

No. 6727

**FEDERAL REPUBLIC OF GERMANY
and
JAPAN**

**Agreement for air services (with exchange of notes). Signed
at Bonn, on 18 January 1961**

Official texts of Agreement: German, Japanese and English.

Official text of the notes: English.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
JAPON**

**Accord relatif aux services aériens (avec échange de notes).
Signé à Bonn, le 18 janvier 1961**

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

Texte officiel des notes: anglais.

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

No. 6727. AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND JAPAN FOR AIR SERVICES.
SIGNED AT BONN, ON 18 JANUARY 1961

The Federal Republic of Germany and Japan,

Desiring to conclude an agreement for the purpose of establishing and operating air services between their respective territories and beyond,

Have accordingly appointed their respective representatives for this purpose, who have agreed as follows :

Article 1

(1) For the purposes of the present Agreement, unless otherwise provided 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 Japan, the Minister of Transportation ; or in both cases, any other person or agency authorized to perform the functions in respect of civil aviation exercised by the said authorities ;
- (b) the term "designated airline" shall mean an airline which one Contracting Party has designated by written notification to the other Contracting Party for the operation of air services on the route specified in such notification, and to which the appropriate operating permission has been given by that other Contracting Party, in accordance with the provisions of article 3 of the present Agreement ;
- (c) the term "territory" in relation to a State shall mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State.

(2) The terms "air service", "international air service", "airline" and "stop for non-traffic purposes" shall, for the purposes of the present Agreement, have the meaning laid down in Article 96 of the Convention of December 7, 1944,² on International Civil Aviation (hereinafter called "the Convention") in its present term or as amended in respect of both Contracting Parties in accordance with relevant provisions of the Convention.

¹ Came into force on 12 July 1962, the date of the exchange of the instruments of ratification which took place at Tokyo, in accordance with the provisions of article 17.

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

Article 2

(1) Each Contracting Party shall grant to the other Contracting Party the following rights to enable its designated airlines to establish and operate international air services on the routes specified in the Route Schedule :

- (a) to fly without landing across the territory of the first Contracting Party ;
- (b) to make stops in the said territory for non-traffic purposes ; and
- (c) to make stops in the said territory at the points specified for that route in the Route Schedule for the purposes of discharging and of taking on passengers, cargo and mail on a commercial basis.

(2) The routes over which the designated airlines of the two Contracting Parties will be authorized to operate international air services shall be specified in a Route Schedule to be agreed upon in an exchange of diplomatic notes (hereinafter called "agreed services" and "specified routes" respectively).

(3) The agreed services provided by the designated airline of either Contracting Party shall begin at a point in the territory of that Contracting Party but other points on the route may at the option of the designated airline be omitted on any or all flights.

(4) Nothing in paragraph (1) of this Article shall be deemed to confer on the airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

(1) The agreed services on any specified route may be started at any time, but not before :

- (a) the Contracting Party to which the rights specified in paragraph (1) of article 2 are granted, has designated in writing an airline for that route, and
- (b) the Contracting Party granting these rights has authorized the airline designated to inaugurate the agreed services.

(2) The Contracting Party granting these rights shall, subject to the provisions of paragraph (3) and (4) of this article and subject to the provisions of article 11 of the present Agreement, give without delay the said authorization to operate the agreed services.

(3) The aeronautical authorities of either Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified

to meet the requirements prescribed under the laws and regulations of the first Contracting Party governing the operation of international air services.

(4) Each Contracting Party may withhold the authorization provided for in paragraph (2) of this article from any airline designated by the other Contracting Party 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 Contracting Party designating it or in that Party itself.

Article 4

Each Contracting Party may revoke, or impose such conditions as it may deem necessary on, the authorization granted in accordance with paragraph (2) of article 3 of the present Agreement in the event of failure by a designated airline to comply with the laws and regulations of the Contracting Party granting the rights or to comply with the provisions of the present 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 Party shall exercise this right only after consultation with the other Contracting Party, provided that suspension of operations or imposition of conditions may be exercised immediately when it deems necessary to do so to avoid further infringements of such laws or regulations or for reasons of safety of air navigation.

Article 5

The charges imposed or permitted to be imposed in the territory of either Contracting Party for the use of airports and other aviation facilities by the aircraft of a designated airline of the other Contracting Party shall not be higher than those paid for the use of such airports and facilities by aircraft of a national airline of the first Contracting Party engaged in similar international air services or of the most favoured foreign airline.

Article 6

In respect of customs duties, inspection fees and similar national or local duties or charges on fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of one Contracting Party or taken on board aircraft in that territory, by or on behalf of the designated airline of the other Contracting Party and intended solely for use by or in the aircraft of that airline, the designated airline of the second Contracting Party shall, subject to compliance with normal customs regulations be accorded, in addition to the treatment prescribed

in article 24 of the Convention, treatment not less favourable than that granted by the first Contracting Party to the airlines of the most favoured nation or to its national airlines engaged in international air services. Neither Contracting Party shall, however, be obliged to grant to the designated airline of the other Contracting Party exemption or remission of customs duties, inspection fees or similar national or local duties or charges, unless such other Contracting Party grants exemption or remission of the duties or charges in question to the designated airline of the first Contracting Party.

Article 7

There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes.

Article 8

In the operation by the designated airline of either Contracting Party of the agreed services, the interests of the designated airline of the other Contracting Party shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

Article 9

The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for such services and shall retain as their primary objective the provision at a reasonable load factor of capacity adequate to current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating from or destined for the territory of the Contracting Party which has designated the airline. Provision for the carriage of passengers, cargo and mail both taken up and discharged at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to :

- (a) traffic requirements to and from the territory of the Contracting Party which has designated the airline ;
- (b) the requirements of through airline operation ; and
- (c) traffic requirements of the area through which the airline passes, after taking account of local and regional services.