

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Exchange of Notes constituting an Amendment to the Agreement between the
Government of Australia
and the
Government of the Socialist Republic of Vietnam
relating to Air Services (done at Canberra on 31 July 1995)**

(Hanoi, TBA 2011)

Not yet in force
[2011] ATNIF 16

INITIATING NOTE

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam presents its compliments to the Embassy of Australia in Ha Noi and has the honour to refer to the consultation between the Delegations representing the aeronautical authorities of the Government of the Socialist Republic of Viet Nam and the Government of Australia held in Canberra from 20 to 21 January 2011, concerning the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia relating to Air Services, signed on 31 July 1995 (hereinafter referred to as “the Agreement”).

The Ministry, on behalf of the Government of the Socialist Republic of Viet Nam, has the honour to propose that the existing Route Annex to the Agreement should be amended as the new Route Annex which appears in the attachment to this Note, based on the agreement reached at the said consultation and pursuant to Article 18 of the Agreement.

The Ministry has further the honour to suggest that if the proposal mentioned above is acceptable to the Government of Australia, this Note and the Embassy’s Note in reply to the effect shall constitute an agreement between the two Governments on the revision of the Route Annex to the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia relating to Air Services, signed on 31 July 1995. This agreement on the revision of the Route Annex shall be an integral part of the Agreement and shall enter into force on the date of the Embassy’s Note in reply.

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam avails itself of this opportunity to renew to the Embassy of Australia in Hanoi the assurances of its highest consideration.

Ha Noi, 29 June 2011

ATTACHMENT

ROUTE ANNEX

Section I

The route of the agreed services performed by the airline(s) designated by the Government of the Socialist Republic of Viet Nam shall be as follows in either or both directions:

Points in Viet Nam	Intermediate points	Points in Australia	Beyond points
Any	Any	Any	Any

Section II

The route of the agreed services performed by the airline(s) designated by the Government of Australia shall be as follows in either or both directions:

Points in Australia	Intermediate points	Points in Viet Nam	Beyond points
Any	Any	Any	Any

Notes:

(1) The designated airline(s) of each Contracting Party may, on any or all flights in either or both directions:

- (a) omit at their own discretion, any points on the above routes provided that the agreed services begin or terminate in the territory of the Party designating the airline;
- (b) combine different flight numbers within the one aircraft operation;
- (c) serve the intermediate, beyond points and points in the territories of the Contracting Parties in any order; and
- (d) transfer traffic from any of their aircraft to any of their other aircraft at any points on the routes.

(2) The traffic rights to be exercised shall be as decided between the aeronautical authorities of the Contracting Parties from time to time.

DRAFT RESPONSE NOTE

The Australian Embassy presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam and has the honour to refer to the Ministry's note of 29 June 2011 [No. 433/BNG-LPQT] which reads as follows:

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam presents its compliments to the Embassy of Australian in Ha Noi and has the honour to refer to the consultation between the Delegations representing the aeronautical authorities of the Government of the Socialist Republic of Viet Nam and the Government of Australia held in Canberra from 20 to 21 January 2011, concerning the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia relating to Air Services, signed on 31 July 1995 (hereinafter referred to as "the Agreement").

The Ministry, on behalf of the Government of the Socialist Republic of Viet Nam, has the honour to propose that the existing Route Annex to the Agreement should be amended as the new Route Annex which appears in the attachment to this Note, based on the agreement reached at the said consultation and pursuant to Article 18 of the Agreement.

The Ministry has further the honour to suggest that if the proposal mentioned above is acceptable to the Government of Australia, this Note and the Embassy's Note in reply to that effect shall constitute an agreement between the two Governments on the revision of the Route Annex to the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of Australia relating to Air Services, signed on 31 July 1995. This agreement on the revision of the Route Annex shall be an integral part of the Agreement and shall enter into force on the date of the Embassy's Note in reply.

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam avails itself of this opportunity to renew to the Embassy of Australia in Hanoi the assurances of its highest consideration.

ATTACHMENT

'ROUTE ANNEX

Section I

The route of the agreed services performed by the airline(s) designated by the Government of the Socialist Republic of Viet Nam shall be as follows in either or both directions:

<i>Points in Viet Nam</i>	<i>Intermediate points</i>	<i>Points in Australia</i>	<i>Beyond points</i>
<i>Any</i>	<i>Any</i>	<i>Any</i>	<i>Any</i>

Section II

The route of the agreed services performed by the airline(s) designated by the Government of Australia shall be as follows in either or both directions:

<i>Points in Australia</i>	<i>Intermediate points</i>	<i>Points in Viet Nam</i>	<i>Beyond points</i>
<i>Any</i>	<i>Any</i>	<i>Any</i>	<i>Any</i>

Notes:

(1) The designated airline(s) of each Contracting Party may, on any or all flights in either or both directions:

- (a) omit at their own discretion, any points on the above routes provided that the agreed services begin or terminate in the territory of the Contracting Party designating the airline;*
- (b) combine different flight numbers within the one aircraft operation;*
- (c) serve the intermediate, beyond points and points in the territories of the Parties in any order; and*
- (d) transfer traffic from any of their aircraft to any of their other aircraft at any points on the routes.*

(2) The traffic rights to be exercised shall be as decided between the aeronautical authorities of the Contracting Parties from time to time.'

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

The Australian Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam the assurances of its highest consideration.