

No. 3881

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

Agreement for air services between and beyond their respective territories (with exchange of notes). Signed at London, on 22 July 1955

Official texts: English and German.

Registered by the United Kingdom of Great Britain and Northern Ireland on 18 June 1957.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord relatif aux services aériens entre leurs territoires respectifs et au-delà (avec échange de notes). Signé à Londres, le 22 juillet 1955

Textes officiels anglais et allemand.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 18 juin 1957.

No. 3881. AGREEMENT¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. SIGNED AT LONDON, ON 22 JULY 1955

The United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany,

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

Have agreed as follows :

Article 1

For the purpose of the present Agreement, unless the context otherwise requires :

- (a) the term "aeronautical authorities" means, in the case of the United Kingdom, the Minister of Transport and Civil Aviation and any person or body authorised to perform any functions presently exercised by the said Minister or similar functions, and, in the case of the Federal Republic of Germany, the Federal Minister of Transport and any person or body authorised to perform any functions presently exercised by the said Minister or similar functions ;
- (b) the term "designated airline" means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for the operation of air services on the routes specified in such notification ;
- (c) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State ;
- (d) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo ;
- (e) the term "international air service" means an air service which passes through the air space over the territory of more than one State ; and

¹ Came into force on 7 March 1957, one month after the exchange of the instruments of ratification which took place at Bonn on 7 February 1957, in accordance with article 16.

- (f) the term “stop for non-traffic purposes” means any landing for any purpose other than taking on or discharging passengers, mail or cargo.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in a Route Schedule¹ agreed in an exchange of diplomatic notes (hereinafter called “the agreed services” and “the specified routes”).

(2) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges :

- (a) to fly without landing across the territory of the other 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 for the purpose of putting down and taking on international traffic in passengers, mail or cargo.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, mail or cargo carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorisation.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them to the operation of international air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the privileges specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges

¹ See p. 209 of this volume.

in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

(5) Subject to the provisions of Article 7 of the present Agreement, at any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorised may begin to operate the agreed services.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline of the privileges specified in Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement ; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

The charges which either of the Contracting Parties may impose, or permit to be imposed, on the designated airlines of the other Contracting Party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by any national airline of the first Contracting Party, or by the most favoured foreign airline, engaged in international air services.

Article 5

(1) Aircraft of the designated airline or airlines of one Contracting Party and fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores on board such aircraft on arrival in the territory of the other Contracting Party and retained on board on departure therefrom shall be exempt in that territory from all customs duties and other national and local charges levied in connexion with the importation, exportation and transit of goods, and from inspection fees.

(2) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores, to which paragraph (1) does not apply, introduced into the territory of one Contracting Party, or taken on board aircraft in that territory, by or on behalf of the other Contracting Party or its designated airline or airlines and intended solely for use on the aircraft of those airlines shall, subject to compliance with normal customs regulations, be accorded the following treatment by the first Contracting Party in respect of customs duties, and other national and local charges

levied in connexion with the importation, exportation and transit of goods, and from inspection fees :

- (a) in the case of fuel and lubricating oils taken on board aircraft in the said territory and remaining on board at the airport or airports of clearance from that territory, exemption ;
- (b) in the case of spare parts and regular aircraft equipment introduced into the said territory, exemption conditional on compliance with appropriate Customs regulations ;
- (c) in the case of fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores not included under (a) or (b) above, treatment not less favourable than that accorded to supplies of the same kind intended for use on the aircraft of a national airline of the first Contracting Party, or of the most favoured foreign airline, engaged in international air services.

(3) For the purposes of paragraph (2) (a) above, the airport or airports of clearance includes airports at which an aircraft of a designated airline commences an international flight.

Article 6

(1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) 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 shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, mail or cargo between the territory of the Contracting Party of which the designated airline is a national and the country of ultimate destination of the traffic. Provision for the carriage of passengers, mail or cargo both taken up and put down 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) traffic requirements of the area through which the airline passes, after taking account of other transport services established by airlines of the States comprising the area ; and
- (c) the requirements of through airline operation.

