

No. 5040

**IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

**Air Transport Agreement (with exchange of notes). Signed
at Bonn, on 12 June 1956**

Official texts : English and German.

Registered by the International Civil Aviation Organization on 11 March 1960.

**IRLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux transports aériens (avec échange de
notes). Signé à Bonn, le 12 juin 1956**

Textes officiels anglais et allemand.

Enregistré par l'Organisation de l'aviation civile internationale le 11 mars 1960.

No. 5040. AIR TRANSPORT AGREEMENT¹ BETWEEN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY.
SIGNED AT BONN, ON 12 JUNE 1956

Ireland and the Federal Republic of Germany,

Desiring to make arrangements for the regulation of air transport between and beyond their respective territories,

Have agreed as follows :

Article 1

For the purpose of the present Agreement, unless otherwise stated in the text :

- a) The term "aeronautical authorities" shall mean in the case of Ireland, the Minister for Industry and Commerce, in the case of the Federal Republic of Germany, the Federal Minister of Transport, or in either case any other person or agency authorized to perform the functions exercised by the said Minister.
- b) The term "territory" in relation to a state shall mean the land areas and territorial waters adjacent thereto under the sovereignty of that state.
- c) The term "designated airline" shall mean an airline that one contracting party has designated in writing to the other contracting party, as being the airline which will be authorized to operate the routes specified in accordance with paragraph (2) of Article 2 of this Agreement.
- d) The term "air service" shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.
- e) The term "international air service" shall mean an air service which passes through the air space over the territory of more than one state.
- f) The term "stop for non-traffic purposes" shall mean a landing for any purpose other than taking on or discharging passengers, mail or cargo.

Article 2

- (1) Each contracting party grants to the other contracting party, for the purpose of operating international air services by the designated airlines
- the right of transit,
 - the right of stops for non-traffic purposes,

¹ Came into force on 5 July 1957, one month after the exchange of the instruments of ratification at Dublin on 5 June 1957, in accordance with article 19.

the right of commercial entry and departure for international traffic in passengers, mail or cargo at the points in its territory named on each of the routes specified in accordance with paragraph (2) of this Article.

(2) The routes over which the designated airlines of the two contracting parties will be authorized to operate will be specified in a Route Schedule mutually to be agreed upon in an exchange of notes.¹

(3) As regards any transatlantic service which may be included in the Route Schedule it is agreed that German aircraft flying over Irish territory whether bound eastwards or westwards will land at Shannon airport.

Article 3

(1) The international air services on the routes specified in accordance with paragraph (2) of Article 2 may be inaugurated at any time after

- a) the contracting party to whom these rights are granted has designated in writing an airline or airlines for the operation of the air services ; and
- b) the contracting party granting these rights has authorized the designated airline or airlines to inaugurate the air services.

(2) The contracting party granting these rights shall subject to the provisions of paragraphs (3) and (4) of this Article and subject to the understanding of Article 11 immediately give the permission to operate the international air service.

(3) Either contracting party may require an airline designated by the other contracting party to satisfy it that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by it to the operation of international air services.

(4) Each contracting party reserves the right to withhold the exercise of the rights provided for in Article 2 from any airline designated by the other contracting party if it is not able to satisfy the competent aeronautical authorities of the first contracting party that substantial ownership and effective control of such airline are vested in nationals or corporations of the other contracting party or in the state itself.

Article 4

(1) Each contracting party may revoke or limit the permission granted under paragraph (2) of Article 3 in the event of failure by a designated airline to comply

¹ See p. 140 of this volume.

with the laws and regulations of the contracting party granting the rights or to comply with the provisions of this Agreement or to fulfil the obligations arising therefrom. This shall also apply if the conditions of paragraph (4) of Article 3 are not fulfilled. Each contracting party will exercise this right only after consultation as provided for in Article 15, unless an immediate suspension of operations or the imposition of conditions is necessary to avoid further infringements of laws or regulations.

(2) Each contracting party shall have the right by written notification to the other contracting party to revoke the designation of an airline in order to replace it by another airline. The newly designated airline shall have the same rights and be subject to the same obligations as the designated airline which it replaces.

Article 5

(1) The laws and regulations of either contracting party relating to the admission into or departure from its territory of aircraft engaged in international air transport, or to the operation and navigation of such aircraft while within its territory shall be applicable to the aircraft of the airline or airlines designated by the other contracting party.

(2) The laws and regulations of either contracting party relating to the admission into or departure from its territory of passengers, crews, mail, or cargo, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall be applicable to the passengers, crews, mail, or cargo of the aircraft of the airline or airlines designated by the other contracting party, while within the territory of the first contracting party.

Article 6

The charges imposed by either contracting party for the use of airports and other aviation facilities by the aircraft of the designated airline or airlines of the other contracting party shall not be higher than those paid for the use of such airports and facilities by its national aircraft engaged in similar international air services.

Article 7

(1) The aircraft operated by the designated airline or airlines of either contracting party entering into, departing from, or flying across the territory of the other contracting party, as well as the regular equipment and spare parts on board such aircraft shall be exempt from customs duties and other charges levied on the occasion of import, export, or transit of goods.

(2) Spare parts and articles of regular equipment which

- a) are removed from the aircraft mentioned in paragraph (1) and stored in the territory of the other contracting party under customs supervision, or
- b) are imported for these aircraft into the territory of the other contracting party and stored there under customs supervision

shall be exempt from the charges mentioned in paragraph (1) above, if they either are installed or taken on board the said aircraft under customs supervision, or are exported again otherwise than on board the said aircraft.

The same exemption from charges shall be granted for such spare parts and articles of equipment taken from appropriate stores of other foreign airlines and installed in said aircraft or otherwise taken on board under customs supervision.

(3) Fuel and lubricating oils on board the aircraft mentioned in paragraph (1) above and introduced into the territory of the other contracting party may be used on board the aircraft free of customs duties and other charges levied on the occasion of import, export, and transit of goods and this also applies on that part of any flight which takes place between points in the territory of that contracting party. This shall likewise apply to fuel and lubricating oils imported into and stored in the territory of a contracting party under customs supervision for the purpose of supplying aircraft of an airline designated by the other contracting party. Other fuel and lubricating oils taken on by these aircraft under customs supervision within the territory of the contracting party and used in international air services shall not be subject to the aforementioned charges nor to possible special consumption charges imposed on fuel and lubricating oils in the territory of that contracting party.

(4) Articles of food and consumption imported on board the aircraft mentioned in paragraph (1) above and subject to compliance with normal customs regulations, issued for immediate supply to passengers and crew members may be consumed aboard the aircraft free of customs duties and other fees levied on the occasion of import, export, and transit of goods while within the territory of the other contracting party, if such aircraft exclusively transport passengers in international air services, and can be continuously supervised by customs authorities, if intermediate landings are made.

(5) As far as no charges are imposed on goods enumerated in the foregoing paragraphs, they shall not be subject to economic prohibitions and restrictions on import, export, and transit which are otherwise applicable.