

No. 4945

BELGIUM
and
FEDERAL REPUBLIC OF GERMANY

Agreement concerning air services (with exchange of letters). Signed at Bonn, on 14 April 1956

Exchange of letters constituting an agreement modifying the route schedule. Brussels, 5 May and 8 July 1958

Official texts of the Agreement: French and German.

Official text of the exchange of letters of 5 May and 8 July 1958: French.

Registered by Belgium on 19 October 1959.

BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord relatif au transport aérien (avec échange de lettres).
Signé à Bonn, le 14 avril 1956**

**Échange de lettres constituant un accord modifiant le
tableau des itinéraires. Bruxelles, 5 mai et 8 juillet 1958**

Textes officiels de l'Accord français et allemand.

Texte officiel de l'échange de lettres des 5 mai et 8 juillet 1958 français.

Enregistrés par la Belgique le 19 octobre 1959.

[TRANSLATION — TRADUCTION]

No. 4945. AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING AIR SERVICES. SIGNED AT BONN, ON 14 APRIL 1956

The Kingdom of Belgium and the Federal Republic of Germany, desiring to regulate air services between and beyond their respective territories have agreed as follows :

Article 1

For the purpose of this Agreement, except where the text otherwise provides,

- (a) The expression "aeronautical authority" means, in the case of the Kingdom of Belgium, the Minister of Communications and, in the case of the Federal Republic of Germany, the Federal Minister of Transport, or, in either case, any other person or body authorized to perform the functions for which the said official is responsible ;
- (b) The term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of that State ;
- (c) The expression "designated airline" means an airline which one Contracting Party shall have designated in writing to the other Contracting Party, in accordance with article 3, as the airline which is to operate international air services on the routes specified in accordance with article 2, paragraph (2), of this Agreement ;
- (d) The expression "air service" means any scheduled air service performed by aircraft for public transport of passengers, mail or cargo ;
- (e) The expression "international air service" means an air service which passes through the airspace over the territory of more than one State ;
- (f) The expression "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Article 2

(1) For the purpose of the operation of international air services by the designated airlines, each Contracting Party grants to the other Contracting Party :

¹ Came into force on 8 June 1959, one month after the exchange of the instruments of ratification which took place at Brussels on 8 May 1959, in accordance with article 20. This Agreement is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

The right of transit ;

The right to make stops for non-traffic purposes ; and

The right to make flights for the commercial carriage of international traffic in passengers, mail and/or cargo to and from the points in its territory which are listed for each route specified in accordance with paragraph (2).

(2) The routes on which the designated airlines of the two Contracting Parties shall have the right to operate international air services shall be specified in a route schedule to be agreed upon by an exchange of diplomatic notes.

Article 3

(1) International air services may be inaugurated on the routes specified in accordance with article 2, paragraph (2) at any time after :

- (a) The Contracting Party to which the rights are granted has designated in writing the airline which is to operate the air service, and
- (b) The Contracting Party granting the rights has given the designated airline permission to inaugurate air services.

(2) The Contracting Party granting the rights shall, subject to the provision of paragraphs (3) and (4) and subject to agreement being reached in accordance with article 11, without delay grant permission for the operation of international air services.

(3) Each Contracting Party may require the designated airline of the other Contracting Party to satisfy it that the said airline is qualified to fulfil the conditions prescribed under its laws and regulations for the operation of international air services.

(4) Each Contracting Party reserves the right to withhold the exercise of the rights granted in article 2 from the airline designated by the other Contracting Party, if that airline is unable on request to satisfy it that substantial ownership and effective control of the airline are vested in nationals or bodies corporate of the other Contracting Party or in the other Contracting Party itself.

