

AGREED MINUTES

Delegations representing the Aeronautical Authorities of the Republic of the Union of Myanmar and the Russian Federation (hereinafter referred to collectively as the “Delegations”, and individually as the “Myanmar Delegation” or the “Russian Delegation”) met in Moscow, the Russian Federation on 21-22 February 2023 in order to negotiate the text of a new Air Services Agreement (hereinafter referred to as “the Agreement”).

A list of the members of the Delegations is attached as **Appendix I** and **II**.

As a result of the discussions, which were held in a cordial atmosphere, the Delegations concluded on the following matters:

1. Text of the Agreement


- 1.1 The Delegations negotiated, agreed on and initialed the text of the Agreement (attached as **Appendix III**).
- 1.2 The Delegations agreed to submit the Agreement to their respective Governments for approval and inform each other of such approval by an exchange of diplomatic notes in order to proceed with its signature.

2. Third and Fourth Freedom Traffic Rights

- 2.1 The designated airlines from both sides may operate passenger/combination air services exercising third and fourth freedom traffic rights on the routes specified in the Annex to the Agreement, up to seven (7) weekly frequencies for each city pair.
- 2.2 The designated airlines from both sides may operate all-cargo air services exercising third and fourth freedom traffic rights on the routes specified in the Annex to the Agreement, up to twenty-one (21) weekly frequencies for each city pair.
- 2.3 There shall be no restriction on the capacity, aircraft type and number of air carriers for each city pair in operating such air services.

3. Co-terminal Rights

- 3.1 The designated airlines of the Republic of the Union of Myanmar may exercise co-terminal rights between any two points in the territory of the Russian Federation, in operating passenger/combination and/or all-cargo air services on the routes specified in the Annex to the Agreement.
- 3.2 The designated airlines of the Russian Federation may exercise co-terminal rights between any two points in the territory of the Republic of the Union of Myanmar, in operating passenger/combination and/or all-cargo air services on the routes specified in the Annex to the Agreement.

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4. Miscellaneous

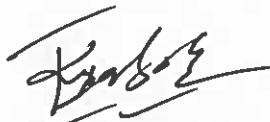
- 4.1 The Delegations noted the potential for further liberalization of fifth freedom traffic rights for the designated airlines from both sides, and decided to negotiate and agree on this issue, through an exchange of letters.
- 4.2. The Russian Delegation proposed to the Myanmar Delegation to consider the possibility of signing the Working Arrangement on airworthiness of the aeronautical products between the Federal Air Transport Agency of the Russian Federation (FATA) and the Department of Civil Aviation of the Republic of the Union of Myanmar (DCA), and the Myanmar Delegation took note of the proposal.

5. Effective Date

This Agreed Minutes shall enter into force on the date of its signature. The provisions in earlier Agreed Minutes and Memorandum of Understandings which are not covered by this Agreed Minutes shall remain in force.

Signed at Moscow, on 22 February 2023.

**For the Aeronautical Authority
of the Republic of the Union of Myanmar**



Kyaw Soe
Acting Director General
Department of Civil Aviation of
the Ministry of Transport and
Communications

**For the Aeronautical Authority
of the Russian Federation**

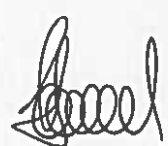


Anatoliy Samoletov
Acting Director
Department of State Policy in
Civil Aviation of the Ministry of
Transport

Appendix I

List of Members of Myanmar Delegation

1. Mr. Kyaw Soe - Leader
Acting Director General
Department of Civil Aviation
Ministry of Transport and Communications
2. Mr. Ne Win - Member
Director (Air Transport)
Department of Civil Aviation
Ministry of Transport and Communications
3. Mr. Zaw Lynn Myint - Member
Counsellor
Embassy of the Republic of the Union of Myanmar in
Moscow
Ministry of Foreign Affairs
4. Ms. Khin Yadanar Ko - Member
Deputy Supervisor (Air Transport)
Department of Civil Aviation
Ministry of Transport and Communications
5. Mr. Naing Saw Lwin - Member
Chief Commercial Officer
Myanmar National Airlines
Ministry of Transport and Communications
6. Major Hein Thu Aung - Member
Interpreter
Embassy of the Republic of the Union of Myanmar in
Moscow



