

N° 2617.

POLOGNE ET ROUMANIE

Convention relative à l'exploitation de
lignes de communication aérienne
régulière. Signée à Varsovie, le
9 mai 1930.

POLAND AND ROUMANIA

Convention regarding the Operation
of Regular Air Lines of Communi-
cation. Signed at Warsaw, May 9,
1930.

¹ TRADUCTION. — TRANSLATION.No. 2617. — CONVENTION ² BETWEEN THE POLISH REPUBLIC AND THE KINGDOM OF ROUMANIA REGARDING THE OPERATION OF REGULAR AIR LINES OF COMMUNICATION. SIGNED AT WARSAW, MAY 9, 1930.

French official text communicated by the Polish Delegate accredited to the League of Nations and the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Convention took place February 17, 1931.

THE PRESIDENT OF THE POLISH REPUBLIC and HIS MAJESTY THE KING OF ROUMANIA, being equally desirous of regulating, facilitating and promoting the development of air communications in the two countries on the basis of the Convention ³ relating to the regulation of aerial navigation, dated October 13, 1919, have decided to conclude a Convention for that purpose, and have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Adam TARNOWSKI, Head of Section in the Ministry of Foreign Affairs, and
M. Czeslaw FILIPOWICZ, Engineer, Head of Section in the Ministry of Communications ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Georges CRETZIANO, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Warsaw,

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

The Government of the Polish Republic shall grant the authorisations necessary for the operation over Polish territory of the airway Warsaw-Bucharest and *vice versa* to a Roumanian air navigation undertaking designated by the Roumanian Government.

The Government of the Kingdom of Roumania shall grant the authorisations necessary for the operation over Roumanian territory of the same airway Bucharest-Warsaw and *vice versa* to a Polish air navigation undertaking designated by the Polish Government.

This airway shall be operated by the two undertakings on a basis of complete reciprocity.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Bucharest, November 20, 1930.

³ Vol. XI, page 173 ; Vol. XXIV, page 174 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; and Vol. LXXVIII, page 438, of this Series.

Article 2.

New airways other than those mentioned in Article 1 may be established by agreement between the two Contracting Governments.

All the provisions of the present Convention shall apply to the new lines.

Article 3.

The routes of airways, the places at which aircraft are to cross frontiers, and the aerodromes at which Customs formalities are to be carried out, shall be designated by each of the Contracting Parties and communicated to the other Contracting Party within forty days from the date of signature of the present Convention.

Article 4.

Each of the Contracting Parties shall take in its own territory the measures necessary to ensure that the concession-holding undertakings have the use of aerodromes, installations and technical services on the route of the airway mentioned in Article 1, under the same conditions as national air navigation undertakings.

Article 5.

Should the air navigation undertaking of one Contracting Party be unable to use the technical installations indispensable for the regular operation of its airway in the territory of the other Contracting Party, such undertaking shall be entitled to construct the necessary installations in the above-mentioned territory under conditions to be laid down by the competent air authority of the Contracting Party in whose territory the installations are to be constructed, at the request of the said undertaking.

Article 6.

The two Contracting Parties agree that the Polish undertaking in Roumania and the Roumanian undertaking in Poland shall have the right to carry internal traffic, that is to say, the right to carry by air passengers, baggage and goods between aerodromes situated in the interior of each country and on the route of the airway in question. The right to carry such internal traffic shall be expressly recognised in respect of each airway in the concessions granted to the two undertakings.

The right to carry internal traffic may be cancelled provided that six months notice is given.

Article 7.

The two Contracting Parties agree to provide the undertakings in question, within the scope of the laws and regulations in force, with facilities for expediting the carrying out of the Customs and administrative formalities connected with the transport by air of passengers, baggage and goods.

Article 8.

The aircraft intended for the operation of the airways provided for in Articles 1 and 2 and the engines mounted in such aircraft, spare parts (including spare engines) and all articles necessary for the equipment or maintenance of aircraft shall be exempt from Customs duties in both States,

on condition that all the articles and material above mentioned are imported for temporary use and are returned to their country of origin within one year.

This time-limit for export may be extended by the competent authorities on application from the concession-holding undertaking.

The articles above mentioned shall remain under the supervision of the Customs administration and may be used only for the purpose of operating the airways to which the present Convention refers.

