

**No. 4945**

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**BELGIUM**  
**and**  
**FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning air services (with exchange of letters). Signed at Bonn, on 14 April 1956**

**Exchange of letters constituting an agreement modifying the route schedule. Brussels, 5 May and 8 July 1958**

*Official texts of the Agreement: French and German.*

*Official text of the exchange of letters of 5 May and 8 July 1958: French.*

*Registered by Belgium on 19 October 1959.*

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**BELGIQUE**  
**et**  
**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif au transport aérien (avec échange de lettres).  
Signé à Bonn, le 14 avril 1956**

**Échange de lettres constituant un accord modifiant le  
tableau des itinéraires. Bruxelles, 5 mai et 8 juillet 1958**

*Textes officiels de l'Accord français et allemand.*

*Texte officiel de l'échange de lettres des 5 mai et 8 juillet 1958 français.*

*Enregistrés par la Belgique le 19 octobre 1959.*

[TRANSLATION — TRADUCTION]

No. 4945. AGREEMENT<sup>1</sup> BETWEEN THE KINGDOM OF BELGIUM AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING AIR SERVICES. SIGNED AT BONN, ON 14 APRIL 1956

The Kingdom of Belgium and the Federal Republic of Germany, desiring to regulate air services between and beyond their respective territories have agreed as follows :

*Article 1*

For the purpose of this Agreement, except where the text otherwise provides,

- (a) The expression "aeronautical authority" means, in the case of the Kingdom of Belgium, the Minister of Communications and, in the case of the Federal Republic of Germany, the Federal Minister of Transport, or, in either case, any other person or body authorized to perform the functions for which the said official is responsible ;
- (b) The term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of that State ;
- (c) The expression "designated airline" means an airline which one Contracting Party 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), of this Agreement ;
- (d) The expression "air service" means any scheduled air service performed by aircraft for public transport of passengers, mail or cargo ;
- (e) The expression "international air service" means an air service which passes through the airspace over the territory of more than one State ;
- (f) The expression "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

*Article 2*

(1) For the purpose of the operation of international air services by the designated airlines, each Contracting Party grants to the other Contracting Party :

<sup>1</sup> Came into force on 8 June 1959, one month after the exchange of the instruments of ratification which took place at Brussels on 8 May 1959, in accordance with article 20. This Agreement is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

The right of transit ;

The right to make stops for non-traffic purposes ; and

The right to make flights for the commercial carriage of international traffic in passengers, mail and/or cargo to and from the points in its territory which are listed for each route specified in accordance with paragraph (2).

(2) The routes on which the designated airlines of the two Contracting Parties shall have the right to operate international air services shall be specified in a route schedule to be agreed upon by an exchange of diplomatic notes.

### *Article 3*

(1) International air services may be inaugurated on the routes specified in accordance with article 2, paragraph (2) at any time after :

- (a) The Contracting Party to which the rights are granted has designated in writing the airline which is to operate the air service, and
- (b) The Contracting Party granting the rights has given the designated airline permission to inaugurate air services.

(2) The Contracting Party granting the rights shall, subject to the provision of paragraphs (3) and (4) and subject to agreement being reached in accordance with article 11, without delay grant permission for the operation of international air services.

(3) Each Contracting Party may require the designated airline of the other Contracting Party to satisfy it that the said airline is qualified to fulfil the conditions prescribed under its laws and regulations for the operation of international air services.

(4) Each Contracting Party reserves the right to withhold the exercise of the rights granted in article 2 from the airline designated by the other Contracting Party, if that airline is unable on request to satisfy it 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 the 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 required under article 3, paragraph (4). Each Contracting Party shall exercise this right only after consultation in accordance with article 15, unless immediate suspension of operations or immediate imposition of conditions is necessary to prevent further infringements of laws or regulations.

(2) Each Contracting Party shall have the right, by giving notice in writing to the other Contracting Party, to withdraw the designation of an airline and to substitute the designation of another airline. The newly designated airline shall have the same rights and duties as the airline which it replaces.

#### *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 or to the operation and navigation of such aircraft while within its territory shall apply to the aircraft used by the designated airlines of the other Contracting Party.

