

No. 8210

**THAILAND
and
FEDERAL REPUBLIC OF GERMANY**

**Air Transport Agreement (with exchange of notes). Signed
at Bangkok, on 5 March 1962**

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

Official text of the notes: English.

**THAÏLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux transports aériens (avec échange de
notes). Signé à Bangkok, le 5 mars 1962**

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

Texte officiel des notes: anglais.

No. 8210. AIR TRANSPORT AGREEMENT¹ BETWEEN THE KINGDOM OF THAILAND AND THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT BANGKOK, ON 5 MARCH 1962

The Kingdom of Thailand and the Federal Republic of Germany

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 purposes of the present Agreement, unless otherwise stated in the text :

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

(2) The terms "territory", "air service", "international air service" and "stop for non-traffic purposes" shall, for the purposes of the present Agreement, have the meaning laid down in Articles 2 and 96 of the Convention of December 7, 1944² on International Civil Aviation.

Article 2

(1) Each Contracting Party shall grant to the other Contracting Party 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

¹ Came into force on 2 September 1965, thirty days after the instrument of ratification of the Federal Republic of Germany had been deposited (on 3 August 1965) with the Government of Thailand, in accordance with article 15.

² See footnote 2, p. 135 of this volume.

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 and the conditions under 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 notes.

Article 3

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

- (a) the Contracting Party 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 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 to the provisions of Article 9 of the present Agreement, give without delay the said authorization to operate the international air service.

(3) Each Contracting Party may require an airline designated by the other Contracting Party to prove 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 traffic.

(4) Each Contracting Party may withhold the exercise of the rights provided for in Article 2 of the present Agreement 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 other Contracting Party or in that Party itself.

Article 4

(1) Each Contracting Party may revoke or limit by the imposition of conditions, 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 as provided for in Article 12 of the present Agreement, unless an immediate suspension of operations or imposition of conditions is necessary to avoid further infringements of laws or regulations.

(2) Each Contracting Party shall have the right by written communication to the other Contracting Party to replace subject to the provisions of Article 3 an airline it has designated 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 by 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 by an aircraft of a national airline engaged in similar international air services.

Article 6

(1) Each Contracting Party shall grant relief as hereinafter specified in respect of aircraft operated exclusively in international air services by a designated airline of the other Contracting Party :

- (a) Any aircraft operated by a designated airline of either Contracting Party entering into, departing again from or flying across the territory of the other Contracting Party, as well as any fuel, lubricating oils, spare parts, articles of equipment and flight rations on board such aircraft shall be exempt from customs duties and other charges levied on the occasion of importation, exportation or transit of goods, even though such supplies be used on board of such aircraft in flight over that territory.
- (b) Any spare parts and articles of equipment imported into the territory of the other Contracting Party under customs supervision for the purpose of supplying such aircraft and used in international air services shall, subject to the principle of reciprocity, be exempt from customs duties and other charges levied on the occasion of importation, exportation or transit of goods.
- (c) Any fuel and lubricating oils which, in the territory of the other Contracting Party are taken on board aircraft of a designated airline under customs supervision and used in international air services shall, on the basis of reciprocity, enjoy the same treatment in respect of customs duties and other national charges imposed on such goods as is accorded to other foreign

airlines. Should the application of this principle result in either of the Contracting Parties not granting exemption from customs duties and other national charges imposed upon such goods the other Party shall, on its part, be entitled to levy customs duties and other national charges on any fuel and lubrication oils taken on board in its territory.

(2) To the extent that no charges are levied on the goods referred to in paragraph (1) they shall not be subject to any economic prohibitions and restrictions on importation, exportation and transit that may otherwise be applicable.

Article 7

(1) It is recognised that designated airline of each Contracting Party shall have fair and equal opportunity to carry on the agreed services traffic which has its origin in the territory of one Contracting Party and its destination in the territory of the other Contracting Party and that each designated airline shall regard as being of a supplementary character traffic which has neither its origin nor its destination in that designated airline's own territory. Where traffic has its origin in the territory of one Contracting Party and its destination in a third country or vice versa the designated airline of the other Contracting Party in providing capacity for the carriage of such traffic shall take into consideration the primary interest of the designated airline of the first Contracting Party in such traffic so as not unduly to affect that interest.

(2) The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and each shall have as its primary objective the provision, at a reasonable load factor, of capacity adequate to meet the current and reasonably anticipated requirements for the carriage of passengers, cargo and mail originating in or destined for the territory of the Contracting Party which has designated the airline.

(3) Provision for the carriage of passengers, cargo and mail originating in the territory of the other Contracting Party and destined for third countries or originating in third countries and destined for the territory of the other Contracting Party shall be made in accordance with the general principle that capacity shall be related to :

- (a) the requirements of traffic originating in or destined for the territory of the Contracting Party which has designated the airline ;
- (b) traffic requirements of the area through which the airline passes, after taking account of other air services established by airlines of the States situated in the area ; and
- (c) the requirements of through airline operations.