

No. 15097

**NORWAY
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement relating to air services (with annex). Signed at
Oslo on 26 May 1975**

Authentic text: English.

*Registered by the International Civil Aviation Organization on 8 November
1976.*

**NORVÈGE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord relatif aux services aériens (avec annexe). Signé à
Oslo le 26 mai 1975**

Texte authentique : anglais.

*Enregistré par l'Organisation de l'aviation civile internationale le
8 novembre 1976.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
KINGDOM OF NORWAY AND THE GOVERNMENT OF THE
GERMAN DEMOCRATIC REPUBLIC RELATING TO AIR
SERVICES

The Government of the Kingdom of Norway and the Government of the German Democratic Republic,

Desiring to develop and strengthen their mutual relations in the field of civil aviation,

Have agreed as follows:

Article 1. (1) For the purpose of this Agreement

the term “aeronautical authorities” means,

in the case of the Kingdom of Norway,

Det kongelige Samferdselsdepartement

and in the case of the German Democratic Republic,

das Ministerium für Verkehrswesen, Hauptverwaltung der Zivilen Luftfahrt,

or in both cases, any other body or person authorized to perform the functions and exercise the rights of these bodies;

the term “territory” means the land areas and territorial waters adjacent thereto under the sovereignty of a State as well as the air space above such areas and waters;

the term “designated airline” means an airline which has been designated by one of the Contracting Parties to operate the agreed services on the specified routes;

the term “agreed services” means the air services agreed upon in the Annex to this Agreement on the routes specified therein;

the term “tariff” means the prices to be paid for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services, but excluding remuneration or conditions for the carriage of mail.

(2) The Annex to this Agreement shall form an integral part of the Agreement. All references to this Agreement, unless otherwise expressly provided, shall apply also to the Annex.

Article 2. (1) The airline designated by each of the Contracting Parties shall enjoy the right to fly across the territory of the State of the other Contracting Party to and from the points specified in the Annex and to make stops for non-traffic purposes on the said territory.

(2) Furthermore, in international traffic the designated airlines shall enjoy the right to make stops at the points specified in the Annex to the present Agreement for the purpose of putting down and taking up passengers, cargo and mail.

(3) The rights referred to in paras (1) and (2) may only be exercised on the airways and border-crossing points which have been established by the Contracting Party concerned for the operation of air services.

¹ Came into force on 26 May 1975 by signature, in accordance with article 18.

(4) The designated airline of one Contracting Party shall not have the right to take up, in the territory of the other Contracting Party, passengers, mail and cargo carried for remuneration and destined for another point in that territory.

Article 3. (1) Each Contracting Party shall designate an airline for the purpose of operating the agreed services. The designated airlines shall be entered in the Annex.

(2) Subject to the conditions set out in paragraph (3) of this Article, the Contracting Parties shall without delay grant requests for the designated airlines to start operating the agreed services on the specified routes.

(3) The designated airlines, their aircraft and crews shall, in the territory of the State of the other Contracting Party, comply with the laws and regulations relating to air transport as well as with the general laws and regulations in force in that territory, unless otherwise specified in the present Agreement. Each Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities, in conformity with principles such as those laid down in the Convention on International Civil Aviation of December 7, 1944.¹

(4) Each Contracting Party shall have the right to refuse to grant or to impose restrictions on the rights to be conferred on the designated airline of the other Contracting Party pursuant to Article 2, paragraph (1), or to refuse or withdraw the operating authorization provided for in Article 3, paragraph (2), if, upon request, it does not receive documentary evidence that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals. These provisions shall likewise apply in the case of failure by the designated airline to comply with the provisions of the present Agreement and the laws and regulations of the other Contracting Party relating to flights into, from and across its territory as well as to the operation of international air services within its territory.

(5) The Contracting Parties shall in principle exercise the rights mentioned in paragraph (4) above only after consultation with each other as provided in Article 14, paragraph (1).

Article 4. (1) The designated airline of either Contracting Party shall, not later than thirty (30) days before it begins to operate the agreed services, submit to the aeronautical authorities of the other Contracting Party for approval the time tables for the agreed services as well as information about the types of aircraft to be operated on these services, including the seating and cargo capacity of each type of aircraft. Shorter time limits may be fixed by agreement between the aeronautical authorities of the Contracting Parties.

(2) Requests for permission to perform flights other than those covered by the approved time tables shall be handled according to the relevant national laws and regulations of the Contracting Parties.

Article 5. The aircraft of either designated airline shall while operating flights within the territory of the State of the other Contracting Party bear their

¹ 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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117, and vol. 958, p. 217.

appropriate nationality and registration marks as prescribed for aircraft in international navigation.

Article 6. (1) There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services between their respective territories.