Article 7

(1) The tariffs on any agreed service shall be established at reasonable levels, due regard being paid to all relevant factors, including cost of operation, reasonable profit, characteristics of service (such as standards of speed and accommodation) and the tariffs of other airlines for any part of the specified route. These tariffs shall be fixed in accordance with the following provisions of this Article.

(2) The tariffs referred to in paragraph (1) of this Article, together with the rates of agency commission used in conjunction with them, shall, if possible, be agreed to in respect of each of the specified routes between the designated airlines concerned, in consultation with other airlines operating over the whole or part of that route, and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both Contracting Parties.

(3) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be agreed in accordance with the provisions of paragraph (2) of this Article, the aeronautical authorities of the Contracting Parties shall try to determine the tariff by agreement between themselves.

(4) If the aeronautical authorities cannot agree on the approval of any tariff submitted to them under paragraph (2) of this Article or on the determination of any tariff under paragraph (3), the dispute shall be settled in accordance with the provisions of Article 11 of the present Agreement.

(5) No tariff shall come into effect if the aeronautical authorities of either Contracting Party have not agreed to it except under the terms of paragraph (3) of Article 11 of the present Agreement.

Article 8

(1) Each Contracting Party grants to the designated airlines of the other Contracting Party the right to transfer to their Head Offices the excess of receipts over expenditure after conversion at the official rates of exchange in the currency of the other Contracting Party.

(2) At the request of the creditors remittance of earnings in currencies other than Sterling or Deutschemarks may be made in the currency in which they were earned, as far as is possible in accordance with the currency regulations of the Contracting Party in force at the time.

Article 9

The aeronautical authorities of either Contracting Party shall supply to the aeronautical authorities of the other Contracting Party at their request such periodic or other statements of statistics as may be reasonably required for the purpose of reviewing the capacity provided on the agreed services by the designated airlines of the first Contracting Party. Such statements shall include all information required to determine the amount of traffic carried by those airlines on the agreed services and the origins and destinations of such traffic.

Article 10

There shall be regular consultation between the aeronautical authorities of the Contracting Parties to ensure close collaboration in all matters affecting the fulfilment of the present Agreement.

Article 11

(1) If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall in the first place endeavour to settle it by negotiation between themselves.

(2) If the Contracting Parties fail to reach a settlement by negotiation the dispute shall be submitted for decision to a tribunal of three arbitrators, one to be named by each Contracting Party and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either Contracting Party. Each of the Contracting Parties shall designate an arbitrator within two months of the date of delivery by either Party to the other Party of a diplomatic note requesting arbitration of the dispute and the third arbitrator shall be agreed upon within one month after such period of two months. If either Contracting Party fails to designate its arbitrator or if the third arbitrator is not agreed the vacancies thereby created shall be filled by persons designated by the President of the Council of the International Civil Aviation Organisation on application by either Contracting Party.

(3) The Contracting Parties undertake to comply with any decision given under paragraph (2) of this Article.

(4) If and so long as either Contracting Party or a designated airline of either Contracting Party fails to comply with a decision given under paragraph (2) of this Article, the other Contracting Party may limit, withhold or revoke any rights or privileges which it has granted by virtue of the present Agreement to the Con-

tracting Party in default or to the designated airline or airlines of that Contracting Party or to the designated airline in default.

Article 12

(1) Consultation between the aeronautical authorities of both Contracting Parties may be requested at any time by either Contracting Party for the purpose of discussing the interpretation, application, or amendment of the Agreement or Route Schedule. Such consultation shall begin within a period of sixty (60) days from the date of receipt of the request.

(2) Any agreement reached on amendment of the Agreement shall become effective in accordance with the procedure set forth in Article 16 of the present Agreement.

(3) Any modification of the Route Schedule shall become effective when agreed in an exchange of diplomatic notes.

Article 13

If a general multilateral air transport convention accepted by both Contracting Parties enters into force, the provisions of the multilateral convention shall prevail. Consultations under the provisions of Article 12 may be held to determine the extent to which the present Agreement is affected by the provisions of the multilateral convention.

Article 14

Either Contracting Party may at any time give notice to the other if it desires to terminate the present Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organisation. If such notice is given, the present Agreement shall terminate twelve (12) months after the date of receipt of the notice by the other Contracting Party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgment of receipt by the other Contracting Party, notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the International Civil Aviation Organisation.

