

**No. 6715**

---

**FEDERAL REPUBLIC OF GERMANY  
and  
AFGHANISTAN**

**Air Transport Agreement (with exchange of notes). Signed  
at Bonn, on 22 July 1959**

*Official texts of the Agreement: German, Persian and English.*

*Official texts of the notes: German and English.*

*Registered by the International Civil Aviation Organization on 15 May 1963.*

---

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
AFGHANISTAN**

**Accord relatif aux transports aériens (avec échange de notes).  
Signé à Bonn, le 22 juillet 1959**

*Textes officiels de l'Accord: allemand, persan et anglais.*

*Textes officiels des notes: allemand et anglais.*

*Enregistré par l'Organisation de l'aviation civile internationale le 15 mai 1963.*

No. 6715. AIR TRANSPORT AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF AFGHANISTAN. SIGNED AT BONN, ON 22 JULY 1959

---

The Federal Republic of Germany and the Kingdom of Afghanistan,

being Contracting Parties to the Convention on International Civil Aviation<sup>2</sup> and the International Air Services Transit Agreement<sup>3</sup> both signed at Chicago on the seventh day of December 1944, the terms of which Convention and Agreement are binding on both Contracting States, and

desiring to make arrangements for the regulation of air transport between their respective territories and beyond,

have agreed as follows :

*Article 1*

(1) For the purpose of the present Agreement, unless otherwise stated in the text ;

- a) the term "aeronautical authorities" shall mean in the case of the Federal Republic of Germany, the Federal Minister of Transport, in the case of the Kingdom of Afghanistan, the Afghan Air Authority, or in both cases any other person or agency authorized to perform the functions exercised by the said authorities ;
- b) the term "designated airline" shall mean an airline that one Contracting State has designated in writing to the other Contracting State in accordance with Article 3 of this Agreement as being an airline which is to operate the international air service on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement.

(2) The terms "territory", "air service", "international air service", and "stop for non-traffic purposes", shall, for the purpose of this Agreement, have the meaning laid down in Articles 2 and 96 of the Convention on International Civil Aviation of December 7, 1944 including all its amendments.

---

<sup>1</sup> Came into force on 10 July 1961, one month after the exchange of the instruments of ratification which took place at Kabul on 10 June 1961, in accordance with article 16.

<sup>2</sup> See footnote 2, p. 22 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 84, p. 389 ; Vol. 139, p. 469 ; Vol. 178, p. 419 ; Vol. 199, p. 363 ; Vol. 260, p. 462 ; Vol. 324, p. 342 ; Vol. 355, p. 419 ; Vol. 409, p. 372, and Vol. 417, p. 354.

*Article 2*

(1) Each Contracting State shall grant to the other Contracting State for the purpose of operating international air services by designated airlines over the routes specified in accordance with paragraph 2 of this Article,

the right to fly across its territory without landing ;

the right to land in its territory for non-traffic purposes, and

the right to land in its territory at the points named on the routes specified in accordance with paragraph 2 of this Article, in order to take on or discharge passengers, mail and/or cargo on a commercial basis.

(2) The routes over which the designated airlines of the two Contracting States will be authorized to operate international air services shall be specified in a Route Schedule to be agreed upon in an exchange of notes. The first exchange of notes shall take place simultaneously with the signature of the present Agreement.

*Article 3*

(1) The international air services on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement, may be inaugurated at any time, provided

- a) the Contracting State to whom the rights specified in paragraph 1 of Article 2 are granted, has designated in writing an airline or airlines, and
- b) the Contracting State granting these rights has authorized the designated airline or airlines to inaugurate the air services.

(2) The Contracting State granting these rights shall, subject to the provisions of paragraphs 3 and 4 of this Article and subject to the understanding provided for in Article 9 of this Agreement, give as soon as possible the said authorization to operate the international air service.

(3) Each Contracting State may require an airline designated by the other Contracting State to satisfy it that it is qualified to meet the requirements prescribed under the laws and regulations of the first Contracting State governing the operation of international air traffic.

(4) Each Contracting State may withhold the exercise of the rights provided for in Article 2 of this Agreement from any airline designated by the other Contracting State if such airline is not able to prove upon request that substantial ownership and effective control of such airline are vested in nationals or corporations of the other Contracting State or in that State itself.

