

No. 16696

**FEDERAL REPUBLIC OF GERMANY
and
SINGAPORE**

**Agreement for air services between and beyond their
respective territories (with exchange of notes). Signed
at Singapore on 15 February 1969**

**Exchange of notes constituting an agreement amending
the route schedules to the above-mentioned Agree-
ment. Singapore, 28 April and 15 July 1976**

Authentic texts: English and German.

*Registered by the International Civil Aviation Organization on 25 May
1978.*

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SINGAPOUR**

**Accord relatif aux services aériens entre leurs territoires
respectifs et au-delà (avec échange de notes). Signé à
Singapour le 15 février 1969**

**Échange de notes constituant un accord modifiant le tableau
des routes annexé à l'Accord susmentionné. Singapour,
28 avril et 15 juillet 1976**

Textes authentiques : anglais et allemand.

*Enregistrés par l'Organisation de l'aviation civile internationale le
25 mai 1978.*

AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF SINGAPORE FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

The Federal Republic of Germany and the Republic of Singapore,
Being Parties to the Convention on International Civil Aviation,² and

Desiring to conclude an Agreement for the purpose of establishing air services between and beyond their respective territories,

Have agreed as follows:

Article 1. For the purpose of the present Agreement, unless the context otherwise requires:

1. The term “the Convention” means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and includes any annex adopted under article 90 of that Convention and any amendment of the annexes or Convention under articles 90 and 94 thereof;

2. The term “aeronautical authorities” means, in the case of the Federal Republic of Germany, the Federal Minister of Transport and any person or body authorised to perform any functions at present exercised by the said Federal Minister or similar functions; and, in the case of the Republic of Singapore, the Minister for Communications and any person or body authorised to perform any functions at present exercised by the said Minister;

3. The term “designated airline” means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with article 3 of the present Agreement, for the operation of air services on the routes specified in such notification;

4. The term “change of gauge” means the operation of an air service by a designated airline in such a way that one section of the route is flown by aircraft different in capacity from those used on another section;

5. The term “territory” in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State; and

6. The terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in article 96 of the Convention.

Article 2. (1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing scheduled international air services on the routes specified in an exchange of

¹ Came into force on 14 August 1971, i.e., 30 days from the date on which the Government of the Federal Republic of Germany had informed the Government of the Republic of Singapore that the constitutional requirements had been fulfilled, in accordance with article 15.

² 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; vol. 958, p. 217, and vol. 1008, p. 213.

Diplomatic Notes (hereinafter called “the agreed services” and “the specified routes”).

(2) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges:

- (a) to fly without landing across the territory of the other Contracting Party;
- (b) to make stops in the said territory for non-traffic purposes; and
- (c) to make stops in the said territory at the points specified for that route in the exchange of Diplomatic Notes for the purpose of putting down and taking on international traffic in passengers, mail and cargo.

(3) Nothing in paragraph (2) of this article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, mail or cargo carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3. (1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this article, without delay grant to the airline or airlines designated the appropriate operating authorisation.

(3) The aeronautical authorities of one 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 by them in conformity with the provisions of the Convention to the operation of international commercial air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the privileges specified in paragraph (2) of article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

(5) At any time after the provisions of paragraphs (1) and (2) of this article have been complied with, an airline so designated and authorised may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of article 7 of the present Agreement is in force in respect of that service.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline of the privileges specified in paragraph (2) of article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement; provided that, unless immediate suspension or imposition of

conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4. (1) Fuel, lubricating oils, spare parts, regular equipment and aircraft stores:

- (a) on board aircraft of the designated airline of one Contracting Party on arrival in the territory of the other Contracting Party and not unloaded from the aircraft without the consent of the customs authorities, and
- (b) taken on board those aircraft in that territory,

if intended solely for use by or in aircraft of that airline in the operation of the agreed services shall, subject to compliance in other respects with the customs requirements of the latter Contracting Party, be exempted from customs duties, inspection fees and similar national or local duties and charges imposed in the territory of the latter Contracting Party, even though they are used in or consumed by the aircraft on flights in that territory.

(2) Fuel and lubricating oils taken on board the aircraft of a designated airline of either Contracting Party in the territory of the other Contracting Party and used in international air services, shall also be exempted from any other special excise charges.

(3) The treatment set out in paragraphs (1) and (2) of this article shall be in addition to and without prejudice to that which each Contracting Party is under obligation to accord under article 24 of the Convention.

