

N° 1279.

POLOGNE ET SUÈDE

Convention concernant la navigation
aérienne. Signée à Stockholm, le
1^{er} octobre 1925.

POLAND AND SWEDEN

Convention concerning Aerial Navi-
gation. Signed at Stockholm, Octo-
ber 1, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1279. — CONVENTION² BETWEEN POLAND AND SWEDEN CONCERNING AERIAL NAVIGATION. SIGNED AT STOCKHOLM, OCTOBER 1, 1925.

French official text communicated by the Polish Delegate accredited to the League of Nations, and by the Swedish Minister for Foreign Affairs. The registration of this Convention took place August 25, 1926.

THE PRESIDENT OF THE POLISH REPUBLIC, of the one part, and HIS MAJESTY THE KING OF SWEDEN, of the other part, being desirous of encouraging the progress of aerial navigation between the two countries, have decided to conclude for this purpose a provisional Convention and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden, Dr. Alfred WYSOCKI ;

M. Jerzy BOGORZYA-KURZENIECKI, Head of the Transit Committee and Section of the Ministry of Foreign Affairs, Warsaw ; and

HIS MAJESTY THE KING OF SWEDEN :

His Minister for Foreign Affairs, M. Bo Östen UNDÉN ;

Who, after having communicated their full powers found in good and due form, have agreed upon the following provisions :

Article 1.

Each of the Contracting States undertakes in time of peace to grant freedom of innocent passage above his territory and territorial waters to private aircraft duly registered in the other Contracting State, provided that the conditions established in this Convention are observed.

Article 2.

All aircraft shall be deemed to be private aircraft within the meaning of Article 1 except the following :

- (a) Aircraft under a military commander specially commissioned for that purpose ;
- (b) Aircraft exclusively used in Government service, such as postal and Customs and police aircraft.

The right of aircraft in categories (a) and (b) to fly over the territory of the other Party shall be regulated by agreement between the Contracting Parties.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Stockholm, July 8, 1926.

Article 3.

Each of the Contracting States shall have the right, for military reasons or in the interests of public safety, to prohibit flight over certain areas of its territory, on condition that no distinction is made in this respect between the private aircraft of the two States.

The list of areas thus prohibited shall be communicated to the other Contracting State.

Article 4.

Any aircraft which may find itself over a prohibited area shall at once give the signal of distress provided in the air traffic regulations of the State flown over, and shall forthwith land outside the prohibited area at one of the aerodromes of that State.

Article 5.

Aircraft and their crews shall be provided with all certificates, licences and documents prescribed for air traffic by the authorities of the country whose nationality the aircraft possesses. Aircraft must carry distinctive and visible marks allowing them to be identified in flight.

Article 6.

Members of the crew and passengers must be provided with all the identity documents and passports required by the laws and regulations in force for all other international traffic. Members of the crew must in any case be provided with documents establishing their identity, nationality and military status.

Article 7.

Any aircraft flying over the territory of the other Contracting State may only carry wireless apparatus if this is permitted under the laws and regulations in force in both contracting countries. Such apparatus may not be used except by members of the crew provided with a special licence for the purpose issued by the State whose nationality the aircraft possesses.

Article 8.

Aircraft of one of the Contracting States may not fly over the territory of the other Contracting State unless they are completely airworthy.

The aircraft shall be provided with a certificate of airworthiness issued by the competent authority of its country of origin.

The two Contracting States shall recognise the certificates of airworthiness issued by their respective competent authorities.

If, after the certificate has been issued, the airworthiness of the aircraft is impaired by accident, damage or any other change, the aircraft may not continue its journey unless it has undergone repairs of such a nature that it may be considered as airworthy by the authorities of the Contracting State in which it happens to be.

Article 9.

Any aircraft landing on or departing from the territory of the other Contracting State may, subject to the provisions of Article 11, carry passengers and goods. It must in this case be provided with a list containing the names of the passengers and a manifest showing the nature and quantity of the goods and also the requisite Customs declarations.

If, on the arrival of the aircraft, any discrepancy is discovered between the Customs declarations and the goods carried, the competent authorities of the aerodrome at which it arrives shall communicate the fact direct to the authorities of the aerodrome from which the aircraft departed.

Article 10.