*Article 4*

(1) Each Contracting State may revoke, or limit by the imposition of conditions, the authorization granted in accordance with paragraph 2 of Article 3 in the event of

failure by a designated airline to comply with the laws and regulations of the Contracting State granting the rights or to comply with the provisions of this Agreement or to fulfil the obligations arising therefrom. This shall also apply if the proof referred to in paragraph 4 of Article 3 is not furnished. Each Contracting State will exercise this right only after consultation as provided for in Article 13, unless an immediate suspension of operations or imposition of conditions is necessary to avoid further infringements of laws or regulations.

(2) Each Contracting State shall have the right by written communication to the other Contracting State to replace a designated airline by another airline. The newly designated airline shall have the same rights and be subject to the same obligations as the designated airline which it replaces.

#### *Article 5*

The charges imposed by either Contracting State for the use of airports and other aviation facilities by the aircraft of a designated airline of the other Contracting State shall not be higher than those paid by its national aircraft engaged in similar international air services.

#### *Article 6*

(1) Each Contracting State shall grant relief from taxes, duties and other charges for aircraft of a designated airline of the other Contracting State exclusively engaged in international air service as follows :

1. The aircraft operated by any designated airline of one Contracting State and entering into, departing from or flying across the territory of the other Contracting State, as well as the regular equipment and spare parts on board such aircraft shall be exempt from customs duties and other charges levied on the occasion of importation, exportation or transit of goods.
2. Spare parts and articles of equipment which are
  - a) removed from the aircraft referred to in item 1 above or otherwise taken from board and stored within the territory of the other Contracting State under customs supervision, or
  - b) imported for such aircraft into, and stored in, the territory of the other Contracting State under customs supervision,

shall be exempt from the duties and other charges mentioned in item 1 above, if they either are installed in or otherwise taken aboard the said aircraft under customs supervision, or are otherwise exported again from the territory of the other Contracting State. The same exemption from such duties and other charges shall be granted for spare parts and articles of equipment taken from

appropriate stores of other airlines and installed in or otherwise taken aboard the said aircraft under customs supervision.

3. Fuel and lubricants on board the aircraft referred to in item 1 above and introduced into the territory of the other Contracting State shall be free of customs duties and other charges levied on the occasion of importation, exportation and transit of goods, if they are used on board the aircraft, and this applies also on that part of any flight which takes place between points in the territory of that Contracting State. This shall likewise apply to fuel and lubricants which for the account of an airline designated by a Contracting State are imported into and stored in the territory of the other Contracting State under customs supervision for the purpose of supplying such aircraft. Fuel and lubricants taken on by aircraft belonging to a designated airline under customs supervision in the territory of the other Contracting State and used in international air service shall not be subject to the aforementioned duties and other charges, nor to any special consumption charges that may be applicable to fuel and lubricants in that Contracting State.
4. Food and stimulants introduced aboard the aircraft mentioned in item 1 above and intended for consumption by passengers and crew members may be issued in the territory of the other Contracting State for immediate consumption aboard free of customs duties and other charges levied on the occasion of the importation, exportation, and transit of goods, provided such aircraft can be continuously supervised by customs authorities at intermediate landings.

(2) Insofar as no duties or other charges are imposed on goods enumerated in the foregoing paragraph, such goods shall not be subject to any economic prohibition and restriction on importation, exportation and transit that may otherwise be applicable.

(3) If goods mentioned in this Article are used for purposes other than those specified in this Article, they shall be subject to the national legislation on customs duties and charges of the Contracting State concerned.

#### *Article 7*

(1) There shall be fair and equal opportunity for the designated airlines of each Contracting State to operate on any route specified in accordance with paragraph 2 of Article 2 of this Agreement.

(2) In the operation of international air services on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement, a designated airline of a Contracting State shall take account of the interests of a designated airline of the other Contracting State so as not to affect unduly the air service which the latter airline provides on the same routes or parts of them.

