

No. 13151

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**BRAZIL**  
**and**  
**FEDERAL REPUBLIC OF GERMANY**

**Agreement on regularly scheduled air transport (with exchange of notes). Signed at Rio de Janeiro on 29 August 1957**

*Authentic texts: Portuguese and German.*

**Exchange of notes constituting an arrangement amending the route schedule of the above-mentioned Agreement. Rio de Janeiro, 30 September and 15 October 1966**

*Authentic text: Portuguese.*

**Exchange of notes constituting an arrangement replacing the route schedule of the above-mentioned Agreement of 29 August 1957. Rio de Janeiro, 14 September 1970, and Brasília, 25 September 1970**

*Authentic texts: German and Portuguese.*

*Registered by Brazil on 18 March 1974.*

## [TRANSLATION—TRADUCTION]

AGREEMENT<sup>1</sup> ON REGULARLY SCHEDULED AIR TRANSPORT  
BETWEEN THE UNITED STATES OF BRAZIL AND THE FEDERAL  
REPUBLIC OF GERMANY

The Government of the United States of Brazil and the Government of the Federal Republic of Germany, considering:

That the steadily growing possibilities of commercial aviation are becoming increasingly important;

That this means of transport, because of its essential characteristics, affording rapid communication, brings nations closer together;

That it is desirable to organize regular international air services in a safe and orderly manner, without prejudice to national and regional interests, taking into account the development of international co-operation in the field of air transport;

That it is essential to draw up an agreement for the purpose of ensuring regular air communications between the two countries and beyond;<sup>2</sup>

Have appointed for this purpose the following plenipotentiaries:

The United States of Brazil:

His Excellency Mr. José Carlos de Macedo Soares, Minister of State for Foreign Affairs;

His Excellency General of the Air Force Francisco de Assis Corrêa Mello, Minister of State for Air Transport;

The Federal Republic of Germany:

His Excellency Dr. Werner Dankwort, Ambassador Extraordinary and Plenipotentiary of the Federal Republic of Germany to Brazil,

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

*Article 1.* For purposes of the application of this Agreement, save as otherwise indicated by the text:

(a) The term “aeronautical authorities” shall mean, in the case of the United States of Brazil, the Ministry of Air Transport and, in the case of the Federal Republic of Germany, the Federal Minister of Transport or in either case any person or agency authorized to fulfil the functions performed by them;

(b) The term “designated airline” shall mean any airline or airlines selected by one Contracting Party to operate the agreed international air services on the specified routes and in respect of which a written communication has been transmitted to the competent aeronautical authorities of the other Contracting Party in accordance with article 3 of this Agreement;

(c) The term “international air service” shall mean any regularly scheduled international commercial air service operated by designated airlines for the public transport of passengers, mail and/or cargo with established schedules, routes and rates.

<sup>1</sup> Came into force on 15 August 1964, i.e. 30 days after the exchange of the instruments of ratification, which took place at Bonn on 16 July 1964, in accordance with article 15.

<sup>2</sup> This paragraph appears in the German authentic text only.

*Article 2.* Each Contracting Party shall grant to the other Contracting Party, for the purpose of the operation of international air services by designated airlines in the territory of the other Contracting Party on each of the routes specified in the route schedule to be agreed upon in an exchange of notes, the right to fly across its territory, the right to make stops in its territory for non-traffic purposes at airports used for international air service and the right to operate scheduled international commercial air services for the public transport of passengers, mail and/or cargo to the points specified in the route schedule under the conditions laid down in this Agreement.

*Article 3.* 1. Each of the agreed services may be inaugurated immediately or at a later date, at the option of the Contracting Party to which the rights are granted, but not before:

- (a) The Contracting Party to which the rights are granted has designated one or more airlines of its nationality for the specified route or routes;
- (b) The Contracting Party granting the rights has issued the necessary operating license to the airline or airlines concerned, which, subject to the provisions of paragraph 2 of this article and those of articles 4 and 8, it shall do without delay.

2. The designated airlines may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that they are qualified to fulfil the conditions prescribed under the laws and regulations normally applied by those authorities with respect to the operation of commercial airlines.

