

No. 6715

**FEDERAL REPUBLIC OF GERMANY
and
AFGHANISTAN**

**Air Transport Agreement (with exchange of notes). Signed
at Bonn, on 22 July 1959**

Official texts of the Agreement: German, Persian and English.

Official texts of the notes: German and English.

Registered by the International Civil Aviation Organization on 15 May 1963.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
AFGHANISTAN**

**Accord relatif aux transports aériens (avec échange de notes).
Signé à Bonn, le 22 juillet 1959**

Textes officiels de l'Accord: allemand, persan et anglais.

Textes officiels des notes: allemand et anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 15 mai 1963.

No. 6715. AIR TRANSPORT AGREEMENT¹ BETWEEN THE
FEDERAL REPUBLIC OF GERMANY AND THE KING-
DOM OF AFGHANISTAN. SIGNED AT BONN, ON
22 JULY 1959

The Federal Republic of Germany and the Kingdom of Afghanistan,

being Contracting Parties to the Convention on International Civil Aviation² and the International Air Services Transit Agreement³ both signed at Chicago on the seventh day of December 1944, the terms of which Convention and Agreement are binding on both Contracting States, and

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

have agreed as follows :

Article 1

(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 the Federal Republic of Germany, the Federal Minister of Transport, in the case of the Kingdom of Afghanistan, the Afghan Air Authority, or in both cases any other person or agency authorized to perform the functions exercised by the said authorities ;
- b) the term "designated airline" shall mean an airline that one Contracting State has designated in writing to the other Contracting State in accordance with Article 3 of this Agreement as being an airline which is to operate the international air service on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement.

(2) The terms "territory", "air service", "international air service", and "stop for non-traffic purposes", shall, for the purpose of this Agreement, have the meaning laid down in Articles 2 and 96 of the Convention on International Civil Aviation of December 7, 1944 including all its amendments.

¹ Came into force on 10 July 1961, one month after the exchange of the instruments of ratification which took place at Kabul on 10 June 1961, in accordance with article 16.

² See footnote 2, p. 22 of this volume.

³ United Nations, *Treaty Series*, Vol. 84, p. 389 ; Vol. 139, p. 469 ; Vol. 178, p. 419 ; Vol. 199, p. 363 ; Vol. 260, p. 462 ; Vol. 324, p. 342 ; Vol. 355, p. 419 ; Vol. 409, p. 372, and Vol. 417, p. 354.

Article 2

(1) Each Contracting State shall grant to the other Contracting State for the purpose of operating international air services by designated airlines over the routes specified in accordance with paragraph 2 of this Article,

the right to fly across its territory without landing ;

the right to land in its territory for non-traffic purposes, and

the right to land in its territory at the points named on the routes specified in accordance with paragraph 2 of this Article, in order to take on or discharge passengers, mail and/or cargo on a commercial basis.

(2) The routes over which the designated airlines of the two Contracting States will be authorized to operate international air services shall be specified in a Route Schedule to be agreed upon in an exchange of notes. The first exchange of notes shall take place simultaneously with the signature of the present Agreement.

Article 3

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

- a) the Contracting State to whom the rights specified in paragraph 1 of Article 2 are granted, has designated in writing an airline or airlines, and
- b) the Contracting State granting these rights has authorized the designated airline or airlines to inaugurate the air services.

(2) The Contracting State granting these rights shall, subject to the provisions of paragraphs 3 and 4 of this Article and subject to the understanding provided for in Article 9 of this Agreement, give as soon as possible the said authorization to operate the international air service.

(3) Each Contracting State may require an airline designated by the other Contracting State to satisfy it that it is qualified to meet the requirements prescribed under the laws and regulations of the first Contracting State governing the operation of international air traffic.

(4) Each Contracting State may withhold the exercise of the rights provided for in Article 2 of this Agreement from any airline designated by the other Contracting State if such airline is not able to prove upon request that substantial ownership and effective control of such airline are vested in nationals or corporations of the other Contracting State or in that State itself.

Article 4

(1) Each Contracting State may revoke, or limit by the imposition of conditions, the authorization granted in accordance with paragraph 2 of Article 3 in the event of

failure by a designated airline to comply with the laws and regulations of the Contracting State 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 proof referred to in paragraph 4 of Article 3 is not furnished. Each Contracting State will exercise this right only after consultation as provided for in Article 13, unless an immediate suspension of operations or imposition of conditions is necessary to avoid further infringements of laws or regulations.

(2) Each Contracting State shall have the right by written communication to the other Contracting State to replace a designated airline 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

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

Article 6

(1) Each Contracting State shall grant relief from taxes, duties and other charges for aircraft of a designated airline of the other Contracting State exclusively engaged in international air service as follows :

1. The aircraft operated by any designated airline of one Contracting State and entering into, departing from or flying across the territory of the other Contracting State, 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 importation, exportation or transit of goods.
2. Spare parts and articles of equipment which are
 - a) removed from the aircraft referred to in item 1 above or otherwise taken from board and stored within the territory of the other Contracting State under customs supervision, or
 - b) imported for such aircraft into, and stored in, the territory of the other Contracting State under customs supervision,

shall be exempt from the duties and other charges mentioned in item 1 above, if they either are installed in or otherwise taken aboard the said aircraft under customs supervision, or are otherwise exported again from the territory of the other Contracting State. The same exemption from such duties and other charges shall be granted for spare parts and articles of equipment taken from

appropriate stores of other airlines and installed in or otherwise taken aboard the said aircraft under customs supervision.

3. Fuel and lubricants on board the aircraft referred to in item 1 above and introduced into the territory of the other Contracting State shall be free of customs duties and other charges levied on the occasion of importation, exportation and transit of goods, if they are used on board the aircraft, and this applies also on that part of any flight which takes place between points in the territory of that Contracting State. This shall likewise apply to fuel and lubricants which for the account of an airline designated by a Contracting State are imported into and stored in the territory of the other Contracting State under customs supervision for the purpose of supplying such aircraft. Fuel and lubricants taken on by aircraft belonging to a designated airline under customs supervision in the territory of the other Contracting State and used in international air service shall not be subject to the aforementioned duties and other charges, nor to any special consumption charges that may be applicable to fuel and lubricants in that Contracting State.
4. Food and stimulants introduced aboard the aircraft mentioned in item 1 above and intended for consumption by passengers and crew members may be issued in the territory of the other Contracting State for immediate consumption aboard free of customs duties and other charges levied on the occasion of the importation, exportation, and transit of goods, provided such aircraft can be continuously supervised by customs authorities at intermediate landings.

(2) Insofar as no duties or other charges are imposed on goods enumerated in the foregoing paragraph, such goods shall not be subject to any economic prohibition and restriction on importation, exportation and transit that may otherwise be applicable.

(3) If goods mentioned in this Article are used for purposes other than those specified in this Article, they shall be subject to the national legislation on customs duties and charges of the Contracting State concerned.

Article 7

(1) There shall be fair and equal opportunity for the designated airlines of each Contracting State to operate on any route specified in accordance with paragraph 2 of Article 2 of this Agreement.

(2) In the operation of international air services on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement, a designated airline of a Contracting State shall take account of the interests of a designated airline of the other Contracting State so as not to affect unduly the air service which the latter airline provides on the same routes or parts of them.