Protocol

between

the Government of the Socialist Republic of Viet Nam

and

the Government of the Czech Republic

amending the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the Czech Republic concerning Air Services, signed in Prague on 23 May 1997

The Government of the Socialist Republic of Viet Nam and the Government of the Czech Republic, hereinafter referred to as Contracting Parties,

Desiring to amend the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the Czech Republic concerning Air Services, signed in Prague on 23 May 1997 (the "Agreement concerning Air Services"),

Have agreed as follows:

ARTICLE I

Article 4, paragraph 1) of the Agreement concerning Air Services shall be amended by replacing it, in its entirety, with the following:

1) *Each Contracting Party shall have the right through its aeronautical authorities to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on specified routes and to withdraw or alter such designations.*

ARTICLE II

The Agreement concerning Air Services is amended by the addition of Article 6(bis), as follows:

ARTICLE 6(bis)

TIMETABLES

1) *An airline designated by one Contracting Party shall file to the aeronautical authorities of the other Contracting Party for approval at least thirty (30) days in advance the timetable of its intended services, specifying the frequency, type of aircraft, times, configuration and number of seats to be made available to the public and period of timetable validity. The same procedure shall apply to any modification thereof.*

2) *If a designated airline wishes to operate supplementary flights besides those covered in the timetables, it shall request permission from the aeronautical authorities of the other Contracting Party. Such request shall usually be submitted at least two (2) working days before operating such flights.*

ARTICLE III

Article 7 of the Agreement concerning Air Services shall be amended by replacing it, in its entirety, with the following:

ARTICLE 7

TARIFFS

1) *The tariffs for agreed services shall be established by the designated airlines at reasonable levels, due regard being paid to all relevant factors, including cost of operation and reasonable profit.*

2) *The tariffs established under paragraph (1) of this Article shall not be required to be filed by the designated airlines of one Contracting Party with the aeronautical authorities of the other Contracting Party. 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 unreasonably high or restrictive due to the abuse of a dominant position; and

(c) protect airlines from prices that are artificially low due to subsidy or support, or where evidence exists as to an intent to eliminate competition.

3) The designated airlines of one 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 and format as specified by such authorities.

ARTICLE IV

The Agreement concerning Air Services is amended by the addition of Article 11(bis), as follows:

ARTICLE 11(bis)

AVIATION SAFETY

1) Each Contracting Party may request consultations at any time concerning safety standards in any area relating to aircrew, aircraft or their operation adopted by the other Contracting Party. Such consultations shall take place within thirty (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 in any such area that are at least equal to the minimum standards established at that time pursuant to the Chicago Convention, the first Contracting Party shall notify the other Contracting Party of those findings and the steps considered necessary to conform with those minimum standards and that other Contracting Party shall take appropriate corrective action. Failure by the other Contracting Party to take appropriate action within fifteen (15) days or such longer period as may be agreed shall be grounds for the application of Article 5 of this Agreement.

3) Notwithstanding the obligations mentioned in Article 33 of the Chicago Convention it is agreed that any aircraft operated by or, under the 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 authorized 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 ramp inspection or series of ramp inspections gives rise to serious concerns that:*

(a) an aircraft or the operation of an aircraft does not comply with the minimum standards established at the time pursuant to the Chicago Convention, or

(b) there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Chicago Convention,

the Contracting Party carrying out the inspection shall, for the purposes of Article 33 of the Chicago 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 or above the minimum standards established pursuant to the Chicago Convention.

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

6) *Each Contracting Party reserves the right to suspend or vary the operating authorization of an airline of the other Contracting Party immediately 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 immediate action is essential to the safety of an airline operation.*

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

ARTICLE V

The Agreement concerning Air Services is amended by the addition of Article 15(bis), as follows:

ARTICLE 15(bis)
INTERMODAL SERVICES

The designated airlines of each Contracting Party shall be permitted to employ, in connection with air transport of passengers and cargo, any intermodal transport to or from any point in the territory of the other Contracting Party. Such airlines may elect to perform their own intermodal transport or to provide it through arrangements, including code share, with other carriers. The intermodal services may be offered as a through service and at a single price for the air and intermodal transport combined, provided that passengers and shippers are informed as to the providers of such transport.

ARTICLE VI

Article 19 of the Agreement concerning Air Services shall be amended by replacing it, in its entirety, with the following:

ARTICLE 19
AMENDMENT

1) *If either of the Contracting Parties considers it desirable to amend any provision of this Agreement, such amendment, if agreed between the Contracting Parties, shall come into force on the sixtieth (60) day after delivery of the latter of diplomatic notes confirming that the formalities constitutionally required for approval of this amendment have been complied with.*

2) *In an event a general multilateral convention related to international air transport and affecting the relations between the two Contracting Parties enters into force, this Agreement shall be amended to conform with the provisions of such multilateral convention in so far as those provisions have been accepted by both Contracting Parties.*

ARTICLE VII

Annex to the Agreement concerning Air Services shall be amended by replacing it, in its entirety, with the following:

ANNEX

ROUTE SCHEDULE

Section I

The routes of the agreed services performed by the airlines 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 the Czech Republic***	***Points Beyond***
Any Points	*Any Points*	*Any Points*	*Any Points*

Section II

The routes of the agreed services performed by the airlines designated by the Government of the Czech Republic shall be as follows in either or both directions:

Points in the Czech Republic	***Intermediate Points***	***Points in Viet Nam***	***Points Beyond***
Any Points	*Any Points*	*Any Points*	*Any Points*

Notes:

1. *The designated airlines 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 Contracting Parties in any order.*

2. *The right of the designated airline of either Contracting Party to transport passengers, cargo and mail between the points in the territory of the other Contracting Party and points in the territory of third Parties shall be discussed and agreed upon by the aeronautical authorities of the two Contracting Parties.*

ARTICLE VIII

Each Contracting Party shall notify the other Contracting Party by diplomatic note that the formalities constitutionally required in their respective country for approval of this Protocol have been complied with. This Protocol shall enter into force on the sixtieth (60) day after delivery of the latter of these two notifications. This Protocol shall be an integral part of the Agreement concerning Air Services.

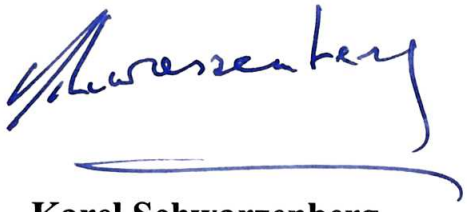
Done at Ha Noi on this twenty second day of March 2012 in two originals in English language.

For the Government of the Socialist Republic of Viet Nam



Pham Binh Minh
Minister of Foreign Affairs

For the Government of the Czech Republic



Karel Schwarzenberg
Deputy Prime Minister
Minister of Foreign Affairs