

No. 5654

**SWEDEN
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement (with exchange of notes) relating to air services.
Signed at Bonn, on 29 January 1957**

Official texts of the Agreement: Swedish and German.

Official text of the notes: German.

Registered by the International Civil Aviation Organisation on 27 March 1961.

**SUÈDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord (avec échange de notes) relatif aux transports
aériens. Signé à Bonn, le 29 janvier 1957**

Textes officiels de l'Accord: suédois et allemand.

Texte officiel des notes: allemand.

Enregistré par l'Organisation de l'aviation civile internationale le 27 mars 1961.

[TRANSLATION — TRADUCTION]

No. 5654. AGREEMENT¹ BETWEEN THE KINGDOM OF SWEDEN AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO AIR SERVICES. SIGNED AT BONN, ON 29 JANUARY 1957

The Kingdom of Sweden and
The Federal Republic of Germany

Desiring to conclude an Agreement to promote the development of air services between and beyond their respective territories,

Have agreed as follows :

Article 1

For the purpose of this Agreement, except where the text of the Agreement otherwise requires :

(a) The term " aeronautical authority " means, in the case of the Kingdom of Sweden, the Royal Board of Civil Aviation, 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 authority is responsible;

(b) The term " territory " in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty of that State;

(c) The term " designated airline " means an airline which one Contracting Party shall have designated, by notice in writing to the other Contracting Party, in accordance with article 3, as the airline which is to operate on the routes specified in accordance with article 2, paragraph (2), of this Agreement;

(d) The term " air service " means any scheduled air service performed by aircraft for the public transport of passengers, cargo and mail;

¹ In accordance with article 20, the Agreement came into force on 28 April 1958, one month after the exchange of notes in which the Contracting Parties notified each other that their respective constitutional requirements had been fulfilled. The exchange of notes took place on 28 March 1958, and on that occasion it was noted that the special provisions contained in chapter II of the Treaty of 27 October 1956 between the Federal Republic of Germany and the French Republic on the settlement of the Saar question were not affected by the Agreement of 29 January 1957 between the Federal Republic of Germany and the Kingdom of Sweden relating to air services. Chapter II of the Treaty on the settlement of the Saar question provides that, for a period of transition not to exceed three years after the entry into force of the Treaty, the Saar shall not form part of the customs and monetary zone of the Federal Republic of Germany.

(e) The term “international air service” means 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” means a landing for any purpose other than taking on or discharging commercially 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 the following rights :

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 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 shall be specified in a route schedule to be agreed upon in an exchange of notes.¹

Article 3

(1) International air services may be inaugurated on the routes specified in accordance with article 2, paragraph (2), as soon as :

(a) The Contracting Party to which the rights are granted has designated in writing the airline or airlines which are to operate on the specified routes;

(b) The Contracting Party granting the rights has given the designated airline or airlines permission to inaugurate international air services on the routes specified in accordance with article 2, paragraph (2).

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

(3) Each Contracting Party shall have the right to require the designated airline or airlines of the other Contracting Party to furnish proof that they are qualified to fulfil the conditions prescribed under the laws and regulations of the first-mentioned Party 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 an airline designated by the other

¹ See p. 152 of this volume.

Contracting Party if that airline is unable on request to furnish proof 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 the permission granted under article 3, paragraph (2), if a 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 essential 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 in order to replace it by another airline. The newly-designated airline shall have the same rights and obligations 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 employed by the designated airlines of the other Contracting Party.

(2) The laws and regulations of each 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 in the territory of each Contracting Party 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) Each Contracting Party shall grant the following fiscal privileges to aircraft employed exclusively in international air navigation by a designated airline of the other Contracting Party :

1. Aircraft employed by the designated airlines of one Contracting Party, entering and thereafter departing from or flying in transit over the territory of the other Contracting Party, as well as 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 :

(a) Under customs supervision are dismantled or otherwise removed from the aircraft referred to in sub-paragraph 1 in the territory of the other Contracting Party, and are there placed in storage,

(b) Under customs supervision are imported into and stored in the territory of the other Contracting Party for the use of the said aircraft, shall be exempt from the charges referred to in sub-paragraph 1, on condition 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 shall be granted in respect of such spare parts and equipment as, under customs supervision, are drawn from corresponding stores of other foreign airlines and are 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 sub-paragraph 1 may be consumed on board the said aircraft free of customs duties and other charges levied in connexion with the importation, exportation and transit of goods, even on connecting flights between points in the territory of the latter Contracting Party.

The foregoing shall also apply to fuels and lubricating oils which, under customs supervision, are imported into and stored in the territory of the other Contracting Party on behalf of a designated airline for the use of the said aircraft.

Other fuels and lubricating oils taken on board the said aircraft under customs supervision in the territory of the other Contracting Party and consumed in air services shall not be subject to the aforementioned charges or to such special consumer taxes as may be imposed on aircraft fuels and lubricating oils in the territory of the latter Contracting Party.