

PROTOCOL
AMENDING AND SUPPLEMENTING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
RELATING TO AIR SERVICES

The Government of the Republic of Lithuania and the Government of the Republic of India (hereinafter referred to as the “Contracting Parties”);

Having reviewed the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of India signed on 20 February 2001 in New Delhi (hereinafter referred to as the “Agreement”);

Desiring to strengthen their mutual relations in the field of civil aviation and supplementing the Agreement;

Have agreed as follows:

Article 1

Paragraph (2) of Article 2 shall be supplemented with subparagraph (d):

“(d) to operate all-cargo services to/from any point(s) in the territory of the other Contracting Party via any of the intermediate point(s) and beyond to any point(s), without any limitation on the number of services and type of aircraft, with full third, fourth and fifth freedom traffic rights, without exercising cabotage rights.”

Article 2

Paragraph (1) of Article 3 shall be amended to read as follows:

“1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party an airline or airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designation.”

Article 3

The Agreement shall be supplemented with Article 9¹ as follows:

“ARTICLE 9¹

Intermodal transport services

The designated airline(s) 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 airline(s) may elect to perform their own intermodal transport or to provide it through arrangement, 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 transportation.”

Article 4

The Agreement shall be supplemented with Article 9² as follows:

“ARTICLE 9²

Cooperative marketing arrangements

1. The designated airline(s) of each Contracting Party may enter into cooperative marketing arrangements, such as code-share, block space or any other joint venture arrangement with:

- (a) the designated airline(s) of the same Contracting Party; or
- (b) the designated airline(s) of the other Contracting Party; or
- (c) the designated airline(s) of a third country.

2. All operating airlines involved in the cooperative marketing arrangements shall hold the underlying traffic rights, including the route rights and the capacity entitlements and meet the requirements normally applied to such arrangements.

3. All marketing airlines involved in the cooperative arrangements shall hold the underlying route rights and meet the requirements normally applied to such arrangements.

4. The total capacity operated by the air services performed under such arrangements shall be counted only against the capacity entitlement of the Party designating the operating airlines(s). The capacity offered by the marketing airlines(s) on such services shall not be counted against the capacity entitlement of the Party designating that airline.

5. The designated airline(s) of either Contracting Party shall be allowed to transfer traffic (i.e. starburst) between aircraft involved in the code-share operations without restrictions as to number, size and type of aircraft.

6. In addition to the operating airline(s), the aeronautical authorities of each Contracting Party may require the marketing airline(s) to file schedules for approval and also provide any other documents before commencement of air services under the co-operative marketing arrangements.

7. When holding out services for sale under such arrangements, the concerned airline or its agent shall make it clear for 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.

8. Before providing code sharing services, the code sharing partners shall agree as to which party shall be responsible for security, safety, facilitation, liability and other consumer related matters. Such an agreement shall be filed with the aeronautical authorities of both Contracting Parties before implementation of the code-share arrangements.”

Article 5

This Protocol shall form an integral part of the Agreement. The Protocol shall enter into force and may be terminated in accordance with the provisions of the Agreement establishing the procedure for entry into force and termination of the Agreement.

Done at New Delhi on 9 October 2017, in two originals, each in Lithuanian, Hindi and English languages, all the texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**For the Government
of the Republic of Lithuania**

**For the Government
of the Republic of India**

**H. E. Mr. Linas Linkevičius
The Minister of Foreign Affairs**

**H. E. Ms. Sushma Swaraj
The Minister of External Affairs**