

No. 6708

**FEDERAL REPUBLIC OF GERMANY
and
YUGOSLAVIA**

**Air Transport Agreement (with exchange of notes). Signed
at Bonn, on 10 April 1957**

Official texts: German and Serbo-Croat.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
YUGOSLAVIE**

**Accord relatif aux transports aériens (avec échange de
notes). Signé à Bonn, le 10 avril 1957**

Textes officiels allemand et serbo-croate.

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

[TRANSLATION¹ — TRADUCTION²]

No. 6708. AIR TRANSPORT AGREEMENT³ BETWEEN THE
FEDERAL REPUBLIC OF GERMANY AND THE FED-
ERATIVE PEOPLE'S REPUBLIC OF JUGO-SLAVIA.
SIGNED AT BONN, ON 10 APRIL 1957

The Federal Republic of Germany and the Federative People's Republic of Jugo-slavia.

Desiring to make arrangements for the regulation of air transport between their respective territories on a basis of reciprocity have agreed as follows :

Article 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 Federative People's Republic of Jugo-Slavia the General Direction of Civil Air Transport, or in both cases any other person or agency authorized to perform the functions exercised by the said Federal Minister of Transport and the General Direction of Civil Air Transport respectively ;
- b) the term "territory" shall mean the land areas and coastal waters under the sovereignty of a contracting State and the air space ;
- c) 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 4 of this Agreement as being the airline which is to operate the international air service on the routes specified in accordance with paragraph (2) of Article 2 of this Agreement ;
- d) the term "air service" shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail and/or cargo ;
- e) the term "international air service" shall mean an air service which passes through the air space over the territory of more than one State.

Article 2

(1) Each contracting State shall grant to the other contracting State for the purpose of operating international air services by the designated airlines the right of

¹ Translation provided by the International Civil Aviation Organization.

² Traduction transmise par l'Organisation de l'aviation civile internationale.

³ Came into force on 13 July 1959, thirty days after the exchange of the instruments of ratification which took place at Belgrade on 13 June 1959, in accordance with article 22.

commercial entry and departure for international traffic in passengers, mail and/or cargo at the points in its territory named on each of the routes specified in accordance with paragraph (2) of this Article.

(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.

Article 3

The airlines of a contracting State shall not have the right to take on in the territory of the other contracting State passengers, mail and/or cargo carried for remuneration or hire and destined for another point within the territory of this contracting State.

Article 4

(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 14 of this Agreement, give without delay 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 5

(1) Each contracting State may revoke, or limit by the imposition of conditions, the authorization granted in accordance with paragraph (2) of Article 4 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 4 is not furnished. Each contracting State will exercise this right only after consultation as provided for in Article 17, 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 6

(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 an 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 7

(1) The designated airlines of a contracting State shall communicate to the aeronautical authorities of the other contracting State not later than thirty days 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 flight schedules,

the types of aircraft to be used and their identification signs. This shall likewise apply to later changes. The aeronautical authorities of both contracting States by reasons of flight safety or of orderly ground clearance of aircraft may ask for changes of the landing times as provided for in the flight schedules.

(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 8

(1) The laws and regulations of a contracting State as to the admission, the sojourn, the departure or any other operation of aircraft in the international air service on and above its territory shall be applied to the aircraft of a designated airline of the other contracting State.

(2) The laws and regulations of a contracting State as to entry, sojourn and exit of passengers, crew, mail and cargo, such as regulations relating to foreign exchange, immigration, passports, customs, and quarantine shall be applied to passengers, crew, mail and cargo carried by the aircraft of a designated airline of the other contracting State while they are within the boundaries of its territory.

Article 9

Each designated airline of a contracting State shall have the right to commission in the territory of the other contracting State a freely chosen airline of this contracting State with its representation and to nominate an authorized agent for its connection with the chosen airline. The designated airline shall be free to nominate as an authorized agent a national of the one or the other contracting State.

Article 10

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting State shall be recognized by the other contracting State for the time of their validity provided that they correspond to the minimum standards under which such certificates or licenses are issued in this contracting State. Either contracting State reserves the right not to recognize as valid the certificates of competency and licenses issued to its own subjects by the other contracting State or by another State.