(2) The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crews, mail or cargo, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall apply to passengers, crews, mail or cargo of aircraft of the other Contracting Party while within its territory.

#### *Article 6*

The charges imposed for the use of airports and other aeronautical facilities by aircraft of the other Contracting Party shall not be higher than those payable by domestic aircraft.

#### *Article 7*

(1) Aircraft operated by the designated airline of one Contracting Party, entering and thereafter departing from or flying in transit over the territory of the other Contracting Party, as well as normal equipment and spare parts on board such aircraft, shall be exempt from customs duties and other charges levied in connexion with the importation, exportation and transit of goods.

(2) Spare parts and equipment which are, under customs supervision,

- (a) Dismounted or otherwise removed from the aircraft referred to in paragraph (1) in the territory of the other Contracting Party and there placed in storage,
- (b) Imported and stored in the territory of the other Contracting Party for the use of the airlines referred to in paragraph (1),

shall be exempt from the duties and charges referred to in paragraph (1), provided that they are installed in or otherwise taken on board the said aircraft under customs supervision or are re-exported from the territory of the latter Contracting Party otherwise than on board the aircraft. The same exemption from duties and charges shall be granted in respect of such spare parts and equipments as, under custom supervision, are drawn from corresponding stores of other foreign airlines and installed in or otherwise taken on board the said aircraft.

(3) Fuels and lubricating oils introduced into the territory of the other Contracting Party on board the aircraft referred to in paragraph (1) may be consumed on board the said aircraft free of the custom duties and charges referred to in paragraph (1), even on such part of the flight as takes place between points in the territory of that Contracting Party. The foregoing shall also apply to fuels and lubricating oils which, under custom supervision, are introduced into and stored in the territory of the other Contracting Party for the use of the said aircraft.

Fuels and lubricating oils other than those referred to in the preceding paragraph, taken on board such aircraft under customs supervision in the territory of the other Contracting Party shall also be free of the duties and charges referred to in paragraph (1) if consumed on board the said aircraft, even on such part of the flight as takes place between points in the territory of that Contracting Party.

(4) Foodstuffs and other provisions for the use of passengers and crew members which are introduced into the territory of the other Contracting Party on board the aircraft referred to in paragraph (1) may be consumed immediately on board, free of customs duties and other charges levied in connexion with the importation, exportation and transit of goods, provided that the aircraft carry passengers exclusively in international traffic and can be kept under constant customs supervision at intermediate stops.

(5) If no duties or charges are imposed in respect of the goods referred to in the preceding paragraph, they shall not be subject to any economic prohibition or restriction upon importation, exportation or transit otherwise applicable to them.

#### *Article 8*

(1) Certificates of airworthiness, certificates of competency and aircraft crew licences issued or recognized by one Contracting Party shall be recognized as valid by the other Contracting Party as long as they are in force.

(2) Each Contracting Party reserves the right to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party or by another State.

#### *Article 9*

(1) There shall be fair and equal opportunity for the airlines designated by the two Contracting Parties to operate the services 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), the designated airline of one Contracting Party shall take into account the interests of the 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 international air services operated 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 requirements of traffic to and from the territory of the Contracting Party which has designated the airline. The right of that airline to provide transport between those points on a route, specified in accordance with article 2, paragraph (2), 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 air traffic, in such a manner that capacity shall be adapted to :

- (a) The requirements of traffic to and from the territory of the Contracting Party which has designated the airline,
- (b) The existing traffic requirements in the areas through which the airline passes, account being taken of local and regional services,
- (c) The requirements of economic through-airline operation.

#### *Article 10*

(1) The designated airlines shall, not later than one month before the inauguration of services on the routes specified in accordance with article 2, paragraph (2), communicate to the aeronautical authorities of both Contracting Parties the method of operation, the types of aircraft to be used and the time-tables. The foregoing shall also apply to subsequent modifications.

(2) 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 statistical data concerning the designated airlines as may be reasonably required for the purpose of reviewing the use which is made by the designated airlines of the international air services established in accordance with article 2, paragraph (2). Such data shall include the information required to determine the amount of passenger and goods traffic carried by those airlines on the routes specified in accordance with article 2, paragraph (2), in the territory of the Contracting Party and the volume of such traffic to other countries.

