

No. 5037

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**FEDERAL REPUBLIC OF GERMANY  
and  
NORWAY**

**Agreement relating to air services. Signed at Bonn, on  
29 January 1957**

*Official texts: German and Norwegian.*

*Registered by the International Civil Aviation Organization on 11 March 1960.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
NORVÈGE**

**Accord relatif aux services aériens. Signé à Bonn, le  
29 janvier 1957**

*Textes officiels allemand et norvégien.*

*Enregistré par l'Organisation de l'aviation civile internationale le 11 mars 1960.*

[TRANSLATION — TRADUCTION]

No. 5037. AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF NORWAY RELATING TO AIR SERVICES. SIGNED AT BONN, ON 29 JANUARY 1957

The Federal Republic of Germany

and

The Kingdom of Norway,

Desiring to conclude an agreement to promote the development of air services between and beyond their respective territories,

Have agreed as follows :

*Article 1*

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

- (a) "Aeronautical authority" means, in the case of the Federal Republic of Germany, the Federal Minister of Transport and, in the case of the Kingdom of Norway, the Royal Ministry of Transport and Communications or, in either case, any other person or body authorized to perform the functions for which the said authority is responsible ;
- (b) "Territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty of that State ;
- (c) "Designated airline" means an airline which one Contracting State shall have designated in writing to the other Contracting State, in accordance with article 3, as the airline which is to operate on the routes specified in accordance with article 2, paragraph (2), of this Agreement ;
- (d) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo and mail ;
- (e) "International air service" means an air service which passes through the air space over the territory of more than one State ;
- (f) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging commercially passengers, cargo or mail.

<sup>1</sup> Came into force on 28 April 1958, one month after the date on which the Contracting States notified each other that their respective constitutional requirements had been fulfilled, in accordance with article 20.

*Article 2*

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

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 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 States shall have the right to operate shall be specified in a route schedule to be agreed upon in an exchange of notes.

*Article 3*

(1) International air services may be inaugurated on the routes specified in accordance with article 2, paragraph (2), as soon as :

- (a) The Contracting State to which the rights are granted has designated in writing the airline or airlines which are to operate on the specified routes,
- (b) The Contracting State granting the rights has given the designated airline or airlines permission to inaugurate international air services on the routes specified in accordance with article 2, paragraph (2).

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

(3) Each Contracting State shall have the right to require the designated airline or airlines of the other Contracting State to furnish proof that they are qualified to fulfil the conditions prescribed under its laws and regulations for the operation of international air services.

(4) Each Contracting State reserves the right to withhold the exercise of the rights granted in article 2 from an airline designated by the other Contracting State, if that airline is unable on request to furnish proof that substantial ownership and effective control of the airline are vested in nationals or bodies corporate of the other Contracting State or in the other Contracting State itself.

*Article 4*

(1) Each Contracting State may revoke or restrict the permission granted under article 3, paragraph (2), if a designated airline fails to comply with the laws

and regulations of the Contracting State 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 State 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 State shall have the right, by giving notice in writing to the other Contracting State, to withdraw the designation of an airline and to replace it by another airline. The newly designated airline shall have the same rights and obligations as the airline which it replaces.

#### *Article 5*

(1) The laws and regulations of each Contracting State 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 employed by the designated airlines of the other Contracting State.

(2) The laws and regulations of each Contracting State 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 the passengers, crews, mail or cargo of aircraft of the other Contracting State while within its territory.

#### *Article 6*

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

#### *Article 7*

(1) Each Contracting State shall grant the following fiscal privileges to aircraft employed exclusively in international air navigation by a designated airline of the other Contracting State :

1. Aircraft employed by the designated airlines of one Contracting State, entering and thereafter departing from or flying in transit over the territory of the other Contracting State, as well as 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 :

- (a) under customs supervision, dismantled or otherwise removed from the aircraft referred to in sub-paragraph 1 in the territory of the other Contracting State and there placed in storage,
- (b) under customs supervision, imported into and stored in the territory of the other Contracting State for the use of the said aircraft,

shall be exempt from the duties and charges referred to in sub-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 State otherwise than on board the aircraft.

The same exemption from duties and charges shall be granted in respect of such spare parts and equipment as, under customs 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 State on board the aircraft referred to in sub-paragraph 1 may be consumed on board the said aircraft free of customs duties and other charges levied in connexion with the importation, exportation and transit of goods, even on connecting flights between points in the territory of the latter Contracting State. The foregoing shall also apply to fuels and lubricating oils which, under customs supervision, are imported into and stored in the territory of the other Contracting State on behalf of a designated airline for the use of the said aircraft.

