

No. 7562

**FEDERAL REPUBLIC OF GERMANY
and
MOROCCO**

**Air Transport Agreement (with exchange of notes). Signed
at Bonn, on 12 October 1961**

Official texts of the Agreement: German and French.

Official text of the letters: German.

Registered by the International Civil Aviation Organization on 3 February 1965.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
MAROC**

**Accord relatif aux transports aériens (avec échange de notes).
Signé à Bonn, le 12 octobre 1961**

Textes officiels de l'Accord: allemand et français.

Texte officiel des lettres: allemand.

Enregistré par l'Organisation de l'aviation civile internationale le 3 février 1965.

[TRANSLATION — TRADUCTION]

No. 7562. AIR TRANSPORT AGREEMENT¹ BETWEEN THE
FEDERAL REPUBLIC OF GERMANY AND THE KING-
DOM OF MOROCCO. SIGNED AT BONN, ON 12 OCTOBER
1961

The Federal Republic of Germany and
The Kingdom of Morocco

Desiring to regulate air services between and beyond their respective territories;
Have agreed as follows :

Article 1

1. For the purposes of this Agreement, unless otherwise stated in the text :

(a) The expression "aeronautical authority" means, in the case of the Federal Republic of Germany, the Federal Minister for Transport, in the case of the Kingdom of Morocco, the Minister for Public Works, or, in both cases, any other person or agency authorized to perform the functions for which the said authorities are responsible ;

(b) The expression "designated airline" means an airline which one of the Contracting Parties 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.

2. The terms "territory", "air services", "international air services" and "stop for non-traffic purposes" have, for the purposes of this Agreement, the meaning laid down in articles 2 and 96 of the Chicago Convention on International Civil Aviation of 7 December 1944.²

Article 2

1. Each Contracting Party grants to the other Contracting Party, for the purpose of the operation of international air services by the designated airlines :

The right to make non-stop flights over its territory,

The right to make stops for non-traffic purposes in its territory and

¹ Came into force on 23 August 1963, thirty days after the exchange of the instruments of ratification which took place at Rabat on 24 July 1963, in accordance with article 16.

² United Nations, *Treaty Series*, Vol. 15, p. 295 ; for subsequent actions relating to this Convention, see references in Cumulative Indexes Nos. 1 to 4, as well as Annex B in volumes 409 and 472.

The right to land in international traffic at the points in its territory which are specified for the routes laid down in paragraph 2, in order to pick up and set down commercially passengers, mail and cargo.

2. The routes on which the designated airlines of the two Contracting Parties shall have the right to operate international air services under the present Agreement 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 referred to in article 2, paragraph 1, are granted, has designated in writing one or more airlines and

(b) The Contracting Party granting the rights has given the designated airline or airlines permission to inaugurate air services.

2. The Contracting Party granting the rights shall, subject to the provisions of paragraphs 3 and 4 and subject to the agreement of tariffs under article 9, grant without delay permission for the operation of the international air services.

3. Each Contracting Party may require a designated airline of the other Contracting Party to furnish proof that it is qualified to fulfil the conditions prescribed under the laws and regulations of the first-mentioned Contracting Party for the operation of international air services.

4. Each Contracting Party may withhold the exercise of the rights granted in article 2 from a designated airline of the other 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 by imposing conditions 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 referred to in article 3, paragraph 4.

Each Contracting Party shall exercise this right only after consultation in accordance with article 13, unless immediate suspension of operations or immediate imposition of conditions is necessary to prevent further infringements of laws or regulations.

¹ See p. 314 of this volume.

2. Each Contracting Party shall have the right, by giving notice in writing to the other Contracting Party, 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 airline which it replaces.

Article 5

The charges imposed in the territory of each Contracting Party for the use of airports and other aeronautical facilities by aircraft of a designated airline of the other Contracting Party shall not be higher than those payable by domestic aircraft of the same type engaged in similar international air services.

Article 6

In order to prevent any discriminatory practices and to ensure complete equality of treatment, the Contracting Parties have agreed on the following :

(a) Aircraft employed by the designated airlines of one Contracting Party, as well as fuels, lubricating oils, spare parts, aircraft equipment, aircraft stores (foodstuffs, beverages and tobacco) and general supplies imported and re-exported with such aircraft and intended solely for use on board shall be exempt in the territory of the other Contracting Party, under the conditions specified in its customs regulations, from customs duties and other charges levied in connexion with the import, export and transit of goods.

(b) Fuels, lubricating oils, spare parts, regular equipment and aircraft stores (foodstuffs, beverages and tobacco) intended for use by the aircraft referred to in paragraph (a) above shall be exempt, on entry into or departure from the territory of the other Contracting Party, under the conditions specified by its customs regulations, from customs duties and other charges levied in connexion with the import, export and transit of goods, as well as inspection fees or other similar charges ; however this shall not apply to charges levied as consideration for special services.

(c) Fuels and lubricants taken, in the territory of one Contracting Party, on board aircraft of the designated airlines of the other Contracting Party and re-exported shall remain exempt, under the conditions specified in the customs regulations of the former Contracting Party, from customs duties and other duties and charges levied in connexion with the import, export and transit of goods, as well as consumption taxes.

(d) The provisions for exemption of goods (fuel, lubricants and aircraft stores) in paragraphs (a) to (c) shall also apply to consumable goods consumed over the territory of the other Contracting Party.

Article 7

1. There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate on each of the routes specified in accordance with article 2, paragraph 2.

2. In operating air services on the routes specified in accordance with article 2, paragraph 2, a designated airline of one Contracting Party shall take into account the interests of a 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.

3. The operation of services on the routes specified in accordance with article 2, paragraph 2, between the territory of the Federal Republic of Germany and the territory of the Kingdom of Morocco constitutes a primary right of the two Contracting Parties.

4. The air services on the routes specified in accordance with article 2, paragraph 2, shall have as their primary objective the provision of transport capacity adequate to meet the foreseeable requirements of traffic to and from the territory of the Contracting Party which has designated the airline. The right of this airline to effect carriage between points on a route, which are situated in the territory of the other Contracting Party, and points in third States shall be exercised in the interest of the orderly development of international traffic, in such a manner that the transport capacity is adapted to :

(a) The requirements of traffic to and from the territory of the Contracting Party which has designated the airline, at a reasonable load factor,

(b) The requirements of traffic in the areas traversed, account being taken of local and regional services,

(c) The requirements of economic through-airline operation.

Article 8

1. The designated airlines shall, not later than thirty days before the commencement of operation on the routes specified in accordance with article 2, paragraph 2, submit to the aeronautical authorities of both Contracting Parties programmes indicating the type of operations, the types of aircraft to be used and the proposed time-tables. This rule shall apply also in respect of subsequent changes.

2. The aeronautical authority of one Contracting Party shall supply to the aeronautical authority of the other Contracting Party, upon request, all such periodic or other statistics of the designated airlines as may be reasonably required for the purpose of reviewing the transport capacity provided by a designated airline of the first Contracting Party. Such statistics shall contain all information required to determine the volume, as well as the origin and destination of the traffic.

Article 9

1. The tariffs to be applied for passengers and cargo on the routes specified in accordance with article 2, paragraph 2, shall be fixed with due regard to all factors, such as cost of operation, reasonable profit, the special characteristics of each route