

N° 1528.

DANEMARK ET PAYS-BAS

Convention provisoire concernant la
navigation aérienne. Signée à La
Haye, le 23 juillet 1926.

**DENMARK
AND THE NETHERLANDS**

Provisional Convention concerning
Aerial Navigation. Signed at The
Hague, July 23, 1926.

¹ TRADUCTION. — TRANSLATION.No. 1528. — PROVISIONAL CONVENTION ² BETWEEN THE NETHERLANDS AND DENMARK CONCERNING AERIAL NAVIGATION. SIGNED AT THE HAGUE, JULY 23, 1926.

French official text communicated by the Netherlands Chargé d'affaires a. i. at Berne and the Danish Minister at Berne. The registration of this Convention took place September 9, 1927.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS MAJESTY THE KING OF DENMARK AND ICELAND,

Being resolved to conclude a provisional Convention between the Netherlands and Denmark concerning aerial navigation, have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Jonkheer H. A. VAN KARNEBEEK, Her Minister for Foreign Affairs,

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

His Excellency M. Axel NÖRGAARD, His Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands,

Who, being duly authorised, have agreed upon the following Articles :

Article 1.

Each of the Contracting States shall, in time of peace, accord free and innocent passage above its territory to aircraft duly registered in the other Contracting State, provided that the regulations laid down in the present Convention are observed.

The expression "territory of the Contracting States" within the meaning of the present Convention, shall also include territorial waters ; the term "aircraft" shall only cover private aircraft.

Article 2.

Until further notice, the frontiers of the two Contracting States may be flown over at any point.

Article 3.

Either Contracting State may prohibit aerial navigation over certain areas of its territory, provided that no distinction is made in this connection between the aircraft of the two States.

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 The Hague, June 27, 1927.

Each State shall further be entitled in exceptional cases to restrict or prohibit aerial navigation over its territory or parts thereof. In such case, the stipulation mentioned above shall not be applicable.

Prohibitions and restrictions provided for under this Article shall be notified to the other Contracting State.

Article 4.

Any aircraft which finds itself flying over a forbidden area must give the signal of distress prescribed by the air regulations of the State flown over, and must immediately land at an aerodrome or air-port of that State situated outside the forbidden area.

Article 5.

Aerodromes and air-ports open for public use shall be open to the aircraft of both States.

After an aircraft enters and before it leaves one of the two countries, the first landing and the last departure may only be made at, or from, one of the aerodromes or air-ports open for public use and having facilities for Customs examination, and no intermediate landing may be made between the frontier and the aerodrome or air-port.

In special cases, official authorisation may be given to make the first landing at, or the last departure from, another ground possessing facilities for Customs examination, but again no intermediate landing may be made between the frontier and the ground in question.

Each of the Contracting States shall communicate to the other, before the present Convention comes into force, a list of the aerodromes or air-ports open for public use. This list shall also mention the places at which Customs formalities may be complied with.

All changes in this list, and all restrictions, even temporary, on the use of the aerodromes or air-ports indicated, shall be immediately notified to the other Contracting State.

Article 6.

Aircraft must bear distinct and visible marks allowing of their identification during flight.

Aircraft must carry the certificates and other papers prescribed for aerial navigation in their own country.

Those members of the crew (the crew being all persons other than passengers on board the aircraft) who perform duties for which a special licence is required by their country, must be provided with the certificates prescribed for aerial navigation by their country; the other members of the crew must carry papers stating their function on board, their profession, identity and nationality.

Certificates issued or accepted for aircraft and their crews by one of the Contracting States shall have the same validity in the other State as the corresponding certificates issued or accepted by the latter State.

Each Contracting State reserves the right to refuse to recognise pilots' certificates issued to its nationals by the other Contracting State as valid for aerial navigation within its own territory.

Article 7.

In the absence of special provisions and without prejudice to the stipulations of Article 6, passengers and crew must carry the papers required by the general regulations governing traffic between the two countries.

Article 8.

No air craft may carry a wireless apparatus of any kind without a special licence delivered by the State to which the aircraft belongs. The use of such apparatus over the territory of each of the Contracting States shall be subject to the regulations issued on this subject by the competent authority of that State. Moreover, such apparatus must not be used except by members of the crew in possession of a special licence for the purpose, issued by the Government of their country.

The two Contracting States reserve the right to conclude, for reasons of safety, arrangements for the compulsory installation of wireless apparatus on board aircraft.

Article 9.

Aircraft which carry passengers and goods must be provided with a list of the passengers by name, with a manifest showing the nature and quantity of the goods and with the requisite Customs declarations.

If, on the arrival of an aircraft, there is found to be any discrepancy between the manifest and the goods carried, the Customs authorities at the aerodrome or air-port of arrival may communicate with the competent Customs authorities of the other Contracting State.