*Article 4.* Each Contracting Party shall have the right to deny or revoke the exercise of the rights specified in this Agreement by an airline designated by the other Contracting Party if:

- 1. It is not satisfied that substantial ownership or effective control of the airline in question is vested in nationals of the other Contracting Party;
- 2. The airline fails to comply with the laws and regulations referred to in article 13 of the Convention on International Civil Aviation<sup>1</sup> or with the conditions under which the rights have been granted in accordance with this Agreement;
- 3. The crews of the aircraft engaged in traffic do not consist of nationals of the other Contracting Party, except in the case of crew training.

*Article 5.* In order to prevent discriminatory practices and to ensure that the principle of equality of treatment is observed:

1. The charges which one of the Contracting Parties may impose or permit to be imposed on the designated airline or airlines of the other Contracting Party for the use of airports and other facilities shall not be higher than would be paid for the use of such airports and facilities by aircraft of its flag engaged in similar international services.

2. Fuel, lubricating oils, spare parts and equipment introduced under customs control into the territory of one Contracting Party, whether directly by a designated airline or on its behalf, and intended solely for use by its aircraft in the regularly scheduled air service established by this Agreement, shall enjoy the same treatment as that granted to national airlines in international service or to airlines of the most favoured nation with respect to customs duties, inspection fees and other duties or charges established by the Contracting Party whose territory is concerned. If one Contracting Party does not, pursuant to this principle, grant exemption from

<sup>1</sup> United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; and vol. 514, p. 209.

customs duties for the goods in question under the conditions specified, the other Contracting Party shall have the right immediately to impose its national customs duties on such goods introduced into its territory by designated airlines of the first-mentioned Contracting Party or on their behalf.

3. Aircraft of one of the Contracting Parties used in operating the agreed services and fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board such aircraft shall enjoy exemption from customs duties, inspection fees and similar duties in the territory of the other Contracting Party even in flights between points in that territory.

*Article 6.* 1. The capacity provided by the designated airlines of the two Contracting Parties shall be related to traffic requirements.

2. The designated airlines of the two Contracting Parties shall enjoy fair and equal opportunity to operate the agreed services.

3. The designated airlines shall, when operating over the same routes or parts thereof, take their mutual interests into account so as not to affect unduly their respective services.

4. The agreed services shall have as their principal objective the provision of capacity corresponding to the traffic requirements between the territories of the two Contracting Parties.

5. The designated airlines shall have the right to take on and discharge, at points on the specified routes, international traffic in passengers, mail and cargo to or from third countries. This right is to be exercised, in the interests of an orderly development of international air service and in accordance with the guidelines recognized by the Contracting Parties, in such a way that the capacity is related to:

- (a) The requirements of traffic between the country of origin and the country of destination;
- (b) The requirements of economical operations on the specified routes;
- (c) The traffic requirements of the areas through which the air services pass, local and regional services being taken into account.

*Article 7.* 1. The designated airlines shall communicate to the aeronautical authorities of the two Contracting Parties, at the earliest possible date prior to the inauguration of air services on the specified routes, the type of service, the anticipated types of aircraft and the flight schedules. This shall also apply to any subsequent changes.

2. The aeronautical authorities of either Contracting Party shall furnish to the aeronautical authorities of the other Contracting Party at their request such periodic or other statistical data of the designated airlines as may reasonably be required for the purpose of reviewing the capacity provided by any designated airline of the first-mentioned Contracting Party on the specified routes. Such data shall include all information required in order to determine the amount of traffic carried and the origin and destination of such traffic.

*Article 8.* 1. In fixing rates to be charged for passengers and freight on the routes specified in accordance with article 2, account shall be taken of all factors, such as cost of operation, reasonable profit, the characteristics of the various routes and the rates charged by other airlines which operate over the same routes or parts thereof. In fixing such rates, the provisions of the following paragraphs shall be observed.

2. The rates shall, if possible, be agreed for each route between the designated

airlines concerned. For this purpose, the designated airlines shall be guided by such decisions as are applicable under the traffic conference procedures of the International Air Transport Association (IATA) or shall, if possible, agree on such rates directly between themselves after consulting with airlines of third countries which operate over the same routes or parts thereof.