Article 15

The present Agreement, all amendments thereto and all diplomatic notes exchanged in accordance with Article 2 (1) and Article 12 (3) shall be registered with the International Civil Aviation Organisation.

Article 16

The present Agreement shall be ratified and the instruments of ratification shall be exchanged in Bonn as soon as possible. It shall enter into force one month after the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Agreement.

DONE in duplicate at London, this 22nd day of July, 1955, in the English and German languages, both texts being equally authoritative.

For the United Kingdom of Great Britain
and Northern Ireland :

READING

For the Federal Republic of Germany :

HANS VON HERWARTH

Dr. Kurt KNIPFER

EXCHANGE OF NOTES

I

The Federal German Ambassador at London to the Secretary of State for Foreign Affairs

[GERMAN TEXT — TEXTE ALLEMAND]

London, den 22. Juli 1955

Herr Minister!

Ich beehre mich, auf Artikel 2 Absatz 1 des heute unterzeichneten Abkommens über den Luftverkehr zwischen der Bundesrepublik Deutschland und dem Vereinigten Königreich von Grossbritannien und Nordirland Bezug zu nehmen. In den Verhandlungen, die in Zusammenhang mit dem vorgenannten Abkommen geführt worden sind, ist Einverständnis darüber erzielt worden, dass der Fluglinienverkehr auf den in nachstehendem Fluglinienplan festgelegten Linien durchgeführt werden kann :

FLUGLINIENPLAN

FLUGLINIEN, DIE VON DEN BENANNTEN UNTERNEHMEN DER BUNDESREPUBLIK DEUTSCHLAND BETRIEBEN WERDEN

Teil I

1	2	3	4
<i>Abgangspunkte</i>	<i>Zwischenlandpunkte (Falls erwünscht einer oder mehrere der folgenden Punkte)</i>	<i>Punkte im Gebiet des Vereinigten Königreiches (einer oder mehrere der folgenden Punkte)</i>	<i>Punkte darüber hinaus</i>
1. Punkte in der Bundesrepublik Deutschland	Amsterdam Brüssel	London Manchester Glasgow Edinburgh	
2. Punkte in der Bundesrepublik Deutschland	Amsterdam Brüssel	Manchester	Dublin

Teil II

<i>Abgangspunkte</i>	<i>Zwischenlandpunkte (Falls erwünscht einer oder mehrere der folgenden Punkte)</i>	<i>Punkte im Gebiet des Vereinigten Königreiches</i>	<i>Punkte darüber hinaus (Falls erwünscht einer oder mehrere der folgenden Punkte)</i>
1. Punkte in der Bundesrepublik Deutschland		Manchester	Punkte in U.S.A. Punkte in Kanada

Teil IV

<i>Abgangspunkte</i>	<i>Zwischenlandepunkte</i>	<i>Punkte im Gebiet der Bundesrepublik Deutschland (einer oder mehrere der folgenden Punkte)</i>	<i>Punkte darüber hinaus (Falls erwünscht einer oder mehrere der folgenden Punkte)</i>
1. Punkte im Vereinigten Königreich		Frankfurt Düsseldorf München	Über Zwischenlande- punkte nach : (a) Punkte in Malaya Punkte in Indonesien Punkte in Australasien und/oder (b) Punkte in Malaya Hong Kong Punkte in den Philippinen Punkte in China u. Japan (Die Dienste können an Zwischenlande- punkten jenseits des Mittleren Osten enden.)
2. Punkte im Vereinigten Königreich		Frankfurt Düsseldorf München	Über Zwischenlande- punkte nach dem Mittleren Osten
3. Punkte im Vereinigten Königreich		Frankfurt Düsseldorf München	Über Zwischenlande- punkte nach : Punkte in Westafrika Punkte in Südafrika

Ich wäre Ihnen dankbar, wenn Sie mir die Zustimmung der Regierung des Vereinigten Königreiches von Grossbritannien und Nordirland zu dem vorstehenden Fluglinienplan mitteilen würden.