(2) In operating the agreed services, the designated airline of each Contracting Party shall take into account the interests of the designated airline of the other Contracting Party so as not to affect unduly the services which the latter provides on the whole or part of the same route. The designated airlines of both Contracting Parties shall consult each other on the modalities of their respective services. Any matter relating to schedules (including type of aircraft and frequency) of the designated airline of one Contracting Party shall be subject to approval of the aeronautical authorities of the other Contracting Party.

Article 7. Aircraft operated on international services by the designated airline of either Contracting Party shall be exempt from all customs duties and other similar charges on landing in or departure from the territory of the State of the other Contracting Party. Such exemption shall be granted also for

- all equipment of such aircraft and spare parts;
- supplies of fuels and lubricants;
- aircraft stores (e.g. food and beverages, tobacco)

retained on board such aircraft or imported into the territory of the State of the other Contracting Party for maintenance or repair or for replenishment of necessary stores, or stored there and re-exported therefrom. Storage of such materials shall be subject to the approval of the customs authorities of the Contracting Party concerned. Exemption from customs duty and other charges shall be granted also for aircraft stores taken on board in the territory of the State of the other Contracting Party for use on the agreed services.

Article 8. (1) Aircraft of either Contracting Party, as well as their crews, passengers and cargo, shall be subject, while in the territory of the State of the other Contracting Party, to the laws and regulations of that Contracting Party relating to public order and safety, in particular laws and regulations relating to frontier, customs and foreign exchange control as well as regulations relating to passports, reporting, and health, and to veterinary and phytosanitary measures.

(2) The Contracting Parties undertake in connection with the arrival and departure of aircraft, to carry out all preventive measures required under international rules for the prevention of the spread of contagious diseases.

Article 9. (1) In order to secure the safety of air navigation on the specified routes each Contracting Party shall guarantee for aircraft registered in the territory of the State of the other Contracting Party the use of all available services, including radio communication and radio navigational aids, fire extinguishing and life-saving apparatus, ground facilities and meteorological services.

(2) The charges imposed by either Contracting Party for the use of airports and air navigation facilities by the aircraft of the designated airline of the other Contracting Party shall not be higher than those paid by its national aircraft or by aircraft of a third state operating international services.

Article 10. (1) The tariffs to be charged by the airline of one Contracting Party for carriage to or from the territory of the State of the other Contracting Party shall be established at reasonable levels due regard being paid to all relevant factors including cost of operation, distances, reasonable profit, and the tariffs of other airlines.

(2) The tariffs referred to in paragraph (1) of this Article shall, if possible, be agreed by the designated airlines concerned of both Contracting Parties, in consultation with other airlines operating over the whole or part of the route.

(3) The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of the Contracting Parties at least thirty (30) days before the proposed date of their introduction; in special cases, this time limit may be reduced, subject to the agreement of the said authorities.

(4) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be fixed in accordance with the provisions of paragraph (2) of this Article, or if during the first 15 days of the 30 days' period referred to in paragraph (3) of this Article one Contracting Party gives the other Contracting Party notice of its dissatisfaction with any tariff agreed in accordance with the provisions of paragraph (2) of this Article, the aeronautical authorities of the Contracting Parties shall try to determine the tariff by agreement between themselves.

(5) If the aeronautical authorities cannot agree on the approval of any tariff submitted to them under paragraph (3) of this Article and on the determination of any tariff under paragraph (4), the dispute shall be settled in accordance with the provisions of Article 14 of the present Agreement.

(6) Subject to the provisions of paragraph (3) of this Article, no tariff shall come into force if the aeronautical authorities of either Contracting Party have not approved it.

(7) The tariffs established in accordance with the provisions of this Article shall remain in force until new tariffs have been established in accordance with the provisions of this Article.

Article 11. (1) Each Contracting Party shall grant the airline of the other Contracting Party the right to transfer to its headquarters, at the official rate of exchange and in accordance with the foreign exchange regulations in force at any time, the net income obtained in the territory of the other Contracting Party from the carriage of passengers, baggage, mail and cargo.

(2) If payments between the Contracting Parties are regulated by special agreement, that agreement shall apply.

(3) The designated airline of either Contracting Party shall reciprocally enjoy in the territory of the State of the other Contracting Party equal opportunity and rights with regard to all practical activities on the territory of the State of the other Contracting Party.

Article 12. (1) In order to carry out the work in connection with the traffic and with the servicing of the aircraft each of the Contracting Parties mutually grants the designated airline operating on the agreed services the right to place their personnel at the points specified in the Annex. The Contracting Parties shall on a basis of reciprocity endeavour to extend to the said personnel the facilities necessary for carrying out their work in an efficient way. The number of their

personnel shall be regulated in an exchange of letters between the Contracting Parties.

