

No. 3973

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Air Transport Agreement (with exchange of notes). Signed
at Washington, on 7 July 1955**

Official texts of the Agreement: English and German.

Official text of the exchange of notes: English.

Registered by the United States of America on 20 August 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux transports aériens (avec échange de
notes). Signé à Washington, le 7 juillet 1955**

Textes officiels de l'Accord: anglais et allemand.

Texte officiel de l'échange de notes: anglais.

Enregistré par les États-Unis d'Amérique le 20 août 1957.

No. 3973. AIR TRANSPORT AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT WASHINGTON, ON 7 JULY 1955

The United States of America and the Federal Republic of Germany,

Desiring to conclude an Agreement for the purpose of promoting air communications between their respective territories,

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

Article 1

For the purposes of the present Agreement :

a) The term "aeronautical authorities" shall mean in the case of the United States of America, the Civil Aeronautics Board and any person or agency authorized to perform the functions exercised by the Civil Aeronautics Board and, in the case of the Federal Republic of Germany, the Federal Minister of Transport and any person or agency authorized to perform the functions exercised by the said Federal Minister of Transport.

b) The term "territory" in relation to a State shall mean the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate or trusteeship of that State.

c) The term "designated airline" shall mean an airline that one contracting party has notified the other contracting party, in writing, to be the airline which will operate a specific route or routes listed in the exchange of notes in accordance with paragraph (2) of Article 2 of this Agreement.

d) The term "air service" shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

e) The term "international air service" shall mean an air service which passes through the air space over the territory of more than one State.

f) The term "stop for non-traffic purposes" shall mean a landing for any purpose other than taking on or discharging passengers, cargo or mail.

¹ Came into force on 16 April 1956, the date of receipt by the United States of America of a notification of its approval by the Federal Republic of Germany, in accordance with article 17.

Article 2

(1) Each contracting party grants to the other contracting party rights necessary for the conduct of international air services by the designated airlines, as follows : the rights of transit, of stops for non-traffic purposes, and of commercial entry and departure for international traffic in passengers, mail and cargo at the points in its territory named on each of the routes specified in accordance with paragraph (2).

(2) The routes over which the designated airlines of the two contracting parties will be authorized to operate will be specified in a Route Schedule,¹ mutually agreed upon, and set forth in an exchange of diplomatic notes.

Article 3

Air service on a specified route may be inaugurated by an airline or airlines of one contracting party at any time after that contracting party has designated such airline or airlines for that route and the other contracting party has given the appropriate operating permission. Such other party shall, subject to Article 4, be bound to give this permission provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that party, under the laws and regulations normally applied by these authorities, before being permitted to engage in the operations contemplated by this Agreement.

Article 4

Each contracting party reserves the right to withhold or revoke the operating permission provided for in Article 3 of this Agreement from an airline designated by the other contracting party in the event that it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other contracting party, or in case of failure by such airline to comply with the laws and regulations referred to in Article 5 hereof, or in case of the failure of the airline or the government designating it otherwise to perform its obligations hereunder, or to fulfill the conditions under which the rights are granted in accordance with this Agreement.

Article 5

(1) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation,

¹ See p. 22 of this volume.

or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft utilized by the airline or airlines designated by the other contracting party, and shall be complied with by such aircraft upon entering or departing from and while within the territory of the first contracting party.

(2) The laws and regulations of one contracting party relating to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, and while within the territory of the first contracting party.

Article 6

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party, and still in force, shall be recognized as valid by the other contracting party for the purpose of operating the routes and services provided for in this Agreement, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation.¹ Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 7

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that :

a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

b) Fuel, lubricating oils, consumable technical supplies, spare parts, regular equipment, and stores on board aircraft of the designated airlines of one contracting party on arrival in the territory of the other contracting party and retained on

¹ United Nations, *Treaty Series*, Vol. 15, p. 295 ; Vol. 26, p. 420 ; Vol. 32, p. 402 ; Vol. 33, p. 352 ; Vol. 44, p. 346 ; Vol. 51, p. 336 ; Vol. 139, p. 469 ; Vol. 178, p. 420 ; Vol. 199, p. 362, and Vol. 252, p. 410.

board on leaving the territory of that party shall be exempt, on a basis of reciprocity, from customs duties, inspection fees and other national duties or charges. Such supplies may also be used or consumed free of customs duties and other entrance taxes aboard aircraft while in flight over the territory of the other contracting party. With respect to food stores, however, this shall apply only if the food stores are issued for immediate consumption aboard aircraft carrying passengers on international air services exclusively and furthermore if such aircraft can be continuously supervised by customs authorities in case of intermediate landings.

c) Fuel, lubricating oils, consumable technical supplies, spare parts, and regular equipment introduced into the territory of one contracting party by or on behalf of the other contracting party or its nationals under customs supervision and control, intended solely for use on, and used on, aircraft of the designated airlines of such contracting party in international services shall be exempt on a basis of reciprocity from customs duties, inspection fees and other national duties or charges.

d) Insofar as the above-mentioned supplies are exempted from duties, fees and charges, they shall not be subject to the otherwise applicable economic prohibitions and restrictions relating to import, export and transit.

Article 8

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

Article 9

In the operation by the airlines of either contracting party of the air services over the routes described in accordance with paragraph (2) of Article 2 of this Agreement, the interest of the airlines of the other contracting party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same routes.

Article 10

(1) The air services made available to the public by the airlines operating under this Agreement shall bear a close relationship to the requirements of the public for such services.

(2) It is the understanding of both contracting parties that services provided by a designated airline under the present Agreement shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such airline is a national and the countries of ultimate destination