



Treaty Series No. 20 (2002)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Korea

amending the Air Services Agreement done at Seoul on 5 March 1984

Seoul, 29 June 2001

[The Exchange of Notes entered into force on 29 June 2001]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 2002*

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF KOREA AMENDING THE AIR SERVICES AGREEMENT DONE AT SEOUL ON 5 MARCH 1984¹

No.1

The British Ambassador at Seoul to the Minister for Foreign Affairs and Trade of the Republic of Korea

Seoul

29 June 2001

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Korea for Air Services between and beyond their Respective Territories, done at Seoul on 5 March 1984 ("the Agreement"), and to subsequent discussions which have taken place between representatives of our two Governments concerning proposed amendments to the Agreement.

As a result of these discussions, it was agreed that the Agreement be amended by inserting, as Article 9A (Safety), the text annexed to this Note. I therefore have the honour to propose that the Agreement shall be amended accordingly.

If the foregoing proposal is acceptable to the Government of the Republic of Korea, I have the honour to propose that this Note together with its Annex and Your Excellency's reply to that effect shall, in accordance with article 14 of the Agreement, constitute an agreement between our two governments in this matter, which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

CHARLES HUMFREY

ANNEX

ARTICLE 9A

Safety

1. Each Contracting Party may request consultations at any time concerning safety standards in any area relating to aircrews, aircraft or their operation adopted by the other Contracting Party. Such consultations shall take place within 30 days of that request.
2. If, following such consultations, one Contracting Party finds that the other Contracting Party does not effectively maintain and administer safety standards and requirements in these areas that at least equal the minimum standards that may be established pursuant to the Convention, the other Contracting Party shall be notified of such findings and the steps considered necessary to conform with these minimum standards, and the other Contracting Party shall take appropriate corrective action. Each Contracting Party reserves the right to withhold, revoke, or limit the operating authorisation or technical permission of an airline or airlines designated by the other Contracting Party in the event that the other Contracting Party does not take such appropriate corrective action within a reasonable time.

¹ Treaty Series No. 47 (1984) Cmnd. 9263.

3. Notwithstanding the obligations mentioned in Article 33 of the Convention it is agreed that any aircraft operated by or, under a lease agreement, on behalf of the airline or airlines of one Contracting Party on services to or from the territory of the other Contracting Party may, while within the territory of the other Contracting Party, be made the subject of an examination by the authorised representatives of the other Contracting Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment (in this Article called “ramp inspection”), provided this does not lead to unreasonable delay.

4. If any such ramp inspection or series of ramp inspections gives rise to:

- (a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Convention; or
- (b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to that Convention,

the Contracting Party carrying out the inspection shall, for the purposes of Article 33 of the Convention, be free to conclude that the requirements under which:

- (i) the certificate or licences in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid; or
- (ii) that aircraft is operated,

are not equal to or above the minimum standards established pursuant to the Convention.

5. In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by the airline or airlines of one Contracting Party in accordance with paragraph (3) of this Article is denied by a representative of that airline or airlines, the other Contracting Party shall be free to infer that serious concerns of the type referred to in paragraph (4) of this Article above arise and draw the conclusions referred in that paragraph.

6. Each Contracting Party reserves the right temporarily to suspend or vary the operating authorisation of an airline or airlines of the other Contracting Party in the event the first Contracting Party concludes, whether as a result of a ramp inspection, a series of ramp inspections, a denial of access for ramp inspection, consultation or otherwise, that temporary action is necessary for the safety of an airline operation. Upon the exercise of this right, the first Contracting Party shall immediately notify the other Contracting Party of its action specifying the area of concern, which prompted such action.

7. Any action by one Contracting Party in accordance with paragraphs (2) or (6) of this Article shall be discontinued immediately once the basis for the taking of that action ceases to exist.

No.2

The Minister for Foreign Affairs and Trade of the Republic of Korea to the British Ambassador at Seoul

Seoul

29 June 2001

I have the honour to acknowledge the receipt of Your Excellency's Note No. 172, June 29, 2001, which reads as follows:

[As in No.1]

I have further the honour to confirm that the foregoing proposal is acceptable to the Government of the Republic of Korea, and that Your Excellency's Note together with its Annex and this reply shall constitute an agreement between our two Governments, which shall enter into force on the date of this Note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HAN SEUNG-SOO



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