Article 11

(1) Every aircraft used by a designated airline of a contracting State, when staying in the territory of the other contracting State, shall carry the following documents

- a) Its certificate of registration ;
- b) Its certificate of airworthiness ;
- c) The appropriate licenses for each member of the crew ;
- d) Its journey log book ;
- e) The aircraft radio station license ;
- f) The general entry and exit declaration ;
- g) Eventually a special permit for the transport of particular kinds of goods.

(2) The kind of transmitting the names of passengers will be determined by the designated airlines.

Article 12

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 in general by foreign aircraft in international air service.

Article 13

(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 :

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

- c) 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 be treated — on the basis of reciprocity — on an equal footing with the other foreign airlines as concerns customs and other national charges imposed on such goods and any reductions of price. If one of the contracting States in application of this principle does not grant any release from customs and other national charges imposed on such goods, the other contracting State shall also have the right, to impose customs and the other national charges on fuel and lubricants taken on board the aircraft within its territory.

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

Article 14

(1) The tariffs shall be established at reasonable levels, due regard being paid to the economy of operation, to a normal profit, and to the special characteristics of the services. In this connection the principles prevailing in international air transport shall be taken into account.

(2) The tariffs shall be fixed for each route by agreement of the designated airlines concerned. The tariffs so agreed shall be submitted for approval to the aeronautical authorities of both contracting States 30 days prior to their prospective coming into effect at the latest. If an agreement between the designated airlines cannot be reached or if an aeronautical authority has not agreed to the submitted tariffs, the aeronautical authorities of both contracting States shall determine by agreement between themselves the tariffs for such parts of routes on which an agreement could not be reached. Pending this agreement, the tariffs already in force shall prevail.

Article 15

(1) Each contracting State undertakes to provide such measures of assistance to aircraft in distress used by the designated airlines of the other contracting State as it would provide to its own aircraft in international air service. This undertaking applies in the same degree to the search for missing aircraft.

(2) In the event of an accident occurring to an aircraft mentioned in paragraph 1 of this Article and involving death or serious injury or serious damages to the aircraft, the contracting State in which the accident occurred will institute an inquiry into the cause and the circumstances of the accident. The contracting State in which the aircraft is registered shall be authorized to appoint observers to be present at the inquiry. The aeronautical authority of the contracting State which held the inquiry shall communicate the technical investigation report to the aeronautical authority of the other contracting State.

Article 16

Exchanges of views shall take place as needed between the aeronautical authorities of the two contracting States in order to achieve close cooperation in all matters pertaining to the application and interpretation of this Agreement or of the Route Schedule.

Article 17

(1) Consultation may be requested at any time by either contracting State for the purpose of discussing the amendment of the present Agreement or the Route Schedule. The same applies to the discussion on the interpretation and application of the Agreement, if the exchange of views according to Article 16 of this Agreement has been without success. Such consultation shall begin within a period of sixty days from the date of receipt of the request.

(2) Amendments to this Agreement shall be agreed upon in accordance with the procedure laid down in Article 22 of this Agreement.

(3) Amendments to the Route Schedule shall be agreed upon in an exchange of notes.

Article 18

(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 Articles 16 and 17 of this Agreement within a period of 90 days, 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 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 60 days of the date of delivery by either contracting State of notice requesting arbitration or if the arbitrators cannot agree upon the choice of a chairman within further 30 days either of the contracting States may invite the President of the International Court of Justice at the Hague 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 determine its own procedure and reach its decisions by majority of vote. Each of the contracting States shall bear the expenses of its own member. The remaining expenses shall be borne in equal parts by each of the contracting States. The decisions of the arbitral tribunal shall be binding for each of the contracting States.

Article 19

The contracting States shall communicate the present Agreement, any amendments to it and any exchange of notes under paragraph (2) of Article 2 and paragraph (3) of Article 17 to the International Civil Aviation Organization for registration in so far as they are bound to do so.

Article 20

The present Agreement shall supersede and cancel any previous agreements in the field of civil aviation between the contracting States.

Article 21

Each contracting State may at any time give notice of termination of the present Agreement. This Agreement shall terminate twelve months after the date of the receipt of such notice by the other contracting State unless the notice of termination has been cancelled before the expiration of this period pursuant to an agreement between the contracting States.