Article 5. (1) There shall be fair and equal opportunity for the airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the airlines of each Contracting Party shall take into account the interests of the airlines 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 routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers, mail and cargo originating from or destined for the territory of the Contracting Party which has designated the airline. Provision for the carriage of passengers, mail and cargo both taken up and put down at points on the specified routes in the territories of States other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to:

- (a) traffic requirements to and from the territory of the Contracting Party which has designated the airline;
- (b) traffic requirements of the area through which the airline passes, after taking account of other transport services established by airlines of the States comprising the area; and
- (c) the requirements of through airline operation.

Article 6. A designated airline of one Contracting Party may make a change of gauge at a point in the territory of the other Contracting Party only on the following conditions:

1. that it is justified by reason of economy of operation;
2. that the aircraft used on the section more distant from the terminal in the territory of the former Contracting Party are smaller in capacity than those used on the nearer section;
3. that the aircraft of smaller capacity shall operate only in connexion with the aircraft of larger capacity and shall be scheduled so to do; the former shall arrive at the point of change for the purpose of carrying traffic transferred from, or to be transferred into, the aircraft of larger capacity; and their capacity shall be determined with primary reference to this purpose;
4. that there is an adequate volume of through traffic; and
5. that the provisions of article 5 of the present Agreement shall govern all arrangements made with regard to change of gauge.

Article 7. (1) The tariffs on any agreed service shall be established at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit, characteristics of the services on the various routes (such as standards of speed and accommodation) and the tariffs of other airlines for any part of the specified routes.

(2) The tariffs referred to in paragraph (1) of this article, together with the rates of agency commission used in conjunction with them shall, if possible, be agreed in respect of each of the specified routes between the designated airlines concerned, in consultation with other airlines operating over the whole or part of that route, and such agreement shall, where possible, be reached through the rate-fixing machinery of the International Air Transport Association. The tariffs so agreed shall be subject to the approval of the aeronautical authorities of both Contracting Parties, and shall be submitted to the aeronautical authorities not less than thirty days prior to the proposed date of their introduction. This period may be reduced in special cases if the aeronautical authorities so agree.

(3) If the designated airlines cannot agree on any of these tariffs, or if for some other reason a tariff cannot be 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.

(4) If the aeronautical authorities cannot agree on the approval of any tariff submitted to them under paragraph (2) of this article or on the determination of any tariff under paragraph (3), the dispute shall be settled in accordance with the provisions of article 12 of the present Agreement.

(5) No tariff shall come into force if the aeronautical authorities of either Contracting Party are dissatisfied with it except under the provisions of paragraph (3) of article 12 of the present Agreement.

(6) When tariffs have been established in accordance with the provisions of this article these tariffs shall remain in force until new tariffs have been established in accordance with the provisions of this Article, or by a decision under article 12 of the present Agreement.

Article 8. Each Contracting Party grants to the designated airlines of the other Contracting Party the right to transfer to their head offices in Singapore dollars or sterling or Deutsch marks at the prevailing rate of exchange in the official market at the time of remittance all surplus earnings whatever the currency in which they were earned.

Article 9. The aeronautical authorities of either Contracting Party shall supply to the aeronautical authorities of the other Contracting Party at their request such periodic or other statements of statistics as may be reasonably required for the purpose of reviewing the capacity provided on the agreed services by the designated airlines of the first Contracting Party. Such statements shall include all information required to determine the amount of traffic carried by those airlines on the agreed services and the origins and destinations of such traffic.

Article 10. There shall be regular and frequent exchanges of views between the aeronautical authorities of the Contracting Parties to ensure close collaboration in all matters affecting the fulfilment of the present Agreement.

Article 11. (1) If either of the Contracting Parties considers it desirable to modify any provision of the present Agreement and the route schedule, it may request consultation between the two Contracting Parties. Such consultation shall begin within sixty days from the date of the receipt of the request, and the modification, if agreed between the Contracting Parties, shall come into effect when, after the constitutional requirements of each Contracting Party have been fulfilled, it has been confirmed by an exchange of Notes.

(2) If a general multilateral convention concerning air transport comes into force in respect of both Contracting Parties, the provisions of the multilateral convention shall prevail. Any discussions with a view to determining the extent to which the present Agreement is terminated, superseded, amended or supplemented by the provisions of the multilateral convention, shall take place in accordance with paragraph (1) of this article.

Article 12. (1) If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall in the first place endeavour to settle it by negotiation between themselves.

