

Memorandum of Understanding

1. Delegations representing the Government of the Kingdom of Thailand and the Government of India met in Bangkok on 9-10 February 2006 to discuss matters relating to air services between the two countries. The discussions were held in a friendly and cordial atmosphere. The composition of the two delegations is given at Appendix '1'

2. Route Schedule

The two delegations agreed to substitute the Schedule to the Agreement between the Government of the Kingdom of Thailand and the Government of India for Air Services between and beyond their respective territories signed on 19th December 1969 ("the Agreement") as revised by Memorandum of Understanding dated 12 June 2003 with the revised Schedule as set out at Appendix '2'. The Parties shall, pursuant to Article 12 of the Agreement, take necessary action to amend the Agreement by an exchange of diplomatic notes. Until the exchange of diplomatic notes is effected, the Parties may give provisional effect to the new revised Schedules at Appendix '2' and '3'

3. Designation

The two delegations reconfirmed on multiple designation principle as stated in Article 3 of the Agreement, that is, each Party is entitled to designate one or more airlines to operate the agreed services on the specified routes.

4. Capacity and Frequencies

Pursuant to paragraph 4 of Article 6 of the Agreement, the two delegations agreed as follows:

4.1 Passenger/combination services

The designated airlines of each Party shall be entitled to operate seats per week in each direction with any type of aircraft on their respective Route Schedule as appeared in Schedule 1 Section-1 Part A and Section-2 Part A and B to the Agreement as follows:

from now until Summer 2006	8,606 seats per week
w.e.f Summer 2006	9,216 seats per week
w.e.f. Winter 2006	11,046 seats per week
w.e.f Summer 2007	13,136 seats per week
w.e.f. Winter 2007	14,186 seats per week
w.e.f Summer 2008	15,486 seats per week
w.e.f. Winter 2008	17,451 seats per week
w.e.f Summer 2009	18,671 seats per week



The designated airline(s) of Thailand shall be entitled to operate the above capacity entitlements with any type of aircraft in accordance with Appendix '4'.

4.2 The designated airline(s) of each Party shall be entitled to operate unlimited frequency and capacity with any type of aircraft on their respective Route Schedule as appeared in Schedule 1 Section-1 Part B and Section-2 Part C.

4.3 The designated airline(s) of Thailand had the entitlement to operate up to 3 frequencies/915 seats per week each to/from Guwahati, Gaya and Varanasi in Route Schedule 1 Section 1 and the designated airline(s) of India had reciprocal entitlement to operate up to 2,745 seats per week on Route Schedule 1 Section 2 Parts A and B. With the acceptance of the unlimited access to the 18 stations as mentioned in 4.2 above, the designated airline(s) of Thailand will get unlimited access to the 18 stations, which include Guwahati, Gaya and Varanasi. The Route Schedule applicable for Guwahati, Gaya and Varanasi mentioned in Section 1 of the earlier Route Schedule is retained in Schedule 1 Section 1 Part A of the revised Route Schedule. The Indian side would also have unlimited access to/from points in Thailand from these 18 stations, while also retaining the earlier entitlement of 2,745 seats per week referred to above.

4.4 All-cargo services

The designated airline(s) of each Party shall be entitled to operate all-cargo services on their respective section in the Schedule 2 to the Agreement as per Appendix 3 with no limitation on frequency and capacity and with any type of aircraft with full 3rd, 4th and 5th freedom traffic rights.

4.5 Charter services

Both Parties agreed to allow the airlines of the other Party to operate charter services in accordance with their respective charter policy/law/regulations.

5. Code sharing provision

In operating air services on the agreed routes, the designated airlines of either Contracting Party may enter into joint operating arrangements with any other airline(s) which holds the appropriate route and traffic rights, in the following manner:

5.1 Bilateral code share

Where the designated airlines of both Contracting Parties enter into code-sharing arrangements with each other, the capacity used by the non-operating carrier will not be counted against that country's capacity entitlement.

5.2 Same Contracting Party code share

The designated airlines of a Contracting Party, while operating along agreed routes, may enter into code-sharing operations with each other, whereby the capacity used by the operating carrier will be counted against that country's capacity entitlement.

Note : It is further agreed that each airline involved in code-sharing arrangements pursuant to this paragraph must, in respect of any ticket sold by it, shall make it clear to the purchaser at the point of sale which airline will actually operate each sector of the service and with which airline of airlines the purchaser is entering into a contractual relationship.

6. Commercial Arrangements

The currently applicable requirement for a Commercial Agreement between the designated airlines of India and Thailand to cover the operations of the designated airline(s) of Thailand to/from Mumbai (up to 7 frequencies/2,135 seats per week in each direction) and Bangalore (up to 5 frequencies/1,235 seats per week in each direction) as also to/from/through Chennai and beyond to Dubai (up to 4 frequencies/1,220 seats per week in each direction), including the terms and conditions of the existing Air India/Thai Airways Commercial Arrangement, will continue to be applicable. This provision and all its requirements shall expire on 1st January 2010.

