of aircraft engaged in international air services or to the operation and navigation of such aircraft while within its territory, shall be complied with by such aircraft upon entrance into and departure from and while within the territory of the first Contracting Party.
- (2) The laws, regulations and administrative requirements and procedures of one Contracting Party relating to the admission to, the stay in or the departure from its

territory of passengers, crew, cargo and mail, including regulations relating to entry, clearance, immigration, passport, customs and quarantine, shall be applied to such passengers, crew, cargo and mail of the airlines of the other Contracting Party upon entrance into or departure from and while within the territory of the first Contracting Party.

- (3) Passengers, baggage, cargo and mail in direct transit across the territory of either Contracting Party and not leaving the territory of the airport reserved for such purpose shall, except in respect to security measures and for special circumstances, be subject to no more than a simplified control.
- (4) Neither Contracting Party shall give preference to its own or any other airline over the designated airline of the other Contracting Party in the application of laws, regulations and administrative requirements and procedures referred to in this Article or in the use of airports, airways, air traffic services and associated facilities under its control.

ARTICLE 6

Principles Governing Operation of Agreed Services

- (1) There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.
- (2) In operating the agreed services the designated airlines of each Contracting Party shall take into account the interests of the designated airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.
- (3) The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision at a reasonable load factor of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers and/or cargo, including mail, coming from or destined for the territory of the Contracting Party which has designated the airline. Provision for the carriage of passengers and cargo, including mail, both

