

## MEMORANDUM OF UNDERSTANDING

Delegations representing the Government of India and the Government of the Republic of Uzbekistan met in New Delhi on 09 July 2007 to discuss matters related to air services between the two countries. The discussions were held in a friendly and cordial atmosphere. The list of the two delegations is attached at Appendix 'A'.

### ***Review of Air Services Agreement***

2. The Indian side proposed that Article - 12 (Tariffs) of the Air Services Agreement between India and Uzbekistan may be revised and a new article (Article 9 bis) on Co-operative Services Arrangements may be incorporated therein. The Uzbek delegation agreed to this proposal in principle, subject to confirmation through diplomatic channels. The text of these articles is attached as Appendix 'B'.

### ***Route Schedule***

3. The two delegations agreed on the following:
- i) Ahmedabad and Goa shall be granted as additional points of call in India, for the designated airlines of Uzbekistan.
  - ii) The designated airlines of Uzbekistan shall be entitled to co-terminalise Amritsar and Delhi without exercising cabotage rights.
  - iii) The designated airlines of India shall be entitled to co-terminalise Tashkent and Samarkand without exercising cabotage rights.
  - iv) The designated airlines of either side may serve intermediate and/or beyond points not specified in their respective Route Schedules, without exercising 5<sup>th</sup> freedom traffic rights.

4. The Indian side requested that Moscow may be granted as a beyond point with 5<sup>th</sup> freedom traffic rights for the designated airlines of India. The Uzbek side stated that they would need time to consider this request and will revert on this request at the earliest.

5. The revised Route Schedule is attached as Appendix 'C'.

6. The revised Route Schedule supercedes the previous one and shall come into force in accordance with the provisions of Article 21 of the Air Services Agreement between the two countries. Pending such approvals, the two delegations agreed to apply the revised Route Schedule provisionally with immediate effect.

#### ***Capacity Entitlements***

7. It was agreed that the designated airlines of Uzbekistan shall be entitled to operate a total of 18 frequencies per week in each direction with any type of aircraft having capacity not exceeding 300 seats in accordance with the Route Schedule for the designated airlines of Uzbekistan subject to the condition that not more than seven (7) services shall be operated to/from any one point of call in India.

8. The designated airlines of India shall be entitled to operate a total of 18 frequencies per week in each direction with any type of aircraft having capacity not exceeding 300 seats, in accordance with the Route Schedule for the designated airlines of India.

#### ***Commercial Agreement***

9. The Indian delegation clarified that the Government of India has taken a policy decision that the existing mandated commercial agreements shall cease to apply after 31 December 2009. Accordingly, it was agreed that the existing commercial agreement between Indian Airlines and Uzbekistan Airways shall continue to be applicable on the operations of Uzbekistan Airways in excess of 3 services / 630 seats per week to/from Amritsar, as per the existing terms and conditions, until 31 December, 2009.




***Open Sky Policy for all-Cargo Operations***

10. The Indian side stated that the Government of India has declared an Open Sky Policy for cargo, and therefore proposed that the two sides could exchange an Open Sky Policy for all-cargo operations on a reciprocal basis. The Uzbek side responded that this matter shall be decided by their concerned authorities and that they would revert on this proposal at the earliest.


11. This Memorandum of Understanding shall supercede all the earlier Memoranda of Understanding/Agreements concluded between the Government of India and the Government of Uzbekistan relating to air services matters to the extent applicable.

Done at New Delhi on 09 July 2007.

For the delegation of India

  
(K. Gohain)

For the delegation of Uzbekistan

  
(Tolib Uljaev)

List of Indian Delegation

- |    |                                                                                                  |        |
|----|--------------------------------------------------------------------------------------------------|--------|
| 1. | Mr. K. Gohain<br>Director General of Civil Aviation<br>Directorate General of Civil Aviation     | Leader |
| 2. | Mr. M.P. Gavai<br>Director<br>Ministry of External Affairs                                       | Member |
| 3. | Mr. M.S. Chopra<br>Deputy Secretary<br>Ministry of Civil Aviation                                | Member |
| 4. | Mr. K.P. Maggon<br>Director - Regulations & Information<br>Directorate General of Civil Aviation | Member |
| 5. | Mr. K. Shyam Sunder<br>Dy. General Manager (Marketing Planning)<br>Indian Airlines Ltd.          | Member |
| 6. | Mrs. Madhu Shroff<br>Sr. Manager – International Relations<br>Air India Limited                  | Member |
| 7. | Mr. Rajan Malhotra<br>Manager (Marketing Planning)<br>Indian Airlines                            | Member |