List of Members of Russian Delegation

1. Anatoliy Samoletov - Leader
Acting Director
Department of State Policy in Civil Aviation
Ministry of Transport of the Russian Federation
2. Illona Degtyarenko - Member
Deputy Director
Department of State Policy in Civil Aviation
Ministry of Transport of the Russian Federation
3. Ksenya Markacheva - Member
Specialist of the 1st Category of the Air Service Division
Department of State Policy in Civil Aviation
Ministry of Transport of the Russian Federation
4. Sergey Vasiliev - Member
Deputy Head
Department of Transportation Regulation and International
Cooperation
Federal Air Transport Agency
5. Artem Dilanyan - Member
Chief Specialist-Expert of the Protocol Department of the Office of the
Organization of Aerospace Search and Rescue
Federal Air Transport Agency
6. Valeria Pinina - Member
Specialist of the 2st Category of the Division of Bilateral Cooperation
of the Department of International Cooperation
Ministry of Transport of the Russian Federation



7. Danila Shcherbakov - Member
Leading Specialist-Expert of the Division of Bilateral Cooperation of
the Department of International Cooperation
Ministry of Transport of the Russian Federation
8. Yaroslav Ulyanov - Member
Deputy Head of the Division of International Treaties and
Intergovernmental Agreements of the Department of Legal Support
and Legislative Activities
Ministry of Transport of the Russian Federation
9. Daria Alekseeva - Member
Chief specialist-expert of the Division of intergovernmental
commissions and CIS countries of the Department of International
Cooperation
Ministry of Transport of the Russian Federation
10. Evgeny Ilyin - Member
Second Secretary of the Third Department of Asia
Ministry of Foreign Affairs of the Russian Federation
11. Polina Pavlova - Member
State Customs Inspector of the Division for Interaction with Customs
Administrations of Foreign States of the Customs Cooperation
Department
Federal Customs Service of Russia



**AIR SERVICES AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION
OF MYANMAR AND THE GOVERNMENT OF THE RUSSIAN
FEDERATION**

The Government of the Republic of the Union of Myanmar and the Government of the Russian Federation hereinafter referred to as the "Parties";

Taking into consideration that the Republic of the Union of Myanmar and the Russian Federation are being parties to the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944;

Desiring to conclude an Agreement for the purpose of governing air services between and beyond the respective territories of their States;

Desiring to ensure the highest degree of safety and security in international air services, and reaffirming their grave concern about acts and threats against the security of aircraft, which jeopardize the safety of persons and property, adversely affect the operation of air services, and undermine public confidence in safety and security of civil aviation;

Have agreed as follows:

**ARTICLE 1
DEFINITIONS**

For the purpose of this Agreement, unless the context otherwise requires, the following terms are applicable:

a) "Aeronautical Authorities" means,

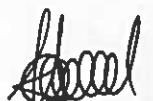

in the case of the Republic of the Union of Myanmar – the Department of Civil Aviation of the Ministry of Transport and Communications,

in the case of the Russian Federation – the Ministry of Transport of the Russian Federation, or

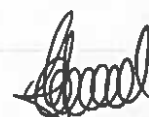
in both cases any other authority or person or organization authorized in accordance with the laws and regulations of the States of the Parties to perform the functions exercised by the said Authorities;

b) "agreed service" means international air service pursuant to this Agreement.

c) "Agreement" means this Agreement, its Annex, and any amendments thereto;



- d) "air service", "international air service", "airline", and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention;
- e) "capacity" in relation to:
 - (i) an aircraft, means the payload of that aircraft available on a route or section of a route;
 - (ii) a specified route, means the number of frequencies of the flights, operated by such an aircraft over a given period of time and route or section of route;
- f) "convention" means the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944, and includes any Annex adopted under Article 90 of that Convention, and any amendment of the Annexes or Convention under Articles 90 and 94, insofar as such Annexes and amendments have become effective for the States of both Parties;
- g) "designated airline" means an airline which has been designated and authorized in accordance with Article 3 of this Agreement to operate international air services on specified routes;
- h) "facilities and airport charges" means charges made to airlines for the provision to aircraft, their crews and passengers of airport and air navigation facilities;
- i) "ICAO" means the International Civil Aviation Organization;
- j) "regular equipment" means on-board aircraft equipment and property on board the aircraft required to serve cabin crew, flight crew and passengers during the flight;
- k) "specified routes" means routes specified in the Annex to this Agreement;
- l) "supplies" means goods necessary for the normal operation and maintenance of aircraft and intended for consumption and/or use by passengers and crew members of the aircraft, as well as for distribution or sale to such persons, with the exception of spare parts and equipment;
- m) "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;
- n) "territory" in relation to a State has the meaning assigned to it in Article 2 of the Convention.