(3) The international air services on any of the routes specified in accordance with paragraph 2 of Article 2 of this Agreement shall have as their primary objective the provision of capacity adequate to the foreseeable traffic demands to and from the territory of the Contracting State designating the airline. The right of this airline to carry traffic between points of a route specified in accordance with paragraph 2 of Article 2 of this Agreement which are located in the territory of the other Contracting State, and points in third countries shall be exercised, in the interests of an orderly development of international air transport, in such a way that capacity is related to :

- a) the traffic demand to and from the territory of the Contracting State designating the airline ;
- b) the traffic demand existing in the areas through which the air services pass, taking account of local and regional services ;
- c) the requirements of an economical operation of air service through traffic.

#### *Article 8*

(1) The designated airlines shall communicate to the aeronautical authorities of both Contracting States not later than one month prior to the inauguration of services on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement the type of service, the types of aircraft to be used and the flight schedules. This shall likewise apply to later changes.

(2) The aeronautical authorities of one Contracting State shall furnish to the aeronautical authorities of the other Contracting State at their request such periodic or other statements of statistics of the designated airlines as may be reasonably required for the purpose of reviewing the capacity provided by any designated airline of the first Contracting State on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement. Such statements shall include all information required to determine the amount of traffic carried and the origins and destinations of such traffic.

#### *Article 9*

(1) Rates to be charged for passengers and freight on the routes specified in accordance with paragraph 2 of Article 2 of this Agreement shall be fixed by taking into account all factors, such as cost of operation, reasonable profit, the characteristics of the various routes and the rates charged by any other airlines which operate over the same routes or parts thereof. In fixing such rates, the provisions of the following paragraphs should be observed.

(2) The rates shall, if possible, be fixed for each route by agreement between the designated airlines concerned. For this purpose the designated airlines should abide by such decisions as are applicable under the traffic conference procedures of the

International Air Transport Association (IATA), or should, if possible, agree directly between themselves after consulting with airlines of third countries which operate over the same routes or parts thereof.

(3) Any rate so agreed shall be submitted for approval to the aeronautical authorities of both Contracting States at least one month prior to the proposed date of their introduction. This period may be reduced in special cases if the aeronautical authorities so agree.

(4) If no agreement has been reached between the designated airlines in accordance with paragraph 2 above, or if one of the Contracting States does not agree to the rates submitted for its approval in accordance with paragraph 3 above, the aeronautical authorities of the two Contracting States should by common accord fix the rates for those routes or parts thereof on which no agreement was reached.

(5) If no accord as envisaged in paragraph 4 above is reached between the aeronautical authorities of the two Contracting States, the provisions of Article 14 of this Agreement shall apply. Until such time as an arbitral award is rendered, the Contracting State which has expressed disagreement with the rates shall be entitled to require the other Contracting State to maintain the rates previously in effect.

#### *Article 10*

If a general multilateral air transport convention accepted by both Contracting States enters into force, the provisions of the multilateral convention shall prevail. Any discussion with a view to determining the extent to which the present Agreement is revoked, amended or supplemented by the provisions of the multilateral convention, shall take place in accordance with Article 13 of the present Agreement.

#### *Article 11*

Each airline designated by either Contracting State may maintain and employ its own personnel for its business transactions at airports of the other Contracting State and in the cities of the other Contracting State where it intends to maintain an agency. If a designated airline does not establish its own organization at airports of the other Contracting State, it is understood that it should have such work performed, as far as possible, by the personnel of an airport or of a designated airline of the other Contracting State.

#### *Article 12*

Exchange of views shall take place as needed between the aeronautical authorities of the two Contracting States in order to achieve close cooperation and agreement in all matters pertaining to the application and interpretation of this Agreement.

*Article 13*

Consultation may be requested at any time by either Contracting State for the purpose of discussing amendments to the present Agreement or the Route Schedule. The same applies to discussions concerning the interpretation and application of the present Agreement if either Contracting State considers that an exchange of views within the meaning of Article 12 has been without success. Such consultation shall begin within sixty days from the date of receipt of the request.

*Article 14*

(1) To the extent to which any disagreement arising out of the interpretation or application of the present Agreement cannot be settled in accordance with Article 13 of this Agreement, it shall be submitted to an arbitral tribunal at the request of either Contracting State.

