

No. 5130

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

Agreement for the operation at the Birkenfeld High Altitude Traffic Control Facility of air traffic control services in the airspace above 20,000 feet. Signed at Bonn, on 1 October 1959

Official texts: English and German.

Registered by the United States of America on 9 May 1960.

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

Accord visant à assurer l'exploitation, au Centre de contrôle de la circulation aérienne à haute altitude de Birkenfeld, d'un service du contrôle de la circulation aérienne dans l'espace aérien au-dessus de 20.000 pieds (6.100 mètres). Signé à Bonn, le 1^{er} octobre 1959

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 9 mai 1960.

No. 5130. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR THE OPERATION AT THE BIRKENFELD HIGH ALTITUDE TRAFFIC CONTROL FACILITY OF AIR TRAFFIC CONTROL SERVICES IN THE AIRSPACE ABOVE 20,000 FEET. SIGNED AT BONN, ON 1 OCTOBER 1959

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

Considering :

that air traffic in the airspace above 20,000 feet (6,100 m) within the Frankfurt and Munich Flight Information Regions served by the Birkenfeld High Altitude Traffic Control Facility will increase substantially in the near future;

that therefore air traffic control services must be provided on a larger scale than heretofore;

that the Government of the United States of America is in a position to supplement the technical facilities at the disposal of the Government of the Federal Republic of Germany;

that the sovereign rights of the Federal Republic of Germany and its responsibility in matters of air traffic control services should remain unaffected;

have agreed as follows :

(1) The Government of the United States of America shall within the limits of the available resources of the United States Air Force in Europe

- (a) make available to the Bundesanstalt für Flugsicherung (Federal Administration of Air Navigation Services), hereinafter referred to as the BFS, through the United States Air Force in Europe, hereinafter referred to as USAFE, air traffic control services with respect to all aircraft flying in the entire airspace above 20,000 feet (6,100 m) within the Frankfurt and Munich Flight Information Regions, excluding danger areas extending above 20,000 feet (6,100), and
- (b) arrange for personnel of the BFS and the German Federal Armed Forces to be trained by USAFE in the practical performance of the said air traffic control services.

¹ Came into force on 1 October 1959, the date of signature, in accordance with paragraph 9.

(2) Nothing contained in the present Agreement shall affect any privileges or responsibilities which are now vested in or have been assumed by either of the two Governments pursuant to existing agreements on air traffic control services.

(3) Procedures, standards and arrangements covering operational and technical matters for carrying out the control of the airspace described in paragraph (1) above, shall be worked out by mutual agreement between the designated representatives of USAFE and BFS. Such procedures, standards and arrangements should serve as a basis for legal and administrative provisions to be issued, when necessary, by the German authorities within the scope of their competencies.

(4) The Government of the Federal Republic of Germany shall in its relations with the Government of the United States of America hold that Government and its agencies, instrumentalities and personnel harmless from any claims for damages to property or for injury or death to persons arising out of, or in connection with, the performance of the air traffic control services or the training mentioned in paragraph (1) above, except for claims resulting from the wilful misconduct of United States personnel. This provision shall not alter the legal rights of third parties.

(5) The Government of the Federal Republic of Germany shall take all necessary measures to enable the BFS to take over the services provided by USAFE under paragraph 1 above, at the earliest possible moment.

(6) The Government of the Federal Republic of Germany shall make available, free of cost to USAFE, air traffic controllers as mutually agreed between representatives of USAFE, the BFS, and the German Federal Armed Forces.

(7) The Government of the United States of America reserves the right to discontinue at any time the performance of any of the USAFE services mentioned in paragraph (1) above, after giving reasonable advance notice in writing of such discontinuance to the Government of the Federal Republic of Germany. In such event, any of the services which, by mutual agreement between USAFE and BFS, it is determined shall be continued, shall be provided by the BFS at the earliest time practicable.

(8) The BFS may take over the services provided by USAFE under paragraph (1) above, any time after a determination has been made by mutual agreement between the BFS and USAFE that the BFS has sufficient qualified personnel and suitable equipment to control air traffic and to provide air traffic control services for the airspace described in paragraph (1) above. It is understood, however, that in advance of such take-over of services the appropriate representatives of USAFE and BFS shall consult with each other to enable USAFE to make appropriate adjustments in its programs and activities in good time.

(9) The present Agreement shall enter into force on the date of its signature. Either of the two Governments may terminate the Agreement by giving four months' written notice to the other Government of its intention to do so.

DONE at Bonn on October 1, 1959 in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the United States of America :
David BRUCE

For the Government
of the Federal Republic of Germany :
KNAPPSTEIN