ARTICLE 2
GRANT OF TRAFFIC RIGHTS

1. Each Party grants to the other Party the rights specified in this Agreement for the purpose of establishing and operating agreed services on the specified routes.
2. The designated airline(s) of the State of each Party shall enjoy, while operating an agreed service on a specified route, the following rights:
 - a) to fly across the territory of the State of the other Party without stops;
 - b) to make stops in the said territory for non-traffic purposes; and
 - c) to make stops in the said territory at the point(s) specified in the Annex to this Agreement, for the purpose of taking on or putting down international traffic, such as passengers, cargo and mail, separately or in combination.
3. The airlines of the State of each Party, other than those designated under Article 3 of this Agreement, shall also enjoy the rights specified in paragraphs 2 a) and b) of this Article.
4. Nothing in paragraphs 1 and 2 of this Article shall be considered as granting the right to designated airline(s) of the State of one Party to take on board passengers, cargo and mail for their carriage between points in the territory of the State of the other Party for remuneration or hire.

ARTICLE 3
DESIGNATION AND AUTHORISATION

1. Each Party shall have the right to designate in writing to the other Party one or more airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designation through diplomatic channels.
2. On receipt of such a designation, and of application from the designated airline, the Aeronautical Authorities of each Party shall grant the appropriate operating authorization (hereinafter referred to as "authorization") with a minimum procedural delay, provided that:
 - a) the designated airline is established in the territory of the State of the Party designating the airline;
 - b) substantial ownership and effective regulatory control of the designated airline is vested in the Party designating the airline, nationals of the State of that Party, or both;
 - c) the designated airline complies with the conditions established by this



Agreement; and

- d) the designated airline complies with the conditions prescribed under the laws and regulations, usually and reasonably applied to the operation of international air services, by the State of the Party receiving the designation.

3. On receipt of the operating authorization mentioned in paragraph 2 of this Article, the designated airline may at any time begin to operate the agreed services for which it is so designated in accordance with the provisions of this Agreement.

ARTICLE 4

SUSPENSION, REVOCATION AND LIMITATION OF AUTHORIZATION

1. The Aeronautical Authorities of each Party shall have the right to withhold the authorizations referred to in Article 3 of this Agreement with respect to an airline designated by the other Party, and to suspend, revoke or impose conditions on such authorizations, temporarily or permanently:

- a) in the case it is not satisfied that the designated airline is established in the territory of the State of the Party designating the airline;
- b) in the case it is not satisfied that the substantial ownership and effective regulatory control of the designated airline is vested in the Party designating the airline, nationals of the State of that Party, or both;
- c) in the case the designated airline fails to operate the agreed services in accordance with the conditions established by this Agreement;
- d) in the case of failure by the designated airline to comply with the conditions prescribed under the laws and regulations, usually and reasonably applied to the operation of international air services, by the State of the Party receiving the designation.

2. Unless immediate suspension, revocation or imposition of the conditions is essential to prevent further infringements of the laws and regulations of the State of the Party receiving the designation or of the provisions of this Agreement, the rights mentioned in paragraph 1 of this Article shall be exercised only after consultation with the other Party. In that case, consultations shall begin within a period of thirty (30) days from the date of the request made by either Party for consultations unless both Parties otherwise agree.

ARTICLE 5

APPLICATION OF LAWS

1. The laws and regulations in force of the State of a Party related to the admission, to




sojourn in, or departure from its territory of an aircraft engaged in international air services, or to the operation and flight across that territory shall be applied to the aircraft of the designated airline(s) of the State of the other Party.