The carriage of mails may be regulated by special agreements concluded directly between the Postal Administrations of the two Contracting States.

Article 10.

Aircraft, and their crews and passengers, may not carry, either as cargo or otherwise, arms, ammunition, asphyxiating gases, or explosives. Carrier-pigeons and photographic and cinematographic apparatus may not be carried within the limits of the territory of the Contracting State to which the aircraft does not belong without the permission of the competent authority of the latter State.

Article 11.

The competent authorities of each of the Contracting States shall in all cases be entitled to examine the aircraft of the other State on departure or landing, and to inspect the certificates and other papers with which the latter must be provided.

Article 12.

Each of the Contracting States shall have the right to impose special regulations on the commercial carriage of passengers or goods coming from, proceeding to, or conveyed within its own territory.

The commercial carriage of passengers or goods between two points within the territory of each State may be reserved for aircraft belonging to that State.

The establishment of marked air routes and the operation of regular aerial services over the territory of either of the Contracting States may be made subject to the granting of special permission.

Article 13.

No ballast except fine sand or water shall be dropped from aircraft in flight.

Article 14.

Except ballast, no other articles or substances may be dropped or thrown in course of flight unless the State in whose territory the act is performed shall have granted special permission.

Article 15.

Except as otherwise provided in the present Convention, aircraft belonging to one of the Contracting States, together with their crews and passengers, shall, as long as they are within the territory of the other State, be subject to the obligations resulting from the regulations of that State with regard to aerial navigation in general, Customs duties and other dues, export and import prohibitions, the carriage of passengers and goods, and public safety and order. They shall also be subject to all the other obligations resulting from the general legislation in force.

The two Contracting States shall communicate to each other all the laws and regulations governing aerial navigation over their territory.

Article 16.

Either Contracting State may denounce the present Convention at any time at three months' notice.

Further, each of the Contracting States reserves the right to denounce the present Convention, with immediate effect, as soon as both States have ratified the International Convention¹ for the Regulation of Aerial Navigation, signed at Paris on October 13th, 1919.

Article 17.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible. It shall enter into force on the day of the exchange of the instruments of ratification.

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

Done in duplicate at The Hague, July 23, 1926.

(L. S.) VAN KARNEBEEK.

(L. S.) Axel NÖRGAARD.

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

ANNEX I.

Over Danish territory aircraft shall shape their course as far as possible in such a way as to be under observation from one or more of the following points :

Anholt	Light	.....	56° 44' 16" N.
			11° 39' 15" E.
Fornaes	»	.....	56° 26' 36" N.
			10° 57' 40" E.
Gedser	»	.....	54° 33' 50" N.
			11° 58' 03" E.
Hammeren	»	.....	55° 17' 12" N.
			14° 45' 50" E.
Hanstholm	»	.....	57° 06' 47" N.
			8° 36' 08" E.
Hirshals	»	.....	57° 35' 06" N.
			9° 56' 45" E.
Hirsholm	»	.....	57° 29' 09" N.
			10° 37' 43" E.
Kjels-Nor	»	.....	54° 43' 52" N.
			10° 43' 31" E.
Knudshoved	»	.....	55° 17' 25" N.
			10° 51' 21" E.
Kronborg	»	.....	56° 02' 22" N.
			12° 37' 36" E.
Revsnaes	»	.....	55° 44' 36" N.
			10° 52' 23" E.
Sejroe	»	.....	55° 55' 09" N.
			11° 05' 07" E.
Skaw	»	.....	57° 44' 09" N.
			10° 38' 03" E.
Sprogøe	»	.....	55° 19' 51" N.
			10° 58' 25" E.
Stevns	»	.....	55° 17' 26" N.
			12° 27' 28" E.
Vestborg	»	.....	55° 46' 11" N.
			10° 33' 17" E.
Laesøe Rende	Light-vessel	.....	57° 12' (48") N.
			10° 41' (38") E.
Laesøe-Trindel	»	.....	57° 26' (30") N.
			11° 16' (45") E.
Schultz's Grund	»	.....	56° 08' (54") N.
			11° 11' (10") E.

Drogden	Light-vessel	55° 33' (03") N. 12° 42' (57") E.
Horns Rev	»	55° 34' (06") N. 7° 19' (30") E.
Vyl	»	55° 21' (30") N. 7° 40' (30") E.
Graadyb	»	55° 20' (02") N. 8° 04' (41") E.

2.

Should liability insurance be compulsory for aircraft in one of the Contracting States, a policy of this nature contracted with an insurance company approved for this purpose by the competent authorities of the other Contracting State shall be considered as sufficient for the aircraft belonging to that State, provided that compensation may be paid by a representative of the said company in the former State.

3.

This annex shall be considered as an integral part of the Provisional Agreement.