(2) Such arbitral tribunal shall be composed in each individual case of one member to be designated by each Contracting State ; these two members shall then agree upon the choice of a national of a third State as their chairman. If the members have not been designated within two months, and the chairman within three months of the date of delivery by either Contracting State of notice requesting arbitration, either of the Contracting States may, in the absence of any other form of agreement, invite the President of the Council of the International Civil Aviation Organization to make the necessary appointments. Where the President possesses the nationality of one of the two Contracting States or is otherwise prevented from carrying out this function, his deputy in office shall make the necessary appointments.

(3) The arbitral tribunal shall reach its decisions by majority of vote. Such decisions shall be binding. Each of the Contracting States shall bear the expense of its own member. The remaining expenses shall be borne in equal parts by each of the Contracting States. In all other respects, the arbitral tribunal shall determine its own procedure.

*Article 15*

The present Agreement, any amendment to it and any exchange of notes under paragraph 2 of Article 2 shall be communicated to the International Civil Aviation Organization for registration.

*Article 16*

(1) The present Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Kabul.

(2) The present Agreement shall enter into force one month after the exchange of the instruments of ratification.



(3) Each Contracting State may at any time give notice of termination of the present Agreement. This Agreement shall terminate one year after the date of the receipt of such notice by the other Contracting State.

DONE at Bonn this 22nd day of July 1959 in duplicate in the German, Persian, and English languages. In case of differences of opinion concerning the application and the provisions of this Agreement, the English text shall prevail.

For the Federal Republic of Germany :

VON MERKATZ

For the Kingdom of Afghanistan :

Gholam FARUQK

[TRANSLATION — TRADUCTION]

THE FEDERAL MINISTER FOR MATTERS  
CONCERNING THE FEDERAL COUNCIL AND THE LÄNDER  
ACTING FOR THE FEDERAL MINISTER OF FOREIGN AFFAIRS

Bonn, 22 July 1959

Sir,

[See note II ]

Accept, etc.

(Signed) Dr. VON MERKATZ

His Excellency Dr. Gholam Farugk  
Ambassador Extraordinary and Plenipotentiary  
of the Kingdom of Afghanistan  
Bonn

## II

KÖNIGL. AFGHANISCHE BOTSCHAFT<sup>1</sup>  
THE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY  
OF THE KINGDOM OF AFGHANISTAN

Bonn, July 22nd, 1959

Excellency,

I have the honour to acknowledge the receipt of your letter of July 22nd, 1959, which reads as follows :

"I have the honour to refer to paragraph (2) of Article 2 of the Air Transport Agreement between the Federal Republic of Germany and the Kingdom of Afghanistan signed at Bonn on July 22nd, 1959.<sup>2</sup> In the negotiations which have been conducted in connection with the abovementioned 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 airlines designated by the Federal Republic of Germany*  
From Points in the Federal Republic of Germany via Vienna, Belgrade, Istanbul, Damascus or Beirut, Baghdad, Teheran to Kabul or Kandahar and v.v.
- II. *Routes to be operated by airlines designated by the Kingdom of Afghanistan*  
From points in the Kingdom of Afghanistan via Teheran, Baghdad, Damascus or Beirut, Istanbul, Belgrade, Vienna to Frankfurt/Main or Hamburg and v.v.

<sup>1</sup> Royal Embassy of Afghanistan.

<sup>2</sup> See p. 191 of this volume.

III. A designated airline may, if it so desires, omit one or more of the points on the established routes, provided that the point of origin of a route lies in the territory of that contracting State which has designated the airline.

I have the honour to inform you that the Government of the Federal Republic of Germany agrees with the above Route Schedule. I should be grateful if you would inform me whether the Government of Afghanistan also agrees with this Route Schedule. If this should be the case, the present note and your reply shall be regarded as constituting an Arrangement between our Governments. "

I have the honour to inform you that the Government of the Kingdom of Afghanistan agrees with the above Route Schedule.

Accept, Excellency, the renewed assurance of my highest consideration.

(Signed) Dr. Gholam FARUGK

The Federal Minister for Matters concerning  
the Federal Council and the Laender  
acting for the Federal Minister of Foreign Affairs  
His Excellency Dr. Hans-Joachim von Merkatz  
Bonn