

No. 25186

---

**FEDERAL REPUBLIC OF GERMANY**  
**and**  
**BOLIVIA**

**Air Transport Agreement (with exchange of notes). Signed  
at La Paz on 15 November 1968**

**Additional Protocol to the above-mentioned Agreement.  
Signed at La Paz on 27 February 1975**

*Authentic texts: German and Spanish.*

*Registered by the International Civil Aviation Organization on 17 August  
1987.*

---

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**  
**et**  
**BOLIVIE**

**Accord relatif aux transports aériens (avec échange de  
notes). Signé à La Paz le 15 novembre 1968**

**Protocole additionnel à l'Accord susmentionné. Signé à  
La Paz le 27 février 1975**

*Textes authentiques : allemand et espagnol.*

*Enregistrés par l'Organisation de l'aviation civile internationale le 17 août  
1987.*

[TRANSLATION — TRADUCTION]

## AIR TRANSPORT AGREEMENT<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF BOLIVIA

The Federal Republic of Germany and the Republic of Bolivia,

Desiring to regulate air transport between their respective territories and beyond,

Have agreed as follows:

*Article I.* 1. For the purposes of this Agreement and unless the text provides otherwise,

(a) The term “aeronautical authority” means, in the case of the Federal Republic of Germany, the Federal Minister of Transport; and, in the case of the Republic of Bolivia, the National Council of Aeronautics, or in both cases any other person or institution authorized to assume the functions exercised by those authorities.

(b) The term “designated airline” means any airline which one Contracting Party has designated in writing to the other Contracting Party in accordance with article III of this Agreement as an airline which will provide international air services on routes specified in accordance with article II, paragraph 2, of this Agreement.

2. The terms “territory”, “air service”, “international air service” and “stop for non-traffic purposes” shall, for the implementation of this Agreement, have the meaning established in articles 2 and 96 of the currently valid text of the Convention on International Civil Aviation of 7 December 1944.<sup>2</sup>

*Article II.* 1. In order that the designated airlines may operate international air services on the routes specified in paragraph 2, each Contracting Party shall grant to the other Contracting Party:

(a) The right to make stops for non-traffic purposes in its territory;

(b) The right to make stops at points in its territory on the routes established in accordance with paragraph 2, in order to take on or discharge passengers, mail or freight for traffic purposes.

2. The routes on which the airlines designated by the Contracting Parties may operate international air services shall be specified in a route schedule agreed in an exchange of notes between the Governments of the Contracting Parties.

*Article III.* 1. The international air services on the routes specified in accordance with article II, paragraph 2, of this Agreement, may be operated at any time, provided that:

(a) The Contracting Party to which the rights specified in article II, paragraph 1, have been granted has designated one or more airlines in writing, and

<sup>1</sup> Came into force on 15 November 1975, i.e., 30 days after the exchange of the instruments of ratification, which took place at Bonn on 16 October 1975, in accordance with article XVI (2).

<sup>2</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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213 and vol. 1175, p. 297.

(b) The Contracting Party granting the said rights has authorized the designated airline or airlines to operate the air services.

2. Subject to the provisions of paragraphs 3 and 4 of this article, and to article IX of this Agreement, the Contracting Party granting such rights shall issue the above-mentioned authorization for the operation of international air services without delay.

3. Either Contracting Party may require any airline designated by the other Contracting Party to prove that it is qualified to meet the requirements prescribed under the laws and regulations of the said Contracting Party for the operation of international air services.

4. Each Contracting Party may withhold the exercise of the rights granted in article II of this Agreement to an airline designated by the other Contracting Party, if such airline is unable to prove, upon request, that substantial ownership and effective control of such airline are vested in nationals or corporations of the other Contracting Party or in that Contracting Party itself.

*Article IV.* 1. Each Contracting Party may revoke, or limit by the imposition of conditions, the authorization issued in accordance with article III, paragraph 2, where a designated airline has not complied with the laws and regulations of the Contracting Party which granted such rights or does not comply with the conditions stipulated in this Agreement or the obligations deriving from it. The same shall apply if the conditions of article III, paragraph 4, are not complied with. Each Contracting Party shall exercise this right only after holding consultations in accordance with article XII of this Agreement unless an immediate suspension of operations or imposition of conditions is necessary to avoid further infringements of laws or regulations.

2. Each of the Contracting Parties may, by written notification to the other Contracting Party, replace a designated airline by another airline, subject to the requirements of article III of this Agreement. The newly designated airline shall have the same rights and be subject to the same obligations as the airline which it replaces.