3. Any rates so agreed shall be submitted for approval to the aeronautical authorities of the two Contracting Parties not later than 30 days 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 is reached between the designated airlines in accordance with paragraph 2 or if one of the Contracting Parties does not consent to the rates submitted for its approval in accordance with paragraph 3, the aeronautical authorities of the two Contracting Parties shall by common accord fix the rates for those routes or parts thereof on which there is disagreement.

5. If no agreement as envisaged in paragraph 4 is reached between the aeronautical authorities of the two Contracting Parties, the provisions of article 12 shall apply. Until such time as an arbitral award is rendered, the Contracting Party which has withheld its consent to a given rate shall be entitled to require the other Contracting Party to maintain the rate previously in effect.

*Article 9.* In the event of the entry into force of a multilateral air transport convention accepted by both Contracting Parties, the provisions of such convention shall prevail. Any discussion with a view to determining the extent to which this Agreement is superseded, amended or supplemented by the multilateral convention shall take place in accordance with article 11 of this Agreement.

*Article 10.* Exchanges of views shall take place as needed between the aeronautical authorities of the two Contracting Parties in order to achieve close co-operation in all matters pertaining to the application and interpretation of this Agreement.

*Article 11.* 1. Consultation may be requested at any time by either Contracting Party for the purpose of discussing the interpretation, application or amendment of this Agreement or of the route schedule. Such consultation shall begin within 60 days from the date of receipt of the request; the results of the consultation shall become effective immediately provided that they do not affect paragraphs 2 and 3 of this article.

2. Any amendments to this Agreement which may be agreed upon shall enter into force in accordance with the procedure specified in article 15.

3. Any amendments to the route schedule shall enter into force as soon as they are agreed upon in an exchange of notes in accordance with article 2.

*Article 12.* 1. Save as otherwise provided in this Agreement, any dispute between the Contracting Parties concerning the interpretation or application of this Agreement which cannot be settled through consultation shall be submitted to a mixed commission having three members. Each Contracting Party shall appoint one member. The two members so chosen shall agree on the third member, who shall not, however, be a national of either Contracting Party. Each Contracting Party shall appoint a member within 60 days of the date of delivery by either Contracting Party to the other Contracting Party of a diplomatic note requesting consideration of a dispute. Within 30 days after this period of 60 days, agreement shall be reached concerning the third member.

2. If either Contracting Party fails to appoint its member within the specified time or if agreement concerning the third member is not reached within the period of 30 days, either Contracting Party may request the President of the Council of the International Civil Aviation Organization to make the necessary appointment or appointments in order to complete the commission.

3. The Contracting Parties shall do everything possible within the limits of their authority to give effect to the decision of the commission. Each Contracting Party shall bear the expenses for its own member and one half of the remaining expenses.

*Article 13.* Either Contracting Party may at any time notify the other of its desire to terminate this Agreement. Such notification shall at the same time be communicated to the International Civil Aviation Organization. Where such notification is sent, this Agreement shall cease to have effect nine months after its receipt by the other Contracting Party unless it is withdrawn by mutual agreement prior to the expiry of that period. If no acknowledgement of receipt is made by the Contracting Party to which the notification was sent, the latter shall be deemed to have been received 14 days after its receipt by the International Civil Aviation Organization.

*Article 14.* This Agreement, any amendments thereto and any exchange of notes under article 2 and article 11, paragraph 3, shall be communicated to the International Civil Aviation Organization for registration.

*Article 15.* This Agreement shall be ratified; the instruments of ratification shall be exchanged as soon as possible at Bonn.

This Agreement shall enter into force 30 days after the exchange of the instruments of ratification.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed this Agreement.

DONE at Rio de Janeiro on 29 August 1957, in duplicate in the German and Portuguese languages, both texts being equally authentic.

For the Federal Republic  
of Germany:

WERNER DANKWORT

For the United States  
of Brazil:

JOSÉ CARLOS DE MACEDO SOARES  
FRANCISCO DE ASSIS CORRÊA MELLO

## EXCHANGE OF NOTES

### I

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Rio de Janeiro, 29 August 1957

Sir,

With reference to article 2 of the Agreement signed today on regularly scheduled air transport between the United States of Brazil and the Federal Republic of Ger-

many, the delegations of the Governments concerned agreed during the negotiations that air service might be operated on the routes specified in the following route schedule.