2. The laws and regulations of the State of one Party related to the admission, sojourn in, or departure from its territory of passengers, crew, baggage, cargo and mail, such as regulations relating to immigration, passports, customs, police, currency, health, sanitary and quarantine or, in the case of mail, postal regulations, shall be applied to passengers, crew, baggage, cargo and mail transported on board of the aircraft of the designated airline(s) of the State of the other Party upon entry into and departure from and while within the said territory.

3. Neither Party shall give preference to its own nor any other airline over a designated airline of the State of the other Party engaged in similar international air transportation in the application of its immigration, customs, quarantine and similar regulations.

4. Passengers, baggage and cargo in direct transit across the territory of the State of one Party and not leaving the area of the airport reserved for such purpose, in accordance with the laws and regulations of the State of that Party, are subject to simplified control, except in cases concerning security measures against acts of unlawful interference, as well as the transportation of narcotics and psychotropic substances and their precursors, weapons, ammunition, explosives and explosive devices, radioactive materials, toxic substances, as well as other substances posing a threat to the environment, life and human health.

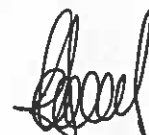
5. Each Party shall, upon request, supply to the other Party copies of texts of the relevant laws and regulations of its State referred to in this Article.

ARTICLE 6

RECOGNITION OF CERTIFICATES AND LICENSES

1. Certificates of airworthiness, certificates of competency and licenses, issued or rendered valid by one Party and still in force, shall be recognized as valid by the other Party for the purpose of operating the agreed services on the specified routes provided that such certificates or licenses were issued or rendered valid in conformity to the minimum standards established under the Convention (hereinafter referred to as "minimum standards").

2. If the certificates and licenses issued by the Aeronautical Authorities of one Party to any person or to the designated airline or an aircraft used in operation of the agreed services, allow differences from the minimum standards of the Convention, and ICAO is notified of such differences, the other Party may request consultation between the Aeronautical Authorities to clarify the practice in question. Such consultations shall be held in accordance with Article 16 of this Agreement.



3. Each Party reserves the right, however, to refuse to recognize for the purpose of flights above or landing within its own territory, certificates of competency and licenses granted to nationals of its State by the other Party.

ARTICLE 7 SAFETY

1. Each Party may request consultations at any time concerning the safety standards maintained by the other Party in areas relating to aeronautical facilities and services, flight crew, aircraft and the operation of aircraft. Such consultations shall take place within thirty (30) days of receipt of that request.

2. If, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in the areas referred to in paragraph 1 that should meet the minimum standards, the other Party shall be informed of such findings and of the steps considered necessary to conform with the minimum standards. The other Party shall then take appropriate corrective action within an agreed time period.

3. Pursuant to Article 16 of the Convention, any aircraft operated by or on behalf of a designated airline of the State of one Party, on service to or from the territory of the State of another Party, may while within the territory of the State of other Party be made the subject of an examination by the authorized representatives of the other Party (hereinafter referred to as "ramp inspection"), provided this does not cause unreasonable delay in the operation of the aircraft. The purpose of ramp inspection is to verify the validity of the relevant aircraft documentation, the licensing of its crew, and that the aircraft equipment and the condition of the aircraft conform to the standards established pursuant to the Convention. If any such ramp inspection or series of ramp inspections gives rise to serious concerns that an aircraft or the operation of aircraft does not comply with the minimum standards or that there is a lack of effective technical maintenance and administration of safety standards established at that time pursuant to the Convention, the Party carrying out the inspection shall, for the purposes of Article 33 of the Convention, be free to conclude that the requirements under which the certificate or licenses in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid, or that the requirements under which that aircraft is operated, are not equal to the minimum standards established pursuant to the Convention. In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by the designated airline of the State of a Party in accordance with this paragraph is denied by the representative of that airline, the other Party shall be free to apply the arrangements in accordance with paragraph 4 of this Article.

4. When urgent action is essential to ensure the safety of an airline operation, each Party reserves the right to immediately suspend or vary the operating authorization of an airline or

airlines of the State of the other Party.

5. Any action by one Party in accordance with paragraph 4 above shall be discontinued once the basis for the taking of that action ceases to exist.