*Article V.* Each of the Contracting Parties may impose or permit to be imposed fair and reasonable charges and fees for the use of public airports and other aviation facilities under its authority, with the exception of those specified in article VI.

It shall nevertheless be understood that all the said charges and fees shall not be higher than those paid for the use of such airports and aviation facilities by its national aircraft or those of third States used in similar international air services.

*Article VI.* 1. Aircraft operated by a designated airline of one Contracting Party entering, remaining in or departing from the territory of the other Contracting Party as well as fuel, lubricants, aircraft stores, spare parts and standard equipment, shall be exempt from customs duties and other charges and taxes levied on the importation, exportation or transit of goods. This shall also apply when the goods on board the said aircraft are consumed in flight over the territory of the last-mentioned Contracting Party.

2. Fuel, lubricants, aircraft stores, spare parts and other standard equipment introduced temporarily into the territory of one Contracting Party for installation, immediately or after storage, in the aircraft of an airline designated by

the other Contracting Party or otherwise carried on board or exported in some other manner from the territory of the former Contracting Party shall be exempt from the duties and other charges mentioned in paragraph 1.

3. Fuel and lubricants taken on board the aircraft of a designated airline of one Contracting Party in the territory of the other Contracting Party and used in international air service shall be exempt from the duties and other charges specified in paragraph 1 and from any special consumption taxes.

4. Each of the Contracting Parties may place the goods referred to in paragraphs 1 to 3 under customs supervision.

5. To the extent that no duties or other charges are levied thereon, the goods referred to in paragraphs 1 to 3 shall not be subject to any economic prohibitions and restrictions in respect of their importation, exportation and transit that might otherwise be applied to them.

*Article VII.* 1. There shall be fair and equal opportunity for the designated airlines of each Contracting Party to provide service on any route specified in accordance with article II, paragraph 2, of this Agreement.

2. In the operation of services on the routes specified in accordance with article II, paragraph 2, of this Agreement, an airline designated by each of the Contracting Parties shall take account of the interests of an airline designated by the other Contracting Party in order not to affect unduly the services which the latter operates over all or part of the same route.

3. The international air service on the routes specified in accordance with article II, paragraph 2, of this Agreement shall have as its primary objective the provision of capacity adequate to the foreseeable traffic demands to and from the territory of the Contracting Party designating the airline. The right of such airline to carry traffic between points on a route specified in accordance with article II, paragraph 2, of this Agreement which are situated in the territory of the other Contracting Party, and points in third countries, shall be exercised in the interest of the orderly development of international air transport, in such a way that capacity is adapted to:

- (a) The traffic demand to and from the territory of the Contracting Party designating the airline;
- (b) The traffic demand existing in the zones through which the air services pass, account being taken of local and regional services;
- (c) The requirements for the economic operation of through air services.

4. The Contracting Parties, in conformity with their legal provisions and rules, reserve the right to limit the participation of the designated airline of the other Contracting Party in the operation of regional traffic on the routes specified in article II, paragraph 2, of this Agreement always provided that such limitations derive from rules which apply equally to the airlines of extra-continental countries which, in similar conditions, operate in the same sector of the route.

5. For the purposes of the preceding paragraph, regional traffic shall be considered to be:

(a) In the case of the Federal Republic of Germany, traffic between its territory and the European States Parties to the Convention on the Organization for European Economic Co-operation and Development, signed at Paris on 14 De-

ember 1960:<sup>1</sup> without prejudice to the foregoing, — traffic between the Federal Republic of Germany and neighbouring countries, even when they are not parties to that Convention, shall be deemed to be regional traffic;

(b) In the case of the Republic of Bolivia, the traffic between its territory and all the Latin American countries, particularly those which are parties to the "Treaty Establishing a Free-Trade Area and Instituting the Latin American Free-Trade Association", concluded at Montevideo on 18 February 1960,<sup>2</sup> without prejudice to the foregoing, traffic between Bolivia and neighbouring countries, even when they are not parties to that Treaty, shall be deemed to be regional traffic.

*Article VIII.* 1. The designated airlines shall communicate to the aeronautical authorities of both Contracting Parties, not later than 30 days prior to the inauguration of air services on the routes specified in accordance with article II, paragraph 2, of this Agreement, the type of service, the types of aircraft to be used and the timetables. 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, upon request, all periodic or other statistical data of the designated airlines that may be duly requested for the purpose of reviewing the capacity provided by any designated airline of the first-mentioned Contracting Party on the routes specified in accordance with article II, paragraph 2, of this Agreement. Such data shall include all the information required to determine the percentage of passengers and the amount of traffic carried and the origin and destination of such traffic.