*A. Routes to be operated by airlines designated  
by the Federal Republic of Germany*

- I. 1. From points in the Federal Republic of Germany via intermediate points in:  
France and/or Spain and/or Portugal and/or Africa to Recife and/or Rio de Janeiro and/or São Paulo and/or Pôrto Alegre in both directions.
2. From points in the Federal Republic of Germany via intermediate points in:  
Switzerland and/or Spain and/or Portugal and/or Africa to Recife and/or Rio de Janeiro and/or São Paulo and/or Pôrto Alegre, in both directions.
- II. 1. From points in the Federal Republic of Germany via intermediate points in:  
France and/or Switzerland and/or Spain and/or Portugal and/or Africa to Recife and/or Rio de Janeiro and/or São Paulo and/or Pôrto Alegre and beyond to points in Uruguay or Paraguay and/or Argentina and/or Chile, in both directions.\*
2. From points in the Federal Republic of Germany via intermediate points in:  
France and/or Switzerland and/or Spain and/or Portugal and/or Africa to Recife and/or Belém and beyond to points in the Guyanas and/or Venezuela and/or Colombia and/or Ecuador, in both directions.

*B. Routes to be operated by airlines designated  
by the United States of Brazil*

- I. 1. From points in Brazil via intermediate points in:  
Africa and/or Portugal and/or Spain and/or France to Frankfurt and/or Düsseldorf and/or Hamburg, in both directions.
2. From points in Brazil via intermediate points in:  
Africa and/or Portugal and/or Spain and/or Italy and/or Switzerland to Munich and/or Frankfurt and/or Düsseldorf and/or Hamburg, in both directions.
- II. 1. From points in Brazil via intermediate points in:  
Africa and/or Portugal and/or Spain and/or France and/or Italy and/or Switzerland to Düsseldorf and/or Hamburg and beyond to points in the Scandinavian countries and/or Finland, in both directions.
2. From points in Brazil via intermediate points in:  
Africa and/or Portugal and/or Spain and/or Switzerland to Munich and/or Frankfurt and beyond to points in Central and Southeastern Europe, in both directions.

I have the honour to inform you that the Government of the Federal Republic of Germany agrees to the above route schedule and that, if the Government of the United States of Brazil also approves, this note and your reply shall be deemed to constitute an agreement between our two Governments.

Accept, Sir, etc.

DANKWORT

\*Flights to Paraguay will not stop at Pôrto Alegre. Flights beyond Paraguay will pass either through Buenos Aires or beyond it to Chile.

## II

MINISTRY OF FOREIGN AFFAIRS  
RIO DE JANEIRO

29 August 1957

DE/DAL/79/588.(81)

Sir,

I have the honour to acknowledge receipt of your note of today's date, which reads as follows:

[*See note I*]

2. In reply, I inform you that the Brazilian Government confirms this understanding.

Accept, Sir, etc.

JOSÉ CARLOS DE MACEDO SOARES

His Excellency Dr. Werner Dankwort  
Ambassador of the Federal Republic of Germany

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EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT<sup>1</sup> BETWEEN BRAZIL AND THE FEDERAL REPUBLIC OF GERMANY AMENDING THE ROUTE SCHEDULE OF THE AGREEMENT OF 29 AUGUST 1957<sup>2</sup> ON REGULARLY SCHEDULED AIR TRANSPORT

ÉCHANGE DE NOTES CONSTITUANT UN ARRANGEMENT<sup>1</sup> ENTRE LE BRÉSIL ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE MODIFIANT LE TABLEAU DES ROUTES DE L'ACCORD DU 29 AOÛT 1957<sup>2</sup> RELATIF AUX TRANSPORTS AÉRIENS RÉGULIERS

# I

[PORTUGUESE TEXT—TEXTE PORTUGAIS]