7. Other matters

7.1 Both delegations agreed to meet in India before the end of 2006 to discuss the implementation of this Memorandum of Understanding including a review of the 5th freedom traffic rights.

7.2 The Thai side proposed the unlimited 3rd and 4th traffic rights. Both delegations shared the same view that this proposal will bring mutual benefit to aviation business between the two countries, but felt that it would take more preparation to reach this objective. The two sides agreed to continue consultation in this regard.



8. This Memorandum of Understanding shall supersede all the previous Agreed Minutes, Summary of Conclusions and Memoranda of Understanding, all of which shall no longer have effect. This Memorandum of Understanding shall come into force on the date of signature.

Done at Bangkok on 10th February 2006.



(Mahidol Chantrangkurn)
Leader of the Thai Delegation



(Ajay Prasad)
Leader of the Indian Delegation

Thai Delegation

1. Mr. Mahidol Chantrangkurn
Vice Minister
Ministry of Transport
2. Mr. Chaisak Angkasuwan
Director General
Department of Civil Aviation
3. Mrs. Kannikar Kemavuthanon
Deputy Director General
Department of Civil Aviation
4. Miss Pattama Tantirujanant
Director, Air Transport Regulatory Bureau
Department of Civil Aviation
5. Mr. Yos Laohasilpsomjitr
Director, Air Services Agreement and Negotiation Section
Department of Civil Aviation
6. Miss Dussadee Pratipsindhu
Chief, International Agreement, Law and Regulations
Ministry of Transport
7. Mrs. Kamolpatr Pratoomkaew
First Secretary, Department of International Economic Affairs
Ministry of Foreign Affairs
8. Ms. Vinanda Vannasin
Third Secretary, Department of International Economic Affairs
Ministry of Foreign Affairs
9. Mr. Anant Kanaviwatchai
Air Transport Technical Officer
Department of Civil Aviation
10. Miss Pimonwan Yamyoo
Air Transport Technical Officer
Department of Civil Aviation.
11. Mr. Pyrasak Duangkaew
Air Transport Technical Officer
Department of Civil Aviation

Leader

Advisors

1. Mr. Vasing Kittikul
Executive Vice President
Commercial Department
Government Relations Department
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2. Mr. Apichart Danaivan
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3. Mr. Pridi Boonsue
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4. Mr. Santi Purivetkunakorn
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5. Mr. Dussadee Pradithbatuga
Director, International Affairs Department
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6. Mr. Ruangyos Pamon-montri
Director, Indochina, The Union of Myanmar,
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Thai Airways International Plc.
7. Mrs. Kornkanoke Theppitak
Department Manager, International Relations,
Western Region Department
Thai Airways International Plc.



Indian Delegation

1. Mr. Ajay Prasad
Secretary (Civil Aviation)
2. H.E. Mr. Vivek Katju
Ambassador of India
3. Mr. T.P. Seetharam
Deputy Chief of Mission
Embassy of India, Bangkok
4. Mr. R.K. Singh
Joint Secretary
Ministry of Civil Aviation
5. Mr. M.P. Gavai
Director
Ministry of External Affairs
6. Ms. Manju
First Secretary
Embassy of India, Bangkok
7. Ms. S. Lalwani
Director (Planning & International Relations)
Air India
8. Ms. Madhu Shroff
Senior Manager (International Relations)
Air India
9. Mr. Shyam Sunder
Deputy General Manager
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Leader

Advisors

1. Mr. Saroj K. Datta
Executive Director
Jet Airways
2. Mr. Alok Sharma
Executive Vice President
Air Sahara
3. Mr. V. Raja
Vice President (Asia Pacific)
Jet Airways
4. Mr. Rakesh Bhatia
Manager Thailand
Indian Airlines Ltd.