(2) If the Contracting Parties fail to reach a settlement by negotiation, the dispute may at the request of either Contracting Party be submitted for decision to a tribunal of three arbitrators, one to be nominated by each Contracting Party and the third to be appointed by the two so nominated. Each of the Contracting Parties shall nominate an arbitrator within a period of sixty days from the date of receipt by one Contracting Party from the other of a diplomatic note requesting arbitration of the dispute and the third arbitrator shall be appointed within a further period of sixty days. If either of the Contracting Parties fails to nominate an arbitrator within the period specified or if the third arbitrator is not appointed within the period specified, the President of the Council of the International Civil Aviation Organisation may be requested by either Contracting Party to appoint an arbitrator or arbitrators as the case requires. The arbitral tribunal shall determine its own rules of procedure.

(3) Any decision of the arbitral tribunal given under paragraph (2) of this article shall be binding on both Contracting Parties.

(4) If and so long as either Contracting Party or a designated airline of either Contracting Party fails to comply with a decision given under paragraph (2) of this article, the other Contracting Party may limit, withhold or revoke any rights or privileges which it has granted by virtue of the present Agreement to the Contracting Party in default or to the designated airline or airlines of that Contracting Party or to the designated airline in default.

(5) Each of the Contracting Parties shall bear the expenses of its own member as well as of its representation in the proceedings at the arbitral tribunal; the expenses of the chairman and any other expenses shall be borne in equal parts by both Contracting Parties.

Article 13. Either Contracting Party may at any time give notice to the other if it desires to terminate the present Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organisation. If such notice is given, the present Agreement shall terminate twelve 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. In the absence of acknowledgement of receipt by the other Contracting Party, notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organisation.

Article 14. The present Agreement and any Exchange of Notes in accordance with articles 2 and 11 shall be registered with the International Civil Aviation Organisation.

Article 15. The present Agreement shall enter into force thirty days from the date on which the Government of the Federal Republic of Germany shall have informed the Government of the Republic of Singapore that the constitutional requirements for such entry into force have been fulfilled.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed the present Agreement.

DONE at Singapore, this fifteenth day of February, 1969, in four originals, two each in the English and German languages, all four texts being equally authentic.

For the Federal Republic of Germany:

Ambassador in Singapore,

OSWALD BARON VON RICHTHOFEN

For the Republic of Singapore:

Acting Permanent Secretary,
Ministry of Communications

WONG KENG SAM

EXCHANGE OF NOTES

I

15 February 1969

Excellency,

I have the honour to refer to paragraph (1) of article 2 of the Air Services Agreement between the Republic of Singapore and the Federal Republic of Germany signed at Singapore on 15th February 1969. In the negotiations which have been conducted in connection 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 to be operated by the airlines designated by the Republic of Singapore:

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Points of origin</i>	<i>Intermediate points (one or more of the following, if desired)</i>	<i>Points in the Territory of the Federal Republic of Germany</i>	<i>Points beyond (one or more of the following, if desired)</i>

—Nil—

II. Routes to be operated by airlines designated by the Federal Republic of Germany:

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Points of origin</i>	<i>Intermediate points (one or more of the following, if desired)</i>	<i>Points in the Territory of the Republic of Singapore</i>	<i>Points beyond (one or more of the following, if desired)</i>
Points in the Federal Republic of Germany	Points in Europe, Egypt, the Near and Middle East, Karachi, New Delhi, Calcutta, Bangkok, Kuala Lumpur	Singapore	Jakarta, Darwin, Sydney or Melbourne

III. A designated airline may, if it so desires, omit one or more of the points on the specified routes, provided that the point of origin of such a route lies in the territory of the Contracting Party that has designated the airline.

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

Please accept, Excellency, the renewed assurances of my highest consideration.

[Signed]

WONG KENG SAM
Acting Permanent Secretary
Ministry of Communications
Singapore

His Excellency the Ambassador
of the Federal Republic of Germany
Singapore

II

Singapore, 15th February 1969

Excellency,

I have the honour to confirm the receipt of your note dated 15th February 1969 which reads as follows:

[See note I]

I have the honour to inform you that the Government of the Federal Republic of Germany agrees to the Route Schedule contained in your note and to your proposal that your note and the present note in reply shall constitute an agreement between our Governments, to enter into force on the same date as the Air Services Agreement between the Federal Republic of Germany and the Republic of Singapore signed on 15th February 1969.

Please accept, Excellency, the assurances of my highest consideration.