Rio de Janeiro, em 30 de setembro de 1966

III.A4—83/190/66

Excelência,

1) Tenho a honra de referir-me à consulta que, em conformidade com o artigo 11 do acôrdo de 29 de agôsto de 1957, firmado pelos nossos dois países, teve lugar no Rio de Janeiro de 7 a 14 de fevereiro de 1966 entre as delegações dos nossos dois govêrnos e, em conformidade com o inciso 3 do mencionado artigo 11, combinado com o artigo 2 do acôrdo, tomo a liberdade de propôr, em nome do meu govêrno, que o plano dos vôos anteriormente estabelecido através da troca de nota em 30 de abril de 1962, seja alterado

a) Vôos realizados por emprêsas indicadas pela República Federal da Alemanha:

| (I)                                     | (II)                          | (III)   | (IV)                     |
|---|-------------------------------|---|--------------------------|
| <i>Pontos do partida</i>                | <i>Escalas</i>                | <i>Pontos no território dos Estados Unidos do Brasil</i>          | <i>Pontos além disso</i> |
| <i>A. 1</i>                             |                               |   |                          |
| Pontos na República Federal da Alemanha | Zurique<br>um ponto na África | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre |                          |

<sup>1</sup> Came into force on 15 October 1966, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> See p. 18 of this volume.

<sup>1</sup> Entré en vigueur le 15 octobre 1966, date de la note de réponse, conformément aux dispositions desdites notes.

<sup>2</sup> Voir p. 25 du présent volume.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha alta estima e mais distinta consideração.

EHRENFRIED VON HOLLEBEN

Embaixador da República Federal da Alemanha

A Sua Excelência o Senhor Embaixador Manoel Pio Corrêa Jr.

Ministro de Estado, Interino, das Relações Exteriores

dos Estados Unidos do Brasil

Rio de Janeiro, GB

[TRANSLATION—TRADUCTION]

Rio de Janeiro, 30 September 1966

III.A4-83/190/66

Sir,

1. I have the honour to refer to the consultation which, in conformity with article 11 of the Agreement of 29 August 1957<sup>1</sup> signed by our two countries, took place in Rio de Janeiro from 7 to 14 February 1966 between the delegations of our two Governments, and, in conformity with paragraph 3 of the aforesaid article 11 and with article 2 of the Agreement, I take the liberty of proposing on behalf of my Government that the route schedule previously established by the exchange of notes of 30 April 1962 should be amended as follows:

(a) Routes to be operated by airlines designated by the Federal Republic of Germany:

| (I)   | (II)                             | (III)   | (IV)   |
|---|----------------------------------|---|--|
| <i>Points<br/>of origin</i>                                   | <i>Intermediate<br/>points</i>   | <i>Points in the<br/>territory of the<br/>United States of<br/>Brazil</i> | <i>Points<br/>beyond</i>   |
| <i>A.1</i><br>Points in the<br>Federal Republic<br>of Germany | Zurich<br>One point in<br>Africa | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre         |  |
| <i>A.2</i><br>Points in the<br>Federal Republic<br>of Germany | Zurich<br>One point in<br>Africa | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre         | Montevideo<br>Buenos Aires<br>Santiago and<br>beyond to Sydney<br>via intermediate<br>points |

<sup>1</sup> See p. 18 of this volume.

## (b) Routes to be operated by airlines designated by the United States of Brazil:

| (I)                         | (II)   | (III)   | (IV)   |
|-----------------------------|--|---|--|
| <i>Points<br/>of origin</i> | <i>Intermediate<br/>points</i>   | <i>Points in the<br/>territory of the<br/>Federal Republic of<br/>Germany</i> | <i>Points<br/>beyond</i>   |
| <i>B.1</i>                  |  |   |  |
| Points in Brazil            | One point in<br>Africa,<br>Lisbon or Madrid<br>Paris<br>Zurich<br>Rome               | Düsseldorf<br>Frankfurt<br>Hamburg<br>Cologne/Bonn<br>Munich                  | —  |
| <i>B.2</i>                  |  |   |  |
| Points in Brazil            | One point in<br>Africa,<br>Lisbon or Madrid<br>Paris*<br>London*<br>Zurich*<br>Rome* | Düsseldorf<br>Frankfurt<br>Hamburg<br>Cologne/Bonn<br>Munich                  | Copenhagen and/or<br>Stockholm<br>Tokyo via Rome and<br>intermediate<br>points |

NOTE: The intermediate points marked with a (\*) may be used before or after the stops in the territory of the Federal Republic of Germany.

