

法規名稱：EXCHANGE OF NOTES ON THE REVISION OF THE AIR TRANSPORT AGREEMENT SIGNED ON
NOVEMBER 14, 1986 BETWEEN THE REPUBLIC OF CHINA AND THE REPUBLIC OF KOREA

(A.D.1990.9.5)

簽訂日期：民國 79 年 09 月 05 日

生效日期：民國 79 年 11 月 23 日

Taipei, November 23, 1990

Excellency,

I have the honour to refer to the consultations which took place in Taipei from September 3 to September 4, 1990, in accordance with Articles 14 and 16 of the Air Transport Agreement between the Government of the Republic of Korea and the Government of the Republic of China, signed on November 14, 1986.

Pursuant to an agreement reached at the said consultations. I have the honour to propose, on behalf of the Government of the Republic of Korea, that Article 3, Article 16 and Schedule of the said Agreement be replaced by the revised Articles and Schedule attached to this Note as Attachment 1, Attachment 2 and Attachment 3 respectively.

If the above proposal is acceptable to the Government of the Republic of China, I have further the honour to suggest that this Note with its enclosures and Your Excellency's reply in that sense shall be regarded as constituting an agreement between the two Governments in this matter, which will enter into force on the date of your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Enclosures: The revised Article 3, Article 16 and Schedule.

[Signed]

Chul-Soo Hen

Ambassador Extraordinary

and Plenipotentiary of

the Republic of Korea

His Excellency

Mr. Chien Fu

Minister of Foreign Affairs
The Republic of China

Article 3

Designation and Authorization

- 1 Each Contracting Party shall have the right to designate in writing to the other Contracting Party multiple airlines for the purpose of operating the agreed services on the specified routes. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraph 2 of this Article and without undue delay, grant to the designated airlines the appropriate operating authorization.
- 2 Before being authorized to inaugurate the agreed air services referred to in paragraph 1 of this Article, the designated airlines may, however, be required to satisfy the aeronautical authorities of the other Contracting Party that they are qualified to fulfil the terms and conditions prescribed under the relevant laws and regulations normally applied by those authorities to the operation of international scheduled air services.
- 3 At any time when the provisions of paragraph 1 of this Article shall have been complied with, the airlines so designated and authorized may begin to operate the agreed services.
- 4 Each Contracting Party reserves the right to withhold or revoke the grant to the designated airlines of the other Contracting Party of the privileges specified in Article 2, paragraph 2 of this Agreement or to impose such conditions as it may deem necessary on the exercise by such airlines of those privileges, in any case where it is not satisfied that substantial ownership and effective control of those airlines are vested in the Contracting Party designating the airlines or in its nationals.

Article 16

Amendment

- 1 If either Contracting Party considers it desirable to amend any provision of this Agreement, it may request consultation between the Contracting Parties in accordance with Article 14, and such consultation shall begin within sixty (60) days from the date of the request. When the Contracting Parties agree to amendment(s) to this Agreement, such amendment(s) shall come into force after having been confirmed by an exchange of notes.
- 2 Notwithstanding the above, amendment(s) to the Annex to this Agreement may be made through the consultation between the aeronautical authorities of the Contracting Parties.
- 3 If a general international convention concerning air transport comes into force, and if both Contracting Parties so agree, this Agreement shall be amended so as to conform with the provisions of such convention.

ANNEX

To the Air Transport Agreement between the Government of the Republic of Korea and the Government of the Republic of China signed on November 14, 1986 and revised on September 5, 1990 :

Section 1

The airlines designated to provide air transportation in accordance with the aforesaid Agreement shall be entitled to operate the following air routes :

- 1 Route for the airlines designated by the Government of the Republic of China:
Points in the Republic of China One Intermediate point / Points in the Republic of Korea / Los Angeles / One point in the United States / One point to be named at a later date and vice versa.
- 2 Route for the airlines designated by the Government of the Republic of Korea :
Points in the Republic of Korea / One Intermediate point / Points in the Republic of China / Hong Kong / Bangkok and One p-

oint in the South East Asia / One point in the South East Asia
/ One point in Europe and vice versa.

- 3 The designated airlines of either Party shall be entitled to exercise stopover traffic rights between points within the territory of the other Party as long as the traffic is generated from the origin of that Party.
- 4 The designated airlines of either Party may, on any or all flights, omit any point or points on the route specified above, provided that the point of origin or destination is in the territory of that Party. as follows:

Section 2

- 1 The Aircraft Coefficient shall be

- (1) Coefficient of 1.2 shall be applied to B747 200, 300 and 400 series and B747 Combi aircraft.

- (2) Coefficient of 1.0 shall be applied to DC10 / MD11 / B747SP / A300 / B767 and other types of aircraft with less capacity

.

- 2 The total Weekly Coefficients shall be derived as per the following formula :

Total Weekly Coefficients = (Aircraft Coefficient) x (Weekly Frequencies)

- 3 The designated airlines of either Party may operate up to 21 Total Weekly Coefficients on the routes specified above according to the following schedule :

With effect from November 1990--19 With effect from July Coefficients 1990--21

- 4 The exercise of the fifth freedom traffic rights shall be limited as follows :

- (1) For the designated airlines of the Republic of China :

- a beyond points in R.O.K. to Los Angeles shall not exceed 3.6 coefficients per week.

- b beyond points in R.O.K. to another one point in U.S. and one point to be named shall not exceed 2.4 coefficient per week.

(2) For the designated airlines of the Republic of Korea :

a beyond points in R.O.C. to Bangkok and one point in the South-east Asia shall not exceed 3 coefficients per week, and 4 coefficients per week to Hong Kong, Additional 3 coefficients to Hong Kong may only be operated subject to further consultation between the two aeronautical authorities.

b beyond points in R.O.C. to Europe shall not exceed 2.4 coefficients per week.

Excellency :

Coefficients

I have the honor to acknowledge receipt of your Excellency's Note dated November 23, 1990, which reads as follows :

" Taipei, November 23, 1990

Excellency,

I have the honour to refer to the consultations which took place in Taipei from September 3 to September 4, 1990, in accordance with the Articles 14 and 16 of the Air Transport Agreement between the Government of the Republic of Korea and the Government of the Republic of China, signed on November 14, 1986.

Persuant to an agreement reached at the said Consultations, I have the honour to propose, on behalf of the Government of the Republic of Korea, that the Article 3, Article 16 and the Schedule of the said Agreement be replaced by the revised Articles and Schedule attached to this Note as Attachment 1, Attachment 2 and Attachment 3 respectively.

If the above proposal is acceptable to the Government of the Republic of China, I have further the honour to suggest that this Note with its enclosures and Your Excellency's reply in that sense shall be regarded as constituting an agreement between the two Governments in this matter, which will enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Enclosures: The revised Article 3, Article 16 and the Schedule.

Chul--Soo Hen

Ambassador Extraordinary

and Plenipotentiary of

the Republic of Korea

His Excellency

Mr. Chien Fu

Minister of Foreign Affairs

The Republic of China "

I further have the honor, on behalf of my Government, to accept Your Excellency's Proposal and to confirm that Your Excellency's Note along with its enclosure (Attachment 1, 2 & 3) and this Reply Note shall constitute an agreement between the government of the Republic of China and the government of the Republic of Korea on this matter, which enters into force as of today--November 23, 1990.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed]

Fredrick F. Chien

Minister of Foreign

Affairs

Republic of China

His Excellency

Chul-Soo Hen

Ambassador Extraordinary

and Plenipotentiary

Republic of Korea