

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Amendment to the Agreement between the Commonwealth of Australia and Japan
for Air Services, done at Tokyo on 19 January 1956, as amended**

Not yet in force
[2012] ATNIF 13
amends [1956] ATS 6

INITIATING NOTE

The Australian Embassy presents its compliments to the Ministry of Foreign Affairs of the Government of Japan and has the honour to refer to the *Agreement between the Commonwealth of Australia and Japan for Air Services*, as amended, done at Tokyo 19 January 1956 ("the Head Agreement").

The Australian Embassy has the further honour to refer to the Record of Discussions Between the Aeronautical Authorities Japan and Australia signed on 29 September 2011 ("the Record of Discussions"). Pursuant to the provisions of the Record of Discussions, the Embassy has the honour to propose the following amendment to the Head Agreement:

The Schedule to the Head Agreement be replaced by:

SCHEDULE

I. Routes to be operated in both directions by the designated airline or airlines of Japan shall be as follows:

- 1. Tokyo – Hong Kong – Manila – Singapore – a point in Indonesia – intermediate points other than points specified in this route – points in Australia – points beyond.*
- 2. Points in Japan – Guam – Sydney.*
- 3. Points in Japan other than Tokyo – intermediate points – points in Australia – points beyond.*

Notes:

- 1. The agreed services provided by the designated airline or airlines of Japan on these routes shall begin at a point in the territory of Japan, but other points on any of these routes may, at the option of the designated airline, be omitted on any or all flights.*
- 2. On Route 1, fifth freedom traffic rights may be exercised at Hong Kong, Manila, and a point in Indonesia, but may not be exercised at other intermediate points or beyond points. On Route 2 and 3, fifth freedom traffic rights may be exercised at any intermediate points and any beyond points, provided that, in respect of Route 3, points in the United States of America shall not be included in*

“intermediate points” and “points beyond” as points where fifth freedom traffic rights may be exercised.

- 3. The designated airline or airlines of Japan shall not put down in Australia traffic taken on board in Australia, except where the airline or airlines exercise traffic rights for its or their own stopover traffic within Australia.*
- 4. The designated airline or airlines of Japan shall be entitled to serve, on the same service, any number of points in Australia and in any combination.*
- 5. In respect of Routes 1, 2 and 3, the designated airline or airlines of Japan may serve any intermediate points, any beyond points and any points in Australia under code-sharing arrangements as a marketing airline or marketing airlines, provided that, with the exception of stopover traffic, fifth freedom traffic rights may not be exercised under code-sharing arrangements as a marketing airline or marketing airlines.*

II. Routes to be operated in both directions by the designated airline or airlines of Australia shall be as follows:

- 1. Points in Australia – a point in Indonesia – Singapore – a point in Sabah or Labuan in Malaysia – Manila – Hong Kong – intermediate points other than points specified in this route – Tokyo – points beyond.*
- 2. Points in Australia – Guam – Tokyo.*
- 3. Points in Australia – intermediate points – points in Japan other than Tokyo – points beyond.*

Notes:

- 1. The agreed services provided by the designated airline or airlines of Australia on these routes shall begin at a point in the territory of Australia, but other points on any of these routes may, at the option of the designated airline, be omitted on any or all flights.*
- 2. On Route 1, fifth freedom traffic rights may be exercised at a point in Indonesia,*

a point in Sabah or Labuan in Malaysia, Manila, Hong Kong, but may not be exercised at other intermediate points or beyond points. On Route 2 and 3, fifth freedom traffic rights may be exercised at any intermediate points and any beyond points, provided that, in respect of Route 3, points in the United States of America shall not be included in "intermediate points" and "points beyond" as points where fifth freedom traffic rights may be exercised.

- 3. The designated airline or airlines of Australia shall not put down in Japan traffic taken on board in Japan, except where the airline or airlines exercise traffic rights for its or their own stopover traffic within Japan.*
- 4. The designated airline or airlines of Australia shall be entitled to serve, on the same service, any number of points in Japan and in any combination.*
- 5. In respect of Routes 1, 2, and 3, the designated airline or airlines of Australia may serve any intermediate points, any beyond points and any points in Japan under code-sharing arrangements as a marketing airline or marketing airlines, provided that, with the exception of stopover traffic, fifth freedom traffic rights may not be exercised under code-sharing arrangements as a marketing airline or airlines.*

If the foregoing proposal is acceptable to the Government of Japan, the Australian Embassy has the honour to propose that this Note and the Note in reply to that effect from the Ministry of Foreign Affairs of the Government of Japan, shall constitute an Agreement between the two Governments amending the Head Agreement, which shall enter into force upon the date of the Government of Japan's Note in reply.

The Australian Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of Japan the assurances of its highest consideration.

DRAFT RESPONSE NOTE

The Ministry of Foreign Affairs of the Government of Japan presents its compliments to the Australian Embassy and has the honour to refer to the Australian Embassy's Note of, which reads as follows: "[Insert text of Initiating Note]"

The Ministry of Foreign Affairs of the Government of Japan has the honour to confirm that the foregoing proposal is acceptable to the Government of Japan and that the Australian Embassy's Note and this reply shall constitute an Agreement amending the Head Agreement, which shall enter into force upon the date of this Note.

The Ministry of Foreign Affairs of the Government of Japan avails itself of this opportunity to renew to the Australian Embassy the assurances of its highest consideration.