2. On the routes thus established it is understood that the respective services may be operated in both directions.

3. The designated airlines may make stops at two points in the territory of the other Contracting Party on each route in either direction.

4. If, with the approval of the competent authority, the airline designated by one of the two countries refrains from making use of a stop in the territory of the other country or of third countries, that shall not be regarded as constituting a change in the route schedule.

5. The Governments of the Contracting Parties to the Agreement of 29 August 1957, referred to at the beginning of this note, recognize the Final Protocol of the consultation, signed on 14 February 1956.

6. If the Government of the United States of Brazil signifies its agreement to the proposals contained in paragraphs 1 to 5, I have the honour to propose that this note and your note of reply expressing the agreement of your Government shall constitute an arrangement between our two Governments, which shall enter into force on the date of your reply.

Accept, Sir, etc.

EHRENFRIED VON HOLLEBEN  
Ambassador of the Federal Republic of Germany

His Excellency Ambassador Manoel Pio Corrêa Jr.  
Acting Minister of State for Foreign Affairs  
of the United States of Brazil  
Rio de Janeiro, GB

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha alta estima e mui distinta consideração.

JURACY MAGALHÃES

À Sua Excelência o Senhor Ehrenfried von Holleben  
Embaixador da República Federal da Alemanha

[TRANSLATION]

[TRADUCTION]

15 October 1966

Le 15 octobre 1966

DTC/DEOc/124/588.(81a)

Sir,

I have the honour to acknowledge receipt of note III A-4-83/190/66 of 30 September 1966, in which, referring to the aeronautical consultation held in Rio de Janeiro from 7 to 14 February of this year, you propose in conformity with article 11, paragraph 3, of the Air Transport Agreement of 29 August 1957, as well as with article 2 of the Agreement, that the route schedule established by the exchange of notes of 30 April 1962 should be amended as of this date in accordance with the following five paragraphs.

[See note I]

2. In reply, permit me to inform you that the Brazilian Government agrees to the amendments proposed by the Government of the Federal Republic of Germany with regard to the route schedule for the airlines designated by the two Parties and, furthermore, agrees that as of the date of this note, which signifies agreement between our two Governments in this matter, the new route schedules hereby established shall be regarded as having entered into force.

Accept, Sir, etc.

JURACY MAGALHÃES

His Excellency  
Mr. Ehrenfried von Holleben  
Ambassador of the Federal Republic  
of Germany

DTC/DEOc/124/588.(81a)

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de la note III A-4-83/190/66, datée du 30 septembre dernier, dans laquelle, vous référant aux consultations aéronautiques qui ont eu lieu à Rio de Janeiro du 7 au 14 février de l'année en cours, vous proposez que, conformément au paragraphe 3 de l'article 11 de l'Accord relatif aux transports aériens du 29 août 1957, ainsi qu'à l'article 2 du même instrument, le tableau des routes arrêté par l'échange de notes du 30 avril 1962 soit modifié, à partir de ce jour, conformément aux cinq paragraphes suivants :

[Voir note I]

2. En réponse, j'ai le plaisir de vous faire savoir que le Gouvernement brésilien est d'accord avec la modification proposée par le Gouvernement de la République fédérale d'Allemagne en ce qui concerne le tableau des routes attribué aux entreprises de transports aériens désignées par les deux pays et qu'il accepte, par conséquent, que la date de la présente note, qui marque l'accord conclu entre nos deux Gouvernements à ce sujet, soit considérée comme celle de l'entrée en vigueur des nouveaux tableaux des routes ainsi arrêtés.

Veuillez agréer, etc.