The authorities of either of the Contracting States shall, within the limits of its territory, have the right in all cases to examine aircraft of the other State on departure or on landing and to verify the documents with which they should be furnished.

Article 11.

Each of the two Contracting States may make the commercial transport of persons or goods into, out of, or within its own territory subject to a concession granted by its competent authorities. This provision, however, shall not apply to an aircraft making an occasional flight from the State whose nationality it possesses to the other Contracting State.

The transport of passengers and goods between two points within the territory of each State, may be reserved for aircraft belonging to that State.

The establishment of marked airways and the operation of a regular air service over the territory of one of the Contracting States may be made subject to special authorisation.

The transport of mails shall be regulated by agreement between the postal administrations of the two States.

Article 12.

The frontiers of both Contracting States may, until notice to the contrary is given, only be crossed in flight at certain points to be fixed by the State concerned and notified to the other State.

Article 13.

Aircraft of one of the two Contracting States may not land within the territory of the other State except at an aerodrome that is open to public air traffic; they shall have the right to make use of these aerodromes in the other Contracting State subject to the payment of the same dues as those charged in the case of its own aircraft and under the same conditions. In the case of regular landing or forced landing in the territory of the other Contracting State they shall be entitled to the same assistance as its own aircraft.

Article 14.

Each Contracting State shall communicate to the other a schedule of the aerodromes which are open to public air traffic. Every change in this schedule and any circumstances, even if only temporary, which prevent any one aerodrome being used shall be notified without delay to the other Contracting State.

Article 15.

In the case of forced landings outside an aerodrome, the police or Customs authorities at the place at which landing is made shall be notified forthwith, and until their arrival the crew and passengers shall remain beside the aircraft and shall take measures to prevent the removal of any part of the aircraft or its accessories or cargo.

Article 16.

The Contracting States agree that aircraft belonging to one of the Contracting States and their crews and passengers shall, while in the territory of the other State, be subject to the obligations arising out of the regulations in force in that State regarding air traffic in general, Customs and other duties, export or import prohibitions, the transport of passengers and goods, and public safety and order, in so far as the present Convention does not provide otherwise, and that they shall furthermore be subject to such other obligations as may arise out of the general legislation in force.

Article 17.

Certificates for air navigation issued in one of the contracting countries for aircraft belonging to it, and also their crews, shall have the same validity in the other Contracting State as the corresponding certificates issued by that State.

As regards air traffic within its own territory, each of the Contracting States reserves the right to refuse to recognise the certificates issued to one of its nationals by the other Contracting State.

Article 18.

Aircraft and their crews and passengers may not carry as cargo, or in any other capacity, arms, munitions or explosives. Carrier-pigeons and photographic apparatus may only be carried with the permission of the competent authority of the State in the air territory of which the aircraft is situated.

Article 19.

No ballast other than fine sand or water may be dropped from an aircraft in flight.

Article 20.

The discharge or removal in the course of flight of any other substance than ballast is prohibited unless special permission has been obtained for this purpose by the State on whose territory such discharge or removal is effected.

Article 21.

The Contracting States shall reciprocally notify one another of all laws and regulations governing air traffic in their own territory.

Article 22.

The two Contracting States shall take the necessary measures to ensure that the provisions of the present Convention shall be observed by their aircraft, crews and passengers.

If the State in which the aircraft happens to be does not itself prosecute any infringement of these regulations, it shall, if necessary, give notice thereof to the authorities of the other Contracting State.

Article 23.

The present provisional Convention may be denounced by either of the Contracting States at any time, subject to six months' notice.

Moreover, each of the Contracting States reserves the right to denounce this Convention, such denunciation to take immediate effect in the event of both Contracting States ratifying the International Convention¹ on Air Navigation signed at Paris on October 13, 1919.

Article 24.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Stockholm as soon as possible. It shall come into force on the fifteenth day after the exchange of the instruments of ratification.

In faith whereof the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Stockholm, October 1, 1925, in two original copies, one for each of the Parties.

(Signed) (L. S.) Alfred WYSOCKI.

(Signed) (L. S.) Jerzy BOGORZA-KURZENIECKI.

(Signed) (L. S.) Östen UNDÉN.

¹ Vol. XI, page 173, and Vol. XXIV, page 174, of this Series.