ARTICLE 8 AVIATION SECURITY

1. Consistent with their rights and obligations under international law, the Parties affirm that their obligations to each other to protect the security of civil aviation against acts of unlawful interference form an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, opened for signature at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature at the Hague on 16 December 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971, the Protocol for Suppressions of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971 and signed at Montreal on 24 February 1988, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, opened for signature at Montreal on 1 March 1991, and any other international convention and protocol relating to the civil aviation security, which the States of both Parties are members of.

2. The Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

3. The Parties shall, in their mutual relations, act in conformity with the aviation security standards and recommended practices established by ICAO and designated as Annexes to the Convention to the extent that such security standards and recommended practices are applicable to their States. The Parties shall require that operators of aircraft of their registry or operators of aircraft who are established in the territory of their State and the operators of airports in the territory of their State act in conformity with such aviation security standards and recommended practices. Each Party shall advise the other Party of any difference between its national regulations and practices and aviation security standards and recommended practices established by ICAO and designated as Annexes to the Convention. Either Party may request immediate consultations with the other Party at any time to discuss any such differences. Such consultations shall take place within thirty (30) days of receipt of that request.



4. Each Party agrees that such operators of aircraft may be required to observe the aviation security standards and recommended practices established by ICAO and designated as Annexes to the Convention required by the other Party for entry into, departure from, or while within, the territory of the State of that other Party. Each Party shall ensure that adequate measures are effectively applied within the territory of its State to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and supplies prior to and during boarding or loading. Each Party shall also give sympathetic consideration to any request from the other Party for reasonable special security measures to meet a particular threat in such case. Such measures have to be agreed by the Parties in each case.

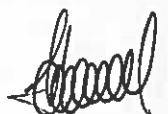
5. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

6. Each Party shall have the right, within sixty (60) days following notice, for its Aeronautical Authorities to conduct an assessment in the territory of the State of the other Party of the security measures being carried out, or planned to be carried out, by aircraft operators in respect of flights departing to, or arriving from the territory of the State of first Party. The administrative arrangements for the conduct of such assessments shall be agreed between the Aeronautical Authorities of the Parties and implemented without delay so as to ensure that assessments will be conducted expeditiously. All assessments shall be covered by a specific agreement.

7. When a Party has reasonable grounds to believe that the other Party has departed from the provisions of this Article, the first Party may request consultations from the other Party. Such consultations shall take place within fifteen (15) days of receipt of such a request from either Party. Failure to reach an agreement between the Parties within fifteen (15) days from the start of consultations shall constitute grounds for suspending, revoking or imposing of restrictive conditions, in accordance with the laws and regulations of the States of the Parties, on the authorizations of the airline or airlines designated by the other Party. When justified as an emergency, or to prevent further non-compliance with the provisions of this Article, the first Party may, before the expiration of the said period of fifteen (15) days, take the measures referred to in this paragraph.

ARTICLE 9 FACILITIES AND AIRPORT CHARGES

1. Fees and other charges for the use of each airport including its installations, technical and other facilities and services as well as any charges for the use of air navigation facilities,



communication facilities and services shall be made in accordance with the rates and tariffs established in the territory of the relevant State of the Party.

2. Each Party shall encourage consultations between the competent authorities and airlines using the services and facilities, and shall encourage the competent authorities and the airlines to exchange such information as may be necessary for an accurate review of the reasonableness of the charges in accordance with paragraph 1 of this Article.

ARTICLE 10 CUSTOMS DUTIES AND CHARGES


1. For the purposes of this Article, the term "goods" means regular equipment, spare parts, fuel, lubricants and supplies, which are onboard of the aircraft of the designated airline(s) operating the agreed services of the State of one Party.

2. The import of goods from the territory of the State of one Party to the territory of the State of the other Party, as well as the export from the State of one Party to the territory of the State of the other Party are governed by the applicable laws and regulations of each State of the Parties. Customs operations are carried out in accordance with the applicable laws and regulations of each State of the Parties.

