

No. 4718

**UNION OF SOUTH AFRICA
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of notes constituting an agreement for the avoidance of double taxation on income derived from shipping and aircraft. Pretoria, 9 May and 26 August 1955 and 17 and 28 September 1956

Official texts: English and German.

Registered by the Union of South Africa on 26 March 1959.

**UNION SUD-AFRICAINE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de notes constituant un accord tendant à éviter la double imposition des revenus des entreprises de navigation maritime et aérienne. Prétoria, 9 mai et 26 août 1955 et 17 et 28 septembre 1956

Textes officiels anglais et allemand.

Enregistré par l'Union sud-africaine le 26 mars 1959.

No. 4718. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR THE AVOIDANCE OF DOUBLE TAXATION ON INCOME DERIVED FROM SHIPPING AND AIRCRAFT. PRETORIA, 9 MAY AND 26 AUGUST 1955 AND 17 AND 28 SEPTEMBER 1956

I

BOTSCHAFT DER BUNDESREPUBLIK DEUTSCHLAND²

PRETORIA

Tgb. Nr. 550-01/55

Pretoria, 9th May, 1955

Mr. Minister,

As the Federal Republic of Germany and the Union of South Africa desire to conclude an agreement for the avoidance of double taxation on the income derived from shipping and aircraft, I have the honour to inform you that the Federal Republic of Germany is prepared to conclude an agreement with the Union of South Africa on the following terms :

Article 1

For the purpose of this agreement, the expression—

“the business of sea or air transport” means the business of transporting, by sea or by air, persons, livestock, goods or mail, carried on by the owner or charterer of ships or aircraft ;

“German enterprises” means the Government of the Federal Republic of Germany, natural persons ordinarily resident in the Federal Republic of Germany and not ordinarily resident in the Union of South Africa, and corporations or partnerships constituted under the laws of and managed and controlled in the Federal Republic of Germany.

“Union enterprises” means the Government of the Union of South Africa, natural persons ordinarily resident in the Union of South Africa and not ordinarily resident in the Federal Republic of Germany, and corporations or partnerships constituted under the laws of and managed and controlled in the Union of South Africa.

¹ Came into force on 1 July 1958, the date agreed upon by an exchange of notes, in accordance with article V (2).

² Embassy of the Federal Republic of Germany.

Article II

(1) The Federal Republic of Germany shall exempt all income derived from the business of sea or air transport between the Federal Republic of Germany and other countries by Union enterprises engaged in such business from income tax and all other taxes on income and profits which are chargeable in the Federal Republic of Germany.

(2) The Union of South Africa shall exempt all income derived from the business of sea or air transport between the Union of South Africa and other countries by German enterprises engaged in such business from income tax and all other taxes on income and profits which are chargeable in the Union of South Africa.

Article III

This agreement shall have effect in respect of all income and profits derived on or after the 1st July, 1951.

Article IV

This agreement shall also apply to the *Land* of Berlin provided the Government of the Federal Republic of Germany do not advise the Government of the Union of South Africa to the contrary within three months after the coming into force of the agreement.

Article V

(1) This agreement shall continue in effect for an indefinite period.

(2) The date of the coming into force shall be agreed upon by an exchange of notes, the exchange to take place in Bonn.

(3) Either Party may terminate this agreement by a written notification to the other Party whereupon the agreement shall cease to have effect from the 1st July immediately following the expiration of six months from the date of such written notification.

Should the foregoing text meet with the approval of the Union of South Africa, I suggest that this Note and Your Excellency's confirmatory reply thereto be regarded as constituting the proposed agreement between our two countries.

Please accept, Mr. Minister, the renewed assurance of my highest consideration.

(Signed) G. STROHM

The Honourable E. H. Louw
Minister of External Affairs
Cape Town

II

DEPARTMENT OF EXTERNAL AFFAIRS

PRETORIA

26th August, 1955

Your Excellency,

I have the honour to acknowledge receipt of your note dated 9th May, 1955, reading as follows :

[See note I]

In reply thereto I have the honour to inform you that the Government of the Union of South Africa are in agreement with the foregoing provisions and that your Note and the present reply shall be regarded as constituting an agreement between our two countries.

Please accept, Your Excellency, the renewed assurance of my highest consideration.

(Signed) Eric H. Louw
Minister of External Affairs

His Excellency Dr. G. Stroh
The Ambassador of the Federal Republic of Germany
Pretoria

III

BOTSCHAFT DER BUNDESREPUBLIK DEUTSCHLAND¹

PRETORIA

No. 550-01/56

Pretoria, 17 September, 1956

Mr. Minister,

I have the honour to append the German version of my Note dated 9th May, 1955, in English, by which the Federal Republic of Germany proposed the conclusion of an agreement for the avoidance of double taxation on income derived from shipping and aircraft, and to enquire whether your Government would be prepared to regard the German version of the Note as equally authentic and binding as the English text of the original Note :

¹ Embassy of the Federal Republic of Germany.

double taxation on income derived from shipping and aircraft and in doing so signify my Government's approval of Your Excellency's request for recognition of the German version of the Agreement as equally authentic and binding.

[GERMAN TEXT — TEXTE ALLEMAND]

"Ich beehre mich, Ihnen hiermit den Empfang Ihrer Note vom 9 Mai 1955 zu bestätigen. Die Note hatte den folgenden Wortlaut :

[*See note III*]

In Erwiderung hierauf beehre ich mich Ihnen mitzuteilen, dass die Regierung der Südafrikanischen Union sich mit den vorgenannten Bedingungen einverstanden erklärt und dass Ihre Note und das vorliegende Antwortschreiben als Abkommen zwischen unseren beiden Ländern angesehen werden soll“.

Please accept, Your Excellency, the renewed assurance of my highest consideration.

For the Minister of External Affairs :

G. P. JOOSTE
Secretary for External Affairs

His Excellency Dr. G. Stroh
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany
Pretoria