*Article IX.* 1. In fixing the rates to be charged for passengers and freight on the route specified in accordance with article II, paragraph 2, of this Agreement, account shall be taken of all relevant factors, such as cost of operation, reasonable profits, the characteristics of the various routes and the rates charged by other airlines operating over the same routes or parts thereof.

2. The designated airlines of the Contracting Parties shall establish by agreement the rates for passengers and cargo on the common sections of their routes after consultations, where necessary, with the airlines of third countries operating over all or part of the same routes and shall submit such agreement for the approval of the aeronautical authorities of both Contracting Parties at least 30 days before the date established for their entry into force. For this purpose the designated airlines may accept such decisions as are applicable under the rate-setting procedures of an international air transport association.

3. Where no agreement is reached between the designated airlines in accordance with paragraph 2 of this article, or where one of the Contracting Parties does not consent to the rates submitted for its approval, the aeronautical authorities of the two Contracting Parties shall by common accord fix the rates for those routes or parts thereof on which no agreement has been reached.

4. Where no agreement, as mentioned in paragraph 3 of this article, is reached between the aeronautical authorities of the two Contracting Parties, the provisions of article XIII of this Agreement shall apply. Until such time as an arbitral award is rendered, the Contracting Party which has withheld its consent to

<sup>1</sup> United Nations, *Treaty Series*, vol. 888, p. 141.

<sup>2</sup> *Ibid.*, vol. 1484, No. I-25392.

the given rates shall be entitled to require the other Contracting Party to maintain the rates previously in force.

*Article X.* Each airline designated by either Contracting Party may maintain and employ its own personnel for its services in the airport and towns in the territory of the other Contracting Party where it intends to maintain an agency; work permits for such personnel shall not be necessary. If a designated airline foregoes establishing its own organization at airports in the territory of the other Contracting Party, it shall relegate the work in question, as far as possible, to the personnel of one of such airports or of an airline designated in accordance with article III, paragraph 1 (a), of this Agreement. The designated airlines of the Contracting Parties shall be subject to the legal provisions and regulations for the proportional hiring of national personnel in accordance with the social labour laws of each country. Without prejudice to the foregoing, the designated airlines may entrust their servicing requirements to an airline designated by the other Contracting Party.

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

*Article XII.* Consultation may be requested at any time by either Contracting Party for the purpose of discussing amendments to this Agreement or to the route schedule or problems of interpretation. The same shall apply for discussion of the application of the Agreement if, in the opinion of one of the Contracting Parties, the exchange of views provided for in article XI of this Agreement has not produced a solution. Such consultation shall take place within 60 days from the receipt of any such request by the other Contracting Party.

*Article XIII.* 1. Where a dispute arises with respect to the interpretation or application of this Agreement that cannot be settled in accordance with article XII of this Agreement, the question shall be submitted to an arbitral tribunal at the request of one of the Contracting Parties.

2. Such arbitral tribunal shall be constituted *ad hoc* so that each Contracting Party shall appoint one member and these members shall by mutual agreement choose a national of a third State as umpire to be appointed by the Governments of the two Contracting Parties. The members shall be appointed within 60 days and the umpire within 90 days from the date on which either Contracting Party has notified the other Party of its intention to submit the disagreement to arbitration.

3. Where the periods specified in paragraph 2 are not observed, either Contracting Party may, in the absence of any other agreement, request the President of the Council of the International Civil Aviation Organization (ICAO) to make the necessary appointments. Where the President is a national of either Contracting Party or if he is otherwise prevented, his deputy shall make the appointments.

4. The arbitral tribunal shall reach its decisions by a majority of votes. Such decisions shall be binding on both Contracting Parties. Each Contracting Party shall bear the cost of its own member as well as of its representation in the proceedings of the arbitral tribunal; the cost of the umpire and any other costs shall be borne in equal parts by the two Contracting Parties. The arbitral tribunal shall adopt its own rules.

*Article XIV.* In the event of a general multilateral air transport convention accepted by both Contracting Parties entering into force, the provisions of such multilateral convention shall prevail. Any discussions for the purpose of determining the extent to which this Agreement may be derogated from, replaced, modified or supplemented by the articles of the multilateral agreement shall be conducted in accordance with article XII of this Agreement.