#### *Article 11*

(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 the circumstances including cost of operation, reasonable profit, the special characteristics of each service and the tariffs applied by other airlines operating the whole or part of the same route. The tariffs shall be fixed in accordance with the provisions of the following paragraphs.

(2) The tariffs shall, if possible, be fixed in respect of each route by agreement between the designated airlines concerned. In this connexion, the designated airlines

shall follow the recommendations applicable in accordance with the rate-fixing procedure of the International Air Transport Association (IATA) or shall, if possible, reach agreement direct after consultation with the airlines of third States operating the whole or part of the same route.

(3) The tariffs so fixed shall be submitted for approval to the aeronautical authorities of both Contracting Parties not later than thirty days before the date of their proposed entry into force. This period may be reduced in special cases with the consent of the aeronautical authorities.

(4) If the designated airlines fail to reach agreement in accordance with paragraph (2), or if either Contracting Party expresses disagreement with the tariffs submitted to it for approval in accordance with paragraph (3), the aeronautical authorities shall determine by agreement the tariffs for those routes and sections of routes in respect of which agreement has not been reached.

(5) If the aeronautical authorities of the two Contracting Parties fail to reach agreement in accordance with paragraph (4), the provisions of article 16 shall apply. Pending an arbitral award, the Contracting Party expressing disagreement shall have the right to require the other Contracting Party to maintain the tariffs previously in effect.

#### *Article 12*

In the event of the entry into force of a general multilateral air transport agreement accepted by both Contracting Parties, the provisions of such multilateral agreement shall prevail. Consultations to determine the extent to which a multilateral agreement cancels, modifies or supplements this agreement shall be held in accordance with article 15.

#### *Article 13*

Each airline designated by one of the Contracting Parties may, for the purposes of its business, maintain and employ its own staff at the airports of the other Contracting Party and in those towns in that Party's territory in which it wishes to establish its own agency. Where a designated airline does not maintain its own organization at the airports of the other Contracting Party, it shall so far as possible arrange for the necessary work to be performed by the staff of the airport or of a designated airline of the other Contracting Party.

#### *Article 14*

There shall be regular exchanges of views between the aeronautical authorities of the Contracting Parties to ensure close collaboration in all matters affecting the application and interpretation of this Agreement.

*Article 15*

(1) Either Contracting Party may at any time request a consultation for the purpose of discussing the interpretation, application or modification of this Agreement. Such consultation shall begin within a period of two months from the date of receipt of the request.

(2) Any agreed modification of this Agreement shall become effective in accordance with the procedure prescribed in article 20.

(3) Any modification of the route schedule shall become effective when agreed in an exchange of diplomatic notes in accordance with article 2, paragraph (2).

*Article 16*

(1) Any dispute between the aeronautical authorities or between the Governments of the Contracting Parties relating to the application or interpretation of this Agreement which cannot be settled in accordance with article 14 or article 15 shall, at the request of either Contracting Party, be referred to an arbitral tribunal.

(2) The arbitral tribunal shall, in each case, be established in the following manner : each Contracting Party shall designate one arbitrator and these arbitrators shall agree upon a national of a third State as chairman. If the arbitrators have not been designated within two months after the date on which a Contracting Party gave notice of its intention to have recourse to an arbitral tribunal, or if the arbitrators cannot agree upon a chairman within a further period of one month, the President of the International Court of Justice shall be requested to make the necessary designations. His decision shall be binding upon the Contracting Parties.

(3) If the arbitral tribunal cannot arrive at an amicable settlement of the dispute, it shall take a decision by majority vote. Unless the Contracting Parties agree otherwise, the arbitral tribunal shall establish its own rules of procedure and determine its place of meeting.

(4) Each Contracting Party shall bear the cost of the services of its own arbitrator and half the remaining costs.

(5) The Contracting Parties undertake to comply with any provisional measures ordered in the course of the proceedings and with the arbitral award, which shall be final.

*Article 17*

Either Contracting Party may denounce this Agreement at any time. The Agreement shall terminate one year after the date of receipt of the notice of termination by the other Contracting Party, unless the notice is withdrawn by agreement between the Contracting Parties before the expiry of such period.