Worn or damaged articles and material on which no Customs duties were levied at the time of import must be either returned to the country of origin, or cleared through the Customs, or destroyed under official supervision.

When such articles and material pass through the Customs, all reductions and facilities allowed by the national legislation shall apply.

Passengers, baggage and goods in transit shall be placed under Customs supervision. Such baggage and goods shall be exempt from all Customs duties.

Article 9.

In the event of a forced landing or of any other accident to aircraft of the concession-holding undertakings, the local authorities shall be bound to give such aircraft, on reimbursement of any actual expenditure, the same assistance as that provided for by the regulations in force in respect of national aircraft.

Article 10.

The concession-holding undertakings shall be obliged :

(a) To comply with the provisions of the Convention relating to the regulation of aerial navigation, dated October 13, 1919.

(b) To comply, in the territory of the other Contracting Party, with all laws and regulations in force.

(c) To employ only Polish or Roumanian nationals in the territory of the other Contracting Party.

Nationals of other Powers may not be employed except by agreement between the competent air authorities of the two Contracting Parties.

Article 11.

The concession-holding undertakings shall be obliged to carry air mail on terms to be laid down by agreements to be concluded between such undertakings and the postal administrations of the two countries, on the basis of a prior agreement between the two administrations.

Article 12.

The concession-holding undertakings may not transfer their concessions, whether wholly or in part, to other undertakings without the consent of the air authorities of their own country.

Article 13.

Each of the Contracting Parties reserves the right at any time to designate another national air navigation undertaking in the place of the concession-holding undertaking. In such case the

concession granted shall lose its validity, and a new similar concession shall immediately be issued to the new undertaking. An undertaking whose concession has been cancelled by one of the Contracting Parties may not on that account claim any compensation from the other Contracting Party.

Article 14.

In the case of a breach of the provisions of the present Convention, either of the Contracting Parties may require the dismissal of the employees at fault. In the event of repeated or serious breaches of the Convention, either Contracting Party may require the concession of the undertaking to be cancelled.

Article 15.

The occasional transport of passengers and goods by air from the territory of one Contracting Party to the territory of the other or in transit across that territory may be effected only by special permission of the competent air authorities of the other Contracting Party. In the case of such traffic in transit, a landing at one of the Customs aerodromes of the country across which the traffic passes in transit is compulsory.

Article 16.

Should one Contracting Party cease to be a party to the Convention of October 13, 1919, relating to the regulation of aerial navigation, the present Convention shall continue to be in force, but shall be revised.

Article 17.

Details regarding the application of the present Convention shall be settled by a special agreement to be concluded direct between the competent air administrations of the Contracting Parties.

Article 18.

Disputes relating to the application of the present Convention which it has not been possible to settle through the diplomatic channel shall, at the request of either of the Contracting Parties, be submitted for decision to an Arbitral Tribunal.

This Tribunal shall be constituted as follows :

If either of the Contracting Parties communicates to the other a request that an Arbitral Tribunal shall be set up, each Contracting Party shall nominate an arbitrator within one month of such communication.

Should one Contracting Party not nominate an arbitrator within the said period, the other Contracting Party shall have the right to request the President of the French Republic to nominate the arbitrator.

During the next month the arbitrators shall meet in order jointly to choose a referee.

Should the arbitrators not be able to agree on the choice of the referee, the Parties shall each designate a third State, and the third States thus designated shall proceed to appoint a referee, either by joint agreement or by each proposing a name and choosing between them by lot.

The decisions of the Arbitral Tribunal shall be binding on the Contracting Parties.

The costs of arbitration shall be fixed by the Tribunal, and each of the two Contracting Parties shall pay half of such costs.

Article 19.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged at Bucharest as soon as possible.

It shall come into force on the thirtieth day following the exchange of ratifications, and shall remain in force up to December 31, 1940 ; it may, however, from January 31, 1935, be revised at the request of either of the Contracting Parties. After the expiry of this first period, the Convention shall be renewed by tacit agreement for a period of five years, unless notice of denunciation is given by either Contracting Party to the other at least two years before the expiry of the current period.

- Done at Warsaw in duplicate, May 9, 1930.

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

(Signed) Adam TARNOWSKI.

(Signed) G. CRETZIANO.

(Signed) Czesław FILIPOWICZ.