List of Delegation of Uzbekistan

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|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. | Mr. Tolib Uljaev,<br>Deputy Chief of the State Inspection<br>Of the Republic of Uzbekistan for<br>Flight Safety Oversight,                                | Leader |
| 2. | Mr. Abdulkarim Mamedov,<br>Chief of External Relations Department of<br>The State Inspection of the Republic of<br>Uzbekistan for Flight Safety Oversight | Member |
| 3. | Mr. Erkin Ubaidullaev,<br>Chief of External Relations<br>National Airline Company "Uzbekistan Airways"                                                    | Member |
| 4. | Mr. Bekhzod Alimdjanov<br>First Secretary of the<br>Embassy of the Republic of<br>Uzbekistan in India .                                                   | Member |
| 5. | Mr. Bakhodir Nurmatov<br>Country Manager of<br>Uzbekistan Airways in India                                                                                | Member |
| 6. | Kanwaljit Singh<br>Regional Director<br>for Indian and Nepal                                                                                              | Member |

**Article 13**

***Tariff***

1. The tariffs in respect of the agreed services operated by the designated airlines of each Contracting Party shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit and the tariffs of other airlines.

2. The tariffs established under paragraph 1 shall not be required to be filed by the designated airlines of one Contracting Party with the aeronautical authorities of the other Contracting Party.

3. Notwithstanding the foregoing, each Contracting Party shall have the right to intervene so as to:

- (a) prevent unreasonably discriminatory prices or practices;
- (b) protect consumers from prices that are excessive or restrictive due to the abuse of a dominant position; and
- (c) protect airlines from prices that are predatory or artificially low.

4. The designated airlines of each Contracting Party shall provide, on request, to the aeronautical authorities of the other Contracting Party information relating to the establishment of the tariffs in a manner specified by such aeronautical authorities.



## Article 9 bis

### *Co-operative Services Arrangements*

1. While operating or holding out the agreed services on the specified route(s), the designated airlines of each Contracting Party may enter into cooperative services arrangements, whether as the operating or marketing airline, with:-
  - (a) an airline or airlines of the same Contracting Party;
  - (b) an airline or airlines of the other Contracting Party.
2. When a designated airline of a Contracting Party performs air services as the operating airline, under cooperative services arrangements, the total capacity operated by that airline shall be counted against the capacity entitlements of the Contracting Party designating the airline.
3. When a designated airline of a Contracting Party performs air services as the marketing airline, under cooperative services arrangements, with the airline of its own country or the airline of the other Contracting Party, the total capacity offered by the former airline shall not be counted against the capacity entitlements of the Contracting Party designating that airline.
4. All airlines operating or holding out the above services shall hold the appropriate authority including route rights, traffic rights and capacity entitlement and meet the requirements normally applied to such arrangements.
5. The designated airlines of both Contracting Parties shall, when holding out services for sale, in terms of code-share, blocked-space or other joint venture arrangements, make it clear to the purchaser at the point of sale as to which airline shall be the operating airline on each sector of the service and with which airline(s) the purchaser is entering into a contractual relationship.



ANNEXSECTION I

The designated airlines of India shall be entitled to operate agreed services on the following route:

Points of Origin (1)	Intermediate Points (2)	Points of Destination (3)	Points Beyond (4)
Points in India	Any point in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Azerbaijan	Tashkent, Samarkand, Bukhara	<ul style="list-style-type: none"> <li>• Any point in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Azerbaijan;</li> <li>• Ankara;</li> <li>• Any one point in Europe to be specified later</li> </ul>

SECTION II

The designated airlines of Uzbekistan shall be entitled to operate agreed services on the following routes:

Points of Origin (1)	Intermediate Points (2)	Points of Destination (3)	Points Beyond (4)
Points in Uzbekistan	To be agreed	Delhi, Amritsar, Thiruvananthapuram, Ahmedabad, Goa	To be agreed

NOTES

1. The Indian designated airlines shall be entitled to operate round-robin co-terminal services between Tashkent/Samarkand/Bukhara and a point in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Azerbaijan on each flight.
2. The designated airlines of Uzbekistan shall be entitled to co-terminalise Amritsar and Delhi without exercising cabotage rights.
3. The designated airlines of India shall be entitled to co-terminalise Tashkent and Samarkand without exercising cabotage rights.
4. The designated airlines may at their option omit calling at any of the points in columns (2) and (4), provided that the services originate and terminate at a point in column (1).
5. Intermediate and/or beyond points not specified may be served by the designated airlines, without exercising 5<sup>th</sup> freedom traffic rights.