3. The competent authorities in each case confirm to the customs authorities of their States that the import and/or export of goods is carried out within the framework of this Agreement and separate agreements, accompanying such confirmation with detailed information on the nomenclature, quantity, cost and purpose of the goods, as well as documents confirming compliance with prohibitions and restrictions on the import and/or export of goods in accordance with the applicable laws and regulations of each State of the Parties. The specific lists and quantity of goods transported across the State border of the Republic of the Union of Myanmar and the State border of the Russian Federation and specially designed for cooperation on the basis of this Agreement, prior to their importation, shall be agreed in writing by the competent authorities of both Parties in accordance with the applicable laws and regulations of each State of the Parties.

4. Unloading of the regular aircraft equipment, supplies and spare parts, including engines, retained on board of the aircraft operated by the designated airline(s) of the State of one Party on the agreed services, may be carried out in the territory of the State of the other Party, subject to the applicable laws and regulations in the territory of the State of that Party.

5. Charges corresponding to the services performed, storage and customs clearance, associated with the release of the goods, will be charged in accordance with the national laws and regulations of the States of the Parties.



ARTICLE 11**PRINCIPLES GOVERNING OPERATION OF AGREED SERVICES**

1. The designated airline(s) of the State of each Party shall, in all respect, enjoy fair and equal operating conditions for providing the agreed services on the specified routes.
2. When operating the agreed services, the designated airline(s) of the State of each Party shall take into account the interest of the designated airline(s) of the State of the other Party so as not to affect the services which the latter provides on the whole or part of the same route. Nothing in this paragraph shall be considered as a commitment of the designated airline(s) of the State of one Party to conclude a commercial agreement with the designated airline(s) of the State of the other Party that operates the whole or part of the same route.
3. The agreed services provided by the designated airlines of the States of the Parties shall be related to the requirements of the public for transportation on the specified routes, and each designated airline shall have as their primary objective the provision, at a reasonable load factor of capacity adequate to meet the current and reasonably anticipated requirements for the carriage of passengers, baggage, cargo and mail between the territory of the State of the Party designating the airline and the territory of the State of the other Party. Conditions of the carriage of passengers, baggage and cargo including mail both taken on board and discharged at points on the specified routes in the territory of the State of the other Party and at points in the territories of third countries shall be provided in accordance with the general principles that capacity shall be related to:
 - a) traffic requirements to and from the territory of the State of the Party, which has designated the airline;
 - b) traffic requirements of the area through which the agreed service passes, after taking account of other transport services established by airlines of the third countries comprising the area;
 - c) the requirements of the transit flights operation.

ARTICLE 12**TARIFFS**

1. Each Party shall allow each designated airline to establish its own tariffs for operating agreed services.
2. Notwithstanding the foregoing, each Party shall have the right to intervene so as to:
 - a) prevent unreasonably discriminatory tariffs;



- b) protect consumers from tariffs that are high or restrictive because of the abuse of a dominant position; and
- c) protect airlines from tariffs that are predatory or artificially low.

3. For the purposes set out in paragraph 2 of this Article, the Aeronautical Authorities of one Party may require the designated airline(s) of the State of the other Party to provide information relating to the establishment of the tariffs.

4. In the event that the Aeronautical Authorities of one Party are dissatisfied with a tariff proposed or in effect for an airline of the State of the other Party, the Aeronautical Authorities will endeavour to settle the matter through consultations, if so requested by either Authorities. In any event, the Aeronautical Authorities of a Party shall not take unilateral action to prevent the coming into effect or continuation of a tariff of an airline of the State of the other Party.

**ARTICLE 13
TRANSFER OF EARNINGS**

1. Each Party shall grant to the designated airline(s) of the State of the other Party the right to transfer the excess of receipts over expenditure earned by the said airline(s) in connection with the operation of the international air services. The said transfer shall be made in any freely convertible currency according to the official exchange rate valid for the date of transfer request and in accordance with the applicable laws and regulations of the State of the Party from which the transfer takes place.


2. The provisions of this Article do not affect the issues of taxation that are the subject of the separate agreement between the Parties.

**ARTICLE 14
AIRLINE REPRESENTATION AND SALES**

1. The designated airline(s) of the State of one Party shall be granted the right of its own sale of transportation using their own transportation documents in the territory of the State of the other Party, in accordance with the latter's laws and regulations. Such sale may be executed directly in the representations of the designated airline(s) or through authorized agents which have an appropriate license to provide such service.