*Article 18*

This Agreement, all modifications thereof and any exchange of notes in accordance with article 2, paragraph (2), and article 15, paragraph (3), shall be communicated to the International Civil Aviation Organization for registration.

*Article 19*

This Agreement cancels and supersedes all previous international air transport agreements between the Contracting Parties.

*Article 20*

This Agreement shall be ratified and the exchange of instruments of ratification shall take place at Brussels as soon as possible. It shall enter into force one month after the exchange of the instruments of ratification.

IN WITNESS WHEREOF the plenipotentiaries of the two Parties have signed this Agreement.

DONE in duplicate at Bonn, on 14 April 1956, in the French and German languages, both texts being equally authentic.

For the Kingdom of Belgium :

Baron DE GRUBEN

For the Federal Republic of Germany :

HALLSTEIN

## EXCHANGE OF LETTERS

## I

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

Bonn, 14 April 1956

Your Excellency,

I have the honour to refer to article 2, paragraph (2), of the Agreement concerning air services between the Federal Republic of Germany and the Kingdom of Belgium, signed on 14 April 1956.<sup>1</sup> In the negotiations which have been conducted in connexion with the said Agreement, it has been agreed that air services may be operated on the routes specified in the following route schedule :

## ROUTE SCHEDULE

## I. ROUTES TO BE OPERATED BY THE DESIGNATED AIRLINES OF THE FEDERAL REPUBLIC OF GERMANY

1	2	3	4
<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the Kingdom of Belgium</i>	<i>Points beyond</i>
1. Points in the Federal Republic of Germany		Brussels and/or Antwerp	
2. Points in the Federal Republic of Germany		Brussels and/or Antwerp	Points in the United Kingdom and/or Ireland and/or Iceland
3. Points in the Federal Republic of Germany		Brussels	Via intermediate points to points in the United States of America and/or Canada in the direction of Japan and/or Australia and/or to points beyond *

\* But not more than two points in the United States of America and two points in Canada ; and except in the case of the route to New York and a point in Canada, not earlier than 1 April 1957.

<sup>1</sup> See p. 128 of this volume.

II. ROUTES TO BE OPERATED BY THE DESIGNATED AIRLINES OF THE KINGDOM OF  
BELGIUM

1	2	3	4
<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the Federal Republic of Germany</i>	<i>Points beyond</i>
<i>(a) Passenger, cargo and mail traffic</i>			
1. Points in Belgium		Düsseldorf and/or Hamburg	
2. Points in Belgium		Frankfurt and/or Munich	
3. Points in Belgium		Cologne/Bonn	
4. Points in Belgium	Luxembourg	Stuttgart	
5. Points in Belgium		Düsseldorf and/or Frankfurt and/or Stuttgart (but not more than two points in the Federal Republic)	Points in Austria
6. Points in Belgium		Cologne/Bonn and/or Frankfurt and/or Nuremberg (but not more than two points in the Federal Republic)	Points in south-east Europe and/or points in the Near East and/ or Turkey and/or Iraq and/or Iran in the direction of Japan and/or Australia and/ or to points beyond
<i>(b) Cargo traffic</i>			
7. Points in Belgium		Düsseldorf and/or Cologne/Bonn and/or Stuttgart (but not more than two points in the Federal Republic)	Points in Austria
8. Points in Belgium		Düsseldorf and/or Cologne/Bonn	
<i>(c) Helicopter traffic</i>			
9. Points in Belgium	Netherlands	Cologne and/or Bonn and/or Duisburg and/ or Dortmund	

I have the honour to inform you that the Government of the Federal Republic of Germany expresses its agreement to the above route schedule. I should be grateful if you would inform me whether the Government of the Kingdom of Belgium also accepts this route schedule. If so, this note and your reply shall be regarded as constituting an agreement between our Governments.

I have the honour to be, etc.

HALLSTEIN

His Excellency Baron de Gruben  
Royal Belgian Ambassador  
Bonn

II

EMBASSY OF BELGIUM

Bonn, 14 April 1956

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

[*See letter I*]

In reply, I have the honour to inform you that the Belgian Government agrees to the provisions contained in your letter. Your letter and my reply shall therefore be regarded as constituting an agreement between our Governments.