(2) Such representative personnel shall be composed of nationals of one or the other or both Contracting Parties; exceptions to this rule shall be approved by the aeronautical authorities of the receiving State. The said personnel shall be subject to the laws and regulations of the receiving State.

Article 13. (1) Either Contracting Party will assist aircraft of the other Contracting Party in distress in the territory of its State in the same manner as it assists its national aircraft engaged in international air services. In the event of an accident, involving death, or severe injury or heavy damage of aircraft, the Contracting Party in whose territory the accident occurred shall without delay render assistance to crew and passengers, protect baggage and cargo on board and arrange for onward transportation thereof.

(2) Assistance by one Contracting Party to aircraft in distress of the other Contracting Party shall also, to the extent possible, be rendered to aircraft outside the territory but inside the flight information region in the State of that Contracting Party.

(3) The Contracting Party in whose territory the accident occurred shall without delay inform the Contracting Party in whose territory the aircraft is registered about the accident and institute an inquiry into the causes and circumstances of the accident. The other Contracting Party shall have the right to appoint observers to be present at the inquiry.

(4) The aeronautical authorities conducting the inquiry shall, upon the termination thereof, submit a technical report on the inquiry to the aeronautical authorities of the other Contracting Party.

Article 14. (1) In a spirit of close co-operation, the aeronautical authorities of the Contracting Parties shall consult each other, whenever necessary, with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of this Agreement and the Annex thereto.

(2) If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall endeavour to settle it by direct negotiations between their aeronautical authorities. If the latter fail to reach a settlement, the dispute shall be settled through the diplomatic channels of the Contracting Parties.

Article 15. This Agreement shall be registered with the International Civil Aviation Organization.

Article 16. (1) If either of the Contracting Parties considers it desirable to modify any provision of the present Agreement, it may request consultation with the other Contracting Party; such consultation, which may be between aeronautical authorities and which may be through discussion or by correspondence, shall begin within a period of sixty (60) days of the date of the request. Any modifications so agreed shall come into force when they have been confirmed by an exchange of diplomatic notes.

(2) Modifications in the Annex may be made by the Contracting Parties or by direct agreement between the competent aeronautical authorities.

Article 17. Either Contracting Party may at any time give notice to the other Contracting Party of its decision to terminate the present Agreement; such notice shall be simultaneously communicated to the International Civil Aviation Organization. In such case the Agreement shall terminate twelve (12) months after the date of receipt of the notice by the other Contracting Party, unless the notice to terminate is withdrawn by agreement before the expiry of this period.

Article 18. This Agreement shall come into force from the date of its signature.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Oslo on this day of 26.5.1975 in the English language.

[Signed—Signé]¹

For the Government
of the Kingdom of Norway

[Signed—Signé]²

For the Government
of the German Democratic Republic

ANNEX

TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC RELATING TO AIR SERVICES

I

For the purpose of this Agreement, the “designated airlines” are:

in the case of the Kingdom of Norway

Det Norske Luftfartsselskap (DNL),
Oslo

in the case of the German Democratic Republic

INTERFLUG Gesellschaft für internationalen Flugverkehr mbH
mit dem Sitz in Berlin,
Deutsche Demokratische Republik,
Zentralflughafen Berlin-Schönefeld

II

(a) Routes to be operated by the designated airline of the German Democratic Republic pursuant to Article 2, paragraph (2) of the Agreement:

<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the Kingdom of Norway</i>	<i>Points beyond the territory of the Kingdom of Norway</i>
Berlin	Copenhagen	Oslo	—

(b) Points for flights by the designated airline of the German Democratic Republic pursuant to Article 2, paragraph (1) of the Agreement:

Sweden, Finland, Iceland.

¹ Signed by Ann-Marie Lorentzen—Signé par Ann-Marie Lorentzen.

² Signed by Otto Arndt—Signé par Otto Arndt.

III

(a) Routes to be operated by the designated airline of the Kingdom of Norway pursuant to Article 2, paragraph (2) of the Agreement:

<i>Points of departure</i>	<i>Intermediate points</i>	<i>Points in the territory of the German Democratic Republic</i>	<i>Points beyond the territory of the German Democratic Republic</i>
Oslo	Copenhagen	Berlin	—

(b) Points for flights by the designated airline of the Kingdom of Norway pursuant to Article 2, paragraph (1) of the Agreement:

Points in Africa, America, Asia and Australia. Points in the Federal Republic of Germany, Belgium, France, Switzerland, Austria, Poland, Czechoslovakia, Hungary, Yugoslavia, Bulgaria, Rumania, Greece, Italy, Portugal, Spain, Turkey.

IV

The designated airline of either Contracting Party shall be free to leave out stops at intermediate points as well as at points beyond on the specified routes.