[Signed]

Baron O. VON RICHTHOFEN
German Ambassador

His Excellency the Acting Permanent Secretary
Ministry of Communications
Singapore

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF SINGAPORE AMENDING THE ROUTE SCHEDULES ANNEXED TO THE AGREEMENT OF 15 FEB- RUARY 1969² FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES

I

MFA 134/76

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Federal Republic of Germany and has the honour to refer to the recent exchange of correspondence between the Aeronautical Authorities of the Republic of Singapore and the Federal Republic of Germany wherein the two Aeronautical Authorities agreed that the existing Route Schedules to the Air Services Agreement dated 15th February 1969² and entered into between the Federal Republic of Germany and the Republic of Singapore be amended to read as follows:

SCHEDULE I

Routes which may be operated by the designated airline of the Republic of Singapore:

<i>Point of origin</i>	<i>Intermediate points</i>	<i>Points in the Federal Republic of Germany</i>	<i>Points beyond</i>
Singapore	Points in Asia, Moscow, points in the Near and Middle East, points in the Arab Republic of Egypt, Istanbul, Athens, Rome, Zurich, Vienna	One point in the Federal Republic of Germany	London, Copenhagen, Amsterdam, two points in North America

The designated airline of the Republic of Singapore may on any or all flights omit calling at any of the above points provided that the agreed services begin in the Republic of Singapore.

SCHEDULE II

Routes which may be operated by the designated airline of the Federal Republic of Germany:

<i>Point of origin</i>	<i>Intermediate points</i>	<i>Points in the Republic of Singapore</i>	<i>Points beyond</i>
Points in Germany	(Any two of the following points): points in Europe (including Moscow), points in the Near and Middle East, points in the Arab Republic of Egypt, Karachi, New Delhi, Bombay, Bangkok, Kuala Lumpur	Singapore	Jakarta, Sydney, Melbourne or Darwin

¹ Came into force on 15 July 1976, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 180 of this volume.

The designated airline of the Federal Republic of Germany may on any or all flights omit calling at any of the above points provided that the agreed services begin in the Federal Republic of Germany.

The Ministry hereby proposes that the above revised Route Schedules shall constitute the specified routes under article 2, paragraph (1), of the Agreement, and that this note and the Embassy's reply shall be regarded as constituting an agreement between the two Governments in this matter and shall enter into force on the date of the Embassy's Note in reply.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the Federal Republic of Germany in Singapore the assurances of its highest consideration.

Singapore, 28 April 1976.

Embassy of the Federal Republic of Germany
Singapore

II

[GERMAN TEXT — TEXTE ALLEMAND]

BOTSCHAFT DER BUNDESREPUBLIK DEUTSCHLAND SINGAPUR

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY SINGAPORE

Wi 455.00

Die Botschaft der Bundesrepublik Deutschland beehrt sich, dem Außenministerium der Republik Singapur den Empfang der Verbalnote — MFA 134/76 — vom 28. April 1976 zu bestätigen, die in vereinbarter deutscher Fassung wie folgt lautet:

„Das Ministerium der Auswärtigen Angelegenheiten beehrt sich, gegenüber der Botschaft der Bundesrepublik Deutschland auf den jüngsten Briefwechsel zwischen den Luftfahrtbehörden der Republik Singapur und der Bundesrepublik Deutschland Bezug zu nehmen, in dem die beiden Luftfahrtbehörden übereinkamen, den bisherigen Fluglinienplan zu dem Luftverkehrsabkommen vom 15. Februar 1969 zwischen der Bundesrepublik Deutschland und der Republik Singapur wie folgt zu ändern:

„FLUGLINIENPLAN I

„Fluglinien, die von dem bezeichneten Unternehmen der Republik Singapur betrieben werden können:

„Abgangspunkt	Zwischenlande- punkte	Punkte in der Bundesrepublik Deutschland	Punkte darüber hinaus
„Singapur	Punkte in Asien, Moskau, Punkte im Nahen und Mitt- leren Osten, Punkte in der Arabischen Republik Ägyp- ten, Istanbul, Athen, Rom, Zürich, Wien	Ein Punkt in der Bundesrepublik Deutschland	London, Kopen- hagen, Amsterdam, zwei Punkte in Nordamerika

[TRANSLATION¹ — TRADUCTION²]EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY
SINGAPORE

Wi 455.00

The Embassy of the Federal Republic of Germany has the honour to confirm receipt of the Singapore Ministry of Foreign Affairs' Verbal Note—MFA 134/76—of 28 April 1976, which reads in its agreed German text as follows:

[*See note I*]

The Embassy of the Federal Republic of Germany has the honour to inform the Ministry of Foreign Affairs of the Republic of Singapore that the Government of the Federal Republic of Germany approves of the Route Schedules as drafted in the Ministry's Note and agrees that the Note of the Ministry of Foreign Affairs of the Republic of Singapore and this Note of reply constitute an agreement between our Governments, entering into force today.

Singapore, 15 July 1976.

Ministry of Foreign Affairs
Singapore

¹ Translation supplied by the Government of the Federal Republic of Germany.

² Traduction fournie par le Gouvernement de la République fédérale d'Allemagne.