I have the honour to be, etc.

(*Signed*) Baron DE GRUBEN

His Excellency Mr. Hallstein  
Secretary of State for Foreign Affairs  
Bonn

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup>  
 BETWEEN THE KINGDOM OF BELGIUM AND THE  
 FEDERAL REPUBLIC OF GERMANY MODIFYING THE  
 ROUTE SCHEDULE. BRUSSELS, 5 MAY AND 8 JULY  
 1958

## I

MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE  
 FOREIGN TRADE ADMINISTRATION

## MINUTE

B<sup>3</sup>/Com.627/51.766

Brussels, 5 May 1958

Your Excellency,

I have the honour to refer to article 2, paragraph (2), of the Agreement concerning air services between the Kingdom of Belgium and the Federal Republic of Germany, signed at Bonn on 14 April 1956.<sup>2</sup> In the negotiations conducted at Brussels on 28 February 1958 between the aeronautical authorities of our two countries in connexion with the route schedule<sup>3</sup> annexed to the said Agreement, it was agreed that air services may be operated on the routes specified in the following route schedule :

## ROUTE SCHEDULE

## I. ROUTES TO BE OPERATED BY THE DESIGNATED AIRLINES OF THE FEDERAL REPUBLIC

1	2	3	4
<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the Kingdom of Belgium</i>	<i>Points beyond</i>
1. Points in the Federal Republic of Germany		Brussels and/or Antwerp	
2. Points in the Federal Republic of Germany		Brussels and/or Antwerp	Points in the United Kingdom and/or Ireland and/or Iceland
3. Points in the Federal Republic of Germany		Brussels	Via intermediate points to points in the United States of America and/or Canada, in the direction of Japan and/or Australia, and/or points beyond *

\* But not more than two points in the United States of America and two points in Canada.

<sup>1</sup> Came into force on 8 June 1959, the date of the entry into force of the Agreement of 14 April 1956

<sup>2</sup> See p. 128 of this volume.

<sup>3</sup> See p. 136 of this volume.

## II. ROUTES TO BE OPERATED BY THE AIRLINES OF THE KINGDOM OF BELGIUM

1	2	3	4
<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the Federal Republic of Germany</i>	<i>Points beyond</i>
1. Points in Belgium		Points in the Federal Republic of Germany (but not more than two points on the same route)	
2. Points in Belgium	Luxembourg	Stuttgart and/or Munich	
3. Points in Belgium		Düsseldorf and/or Frankfurt and/or Stuttgart and/or Nuremberg and/or Munich * (but not more than two points on the same route)	Points in Austria
4. Points in Belgium		Cologne/Bonn and/or Frankfurt and/or Nuremberg (but not more than two points on the same route)	Points in Austria and/or south-east Europe and/or Turkey and/or the Near East and/or in the direction of Japan and/or Australia and/or points beyond
5. Helicopter traffic Points in Belgium	Netherlands	Cologne and/or Bonn and/or Duisburg and/or Dortmund	

\* The Munich stop may be made only on routes in the direction of Salzburg.

I have the honour to inform you that the Belgian Government expresses its agreement to the above route schedule. I should be grateful if you would inform me whether the Government of the Federal Republic of Germany also accepts this schedule. If so, this letter and your reply shall be regarded as constituting an agreement between our Governments.

I have the honour to be, etc.

V. LAROCK

His Excellency Mr. Carl Friedrich Ophuls  
Ambassador of the Federal Republic of Germany  
Brussels

## II

## EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

Brussels, 8 July 1958

Your Excellency,

I have the honour to acknowledge receipt of your letter of 5 May 1958 (B<sup>2</sup>/Com. 627/51.766) referring to the Agreement concerning air services between the Kingdom of Belgium and the Federal Republic of Germany, signed at Bonn on 14 April 1956, and to inform you that the Government of the Federal Republic of Germany agrees to the route schedule contained in your letter.

Your letter of 5 May 1958 and this reply may therefore be regarded as constituting an agreement between our Governments.

I have the honour to be, etc.

C. F. OPHULS

His Excellency the Minister of Foreign Affairs  
Brussels

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