Article 22

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

(2) The present Agreement shall enter into force 30 days after the exchange of the instruments of ratification.

DONE at Bonn this tenth day of April 1957 in duplicate in the German and Serbo-Croatian languages, both texts being equally authentic.

For the Federal Republic
of Germany :

BRENTANO

For the Federative
People's Republic of Jugo-Slavia :

Dušan D. KVEDER

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES

I

FEDERAL MINISTER FOR FOREIGN AFFAIRS

Bonn, 10 April 1957

Your Excellency,

I have the honour to refer to article 2, paragraph (2), of the Air Transport Agreement between the Federal People's Republic of Yugoslavia and the Federal Republic of Germany, signed at Bonn on 10 April 1957.¹ In the negotiations which have been conducted in connexion with the above-mentioned Agreement, it has been agreed that air services may be operated on the routes specified in the following route schedule :

ROUTE SCHEDULE

- I. *Routes on which the airlines designated by the Federal Republic of Germany shall operate :*
 1. From points in the Federal Republic of Germany – Vienna – Budapest – Belgrade.
 2. From points in the Federal Republic of Germany – Vienna – Budapest – Belgrade – Sofia – Athens and beyond.
 3. From points in the Federal Republic of Germany – Vienna – Budapest – Belgrade – Sofia – Istanbul and beyond.
- II. *Routes on which the airlines designated by the Federal People's Republic of Yugoslavia shall operate :*
 1. From points in the Federal People's Republic of Yugoslavia – Budapest – Vienna – Frankfurt-am-Main.
 2. From points in the Federal People's Republic of Yugoslavia – Budapest – Vienna – Frankfurt-am-Main – Brussels – London and beyond.
 3. From points in the Federal People's Republic of Yugoslavia – Budapest – Vienna – Munich – Zurich – Paris and beyond.
- III. A designated airline may at its option omit, on any of the specified routes, points in the territory of the Contracting State to which it belongs in the territory of third States.

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 Federal People's Republic

¹ See p. 288 of this volume.

of Yugoslavia also accepts this route schedule. If this should be the case, this note and your note in reply shall be regarded as constituting an agreement between our Governments.

I have the honour to be, etc.

(Signed) VON BRENTANO

His Excellency Mr. Dušan B. Kveder
Yugoslav Ambassador
Bonn

II

AMBASSADOR OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Bonn, 10 April 1957

Your Excellency,

I have the honour to acknowledge receipt of your note of 10 April 1957, concerning article 2, paragraph (2), of the Air Transport Agreement between the Federal People's Republic of Yugoslavia and the Federal Republic of Germany, signed at Bonn on 10 April 1957. It is indicated in the said note that the Government of the Federal Republic of Germany agrees to the establishment of air services on the routes specified in the following schedule :

ROUTE SCHEDULE

- I. *Routes on which the airlines designated by the Federal People's Republic of Yugoslavia shall operate :*
 1. From points in the Federal People's Republic of Yugoslavia — Budapest — Vienna — Frankfurt-am-Main.
 2. From points in the Federal People's Republic of Yugoslavia — Budapest — Vienna — Frankfurt-am-Main — Brussels — London and beyond.
 3. From points in the Federal People's Republic of Yugoslavia — Budapest — Vienna — Munich — Zurich — Paris and beyond.
- II. *Routes on which the airlines designated by the Federal Republic of Germany shall operate :*
 1. From points in the Federal Republic of Germany — Vienna — Budapest — Belgrade.
 2. From points in the Federal Republic of Germany — Vienna — Budapest — Belgrade — Sofia — Athens and beyond.
 3. From points in the Federal Republic of Germany — Vienna — Budapest — Belgrade — Sofia — Istanbul and beyond.
- III. A designated airline may at its option omit, on the specified routes, points in the territory of the Contracting State to which it belongs and in the territory of third States.

I have the honour to inform you that the Government of the Federal People's Republic of Yugoslavia also accepts the Route Schedule set forth in your note. Accordingly, your note and this reply shall be regarded as constituting an agreement between the two Governments.

I have the honour to be, etc.

(Signed) Dušan KVEDER
Ambassador Extraordinary and Plenipotentiary

His Excellency Dr. Heinrich von Brentano
Minister for Foreign Affairs of the Federal Republic of Germany
Bonn