JURACY MAGALHÃES

Son Excellence  
Monsieur Ehrenfried von Holleben  
Ambassadeur de la République fédérale  
d'Allemagne

EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT<sup>1</sup> BETWEEN BRAZIL AND THE FEDERAL REPUBLIC OF GERMANY REPLACING THE ROUTE SCHEDULE OF THE AGREEMENT OF 29 AUGUST 1957<sup>2</sup> ON REGULARLY SCHEDULED AIR TRANSPORT

ECHANGE DE NOTES CONSTITUANT UN ARRANGEMENT<sup>1</sup> ENTRE LE BRÉSIL ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE REMPLAÇANT LE TABLEAU DES ROUTES DE L'ACCORD DU 29 AOÛT 1957<sup>2</sup> RELATIF AUX TRANSPORTS AÉRIENS RÉGULIERS

## I

[GERMAN TEXT—TEXTE ALLEMAND]

Rio de Janeiro, den 14. September 1970

Herr Minister,

Ich habe die Ehre, auf das am 29. August 1957 unterzeichnete Luftverkehrsabkommen zwischen der Bundesrepublik Deutschland und der Föderativen Republik Brasilien und den gleichfalls vom 29. August 1957 datierten Notenwechsel über den Fluglinienplan Bezug zu nehmen.

In Übereinstimmung mit dem durch die Zivilluftfahrtbehörden der Bundesrepublik Deutschland und der Föderativen Republik Brasilien auf der Konsultation vom 25. und 26. März 1970 in Bonn am 26. März 1970 unterzeichneten Schlussprotokoll beehre ich mich vorzuschlagen, den in dem Notenwechsel vom 29. August 1957 enthaltenen und durch den Notenwechsel vom 15. Oktober 1966 abgeänderten Fluglinienplan durch den nachstehenden Fluglinienplan zu ersetzen:

FLUGLINIENPLAN

1. Die nachfolgend festgelegten Fluglinien sind so zu verstehen, dass die jeweiligen Dienste in beiden Richtungen durchgeführt werden können.

2. Deutsche Fluglinien

| <i>Abgangspunkte</i>                            | <i>Zwischenlandepunkte</i>    | <i>Punkte im Hoheitsgebiet der anderen Vertragspartei</i>         | <i>Punkte darüber hinaus</i> |
|---|-------------------------------|---|------------------------------|
| <i>A.1</i>                                      |                               |   |                              |
| <i>Punkte in der Bundesrepublik Deutschland</i> | Zürich<br>ein Punkt in Afrika | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre | —                            |

<sup>1</sup> Came into force on 25 September 1970, the date of the note in reply in accordance with the provisions of the said notes.

<sup>2</sup> See p. 18 of this volume.

<sup>1</sup> Entré en vigueur le 25 septembre 1970, date de la note de réponse, conformément aux dispositions des dites notes.

<sup>2</sup> Voir p. 25 du présent volume

unseren beiden Regierungen bilden sollen, die mit dem Datum Ihrer Antwortnote in Kraft tritt.

Genehmigen Sie, Exzellenz, die Versicherung meiner ausgezeichnetsten Hohachtung.

EHRENFRIED VON HOLLEBEN  
Botschafter der Bundesrepublik Deutschland

Seiner Exzellenz dem Minister für Auswärtige Beziehungen  
der Föderativen Republik Brasilien  
Herrn Mario Gibson Alves Barboza  
Brasília, D.F.

[TRANSLATION—TRADUCTION]

Rio de Janeiro, 14 September 1970

Sir,

I have the honour to refer to the Air Transport Agreement signed on 29 August 1957<sup>1</sup> between the Federal Republic of Germany and the Federative Republic of Brazil and the exchange of notes concerning the route schedule, also dated 29 August 1957.<sup>1</sup>

In accordance with the Final Protocol signed on 26 March 1970 by the civil aviation authorities of the Federal Republic of Germany and of the Federative Republic of Brazil at the consultation of 25 and 26 March 1970 in Bonn, I have the honour to propose that the route schedule contained in the exchange of notes of 29 August 1957 and amended by the exchange of notes of 15 October 1966<sup>2</sup> should be replaced by the following route schedule:

#### ROUTE SCHEDULE

1. On the routes specified below it is understood that the respective services may be operated in both directions.

2. German routes:

| <i>Points of origin</i>                                       | <i>Intermediate points</i>       | <i>Points in the territory of the other Contracting Party</i>     | <i>Points beyond</i>  |
|---|----------------------------------|---|---|
| <i>A.1</i><br>Points in the<br>Federal Republic<br>of Germany | Zurich<br>One point in<br>Africa | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre | —   |
| <i>A.2</i><br>Points in the<br>Federal Republic<br>of Germany | Zurich<br>One point in<br>Africa | Recife<br>Brasília<br>Rio de Janeiro<br>São Paulo<br>Pôrto Alegre | Asunción<br>Montevideo<br>Buenos Aires<br>Santiago and<br>beyond to<br>Sydney via<br>intermediate<br>points |

<sup>1</sup> See p. 18 of this volume.