*Article XV.* This Agreement, any amendments thereto, and any exchange of notes under article II, paragraph 2, of this Agreement shall be communicated to the International Civil Aviation Organization (ICAO) for registration.

*Article XVI.* 1. This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Bonn.

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

3. Each Contracting Party may at any time denounce this Agreement in writing. The Agreement shall cease to have effect one year after receipt of the denunciation by the other Contracting Party.

DONE at La Paz on 15 November 1968, in four originals, two in the German language and two in the Spanish language, both texts being equally authentic.

For the Federal Republic of Germany:

Dr. KARL-ALEXANDER HAMPE

For the Republic of Bolivia:

Dr. VICTOR HOZ DE VILA

## EXCHANGE OF NOTES

### I.

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

La Paz, 15 November 1968

Sir,

I have the honour to refer to article II, paragraph 2, of the Air Transport Agreement between the Federal Republic of Germany and the Republic of Bolivia signed on 15 November 1968 and, on behalf of the Government of the Federal Republic of Germany, to propose to you the following Arrangement.

Air services between our respective territories may be operated over the routes specified in the following route schedule:

## ROUTE SCHEDULE

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

(a) From points in the Federal Republic of Germany via intermediate points in Western Europe, a point in the islands of the Caribbean Sea, a point in the Azores, intermediate points in South America to La Paz or other point in the Republic of Bolivia and beyond in both directions;

(b) From points in the Federal Republic of Germany via intermediate points in Western Europe, a point in the African continent, intermediate points in South America to La Paz or other point in the Republic of Bolivia and beyond in both directions;

(c) From points in the Federal Republic of Germany via intermediate points in Western Europe, a point in the United States of America, points in the islands of the Caribbean Sea and Central America, points in South America to La Paz or other point in the Republic of Bolivia and beyond in both directions.

*II. Routes to be operated by the airlines designated by the Republic of Bolivia:*

(a) From points in the Republic of Bolivia via intermediate points in South America, a point in the islands of the Caribbean Sea, a point in the Azores, a point in the Iberian Peninsula, Paris, Zurich, Frankfurt or other point in the Federal Republic of Germany and beyond in Europe, in both directions;

(b) From points in the Republic of Bolivia via intermediate points in South America, a point in the African continent, a point in the Iberian Peninsula, Paris to Frankfurt or other point in the Federal Republic of Germany and beyond in Europe, in both directions;

(c) From points in the Republic of Bolivia via intermediate points in South and Central America, Miami and/or New York, London, Amsterdam, Frankfurt and beyond in Europe, in both directions.

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

If the Government of the Republic of Bolivia agrees to the above route schedule, I have the honour to propose that this note and your note in reply expressing your Government's agreement shall constitute an arrangement between our two Governments, to enter into force on the same date as the above-mentioned Agreement.

Accept, Sir, etc.

[Signed]

Dr. K. A. HAMPE

His Excellency Dr. Victor Hoz de Vila  
Minister for Foreign Affairs and Worship  
La Paz



## II

REPUBLIC OF BOLIVIA  
THE MINISTER FOR FOREIGN AFFAIRS AND WORSHIP

La Paz, 15 November 1968

No. D.G.E.A. 392-83

Sir,

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

*[See note I]*

In reply, I inform you that my Government agrees with the terms of your note.

Accept, Sir, etc.

[VICTOR HOZ DE VILA]  
Minister of Foreign Affairs

His Excellency Dr. Karl Alexander Hampe  
Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany  
La Paz

---

## [TRANSLATION — TRADUCTION]

ADDITIONAL PROTOCOL<sup>1</sup> TO THE AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA<sup>2</sup>

The Government of the Federal Republic of Germany and the Government of the Republic of Bolivia,

Desiring to adapt the Air Transport Agreement of 15 November 1968, between the Federal Republic of Germany and the Republic of Bolivia,<sup>2</sup> to the subsequent development of air transport between the two countries,

Have agreed as follows:

*Article 1.* The Contracting Parties approve the Final Act signed at Bonn by the delegation of the Federal Republic of Germany and the Republic of Bolivia on 7 December 1973 reading as follows:

## FINAL ACT

Between 3 and 7 December 1973, in the city of Bonn, the consultative meetings requested by the Government of Bolivia from the Government of the Federal Republic of Germany were held, for the purpose of supplementing and interpreting the provisions of the Agreement of 15 November 1968 signed by the two Contracting Parties, hereinafter referred to as "the Agreement", in order to respond to the development of air transport since that time.