Article 4

(1) Each Contracting Party may revoke or restrict, by imposing conditions, the permission granted under article 3, paragraph (2), if the designated airline fails to comply with the laws and regulations of the Contracting Party granting the rights or with the provisions of this Agreement, or fails to fulfil the obligations arising therefrom. The foregoing shall also apply in the event of failure to furnish the proof required under article 3, paragraph (4). Each Contracting Party shall exercise this right only after consultation in accordance with article 15, unless immediate suspension of operations or immediate imposition of conditions is necessary to prevent further infringements of laws or regulations.

(2) Each Contracting Party shall have the right, by giving notice in writing to the other Contracting Party, to withdraw the designation of an airline and to substitute the designation of another airline. The newly designated airline shall have the same rights and duties as the airline which it replaces.

Article 5

(1) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory shall apply to the aircraft used by the designated airlines of the other Contracting Party.

(2) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crews, mail or cargo, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall apply to passengers, crews, mail or cargo of aircraft of the other Contracting Party while within its territory.

Article 6

The charges imposed for the use of airports and other aeronautical facilities by aircraft of the other Contracting Party shall not be higher than those payable by domestic aircraft.

Article 7

(1) Aircraft operated by the designated airline of one Contracting Party, entering and thereafter departing from or flying in transit over the territory of the other Contracting Party, as well as normal equipment and spare parts on board such aircraft, shall be exempt from customs duties and other charges levied in connexion with the importation, exportation and transit of goods.

(2) Spare parts and equipment which are, under customs supervision,

- (a) Dismounted or otherwise removed from the aircraft referred to in paragraph (1) in the territory of the other Contracting Party and there placed in storage,
- (b) Imported and stored in the territory of the other Contracting Party for the use of the airlines referred to in paragraph (1),

shall be exempt from the duties and charges referred to in paragraph (1), provided that they are installed in or otherwise taken on board the said aircraft under customs supervision or are re-exported from the territory of the latter Contracting Party otherwise than on board the aircraft. The same exemption from duties and charges shall be granted in respect of such spare parts and equipments as, under custom supervision, are drawn from corresponding stores of other foreign airlines and installed in or otherwise taken on board the said aircraft.

(3) Fuels and lubricating oils introduced into the territory of the other Contracting Party on board the aircraft referred to in paragraph (1) may be consumed on board the said aircraft free of the custom duties and charges referred to in paragraph (1), even on such part of the flight as takes place between points in the territory of that Contracting Party. The foregoing shall also apply to fuels and lubricating oils which, under custom supervision, are introduced into and stored in the territory of the other Contracting Party for the use of the said aircraft.

Fuels and lubricating oils other than those referred to in the preceding paragraph, taken on board such aircraft under customs supervision in the territory of the other Contracting Party shall also be free of the duties and charges referred to in paragraph (1) if consumed on board the said aircraft, even on such part of the flight as takes place between points in the territory of that Contracting Party.

(4) Foodstuffs and other provisions for the use of passengers and crew members which are introduced into the territory of the other Contracting Party on board the aircraft referred to in paragraph (1) may be consumed immediately on board, free of customs duties and other charges levied in connexion with the importation, exportation and transit of goods, provided that the aircraft carry passengers exclusively in international traffic and can be kept under constant customs supervision at intermediate stops.

(5) If no duties or charges are imposed in respect of the goods referred to in the preceding paragraph, they shall not be subject to any economic prohibition or restriction upon importation, exportation or transit otherwise applicable to them.

Article 8

(1) Certificates of airworthiness, certificates of competency and aircraft crew licences issued or recognized by one Contracting Party shall be recognized as valid by the other Contracting Party as long as they are in force.

(2) Each Contracting Party reserves the right to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party or by another State.

Article 9

(1) There shall be fair and equal opportunity for the airlines designated by the two Contracting Parties to operate the services specified in accordance with article 2, paragraph (2).

(2) In operating international air services on the routes specified in accordance with article 2, paragraph (2), the designated airline of one Contracting Party shall take into account the interests of the designated airline of the other Contracting Party so as not to affect unduly the air services which the latter provides on the whole or part of the same routes.