Schedule 1
(Passenger/combination services)

Section -1

Routes to be operated by the designated airline(s) of the Government of the Kingdom of Thailand in both directions:

Parts/ Routes	Points of origin (1)	Intermediate points (2)	Points in India (3)	Beyond points (4)
Part A	Points in Thailand	Yangon, Dhaka, Kathmandu	Kolkata, Delhi, Mumbai, Chennai, Bangalore, Guwahati, Gaya, Varanasi, Hyderabad	Dubai Karachi or Kabul, Tehran or Cairo or Beirut or Istanbul, Rome and to either (i) Paris or London (ii) New York or (i) Zurich or Frankfurt (ii) Copenhagen or Amsterdam (iii) New York
Part B	Points in Thailand	Nil	Patna, Lucknow, Guwahati, Gaya, Varanasi, Bhubaneshwar, Khajuraho, Aurangabad, Goa, Jaipur, Port-Blair, Cochin, Thiruvananthapuram, Calicut, Amritsar, Vishakapatnam, Ahmedabad, Tiruchirapalli	Nil




Section -2

Routes to be operated by the designated airline(s) of India in both directions:

Parts/ Routes	Points of origin (1)	Intermediate points (2)	Points in Thailand (3)	Beyond points (4)
Part A	Points in India	Nil	Bangkok, Chiang Mai, Phuket	Hong Kong, Manila, Osaka, Tokyo, Beijing, Shanghai, one additional point of choice to be specified by India and to either (i) Honolulu (ii) San Francisco (iii) Los Angeles (iv) New York or (i) Anchorage or Vancouver (ii) Chicago (iii) New York
Part B	Points in India	Singapore, Yangon	Bangkok, Chiang Mai, Phuket	Kuala Lumpur and four points of choice out of : (i) South Korea (ii) Vietnam (iii) Australia (iv) Singapore (v) Cambodia (vi) Taiwan
Part C	Patna, Lucknow, Guwahati, Gaya, Varanasi, Bhubaneshwar, Khajuraho, Aurangabad, Goa, Jaipur, Port-Blair, Cochin, Thiruvananthapuram , Calicut, Amritsar, Vishakapatnam, Ahmedabad, Tiruchirapalli	Nil	Points in Thailand	Nil



Section -3

1. Points on any of the specified routes may, at the option of the designated airlines, be omitted on any or all flights, provided that the services originate at the point(s) in the territory of the contracting party that designated that airline.
2. Points on any of the specified routes need not necessarily be served in the order in which they have been specified, provided that the route flown does not cease to be reasonably direct.
3. The designated airline(s) of Thailand shall not serve more than one of the designated points in India on the same flight except Patna, Guwahati, Gaya, and Varanasi, with own stop-over traffic rights, but without cabotage rights.
4. The designated airline(s) of India shall not serve more than one of the designated points in Thailand on the same flight except Bangkok, Chiang Mai and Phuket, with own stop-over traffic rights, but without cabotage rights.
5. The beyond 5th freedom traffic rights by the designated airline(s) of Thailand to Dubai shall be exercised only via Chennai on up to 4 frequencies/1,220 seats per week in each direction.
6. No 5th freedom traffic rights shall be exercised on the services to/from Mumbai, Delhi, Bangalore, Chennai (except to Dubai), Guwahati, Gaya, Varanasi and Hyderabad.
7. The beyond 5th freedom traffic rights by the designated airline(s) of India to/from Cambodia and Taiwan shall be allowed to be exercised on up to 7 frequencies/week/point.
8. While computing the seats operated by the designated airlines, the full seating configuration of the aircraft with which air services are operated shall be taken into account.



Schedule 2
(All cargo services)

Section -1

Routes to be operated by the designated airline(s) of the Government of the Kingdom of Thailand in both directions:

Points of origin	Intermediate points	Points in India	Beyond points
Points in Thailand	Any points	Points in India	Any points

Section -2

Routes to be operated by the designated airline(s) of India in both directions:

Points of origin	Intermediate points	Points in India	Beyond points
Points in India	Any points	Points in Thailand	Any points

Section -3

1. The designated airlines of one Party may combine in one flight any of the points in the territory of the other Party without exercising cabotage rights between those two points.
2. Points on any of the specified routes may, at the option of the designated airlines, be omitted on any or all flights, provided that the services begin at points in the territory of the contracting party that designated those airlines.




The designated airline(s) of Thailand shall be entitled to operate with any type of aircraft on routes in Part A of Section 1 in Schedule 1 to the Agreement, to/from/through the available points of call in India, as follows:

	Number of Seats per Week in Each Direction							Total
	BOM	DEL	CCU	MAA/ DXB	MAA	BLR	HYD	
Current (Win2005)	2,135	2,716	1,300	1,220		1,235		8,606
Sum 2006	2,135	2,716	1,300	1,220		1,845		9,216
Win 2006	2,135	2,716	1,300	1,220		2,895	780	11,046
Sum 2007	2,135	2,716	1,820	1,220	1,050	2,895	1,300	13,136
Win 2007	2,135	2,716	1,820	1,220	1,050	2,895	2,350	14,186
Sum 2008	2,135	2,716	1,820	1,220	1,830	2,895	2,870	15,486
Win 2008	2,135	4,681	1,820	1,220	1,830	2,895	2,870	17,451
Sum 2009	2,135	5,901	1,820	1,220	1,830	2,895	2,870	18,671