The delegations of the two countries were appointed for that purpose and reached the following arrangements:

1. The two delegations declare that their respective States are parties to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944,<sup>3</sup> as well as to the related International Air Services Transit Agreement and that, consequently, all provisions thereof shall be applied in their respective territories.

2. In article I, paragraph I (a), of the Agreement the words "National Council of Aeronautics" shall be replaced by the words "Ministry of Transport, Communications and Civil Aeronautics".

3. Article VII of the Agreement shall be clarified and interpreted as follows:

(a) The cabotage traffic within the territory of each Contracting Party shall be reserved to an airline or airlines having that nationality.

(b) The Federal Ministry of Transport shall intercede with the competent German agencies when practical proposals regarding projects for promoting

<sup>1</sup> Came into force on 15 November 1975, the date of entry into force of the above-mentioned Agreement.

<sup>2</sup> See p. 64 of this volume.

<sup>3</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; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213 and vol. 1175, p. 297.

Bolivian civil aviation are submitted in order to ensure that an appropriate and fair arrangement is reached which takes into account the unilateral operation of fourth-freedom traffic by the designated German airline.

[Within the framework of the aforementioned projects, the designated German airline shall also provide assistance in so far as the training of technical and sales personnel is concerned.]<sup>1</sup>

(c) Unilateral exploitation of fifth-freedom traffic shall be subject to payment of compensation by the designated airline or airlines of the Contracting Party operating such traffic, to the designated airline or airlines of the other Contracting Party as long as the latter does not exercise that right. In that connection, the designated airlines shall arrive at a commercial arrangement.

(d) In order to increase the capacity to be offered for the operation of traffic to third countries (fifth freedom), the following procedure shall be adopted:

(aa) With the prior knowledge of the respective aeronautical authorities, the airline or airlines of the Contracting Parties shall submit requests for capacity modification to the aeronautical authority of the other Contracting Party.

(bb) If such a request is not approved, the airline or airlines of the Contracting Parties shall attempt to reach mutual agreement and shall then present the corresponding requests to the aeronautical authority of the other Contracting Party.

(cc) If such subsequent requests are not given favourable consideration, the two Contracting Parties shall make efforts to reach an appropriate solution without delay.

(e) The communication to the aeronautical authorities provided for in article VIII, paragraph 1, of the Agreement shall also cover flight frequencies for administrative purposes.

4. In article IX, paragraph 2, of the Agreement, the words “an international air transport association” shall be taken to mean the International Air Transport Association (IATA).

5. Article XII of this Agreement shall be interpreted to mean that any amendments agreed upon shall enter into force as soon as they have been confirmed by an exchange of diplomatic notes after the constitutional requirements of each Contracting Party have been fulfilled.

6. Article XIII of the Agreement shall be interpreted to mean that, before disputes are settled by arbitration, the Contracting Parties shall first attempt to settle the question through the exchange of views and the consultations provided for in articles XI and XII.

#### 7. *Miscellaneous matters*

(a) The delegations consider that transit passengers should be subject to the simplest possible control and should enjoy facilities, for which purpose the standards and recommendations of Annex 9 of the Chicago Convention shall be

<sup>1</sup> The sentence within brackets does not appear in the authentic Spanish text of the Additional Protocol. The text within brackets is a translation by the Secretariat of the United Nations done on the basis of the authentic German text.

applied in full. Baggage and cargo in direct transit shall be exempt from customs duties and similar taxes.

(b) Concerning infraction by the designated airlines of the two Contracting Parties, the delegations agree as follows:

The aeronautical authorities of the Contracting Parties shall communicate to each other infractions of the regulations pertaining to air navigation committed by the personnel of the designated airlines.

(c) The two delegations, in the interest of the future development of the respective air services, agree to recommend to their Governments the conclusion of an agreement for the avoidance of the double taxation of their designated airlines in the territory of the other Contracting Party.

Bonn, 7 December 1973.

*Article 2.* This Protocol shall enter into force on the date on which the two Governments have notified each other that the domestic requirements have been fulfilled.

DONE at La Paz, on 27 February 1975, in two originals, in the German and Spanish languages, both texts being equally authentic.

For the Government  
of the Federal Republic of Germany:

[Illegible]

For the Government  
of the Republic of Bolivia:

[Illegible]