

No. 9476

**FEDERAL REPUBLIC OF GERMANY
and
CHILE**

**Air Transport Agreement (with exchange of notes). Signed
at Santiago de Chile on 30 March 1964**

Authentic texts : German and Spanish.

Registered by the International Civil Aviation Organization on 24 March 1969.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CHILI**

**Accord relatif aux transports aériens (avec échange de
notes). Signé à Santiago du Chili le 30 mars 1964**

Textes authentiques : allemand et espagnol.

Enregistré par l'Organisation de l'aviation civile internationale le 24 mars 1969.

[TRANSLATION — TRADUCTION]

AIR TRANSPORT AGREEMENT ¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF CHILE

The Federal Republic of Germany and the Republic of Chile,
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 the context otherwise
requires :

- (a) The term “aeronautical authorities” means, in the case of the Federal Republic of Germany, the Federal Minister of Transport ; in the case of the Republic of Chile, the Civil Aviation Board (Junta de Aeronáutica Civil) ; or, in both cases, any other person or agency authorized to perform the functions exercised by the said authorities ;
- (b) The term “designated airline” means an airline that one Contracting State shall have designated in writing to the other Contracting State in accordance with article 3 as being an airline which is to operate international air services on the routes specified in accordance with article 2, paragraph (2).

(2) The terms “territory”, “air service”, “international air service” and “stop for non-traffic purposes” have for the purposes of this Agreement the meaning laid down in articles 2 and 96 of the Convention on International Civil Aviation of 7 December 1944. ²

Article 2

(1) For the purpose of the operation of international air services by designated airlines on the routes specified in accordance with paragraph (2) of this article, each Contracting State shall grant to the other Contracting State :

¹ Came into force on 17 February 1968, i.e. thirty days after the date of the exchange of the instruments of ratification which took place at Santiago de Chile on 18 January 1968, in accordance with article 14.

² United Nations, *Treaty Series*, Vol. 15, p. 295. For the texts of the Protocols amending this Convention, see Vol. 320, p. 209 and 217 ; Vol. 418, p. 161, and Vol. 514, p. 209.

- The right to make stops for non-traffic purposes in its territory, and
- The right to land at the points in its territory which are named on the routes specified 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.

Article 3

(1) The international air services on the routes specified in accordance with article 2, paragraph (2), may be inaugurated at any time, provided that :

- (a) The Contracting State to which the rights specified in article 2, paragraph (1), 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 the rights shall, subject to the provisions of paragraphs (3) and (4) of this article and subject to agreement being reached in accordance with article 8, give without delay the authorization to operate the international air services.

(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-mentioned State governing the operation of international air traffic. Application for the permits prescribed under the said laws and regulations shall be made to the competent aeronautical authorities.

(4) Each Contracting State may withhold the exercise of the rights provided for in article 2 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 article 3, paragraph (2), 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 article 3, paragraph (4), is not furnished. Each Contracting State shall exercise this right only after consultation as provided for in article 11, 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 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 payable by its aircraft engaged in similar international services.

Article 6

(1) Each Contracting State shall grant the following fiscal privileges in respect of aircraft employed in the agreed air services by a designated airline of the other Contracting State :

1. The aircraft of a designated airline of one Contracting State 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 or taken off the aircraft referred to in item 1 above and stored in 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 are installed in or otherwise taken on board the said aircraft under customs supervision, or are otherwise re-exported from the territory of the other Contracting State.

The same exemption from duties and other charges shall be granted in respect of such spare parts and articles of equipment taken from appropriate stores of other airlines and installed in or otherwise taken on board 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 or transit of goods, if they are used on board the aircraft, and this shall also apply on that part of any flight which takes place between points in the territory of that Contracting State.
4. Food, beverages and tobacco taken on board the aircraft referred to 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 on board free of customs duties and other charges levied on the occasion of importation, exportation or transit of goods, provided that such aircraft can be continuously supervised by customs authorities during intermediate stops.

(2) For the purposes specified in paragraph (1), the goods listed in the said paragraph shall not be subject to any economic prohibition or restriction on importation, exportation, or transit.

Article 7

(1) There shall be fair and equal opportunity for the designated airlines of each Contracting State to operate the agreed air services on the routes specified in accordance with article 2, paragraph (2).

(2) In operating international air services on the routes specified in accordance with article 2, paragraph (2), a designated airline of one Contracting State shall take into account the interests of a designated airline of the other Contracting State so as not to affect unduly the air services which the latter airline operates on the same routes or parts thereof.

(3) The agreed air services on the routes specified in accordance with article 2, paragraph (2), shall have as their primary objective the provision of capacity adequate to meet the foreseeable traffic demands to and from the territory of the Contracting State designating the airline. The right of such