Other fuels and lubricating oils taken on board the said aircraft under customs supervision in the territory of the other Contracting State and consumed in air services shall not be subject to the aforementioned duties and charges or to such special consumer taxes as may be imposed on aircraft fuels and lubricating oils in the latter Contracting State.

4. Foodstuffs and other provisions for the use of passengers and crew members which are introduced into the territory of the other Contracting State on board the aircraft referred to in sub-paragraph 1 may be released for immediate consumption on board, free of customs duties and other charges levied in connexion with the importation, exportation and transit of goods, provided that the aircraft can be kept under constant customs supervision at intermediate stops.

(2) If no duties or charges are imposed in respect of the goods specified 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 State shall be recognized as valid by the other Contracting State so long as they are in force.

(2) Each Contracting State 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 State or by another State.

*Article 9*

(1) There shall be fair and equal opportunity for the airlines of both Contracting States to operate on each of the routes 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 airlines of each Contracting State shall take into account the interests of the airlines of the other Contracting State so as not to affect unduly the air services which the latter provide 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 State which has designated the airline or airlines. The right of these airlines to operate air services on a route between the points specified in accordance with article 2, paragraph (2), which are situated in the territory of the other Contracting State, and third States shall be exercised in the interest of the orderly development of international traffic, in such a manner that capacity shall be adapted to :

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

*Article 10*

The aeronautical authority of either Contracting State shall supply to the aeronautical authority of the other Contracting State, upon request, such periodic or other statistical data concerning the designated airlines as may reasonably be required for the purpose of reviewing the use which is made by the designated airlines of the international air services specified in accordance with article 2, paragraph (2). Such data shall include all information required to determine the volume of traffic carried by those airlines on the specified routes and the origin and destination of such traffic.

*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 taking into account all factors including cost of operation, reasonable profit, the special characteristics of each service and the tariffs applied by other airlines operating on the whole or part of the same route. The tariffs shall be fixed in accordance with the following provisions.

(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 tariff-fixing procedure of the International Air Transport Association (IATA) or shall, if possible, reach agreement directly after consultation with the aeronautical authorities of third countries operating on the whole or part of the same route. The foregoing shall also apply to agency commissions charged in conjunction with the tariffs.

(3) The tariffs so fixed shall be submitted for approval to the aeronautical authorities of each Contracting State not later than thirty (30) 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 State 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 States fail to reach agreement in accordance with paragraph (4), the provisions of article 16 shall apply. Pending an arbitral award, the Contracting State expressing disagreement with a modification of the tariffs shall have the right to require the other Contracting State to maintain the tariffs previously in effect.

*Article 12*

(1) Each Contracting State grants to the designated airlines of the other Contracting State 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 State.

(2) If the creditor so desires, such remittance may be made in another currency where this is permitted under the currency regulations of the Contracting States in force at the time.

*Article 13*

If a general multilateral air transport convention accepted by both Contracting States enters into force, the provisions of the multilateral convention shall prevail.

Consultations to determine the extent to which a multilateral convention cancels, modifies or supplements this Agreement shall be held in accordance with article 15 hereof.

#### *Article 14*

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

#### *Article 15*

(1) Either Contracting State may at any time request a consultation for the purpose of discussing the interpretation, application or modification of this Agreement or the route schedule. Such consultation shall begin within a period of sixty days 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 relating to the application or interpretation of this Agreement which cannot be settled between the aeronautical authorities or between the Governments of the Contracting States in accordance with article 14 or article 15 shall, at the request of either Contracting State, be referred to an arbitral tribunal.

(2) The arbitral tribunal shall, in each case, be established in the following manner : each Contracting State shall appoint one arbitrator and these arbitrators shall agree upon a national of a third State as chairman. If the arbitrators have not been appointed within two months after the date on which a Contracting State 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 Council of the International Civil Aviation Organization shall be requested to make the necessary appointments. His decision shall be binding upon the Contracting States.

(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 States agree otherwise, the arbitral tribunal shall establish its own rules of procedure and determine its place of meeting.

(4) Each Contracting State shall bear the cost of the services of its own arbitrator and half the cost of the services of the chairman.



(5) The Contracting States 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 State 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 State, unless the notice is withdrawn by agreement between the Contracting States 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 registered with the International Civil Aviation Organization.

*Article 19*

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

*Article 20*

This Agreement shall enter into force one month after the date on which the Contracting States notify each other that their respective constitutional requirements have been fulfilled.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed this Agreement.

DONE at Bonn, on 29 January 1957, in duplicate in the German and Norwegian languages, both texts being equally authentic.

For the Federal Republic of Germany :

v. BRENTANO

For the Kingdom of Norway :

Peter ANKER