<sup>2</sup> See p. 38 of this volume.

## 3. Brazilian routes:

| <i>Points of origin</i>                     | <i>Intermediate points</i>   | <i>Points in the territory of the other Contracting Party</i> | <i>Points beyond</i>  |
|---|--|---|---|
| <b>B.1</b>                                  |  |   |   |
| Points in the Federative Republic of Brazil | One point in Africa, Lisbon or Madrid<br>Paris<br>Zurich<br>Rome               | Düsseldorf<br>Frankfurt<br>Hamburg<br>Cologne/Bonn<br>Munich  | —   |
| <b>B.2</b>                                  |  |   |   |
| Points in the Federative Republic of Brazil | One point in Africa, Lisbon or Madrid<br>Paris*<br>London*<br>Zurich*<br>Rome* | Düsseldorf<br>Frankfurt<br>Hamburg<br>Cologne/Bonn<br>Munich  | Copenhagen<br>Stockholm<br>Two points in Eastern Europe and beyond to Tokyo |

*Note 1:* The designated airlines may make stops at two points in the territory of the other Contracting Party in either direction on each route.

*Note 2:* The omission of points on the above specified routes is covered by paragraph 6 of the Third Final Protocol.

*Note 3:* The intermediate points marked with a (\*) may be used before or after the stops in the territory of the Federal Republic of Germany.

*Note 4:* The airline designated by the Federative Republic of Brazil may not exercise traffic rights of the fifth freedom to the second point in Eastern Europe until the airline designated by the Federal Republic of Germany also receives rights of the fifth freedom to Asunción.

*Note 5:* For the purposes of this route schedule, Eastern Europe shall be deemed to comprise Finland, Poland, Czechoslovakia and the Soviet Union. Airline services to the Soviet Union and beyond may, however, not be inaugurated until the airline designated by the Federal Republic of Germany has inaugurated services to the Soviet Union and beyond.

If the Government of the Federative Republic of Brazil signifies its agreement to the above route schedule, I propose that this note and your note of reply shall constitute an arrangement between our two Governments, which shall enter into force on the date of your note of reply.

Accept, Sir, etc.

EHRENFRIED VON HOLLEBEN  
Ambassador of the Federal Republic of Germany

His Excellency Mr. Mario Gibson Alves Barboza  
The Minister for Foreign Affairs  
of the Federative Republic of Brazil  
Brasília, D. F.

## [TRANSLATION]

Brasília, 25 September 1970

Sir,

I have the honour to acknowledge receipt of note No. Wi III A4-83, 01/0/426/70 of 14 September 1970, which reads as follows in Portuguese:

[See note I]

2. In reply, I hereby inform you that I agree to the foregoing.

Accept, Sir, etc.

MARIO GIBSON BARBOZA  
Minister of State for  
Foreign Affairs of the Federative  
Republic of Brazil

His Excellency

Mr. Ehrenfried von Holleben  
Ambassador of the Federal Republic  
of Germany

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## [TRADUCTION]

Brasília, le 25 septembre 1970

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre note n° Wi III A4-83, 01/0/426/70 en date du 14 septembre 1970, dont la teneur en portugais est la suivante :

[Voir note I]

2. En réponse, je tiens à vous faire savoir que je suis d'accord avec ce qui précède.

Veillez agréer, etc.

Le Ministre d'Etat des relations  
extérieures de la République  
fédérative du Brésil,  
MARIO GIBSON BARBOZA

Son Excellence

Monsieur Ehrenfried von Holleben  
Ambassadeur de la République  
fédérale d'Allemagne

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