Genehmigen Sie, usw,

HANS VON HERWARTH

[TRANSLATION¹ — TRADUCTION²]

London, July 22, 1955

Your Excellency,

I have the honour to refer to paragraph 1 of Article 2 of the Air Services Agreement between the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland signed to-day.³ In the negotiations which have been conducted in connexion with the above-mentioned Agreement

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.

³ See p. 190 of this volume.

it has been agreed that air services may be operated on the routes specified in the following Route Schedule.

ROUTE SCHEDULE

ROUTES TO BE OPERATED BY THE DESIGNATED AIRLINE OR AIRLINES OF THE FEDERAL REPUBLIC OF GERMANY

Section I

1	2	3	4
<i>Points of departure</i>	<i>Intermediate Points (If desired, one or more of the following)</i>	<i>Points in the Territory of the United Kingdom (one or more of the following)</i>	<i>Points beyond</i>
1. Points in the Federal Republic of Germany	Amsterdam Brussels	London Manchester Glasgow Edinburgh	
2. Points in the Federal Republic of Germany	Amsterdam Brussels	Manchester	Dublin

Section II

<i>Points of departure</i>	<i>Intermediary Points (If desired, one or more of the following)</i>	<i>Points in the Territory of the United Kingdom</i>	<i>Points beyond (If desired, one or more of the following)</i>
1. Points in the Federal Republic of Germany		Manchester	Points in the United States of America Points in Canada
2. Points in the Federal Republic of Germany	Points in South-West Europe Azores	Bahamas (Nassau)	Points in Mexico Points in Venezuela Points in Colombia Points in Peru
3. Points in the Federal Republic of Germany	Points in Southern Europe Points in South-East Europe Points in Egypt or Turkey Points in Middle East Points in Pakistan Points in India (a) Calcutta Bangkok (b) Calcutta or Points in Ceylon	Hong Kong* Singapore	Points in Japan* Points in Indonesia Points in Australasia
4. Points in the Federal Republic of Germany	Points in Southern Europe Points in North Africa	Kano or Lagos	Points in Union of South Africa

* Traffic rights from Hong Kong to points in Japan will come into force three years after signature of this Exchange of Notes.

ROUTES TO BE OPERATED BY THE DESIGNATED AIRLINE OR AIRLINES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Section III

1	2	3	4
<i>Points of departure</i>	<i>Intermediate Points (If desired, one or more of the following)</i>	<i>Points in the Territory of the Federal Republic of Germany (one or more of the following)</i>	<i>Points beyond (If desired, one or more of the following)</i>
1. Points in the United Kingdom	Amsterdam Brussels Lille	Hamburg Hanover Dusseldorf Cologne Frankfurt Munich Stuttgart Nuremberg Not more than two of these points on any one service to points in column 4	Points in Scandinavia Prague Points in Yugoslavia Points in Austria Athens Istanbul Cyprus Cairo

Section IV

<i>Points of departure</i>	<i>Intermediate Points</i>	<i>Points in the Territory of the Federal Republic of Germany (one or more of the following)</i>	<i>Points beyond (If desired, one or more of the following)</i>
1. Points in the United Kingdom		Frankfurt Dusseldorf Munich	Via intermediate points to : (a) Points in Malaya Points in Indonesia Points in Australasia and/or (b) Points in Malaya Hong Kong Points in the Philippines Points in China and Japan (Services may be ter- minated at interme- diate points beyond the Middle East.)
2. Points in the United Kingdom		Frankfurt Dusseldorf Munich	Via intermediate points to the Middle East.
3. Points in the United Kingdom		Frankfurt Dusseldorf Munich	Via intermediate points to : Points in West Africa Points in South Africa

I shall be glad if you will inform me of the concurrence of the Government of the United Kingdom in the foregoing Route Schedule.

I have, &c.

HANS VON HERWARTH

II

*The Secretary of State for Foreign Affairs to the Ambassador of the Federal Republic
of Germany at London*

FOREIGN OFFICE

July 22, 1955

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date which reads as follows :

[See note I]

In reply I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland concur in the Route Schedule as set forth in your Excellency's Note.

I have, &c.

For the Secretary of State :

READING