2. Each designated airline shall have the right to sell transportation, and any person shall be free to purchase such transportation in the currency of that territory or, subject to the applicable laws and regulations, in freely convertible currencies of other countries.

3. The designated airline(s) of the State of one Party shall be allowed, on the basis of reciprocity, to bring into and to maintain in the territory of the State of the other Party their



offices and representation, with administrative, operational and technical staff as required in connection with the operation of the agreed services in accordance with the laws and regulations of the State of the other Party.

4. These staff requirements may, at the option of the designated airline(s) of the State of a Party, be satisfied by its own personnel or by using the services of any other organization operating in the territory of the State of the other Party and authorized to perform such services for other airlines.

5. The representation of the designated airline(s) of the State of a Party shall be operated in accordance with the laws and regulations in force of the State of the other Party, and consistent with such laws and regulations:

- a) each Party shall, on the basis of reciprocity, grant with the minimum delay the necessary employment authorizations, entry visas and other similar documents to the representatives and staff referred to in paragraph 4 of this Article;
- b) both Parties shall facilitate and expedite the requirement of employment authorizations for personnel referred to in paragraph 4 of this Article performing certain temporary duties not exceeding ninety (90) days.

ARTICLE 15 PROVISION OF STATISTICS

The Aeronautical Authorities of each Party shall provide or cause its designated airline(s) to provide the Aeronautical Authorities of the other Party, upon request, periodic or other statements of statistics as may be reasonably required for the purpose of reviewing the capacity provided on the agreed services operated by the designated airline(s) of the State of first Party.

ARTICLE 16 CONSULTATIONS

1. In order to ensure close and constructive cooperation, the Aeronautical Authorities of the Parties shall consult each other from time to time concerning the correct implementation, interpretation and modification of this Agreement or its Annex.

2. Such consultations, which may be through direct negotiations or by correspondence, shall begin within a period of sixty (60) days from the date the Aeronautical Authorities of the other Party receives a written request, unless otherwise agreed by the Aeronautical Authorities of the Parties.



ARTICLE 17
SETTLEMENT OF DISPUTES

1. If any dispute arises between the Parties relating to the interpretation or application of this Agreement, the Parties shall in the first place try to settle it by negotiation between Aeronautical Authorities of both Parties.
2. If the said Aeronautical Authorities fail to reach an agreement through the negotiations, the dispute shall be settled amicably through diplomatic channels.

ARTICLE 18
MODIFICATION OF AGREEMENT

1. If either of the Parties considers it desirable to modify this Agreement, it may request a consultation between the Aeronautical Authorities of both Parties in accordance with Article 16 of this Agreement. The modifications of this Agreement shall come into effect on the date of receipt via diplomatic channels of the last written notice that all internal procedures concerning entry into force of that modification have been accomplished by both Parties.
2. The modifications of Annex to the Agreement may be made by agreements between the Aeronautical Authorities of the Parties.

ARTICLE 19
CONFORMITY TO MULTILATERAL AGREEMENTS

If both Parties become parties to a multilateral agreement that addresses the issues covered by this Agreement, they, in accordance with the Article 16 of this Agreement, shall consult to determine the need to revise the Agreement in the light of this multilateral agreement.

ARTICLE 20
REGISTRATION THE AGREEMENT WITH ICAO

This Agreement and all amendments thereto shall be registered with the ICAO by the Party of the State in which territory this agreement and any amendments were signed, unless otherwise agreed by the Parties.

ARTICLE 21
TERMINATION

1. Each Party may, at any time, give notice in writing, through diplomatic channels, to the other Party of its decision to terminate this Agreement. Such notice shall be simultaneously communicated to ICAO.



2. In such case the Agreement shall terminate twelve (12) months after the date of receipt of the notice by the other Party unless the notice to terminate is withdrawn by mutual agreement before the expiry of this period.

3. In the absence of acknowledgement of receipt by the other Party, notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the ICAO.

ARTICLE 22
ENTRY INTO FORCE

This Agreement shall enter into force on the date of the last notification made via diplomatic channels by either Party to the other Party that it has fulfilled the necessary measures in accordance with the laws and regulations of its State for the entry into force of this Agreement. From the date of entry into force of this Agreement, the Air Transport Agreement between the Government of the Union of Burma and the Government of the Union of Soviet Socialist Republics signed on December 7, 1970 shall cease to be in force.

