

**AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT  
OF THE CZECH REPUBLIC AND THE GOVERNMENT OF THE HONG  
KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S  
REPUBLIC OF CHINA CONCERNING AIR SERVICES  
SIGNED IN HONG KONG ON 22 FEBRUARY 2002**

The Government of the Czech Republic and the Government of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as "the Contracting Parties"),

Desiring to amend the Agreement between the Government of the Czech Republic and the Government of the Hong Kong Special Administrative Region of the People's Republic of China Concerning Air Services signed in Hong Kong on 22 February 2002 (hereinafter referred to as "the Agreement"),

Have agreed as follows:

**ARTICLE I**

In Article 1, paragraph (a) of the Agreement, the term "aeronautical authorities" in the case of the Czech Republic, shall be amended to "the Ministry of Transport".

**ARTICLE II**

Article 4 of the Agreement shall be amended by replacing it, in its entirety, with the following:

*"Article 4*

***Designation and Operating Authorisation***

- (1) *The international air services on the routes specified in accordance with Article 3 (Grant of Rights) of this Agreement may be started at any time, provided that:*

- (a) the Contracting Party to whom the rights specified in Article 3 of this Agreement are granted has designated one or several airlines in writing; and*
  - (b) the Contracting Party granting these rights has authorised the designated airline or airlines to initiate the air services.*
- (2) On receipt of such a designation the other Contracting Party shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:*
  - (a) in the case of an airline designated by the Government of the Czech Republic:*
    - (i) the airline is established in the area of the Czech Republic under the Treaty on European Union and the Treaty on the Functioning of the European Union and has a valid Operating Licence in accordance with European Union law; and*
    - (ii) effective regulatory control of the airline is exercised and maintained by the European Union Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and*
    - (iii) the airline is owned directly or through majority ownership and effectively controlled by any European Union Member States and/or the Republic of Iceland, the Kingdom of Norway, the Principality of Liechtenstein and the Swiss Confederation and/or nationals of such States;*
  - (b) in the case of an airline designated by the Government of the Hong Kong Special Administrative Region:*
    - (i) the airline is incorporated in and has its principal place of business in the area of the Hong Kong Special Administrative Region and has a valid Air Operator's Certificate in accordance with the applicable law of the Hong Kong Special Administrative Region; and*
    - (ii) the Hong Kong Special Administrative Region has and maintains effective regulatory control of the airline;*
- and*
- (c) the designated airline proves upon request of the other Contracting Party that it is qualified to meet the requirements to be fulfilled for the operation of international air transport under the laws and regulations applicable in the area of that Contracting Party.*
- (3) Either Contracting Party shall have the right to replace, subject to the provisions of paragraphs (1) and (2) above, an airline it has designated*

*by another airline. The newly designated airline shall have the same rights and be subject to the same obligations as the airline which it replaces."*

### **ARTICLE III**

Article 5 of the Agreement shall be amended by replacing it, in its entirety, with the following:

#### *"Article 5*

#### ***Refusal, Revocation, Suspension or Limitation of the Operating Authorisation***

- (1) *Either Contracting Party may refuse, revoke, suspend or limit the operating authorisation or technical permissions of an airline designated by the other Contracting Party where:*
- (a) *in the case of an airline designated by the Government of the Czech Republic:*
    - (i) *the airline is not established in the area of the Czech Republic under the Treaty on European Union and the Treaty on the Functioning of the European Union or does not have a valid Operating Licence in accordance with European Union law; or*
    - (ii) *effective regulatory control of the airline is not exercised or not maintained by the European Union Member State responsible for issuing its Air Operator's Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or*
    - (iii) *the airline is not owned directly or through majority ownership and effectively controlled by any European Union Member States and/or the Republic of Iceland, the Kingdom of Norway, the Principality of Liechtenstein and the Swiss Confederation and/or nationals of such States; or*
    - (iv) *the airline, by exercising traffic rights under this Agreement for the operation of services that include a point in another European Union Member State, including the operation of services which are marketed as or otherwise constitute through services, would in effect circumvent any restriction on the traffic rights imposed by an agreement between the Hong Kong Special Administrative Region and that other European Union Member State; or*
    - (v) *the airline holds an Air Operator's Certificate issued by another European Union Member State and no bilateral air services agreement is in force between the Hong Kong Special Administrative Region and that other European Union Member*

*State, and that European Union Member State has denied traffic rights to the airline(s) designated by the Hong Kong Special Administrative Region;*

*(b) in the case of an airline designated by the Government of the Hong Kong Special Administrative Region:*

*(i) the airline is not incorporated in or does not have its principal place of business in the area of the Hong Kong Special Administrative Region or does not have a valid Air Operator's Certificate in accordance with the applicable law of the Hong Kong Special Administrative Region; or*

*(ii) the Hong Kong Special Administrative Region does not have or is not maintaining effective regulatory control of the airline;*

*or*

*(c) the designated airline does not comply with the laws and regulations referred to in Article 6 (Application of Laws and Regulations) of this Agreement; or*

*(d) if that airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.*

*(2) Such refusal, revocation, suspension or limitation of the authorisation shall be preceded by consultations as provided for in Article 16 (Consultation) of this Agreement, unless an immediate suspension of operations or immediate limitations are necessary to avoid further infringements of laws or regulations."*

#### **ARTICLE IV**

Article 18 of the Agreement shall be amended by replacing it, in its entirety, with the following:

*"Article 18*

##### ***Amendment***

*Any amendment to this Agreement agreed by the Contracting Parties shall enter into force on the 60th day after delivery of the latter of notifications by the Contracting Parties confirming that all the necessary internal procedures for the approval of such amendment have been complied with."*

## ARTICLE V

This Amendment shall enter into force on the 60th day after delivery of the latter of notifications by the Contracting Parties to inform each other in writing that any necessary procedures for approval of this Amendment have been completed.

Done, in duplicate, at Hong Kong this 14th day of August 2014 in the English language.

For the Government  
of the Czech Republic

Jaroslav Kantůrek  
Consul General of the Czech Republic  
to the Hong Kong Special  
Administrative Region of the People's  
Republic of China

For the Government  
of the Hong Kong Special  
Administrative Region of the People's  
Republic of China

Anthony B.L.Cheung  
Secretary for Transport and Housing