Done in _____ on _____ in duplicate each in Myanmar, Russian and English languages, all texts being equally authentic.

In case of divergence of interpretation, the text of the Agreement in English language shall be used.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE UNION OF MYANMAR

FOR THE GOVERNMENT OF THE
RUSSIAN FEDERATION

Annex

to the Air Services Agreement between
the Government of the Republic of the Union of Myanmar
and the Government of the Republic of the Russian Federation

Route Schedule

1. The designated airline(s) of the Republic of the Union of Myanmar shall be entitled to operate international scheduled air services in both directions on the routes specified hereunder:

Points of origin	Intermediate points	Points of destination	Points beyond
Any points in the Republic of the Union of Myanmar	Points in the third countries*	Moscow, Saint-Petersburg, Novosibirsk, Vladivostok, Krasnoyarsk, Irkutsk and other points in the Russian Federation*	Points in the third countries *

* Other points in the Russian Federation and points in the third countries shall be subject to an agreement between the Aeronautical Authorities of the Parties.

2. The designated airline(s) of the Russian Federation shall be entitled to operate international scheduled air services in both directions on the routes specified hereunder:

Points of origin	Intermediate points	Points of destination	Points beyond
Any points in the Russian Federation	Points in the third countries*	Nay Pyi Taw, Mandalay, Yangon and other points in the Republic of the Union of Myanmar*	Points in the third countries*

* Other points in the Republic of the Union of Myanmar and points in the third countries shall be subject to an agreement between the Aeronautical Authorities of the Parties.

Notes:

1. Only 3rd and 4th freedom traffic rights are covered by above route schedule.
2. Intermediate points and points beyond the territories of the State of the Parties may be omitted by the designated airlines of the States of the Parties at their discretion.

3. The right of the designated airline(s) of the State of one Party to transport passengers, baggage, cargo and mail between the points in the territory of the State of the other Party and points in the territory of the third countries (exercise of fifth freedom traffic right) shall be subject to the separate agreement between the Aeronautical Authorities of the Parties.
4. The number of frequencies and the capacity of the agreed services shall be subject to the agreement between the Aeronautical Authorities of the Parties.
5. Chartered, additional and non-scheduled services shall be carried out based on prior request of the designated or non-designated airlines, submitted to the Aeronautical Authorities of the Parties at least one hundred and twenty (120) hours before the departure, except weekends and holidays. The chartered services should be operated in accordance with the national laws and regulations of the States of the Parties.
6. Flight operations on aircraft leased with crew and maintenance provided by the lessor (wet leasing) are not permitted unless otherwise agreed between the Aeronautical Authorities of the Parties.
7. Any flight operations along Transsiberian, Transpolar and Transasian Air Route networks in the airspace of the Russian Federation shall be subject to the separate agreement between the Aeronautical Authorities of the Parties.
8. The designated airlines from the States of the Parties may enter into commercial and/or co-operative marketing arrangements, including but not limited to blocked-space code sharing, with either designated airline(s) of the State of the same Party; or designated airline(s) of the State of the other Party; or airline(s) of a third country; provided that: the operating airline in such arrangements holds the appropriate operating authorization and traffic rights;
 - a) both the operating and the marketing airline hold the appropriate route rights;
 - b) no service will be operated by an airline of the State of one Party for the carriage of passengers between a point in the territory of the State of the other Party and a point in the territory of a third Party, or between two points in the territory of the State of the other Party, unless that operating airline has traffic rights between those two points;
 - c) in respect of each ticket sold, the passenger is informed at the point of sale which airline will operate each flight forming part of the service;
 - d) the activities mentioned are carried out in accordance with the laws and regulations applicable in the State of each Party, including those governing competition;



- e) the operating airline has secured any necessary approvals from the relevant Aeronautical Authorities, for the purposes of ensuring that the code sharing arrangement is consistent with bilateral arrangements with any relevant third country; and
- f) code sharing arrangements will be subject to approvals by the Aeronautical Authorities of both Parties.

10. All provisions stipulated above also apply to all-cargo services.

